

**PENUNTUTAN TERHADAP PELAKU TINDAK PIDANA PERJUDIAN
MELALUI INTERNET ATAU ONLINE**

(studi kasus putusan Nomor: 889/Pid.B/2014)

**PROSECUTION OF PERPETRATORS OF GAMBLING CRIME THROUGH
THE INTERNET OR ONLINE**

(case study decision Number: 889 / Pid.B / 2014)

Nur Nafisah Ramadhany

ABSTRAK

Pendahuluan: Penuntutan tindak pidana pelaku perjudian melalui internet atau online setelah berlakunya Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Metode: Penelitian Yuridis Normatif (*legal research*) menggunakan data sekunder, primer dan tersier dengan pendekatan perundang-undangan (*statue approach*), pendekatan konseptual (*conceptual approach*) dan pendekatan kasus (*case approach*). Hasil: Pelaku tindak pidana perjudian melalui internet memenuhi unsur Pasal 27 Ayat (1), (2), (3), (4) Undang-Undang tentang Informasi dan Transaksi Elektronik Tahun 2008 sehingga dapat dijatuhi hukuman sesuai pasal dalam Undang Undang ITE, bukan dalam Pasal 303 KUHP. Kesimpulan: Tindak Pidana yang dilakukan oleh pelaku terjadi setelah berlakunya Undang-Udang ITE, sehingga tidak sesuai dengan asas *lex speialis derogate lex generalis*.

Kata kunci : Perjudian Online

**PENUNTUTAN TERHADAP PELAKU TINDAK PIDANA PERJUDIAN
MELALUI INTERNET ATAU ONLINE**

(studi kasus putusan Nomor: 889/Pid.B/2014)

**PROSECUTION OF PERPETRATORS OF GAMBLING CRIME THROUGH
THE INTERNET OR ONLINE**

(case study decision Number: 889 / Pid.B / 2014)

Nur Nafisah Ramadhany

ABSTRACT

Introduction: Prosecution of criminal acts of gamblers through the internet or online after the enactment of Law Number 11 of 2008 concerning Information and Electronic Transactions. Method: Normative juridical research uses secondary, primary and tertiary data with a legal approach, conceptual approach and case approach. Result: The perpetrators of gambling crime through the internet fulfill the elements of Article 27 Paragraph (1), (2), (3), (4) Law on Information and Electronic Transactions in 2008 so that they can be sentenced in accordance with the Articles of Information and Transaction Law Electronics, not in Article 303 of the Criminal Code. Conclusion: Crime committed by the perpetrator occurred after the enactment of the Law on Information and Electronic Transactions, so that it is not in accordance with the principle of *lex specialis derogate lex generalis*.

Keywords : Online Gambling