

## The Challenge of Adapting the Rule of Law to Technological Developments

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### Abstract

The problem in the digital era is that technology is developing rapidly without being accompanied by sufficient legal rules. Meanwhile, laws and regulations are always lagging and cannot achieve legal flexibility in society. One of the results of technological development is electronic sports matches. This research reviews the concept of cyber law and the development of information and technology, especially in dealing with electronic matches. This article aims to validate the legal concept of adjusting to the rules of law in the electronic field that applies in Indonesia. The research method is juridical normative with a legislative and conceptual approach starting from the origin of ideas and doctrines developed into a legal study. First, is threat of e-sports offences. e-sports offences including sexual harassment, gender, and drugs can be addressed by the applicable regulations, namely the Electronic Information and Transaction Law. When there are developments in information and technology, these can be based on "unwritten" rules or laws that apply in society. Secondly, the gambling industry has the opportunity to influence the sustainability of e-sports competitions. An indication of corruption in e-sports competitions can be bribery, and this requires law enforcement with the Information and Electronic Transactions Law or also by using unwritten rules.

**Keywords:** Cybercrime; e-sport, Electronic Information and Transactions Law

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### Introduction

Until 2024, there are so many recurrent cybercrimes.<sup>1</sup> China is a large number of criminal precedents on virtual property crime.<sup>2</sup> The obstacles to facing cyber war in the form of Managerial and policy implications are still clearly visible. Another obstacle regarding the development of information technology through the identification of the profile of cybercrime itself.<sup>3</sup> Digital technologies have only reinforced the legitimacy of this now well-established idiom in the cultural nature of technology. In the field of law and technology (cyberlaw).

A triple act of re-imagination: first, re-imagining legal rules as one element of a larger regulatory environment of which technological management is also a part; secondly, re-imagining the Rule of Law as a constraint on the arbitrary exercise of power (whether exercised through rules or technological measures);

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<sup>1</sup> Yanping Zhang et al, "A survey of cyber crimes" (2012) 5:4 Security and Communication Networks 422–437.

<sup>2</sup> Huawei Wang, "How to deal with virtual property crime: Judicial dilemma and a theoretical solution from China" (2023) 49 Computer Law & Security Review 105808.

<sup>3</sup> Nick Nykodym, Robert Taylor & Julia Vilela, "Criminal profiling and insider cyber crime" (2005) 21:5 Computer Law & Security Review 408–414.

and, thirdly, reimagining the future of traditional rules of criminal law, tort law, and contract law.<sup>4</sup>

The Criminal rate of Cyber in Indonesia is ranked second in the world. The ranking is seen from the crime of hacking through cyberspace crime cyber This Occurs in various fields.<sup>5</sup> Cyber security report estimates that 2021 losses due to global cybercrime attacks will exceed 6 trillion USD. The number of e-commerce players has expanded substantially, as has cybercrime crime.<sup>6</sup>

In Indonesia, Whatsapp was the most widely used to commit these crimes, with 1,874 cases, followed by Instagram (1,781) and Facebook.<sup>7</sup> The legal literacy of the Indonesian people must begin with triggering certain things or involving the help of others,<sup>8</sup> Legal literacy helps to realize fundamental human rights and helps in reaping the benefits that the law offers to all citizens.<sup>9</sup> Therefore, it plays a significant role in increasing people's understanding of the law and, specifically, in preserving their rights. Legal literacy can be realized as a form of prevention and control of criminal acts of cybercrime. Legal literacy is used to tackle the crime of Mayantara.<sup>10</sup> As follows: by educating the public, judicial authorities, and law enforcement on preventing computer-related crimes (electronics) and practicing computer security (electronics).

Barda Nawawi Arief states cybercrime is any illegal activity committed using a computer system or network.<sup>11</sup> It is divided into two sub-categories: Cybercrime, in a broad sense, is any unlawful activity carried out using electronic operations that target the security of computer systems and the processed data, while cybercrime, in a restricted meaning, is any illegal behavior carried out using electronic operations that target the security of computer systems and the and Andi Hamzah stated that cybercrime is the use of computers to implement fraudulent activities.<sup>12</sup>

This definition indicates the possibility of many new criminal acts in emerging telematics through the development of existing technology. Therefore, it relates to the legal essence of mitigating and preventing cybercrime. Almost all countries already have laws enacted to deal with cybercrime, the United States of America (USA) uses the Uniform Electronic Transaction (UETA), and Singapore uses The Electronic Act of 1998, as amended by The Electronic Communication

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<sup>4</sup> Roger Brownsword, *Law, Technology and Society* (Routledge, 2019).

<sup>5</sup> "Indonesia Peringkat ke-2 Dunia Kasus Kejahatan Siber", online: [Republika.co.id](https://republika.co.id).

<sup>6</sup> Lusius Genik Ndau Lendong, "Kerugian Global Akibat Cybercrime pada 2021 Diperkirakan akan Tembus 6 Triliun USD", (2020), online: [Tribunnews.com](https://tribunnews.com).

<sup>7</sup> Caksono, "Kejahatan siber meningkat selama pandemi",.

<sup>8</sup> Erna Herlinda, Rabiatal Syahrifah & Boy Laksamana, "Increasing Public Legal Awareness in Online Loans" (2020) 5:2 ABDIMAS TALENTA: Jurnal Pengabdian Kepada Masyarakat 730–735.

<sup>9</sup> Mihika Mukherjee, "Legal Literacy in India", (2021), online: <https://www.justiceadda.com/>.

<sup>10</sup> *Eight UN Congres on the Prevention of Crime and the Treatment of Offenders*, by Barda Nawawi Arief. 2006. *Tindak Pidana Mayantara*. Jakarta. Raja Grafindo Persada. p. 3, by United Nation (1991).

<sup>11</sup> Barda Nawawi Arief, *Tindak Pidana Mayantara: Perkembangan Kajian Cyber Crime Di Indonesia* (Jakarta: Rajawali Press, 2006).

<sup>12</sup> Andi Hamzah, *Aspek-Aspek Pidana di Bidang Komputer* (Jakarta: Rineka Cipta, 1989).

Privacy Act of 1996. Furthermore, the State of Indonesia only uses the Electronic Information and Transactions (2008, 2016, 2023)

The development of sports since 2017 recognizes e-sports, namely Professional sportspeople in football, badminton, and basketball participate in digital sports arranged with special training. The Olympic Council of Asia (OCA) designated e-sport as a sport during the 5th Asian Indoor and Martial Arts Games. (5th AIMAG), and Asian Games 2018.<sup>13</sup> The basic e-sport can be categorized as an achievement sport because it has three essential elements, namely, competitive element, sportsmanship element, and achievement element namely, competitive element, sportsmanship element, and achievement element.<sup>14</sup>

Other similar research on the topic of sports competition in terms of legal concepts and the development of technology is still limited. To compare with previous research then can use two important variables namely sport and its regulation. Annon Sakae Narigoma has researched how good the Indonesian NDRC's decision regarding the case of accumulating player salaries is, but it will not provide justice, benefit, and legal certainty if Indonesia Football Union (PSSI) as the executive institution is not consistent in carrying out its decisions. The most ideal legal solution is to socialize the law to all stakeholders of professional football in Indonesia, increase Human Resources (HR) in the legal field, and implement legal transplants if *lex sportiva* cannot be applied professionally.<sup>15</sup> Tatag Praditya Nugroho has conducted similar research that legal protection by the state has not been maximized because there is still no legislation specifically regulating e-sports.<sup>16</sup>

Sport is based on values such as honesty, tolerance, and morals. At the same time, the most formidable challenge is developing these two things, namely cybercrime, and e-sport, which is of particular concern. The impact of sports participation on society reveals a robust negative relationship between sports involvement and property crime, as well as between playing sports and juvenile criminality, but a positive relationship between sports activity and violent crime.<sup>17</sup>

It indicates a relationship between the cybercrime concept and the sustainability of e-sports competition through regulation. The main problem is how to handle electronic sports violations using the cybercrime concept through existing regulations in Indonesia. One of the threats to the implementation of e-sport competitions is in the form of unfavorable impacts on the parties, especially

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<sup>13</sup> Faidillah Kurniawan, "E-Sport dalam Fenomena Olahraga Kekinian" (2020) 15:2 Jorpres (Jurnal Olahraga Prestasi) 61–66.

<sup>14</sup> Anfasa Muqni Fahmi, "E-Sport Menjadi Salah Satu Cabang Olahraga" (2022) 2:3 Edukasimu.org 1–9.

<sup>15</sup> Annon Sakae, Narigoma Isharyanto & Muhammad Rustamaji, "Review of Legal Uncertainty and Their Solutions in the Settlement of Professional Football Industry Dispute By National Dispute Resolution Chamber Indonesia" (2021) 25:1 South East Asia Journal of Contemporary Business, Economics and Law 1.

<sup>16</sup> Tiara Putri Tatag Praditya Nugroho, Nizam Zakka Arrizal & Adinda Hernawati Desatasari, Almasyhuri Sulfary, "Perlindungan Hukum Terhadap Atlet E-sports di Indonesia" (2021) 28.

<sup>17</sup> Raul Caruso, "Crime and sport participation: Evidence from Italian regions over the period 1997–2003" (2011) 40:5 The Journal of Socio-Economics 455–463.

players. For examples sexual and gender harassment or drugs. or in the implementation of e-sport competitions in other countries are corporations that affect the implementation or results of competitions in sports including e-sport, for example gambling, corruption or other criminal acts.

## Research Problems

The study's two main questions are:

1. What forms of sexual and gender harassment occur in e-sports?
2. What is the pressure from the big gambling industry in e-sport competitions?

## Research Methods

The type of research is normative juridical with an approach that refers to the applicable laws and regulations,<sup>18</sup> this research is doctrinal research. Doctrinal legal research can be interpreted as research on law based on doctrine developed in the study of legal science. Doctrinal research in Indonesia is usually called normative research. The Indonesian state is more inclined to positivism, which conceptualizes law as positive norms in statutory regulations.

The legal materials used in this research are primary legal materials and secondary legal materials, primary legal materials in the form of laws and regulations regarding the Criminal Law (1946), the Bribery Crimes Law (1980), Corruption Crimes Law (1999, 2001), Electronic Information and Transaction Law (2008, 2016, 2023), while secondary legal materials are in the form of books, articles, and reports related to the topic of this research.

Legal research uses a statute approach and a conceptual approach. The statutory approach is used in researching and examining the material or content of legislation and or specific regulations related to the theme under study. Data collection with literature studies as primary material to be researched by conducting searches in the form of primary legal materials and regulations and other literature related to the problems studied.

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<sup>18</sup> Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: PT Raja Grafindo, 2003).

The legal materials used in this research are primary legal materials and secondary legal materials, primary legal materials in the form of laws and regulations regarding KUHP, while secondary legal materials are in the form of books, articles and reports related to the topic of this research.

Legal research uses a statute approach and conceptual approach. The statutory approach is used in researching and examining the material or content of legislation and or certain regulations related to the theme under study. Data collection with literature studies as basic material to be researched by conducting searches in the form of primary legal materials and regulations and other literature related to the problems studied.<sup>19</sup>

## **Discussion**

### **1. Violation of E-Sports in the Form of Sexual and Gender Harassment, the Unwritten Rules Form, and Implicit Local Norms**

Experts have defined the word "law" in various ways, some of which are as follows: The existence and content of the law are abstract concepts. Krabbe asserts that law originates from the suitability of the legal sense and power obtained from a sustainable individual legal sense.<sup>20</sup> It is also the social norm used to control all members of society. Numerous rules exist in a society, which is essential to the content of legal norms. Hence, it legally provides awareness of the highest value to the norm unit to pursue aims that arrange society. Hence, it legally provides awareness of the highest value to the norm unit to pursue aims that arrange society.

Law has many aspects and perspectives. *Ubi societas ibi ius* indicates that the law exists among the people. Humans are social organisms who rely on one another to thrive. According to Peter Mahmud Marzuki, Socialization has two components: physical and existential. Humans are referred to as physically alive animals in the physical sense.<sup>21</sup> While the existential aspect is related to their differences from other living beings.

Defining the legal essence of the law with Legal principles, It is the largest foundation for the emergence of the rule of law. This legal principle allows the

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<sup>19</sup> Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta.: PT Raja Grafindo Persada, 2001).

<sup>20</sup> LJ Van Apeldoorn, *The introduction of Jurisprudence* (Jakarta: Pradnya Paramita, 2001).

<sup>21</sup> Peter Mahmud Marzuki, *Pengantar Ilmu Hukum. Jakarta. Prenada Media Group.* (Jakarta: Prenada Media Group., 2011).

generated law to be recovered. Instead, it exists continuously, thereby leading to the generation of subsequent laws.<sup>22</sup>

A legal norm, a code of conduct, or behavioral guidelines is the legal principle. It is a collection of principles that govern the methods people adopt as individuals or as members of society. The legal norm functions to support society in achieving its goal. A legal norm is distinguished between the written and the unwritten rule of law, constituting a legal norm. It is one of the symbols used to express a legal norm.

The Information and Electronic Transaction Law convergence is then understood as an electronic system based on digital or the net. The term telematics means a combination or assimilation (convergence) between information technology (computer technology) and telecommunications technology, including radio and television broadcasts and multimedia.<sup>23</sup> The study of the law of telematics has become so complex that people have committed crimes, better known as cybercrimes.

Legal principle boils down to morality for the sake of truth and justice because the norm of morality is used to underline a legal norm and not vice versa. legal norms naturally bind humans.<sup>24</sup> It means a legal norm is either accepted or rejected. Law is a public expression of social morality. Therefore, its defaulters are prosecuted for avoiding lawlessness. The law is limited to the public dimension of human life in society with the ability to change and represent morality.

Cybercrime principles include legality, criminal extra, and ordinary<sup>25</sup>. The legality principle prohibits an act or waiver of an obligation to bind and a penal code. It is contained in Article 1 of The Criminal Law Law (1946). The criminal extra ordinary principle act has not been banned or prohibited by the penal code because it has not been stated as *mala prohibita* despite its loss to society. *Crimina stellionatus* is one of the famous acts of *crimina extra ordinaria*, which constitutes an act starfwardig and not strafbaar because the penal code does not prohibit it.

The legality principle has functioned as the instrument used to prosecute criminals while protecting citizens from arbitrariness and restricting power to

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<sup>22</sup> Lon L Fuller & George Whitecross Paton, "A Text-Book of Jurisprudence" (1948) Harvard Law Review.

<sup>23</sup> Wawan Wardiana, *Perkembangan Teknologi Informasi di Indonesia* (Bandung: Fakultas Teknik Universitas Komputer Indonesia (UNIKOM) Jurusan Teknik Informatika, 2002).

<sup>24</sup> Lili Rasjidi and Ira Thania Rasyid (200AD)

<sup>25</sup> Moeljatno, *Asas-Asas Hukum Pidana*, 9th ed (Jakarta: Rineka Cipta, 2018).

those in authority.<sup>26</sup> The instrumental function of the legality principle is only for the offender with regulated acts in penal codes.

A crime makes a person suffer mentally and physically due to the loss of materials, which sometimes leads to death<sup>27</sup>. Meanwhile, the Protection of Witnesses and Victims Law (2006, 2014) states Crime causes people to endure physical, mental, and economic losses. The subject of law consists of the seller, producer, developer, provider, and end-user or customer as victims from a telematics perspective.

The criminal act was formulated as a legal norm a complex life provision applicable to humans' daily lives in particular times and places.<sup>28</sup> The norm must be obeyed as an individual following people's adjustable behavior. The characteristic of a legal norm as compared to the existing binding sanctions from the rule. A legal norm only contains a general framework from a particular act or stereotype. In the norm, two attributes are analyzed: the standard of behavior and assessment.<sup>29</sup> The standard of assessment is the act and the behavior of people in society that comes with the instructions applied or ignored.

The rule of law, which supplies a legal norm typically written to contain the abstract content of nature, manifests the discussion of a legal norm.<sup>30</sup> Manifestation of the legal norm with unwritten laws associated with cybercrime. Based on Article 5 of The Judicial Authority Law (2009), the constitutional judge must investigate and comprehend society's legal values and sense of justice.

It indicates that applying customary law is appropriate and acceptable to the general public and moralities. The custom life has three attributes, which are appropriate in certain societies by the related characteristics. Appropriate words and morality are considered in determining good and bad behaviors, while the general public accepts applicable norms due to customary law and the norm of decency.

Discussions on the inability to regulate cybercrime in criminal law have been conducted. Therefore, it was appropriate when convicted and not prohibited by the Penal Code based on several issues That produced material for the FBI and the National White Collar Crime Center to evaluate or investigate. Computer network

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<sup>26</sup> D Schraffmeister N Keijzer EPH Sutoris, *translated by J.E. Sahetapy Hukum Pidana*. (Yogyakarta.: Liberty., 1995).

<sup>27</sup> Abdussalam, *Viktimologi*. Jakarta. PTIK. into Bambang Purnomo. *Viktimologi Perlindungan Korban Dan Saksi*. (Jakarta: Sinar Grafika, Page 2010).

<sup>28</sup> SR Sianturi, *Asas-Asas Hukum Pidana di Indonesia dan Penerapannya* (Bandung: PT. AHAEM ., 1989).

<sup>29</sup> Satjipto Rahardjo, *Ilmu Hukum* (2014).

<sup>30</sup> *Ibid.*

break-ins, industrial espionage, software piracy, child pornography, e-mail bombings, password sniffers, spoofing, and credit card fraud are examples of these.<sup>31</sup>

Cybercrime concerns data and computer systems' confidentiality, integrity, and availability. According to Indonesian criminal law. Cybercrime in the information field is regulated in UU ITE as follows: UU ITE is currently used as the basis to prosecute cybercrime. However, other strategies are expected to be formulated to fight this illegal act in Indonesia because UU ITE is a written law. It means that the criminal law system in Indonesia is based on the legal, *cimina*, and *ordinaria* principles.

The provisions of cybercrime concerning the telematics field are:

*Table 1. The provisions of cybercrime concerning the telematics field*

Article	Form of fault	The act	Goal	Special explanation
27	Deliberate and without rights	To distribute/ Transmit	Accessible electronic information and document	Content morality fraud/gamble/insult
28		Distribute information/hoax/mislead information	Consumers' losses /hatred/hostility	
29		Send	Information and electronic document	Threat of violence
30	Deliberately and without rights against the law	Access computer/ electronic system		Violate/ breakthrough/ exceed/ penetrate the security system
31		Intercept/tap transmission		Change/ no change/ deletion/ termination
32		Change/transmit/ destroy/delete/ Remove/transfer		Publicly owned/ other people/ publicly accessed the secret information
33		Any act	Disruption/no operation of electronic system	
34		Produce/ sell/ distribute/ provide/ own	Devise hardware/software	Facilitate acts of articles 27-33
35		Manipulate/ create/ change/ delete/ destroy	Information and electronic document	Considered authentic data
36		Artikel 27-35		Harm to others
37			Indonesia electronic system Jurisdiction	Outside the nation of Indonesia's borders

<sup>31</sup> Natalie D Voss, "Crime on the Internet" in *Jones International and Jones Digital Century*.



Based on Articles 27 to 35 of the ITE Law, it discusses criminal provisions. Article 27 Paragraph (3) with the essence of the offense, Deliberately and without right to Disseminate/disseminate information and electronic documents that can be accessed with insulting content. E-Sport threats include sexual and gender harassment. This criminal act has harmed other people because it violates legal interests in the form of protecting honor.

This broad range of behavior suggests a degree of complication in local e-sport gaming situations, resulting in a fluid boundary that distinguishes it from more traditional views of sportsmanship. A protean boundary, such as the protean career concept (PCC), emphasizes individual qualities such as self-awareness and adaptation while ignoring the crucial function of organizations in individual careers.<sup>32</sup> Moreover, how an unwritten constitution can improve the written one.<sup>33</sup>

The discussion of legal norms that form the basis for formulating rules needs to consider the source, which is unwritten due to legal recognition in a society with customary law. It ensures the future completion of cybercrime following the applied customary law.

It is in addition to the legal essence principle, norm, and the rule of law. The cybercrime concept in the telematics law field for the legal essence indicates that the criminal justice system in Indonesia must ensure the absolute track down of fraudulent actions by computer users. Cybercrime is a legal, criminal, and ordinary principle. A legal norm with the rule of cybercrime is written and unwritten. Institution reformation must change the paradigm from textual to progressive legal thinking. It can be established if law enforcement institution reformation constantly alters cultural aspects that result from changing structural and instrumental aspects.<sup>34</sup>

Electronic sport (e-sport) as the phenomenality of broadcast professional videogaming. the techniques of broadcast e-sport work to affect channels: ordering our understanding of the temporally fine-grained and complex moments of expert play, as well as shaping viewers' own embodied states in watching particular matches,<sup>35</sup> The Guttmanian analysis of eSport and its development leads to three possible scenarios. These various scenarios can be placed in a continuum

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<sup>32</sup> Elaheh Kimia & Reza Hemmati, "Addressing protean and boundary-crossing working orientations : turning point in talent phenomena management Addressing protean and boundary-crossing working orientations : turning point in talent phenomena management" (2019) January International Journal of Learning and Intellectual Capital.

<sup>33</sup> Stephen E Sachs, *THE UNWRITTEN CONSTITUTION AND UNWRITTEN LAW* (2013).

<sup>34</sup> Lutfil Ansori, "Reformasi Penegakan Hukum Perspektif Hukum Progresif" (2018) 4:2 Jurnal Yuridis 148.

<sup>35</sup> Ben Egliston, "E-Sport, Phenomenality and Affect" (2018) 31:31 Transformations 156–176.

of time. The first scenario ('counterculture') can be reached relative quickly, whereas scenario two (eSport as a part of modern sport) will need more time to evolve, and scenario three ('future sport') even more time. The conception of eSport as an unhealthy activity still works against eSport in the struggle to become accepted in hegemonic sport.<sup>36</sup>

The contribution of football clubs to the sector in Turkey, America, and Europe's sport clubs has also increased the e-Sport teams. The development of e-Sport in Turkey should not be with only League of Legends and other games should gain importance with tournaments and players should have enough opportunities. However, in countries like Korea and China e-Sport has already become a culture.<sup>37</sup>

The following are violations or criminal acts that occur in electronic sport:

- a. Competitive video gaming (e-sports) has shown a toxic environment rife with sexual and gender harassment. Its rampant harassment culture threatens to ruin the e-sports sector. It taints the promise of gender justice in one of the few competitive "sports" in which physical strength, agility, and body size are not determinants of success. The rise of competitive gaming and an in-depth examination of the persistent issue of harassment in esports.<sup>38</sup>
- b. Infringement of "unwritten" regulations and tacit local standards. Its vast range of action suggests a degree of complication in local e-sport gaming situations, resulting in a fluid boundary that distinguishes it from more traditional views of sportsmanship.<sup>39</sup>
- c. Integrity issues confront players, tournament organizers, gamblers, sponsors, politicians, and spectators. Internal the use of performance-enhancing substances and match fixing. External (pressure from a vast gaming business in regulated and illicit markets) and fixing threats connected to corruption.

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Some of the violations above occurred in the implementation of electronic sports, and some became violations in the implementation of sports in traditional (physical) forms.<sup>41</sup> Each country's laws and regulations govern the discussion of sexual and gender harassment. In the country of Indonesia. Protection for victims

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<sup>36</sup> Kalle Jonasson & Jesper Thiborg, "Electronic Sport and its Impact on Future Sport" (2010) 13:2 Sport in Society 287–299.

<sup>37</sup> Harun AYAR, "Development of e-Sport in Turkey and in the World" (2018) 6:26 International journal of Science Culture and Sport 95–102.

<sup>38</sup> John T Holden, Thomas A Baker III & Marc Edelman, *The E-Too Movement: Fighting Back Against Sexual Harassment in Electronic Sports* (2020).

<sup>39</sup> Sidney V Irwin & Anjum Naweed, "BM'ing, Throwing, Bug Exploiting, and Other Forms of (Un) Sportsman like Behavior in CS: GO Esports" (2020) 15:4 Games and Culture 411–433.

<sup>40</sup> Anastasios Kaburakis John T Golden. Ryan M. Rodenberg, "E-sports Corruption: Gambling, Doping, and Global Governance" 236 (2017).

<sup>41</sup> John T Holden, Ryan M Rodenberg & Anastasios Kaburakis, "Esports Corruption: Gambling, Doping, and Global Governance" (2017) 32:1 SSRN Electronic Journal.

of sexual harassment, particularly youngsters, continues to face numerous challenges, one of which is the legal culture and the law's ambiguous protection.<sup>42</sup>

This arrangement is governed by the Criminal Code and the national Criminal Code Article, as well as in the Sexual Violence Law (2022). Sexual and gender harassment in Indonesia, Violence against girls (KTAP) has increased by 2,341 cases over the previous year, up from 1,417. The increase from the previous year was 65%, and the majority of instances were cases of incest and sexual violence (571 cases), while sexual violence against women with disabilities climbed by 47% compared to last year, with intellectual disability being the most common victim.<sup>43</sup> The data above is a violation of sexual and gender harassment in traditional sports.

Physical threats, stalking, sexual harassment, and continuous harassment were once considered more severe forms of harassment. According to their gender, 12% believe it was because of their race or ethnicity (29% of online harassment targets). Smaller proportions blame their harassment on their religion or sexual orientation.<sup>44</sup>

Article 2 of the New Criminal Code states that establishing a living law in society establishes that a person should be punished even if the act is not controlled in this Law. According to this view, living law's contribution to the renewal of criminal law is logically strengthened. Justification was achieved not just through national legal instruments, but also through international legal instruments.<sup>45</sup>

In Indonesia, for example, an unwritten law is recognized as one of the election systems with certain conditions, and it is recognized as one of the unwritten legal laws in the national legal system. The settlement of contractual issues involving professional sports players with components of civil and economic contracts into a specific contract typical of a professional sports player contract is one example of unwritten law.<sup>46</sup> This indicates that the application of legal principles does not require rigid regulation and only requires interpretation or adjustment.

Article 35 of UU ITE signifies a limitation on manipulating/creating/changing/ deleting/destroying information and electronic documents containing legitimate data. It is following the spirit of sports players to

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<sup>42</sup> Mohammad Arinal Huda, "Sexual Harassment in Indonesia : Problems and Challenges in Legal Protection" (2021) 7:3 LAW RESEARCH REVIEW QUARTERLY 303-314.

<sup>43</sup> Fransisco Luis Soares & Nathanael Bagas Setyawan, "Protection of Victims of Sexual Harassment in Indonesia: A Legal and Victimological Aspect" (2023) 3:1 Semarang State University Undergraduate Law and Society Review 27-46.

<sup>44</sup> Emily A Vogels, "The State of Online Harassment" (2021) January Pew Research Center.

<sup>45</sup> Tongat Tongat et al, "Hukum yang Hidup dalam Masyarakat dalam Pembaharuan Hukum Pidana Nasional" (2020) Jurnal Konstitusi.

<sup>46</sup> Nurharsya Khaer Hanafie, Fatimah Hidayahni Amin & Ririn N, "Prinsip dalam Berkontrak Pelaku Olahraga Sepakbola Profesional di Indonesia" (2021) 24:02 JURNAL YUSTIKA: MEDIA HUKUM DAN KEADILAN 119-130.

maintain sportsmanship as a core value in sports to form a young generation as well as nationalism.<sup>47</sup>

Article 28 of UU ITE that Distribute information/hoax/mislead information Consumers' losses /hatred/hostility. Cheating in e-sports is perhaps the "highest stakes" area in which digital game cheating may occur, with consequences not only for the integrity of play and player experiences, but also for jobs, salaries, and game lifespans. Various e-sports organizations have deployed anti-cheating software such as Value Anti-Cheat (VAC), which monitors and tracks the movement of the player's input devices, allowing the player to modify their motions.<sup>48</sup>

The position and enforceability of the written rule of law as the basis for law enforcement on criminal offences in electronic sports including sexual harassment, gender, and drugs can be handled by applicable regulations, namely the Electronic Information and Transaction Law. while for when there are developments in information and technology, the enforceability of the rule of law based on "unwritten" rules or laws prevailing in society becomes a necessity.

## **2. Pressure from a huge gambling industry in e-sport competitions**

Similar previous research using two variables are e-sports and gambling. The first research from Bernadeta Lelonek described activity usually captures it from the perspective of involvement in gaming. The research in Poland on esports betting (ESB). ESB is compared to other forms of e-gambling and involvement in pay to win games. Esports betting is an activity associated with both gambling and gaming involvement in both activities explains the development of ESB addiction.<sup>49</sup>

The other research that e-sports have garnered significant attention in the gambling market, sports betting has been long prevalent in the underworld of the unites states, but the recent Supreme Court repeal of the professional and amateur Sports protection act (PASPA) market a historical development in legalized american sports gambling.<sup>50</sup> Third, Electronic sports will soon become an important element in the structure of Smart City 4.0. Financing e-sports by local government units brings measurable marketing and social benefits although it also carries risks (e.g. doping, corruption, video-game addiction).<sup>51</sup>

The rise of sports betting since the introduction of internet gambling reflects modern sport's need for quantification and rationale. The key pillars of the sports

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<sup>47</sup> G D Pradipta, "Sportivitas Dalam Keolahragaan Sebagai Bagian Pembentukan Generasi Muda dan Nasionalisme" (2015) V:1 Jurnal Ilmiah CIVIS 713–724.

<sup>48</sup> Subhrajit OP Chanda Jindal, Subhrajit Chanda & Shaun Star, "Contouring E-Doping: A Menace to Sportsmanship in Esports" (2021) 12:8 Turkish Online Journal of Qualitative Inquiry (TOJQI) 966–981.

<sup>49</sup> Bernadeta Lelonek-Kuleta & Rafał Piotr Bartczuk, "Online Gambling Activity, Pay-to-Win Payments, Motivation to Gamble and Coping Strategies as Predictors of Gambling Disorder Among e-sports Bettors" (2021) 37:4 Journal of Gambling Studies 1079–1098.

<sup>50</sup> Jake Bland, "Gambling on Video Games: The Global eSports Betting Market and the Dawn of Legalized eSports Gambling in the United States" (2021) Miami Int'l & Comp L.

<sup>51</sup> Piotr Józwiak, "E-sports cities: a study on special legal problems connected with e-sports from the point of view of a local government" (2022) 22:5 Journal of Physical Education and Sport 1304–1310.

betting sector include data providers, media corporations, fantasy sports providers, and poker, and trading firms. Sports betting as a large network of interactions, makes the traditional bad reputation associated with gambling become, in the case of sports betting, attenuated by the positive connotations of partnering with sport. As a whole, sports betting is seen here as a complex dual phenomenon. On the one hand, betting is a booming industry in expansion with growing interactions with adjacent areas such as gaming and fantasy sports. On the other hand, sports betting is seen as a controversial commodity that creates integrity issues (match-fixing) and behaviors (gambling addiction)<sup>52</sup>. A more pessimistic vision points out that the economic dominance of the online gambling industry influences the way football competitions are run and endangers the integrity of the sport.<sup>53</sup>

Based on several previous articles, the parties in the gambling industry are players, clubs, coaches, referees, tournament organizers, gamblers, sponsors, politicians, fans, data providers, media companies, fantasy sports providers, and a poker and trading firms.

For a while, regulated markets can be easily identified. Here is a phenomenon regulated markets E-sports betting works much the same way traditional sports betting does, with bettors placing wagers on the outcome of a match or tournament. Recently, the following value chains have emerged in the financial and sports betting markets: a regulated market environment, betting platforms, and central counterparty clearing services.<sup>54</sup>

Resolution of indications of gambling and corruption in e-sports competitions In criminal law in Indonesia, criminal acts of corruption in e-sports are in line with the enactment of The Bribery Crime Law (1980). Based on these regulations, bribery in the private sector cannot be considered a criminal act of corruption because it is not included in the definition of criminal acts of corruption in the Corruption Crime Law (1999, last amendment 2001). In the Bribery Crime Law (Article 2) it is stated that giving or promising something to someone is to convince that person to do or not do something within the limits of their obligations, that is, contrary to their authority or obligations, namely regarding their rights and obligations. public interest.

The interpretation is that in the gambling industry there is corruption in e-sports matches as perpetrators of bribery and giving bribes to players, clubs, coaches, referees or other parties. This disturbs the interests of society because the aim of sport must follow the principles of fair play. Regarding gambling in e-sports competitions, Article (27 Paragraph 2) of UU ITE (states that every person

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<sup>52</sup> Hibai Lopez-Gonzalez, "The industry of gambling on sport: deconstructing sports betting as a market, a product and a public health issue" in *Research Handbook on Sports and Society* (Edward Elgar Publishing, 2021).

<sup>53</sup> Hibai Lopez-Gonzalez & Christopher D Tulloch, "Enhancing Media Sport Consumption: Online Gambling in European Football" (2015) 155:1 Media International Australia 130–139.

<sup>54</sup> Peter Gomber, Peter Rohr & Uwe Schweickert, "Sports betting as a new asset class - Current market organization and options for development" (2008) 22:2 Financial Markets and Portfolio Management 169–192.

intentionally and without right distributes, transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain gambling content. Article 27 (Paragraph 2) of UU ITE.

Indonesia already has regulations regarding sexual and gender harassment, and pressure from the large gambling industry as well as threats regarding corruption. These regulations are the bribery law, UU ITE, and the possibility of unwritten laws regulating criminal acts in e-sports competitions.

## Conclusion

In conclusion. First, the concept of cybercrime is to mitigate the threat of electronic sports violations. e-sports violations include sexual and gender harassment, and drugs. The concept of dealing with electronic sports violations already has applicable regulations, namely the Electronic Information and Transactions Law. However, when there are developments in information and technology, countermeasures against violations in electronic sports matches can be based on "unwritten" rules or laws that apply in society. Second, the gambling industry has the opportunity to influence the sustainability of e-sports competitions. An indication of corruption in e-sports competitions can be bribery, and this requires law enforcement. One effort to enforce this law temporarily is to enforce the Electronic Information and Transactions Law or also by using unwritten rules.

## Suggestion

The first research suggestion is on law enforcement officers. Violations in e-sports in the form of sexual and gender harassment can be resolved through law enforcement using the Electronic Information and Transactions Law as well as "unwritten" rules, namely these are based on implied local norms. so there is no reason not to handle the matter well. Second, the gambling industry and even corruption in e-sports competitions still require literacy in law enforcement. Law enforcement can use the Information and Electronic Transactions Act. This can be done by involving the media or non-governmental organizations that know the norms that exist in society as a whole. It is necessary to immediately establish a Regulation of the Minister of Law and Human Rights of the Republic of Indonesia concerning guidelines for the working mechanism of Pokmas Lipas so that there are clear procedures in its implementation. Increase the role of Community Advisors in empowering Pokmas Lipas according to their respective levels.

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