



Urgently Regulating Gacha Microtransactions as Digital Gambling in Indonesian Consumer Protection Theory

Urgensi Pengaturan Mikrotransaksi Gacha sebagai Perjudian Digital dalam Teori Perlindungan Konsumen Indonesia

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Abstract

The unregulated normalization of gacha microtransactions creates a critical legal vacuum in modern Indonesia, where probabilistic digital monetization operates beyond the effective reach of conventional criminal gambling prohibitions and consumer protection frameworks. This normative legal research employed statutory, conceptual, and comparative approaches to urgently construct an adaptive regulatory framework governing algorithmic game monetization. The legal analysis proves that gacha systems manipulate variable ratio reinforcement, inherently violating essential transparency and fundamental fairness principles under consumer protection theory. Comparing global regulatory responses, this study argues that the restrictive total ban model remains highly ineffective for managing borderless digital economies. Instead, an adaptive regulatory model mandating strict probability transparency, rigid age gating, and algorithmic transaction supervision is structurally imperative to combat digital exploitation. This prescriptive framework redefines modern digital microtransactions within Rawlsian justice, ultimately offering a foundational blueprint for emerging international jurisdictions to balance dynamic game industry innovation with robust digital consumer safeguards.

Abstrak

Normalisasi transaksi mikro gacha yang niregulasi menciptakan kekosongan hukum kritis di Indonesia modern, tempat monetisasi digital probabilistik beroperasi melampaui jangkauan efektif dari larangan perjudian pidana konvensional maupun kerangka perlindungan konsumen. Riset hukum normatif ini memakai pendekatan legislasi, konseptual, dan komparatif untuk secara mendesak mengonstruksi kerangka regulasi adaptif guna mengatur monetisasi gim algoritmik. Analisis hukum membuktikan bahwa sistem gacha memanipulasi penguatan rasio variabel, secara inheren melanggar transparansi esensial serta prinsip keadilan fundamental dalam teori perlindungan konsumen. Membandingkan respons regulasi global, studi ini mengklaim model larangan total restriktif tetap tidak efektif dalam mengelola ekonomi digital nirbatas. Sebaliknya, model regulasi adaptif yang mewajibkan transparansi probabilitas ketat, batasan usia kaku, dan supervisi transaksi algoritmik menjadi imperatif struktural demi memerangi eksploitasi digital. Kerangka preskriptif ini mendefinisikan transaksi mikro digital modern ke dalam keadilan Rawlsian, yang akhirnya menawarkan cetak biru fundamental bagi yurisdiksi internasional berkembang untuk menyelaraskan dinamika inovasi industri gim dengan pelindung konsumen digital yang tangguh.



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A. INTRODUCTION

1. Background

The development of digital technology has brought about a major transformation in the entertainment industry, especially in the world of video games. This development not only includes the quality of graphics and gameplay but also creates various new business models aimed at obtaining continuous profits from players.¹ One of the most popular and controversial models today is microtransaction, that is, a system of in-game purchases with real money to acquire certain goods or benefits. In practice, microtransactions have become a major strategy in free-to-play games, and one of the most prominent forms is the gacha system.

The gacha system is a mechanism that allows players to spend money, either directly or through in-game virtual currency, to obtain random items or characters.² This mechanism creates an impression similar to lottery or gambling because there is no guarantee that the purchase will yield the desired result. In this context, the gacha system began to receive serious attention from academics, governments, and the public because it was considered that it could trigger addiction, especially among children and adolescents, who became the largest user segment in the gaming industry.

Gacha microtransactions on social media have a variety of grave disadvantages, both from the psychological and financial side. The gacha system works like a gambling mechanism, where users spend money to obtain random prizes with uncertain odds.³ This often encourages consumerist behavior and is addictive because users feel compelled to keep trying to acquire rare or exclusive items.⁴ When the results do not match expectations, feelings of disappointment, frustration, and even regret often arise, while when successful, the user feels a momentary euphoria that reinforces the desire to play again.

¹ Deddy Stevano H. Tobing, "Transformasi Desain Video Game Dari Media Bermain Menjadi Media Ekspresif," *JoMMiT: Jurnal Multi Media Dan IT* 6, no. 2 (2023): 62–69, <https://doi.org/10.46961/jommit.v6i2.629>.

² Fadel Rizky Handoko and Susilo Toto Raharjo, "Determinan Niat Beli Produk Virtual Dalam Video Game: Studi Empiris Pada Videogame Genshin Impact," *Diponegoro Journal of Management* 11, no. 1 (2022): 1–12, <https://ejournal3.undip.ac.id/index.php/djom/index>.

³ Muhammad Taslim Taswin, *Adiksi Game Online Dan Penanganannya*, ed. Lukmanul Hakim (Banten: Minhaj Pustaka, 2022).

⁴ Rizky Ayu Prawida and Tri Mulyani Wahyuningsih, "The Analysis of Gacha Game Addiction on the Players' Personal Monthly Expenses," *UNCLLE (Undergraduate Conference on Language, Literature, and Culture)* 3, no. 1 (2023).

One of the big companies using this system is miHoYo, the developer of popular games like Genshin Impact and Honkai: Star Rail. MiHoYo's games are known for their high-quality visuals and gameplay, but they also rely on the gacha system as their main source of income. Players' in-game currency, which players can earn by paying, encourages them to "pull" or "roll" for rare characters and weapons. Players can use in-game currency, which can be earned by paying, to "pull" or "roll" for rare characters and weapons. The uncertainty of the outcome of this system creates a psychological dynamic that triggers repeated spending with no certainty of return, which some assess as similar to the practice of gambling.⁵

The legal basis that underlies the study of gacha microtransactions in Indonesia is rooted in a number of regulations governing digital activities, economic transactions, consumer protection, and legal relations between businesses and users. In general, the gacha system as a form of purchasing virtual goods in games is included in the scope of Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE) as amended by Law Number 19 of 2016. The ITE Law affirms the validity of electronic transactions and establishes that each party that maintains an electronic system is obliged to ensure the reliability, security, and integrity of the digital services used in such transactions. This provision is clarified through Government Regulation Number 71 of 2019 concerning the implementation of electronic systems and transactions (PP PSTE), which requires electronic system providers (PSEs), including game companies, to implement data management, service transparency, and complaint mechanisms responsibly. Furthermore, Government Regulation Number 80 of 2019 concerning trade through electronic systems (PP PMSE) provides a special foundation for commercial transactions on digital platforms, including the obligation to provide correct information regarding prices, transaction mechanisms, and risks that may arise for consumers.⁶

The central issue in gacha is consumer protection due to the random elements inherent in it. In this case, the legal umbrella of Law No. 8 of 1999 on Consumer Protection (UUPK) is the foundation for analyzing digital consumer rights. Gacha practices that are often non-transparent regarding the chance of acquiring an item or character (probability) can be categorized as a violation of the consumer's right to true, clear, and

⁵ R. Ratu and others, "Perilaku Konsumtif Pada Remaja Yang Bermain Genshin Impact Ditinjau Dari Kecenderungan Kecanduan Game Online," 2023.

⁶ Rayhan Diokabilla Soewandi, "Keabsahan Jual Beli Benda Virtual Melalui Sistem Gacha Dalam Game Online" (Undergraduate thesis, Universitas Islam Indonesia, 2024).

honest information, as guaranteed by Article 4 of the UUPK. Furthermore, the gacha mechanism, which includes elements of luck and betting, raises debates in criminal law, particularly regarding its relation to Article 303 of the Criminal Code (Penal Code) on gambling; this requires analysis to determine whether gacha qualifies as digital gambling. This criminal analysis will also determine the validity of the purchase and sale agreement (microtransaction) under Article 1337 of the Civil Code (civil code), where agreements that have prohibited causes (such as gambling) can be declared null and void.

Additionally, the gacha microtransaction aspect is closely related to the principles of treaty law in the Civil Code (KUHPer), particularly Article 1313, which defines an agreement, and Article 1320, which outlines the four conditions for the validity of an agreement: the consent of the parties, the capacity to contract, the existence of a specific object, and lawful causes.⁷ In the context of gacha transactions, the agreement between the user and the game provider is established through the user's acceptance of the terms and conditions (terms of service), which essentially fulfills the elements of the digital agreement.⁸ Thus, all gacha microtransaction activities are not only subject to the regulation of the electronic sector but also must meet the basic principles of the agreement so that the legal relationship between business actors and users runs fairly, transparently, and legally according to Indonesian law.⁹

In the context of companies like miHoYo, corporate responsibility for their monetization practices is also important. Companies like miHoYo must also review their corporate responsibility regarding monetization practices. As a global entity, miHoYo has significant influence in the gaming industry and must adhere to the principles of business ethics as well as consumer protection. An important question that arises is the extent to which the company conveys enough information to players, provides spending limits, or provides protection mechanisms against vulnerable young users.¹⁰

⁷ R. O. Hermawan, H. Adolf, and others, "Kajian Hukum Penerapan Pasal 1320 KUHPerdata Dalam Kontrak Elektronik," *Jurnal Ilmu Hukum* 5, no. 2 (2024): 141–64.

⁸ Maulana Malik, "Keabsahan Transaksi Jual Beli Item Dalam Game Mobile Legend Dengan Sistem Gacha Perspektif Kitab Undang-Undang Hukum Perdata Dan Fiqh Muamalah," *Journal of Islamic Business Law* 9, no. 2 (2025): 102–3.

⁹ Mutia Cherawaty Thalib and Barry Yusuf Labdu, "Kontrak Kerja Konstruksi Antara Hukum Privat Dan Hukum Publik," Universitas Negeri Gorontalo Repository, 2019, <https://repository.ung.ac.id/get/karyailmiah/6584/Mutia-Cherawaty-Thalib-Kontrak-Kerja-Konstruksi-Antara-Hukum-Privat-dan-Hukum-Publik.pdf>.

¹⁰ Iin Mayasari and Dewi Kurniaty, *Manajemen Pemasaran: Teori Dan Isu Terkini* (2019).

There are several previous studies that are relevant to research entitled "Legal Urgency Regarding Loot Box Microtransactions in Genshin Impact Games," which discusses consumer protection in the gacha system according to the UUPK, with a particular focus on the urgency of gacha microtransaction regulation as a form of digital gambling in consumer protection theory. First, Raka Andhika Yudhistira and Ali Ahmad's research, entitled "Legal Urgency Regarding Loot Box Microtransactions in Genshin Impact Games," discusses how the loot box system in Genshin Impact Games contains elements of gambling, as players spend money to obtain items at random; therefore, the study primarily focuses on aspects of criminal law. The loot box system in Genshin Impact games has an element of gambling because players spend money to obtain items; therefore, the study focuses more on aspects of criminal law. Second, research by Mutmainna Putri et al. titled "Critical Review of the Legal Regulation of Microtransaction 'Gacha': A Comparative Study of Islamic Criminal Law and National Criminal Law" explains that the regulation of gacha in national law is still not firm, while in Islamic criminal law, gacha can be categorized as gambling because it contains elements of chance. Third, research by Theresa Dwi Kristiyanti Carolin, titled "Juridical Analysis of Consumer Protection for Users of the Gacha System in Online Games Based on Law Number 8 of 1999 on Consumer Protection," discusses consumer protection within the gacha system as outlined by the UUPK, particularly concerning raw agreements and potential losses for consumers. The difference between this study and previous studies lies in the focus of the study, which is that this study does not only look at gacha from a criminal aspect or consumer protection in general but places gacha microtransactions as a form of digital gambling that requires special arrangements. Thus, this study further emphasizes the urgency of establishing clear regulations to protect consumers from gacha practices that are random, non-transparent, potentially causing economic losses, and have not been specifically regulated in Indonesian positive law.

2. Problem Formulation

Based on the foregoing, it is important to conduct an in-depth study of the urgency of legal regulation of the gacha system as a form of digital gambling, as well as how consumer protection theory can be optimally applied in the face of these challenges. The study aims to explore the existing legal vacuum, assess whether gacha practices can be categorized as gambling, and provide policy or regulatory recommendations that are more favorable to consumers. Thus, it is expected that this study can contribute to the

development of national laws in the field of digital consumer protection in the era of the technology-based economy.

3. Research Methodology

This study is normative legal research (dogmatic legal research). This type of research was chosen because the problems studied focused on emptiness, synchronization, and interpretation of legal rules¹¹ related to the practice of gacha microtransactions in digital games, especially viewed from the perspective of consumer protection law and criminal law (digital gambling) in Indonesia. Normative legal research aims to identify the rule of law, legal principles, and legal doctrines to answer the legal issues faced.

B. DISCUSSION

The urgency of regulating the practice of microtransactions through the gacha system in games developed by miHoYo is not solely based on the existence of the phenomenon as part of the digital industry's development. More than that, this urgency arises from the urgent need for legal intervention capable of controlling the negative impact of the practice. In the absence of clear regulation, the potential for abuse of the gacha system can develop uncontrollably.

In a legal perspective, the urgency of regulation is closely related to the existence of potential losses that can be experienced by consumers. Probability-based gacha systems often do not provide players with sufficient transparency, posing an unconscious financial risk.¹² These conditions can put consumers in a vulnerable position, especially when there are no restrictions or effective protection mechanisms in place.

In addition, the urgency is also reflected in the absence of norms in legal settings that specifically regulate the practice of gacha-based microtransactions. The current regulations tend to be general and have not been able to reach the complexity of legal relations in the digital gaming ecosystem. This vacancy has the potential to cause legal uncertainty for both consumers and businesses.

Furthermore, the imbalance of interests between game developers and consumers is another factor that reinforces the urgency of regulation. Developers have full control of

¹¹ Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurangi Permasalahan Hukum," *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 2 (2019): 145–60.

¹² Mutmainna Putri et al., "Critical Review of the Legal Regulation of Microtransaction 'Gacha': A Comparative Study of Islamic Criminal Law and National Criminal Law," *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 23, no. 2 (2023): 183–98, <https://doi.org/10.24252/al-risalah.vi.39934>.

gacha systems, algorithms, and mechanisms, while consumers are in a dependent position without having balanced access to information.¹³ This inequality has the potential to create unfair practices and harm consumers in the long run.

Thus, the regulatory urgency towards the practice of microtransaction through the gacha system cannot be ignored. Conditions that include potential risks and emptiness of norms, as well as imbalance of interests, indicate that legal intervention must be carried out immediately. A comprehensive regulation is expected to provide protection to consumers while creating legal certainty in a growing digital ecosystem.

1. The Urgency of Regulating Gacha Microtransactions from the Perspective of Consumer Protection Law

a. Legal urgency

The statute approach reveals the urgency of regulating microtransaction practices in the in-game gacha system developed by miHoYo, as evidenced by the inability of positive laws in Indonesia to anticipate and accommodate the development of probability-based digital business models. This condition indicates that there are serious problems in the structure of national law, including a lack of clear norms, ambiguous regulations, and a mismatch between existing laws and the actual practices in the field.

Several regulations, including Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 on Information and Electronic Transactions and their amendments, and the Criminal Code, designed in the context of conventional gambling, particularly Article 303 on gambling, can be normatively associated with the practice of gacha. However, if analyzed in more depth, the three legal instruments do not have sufficient reach to regulate the complexity of the gacha system.

In the Electronic Information and Transaction Law, the regulatory focus is more directed toward the validity of electronic transactions, system security, and the responsibilities of electronic system organizers. However, this law does not touch on the fairness aspect of digital system design, especially regarding opportunity-based monetization mechanisms such as gacha. In other words, the ITE Law only regulates the transaction's "container," not its "substance of justice."¹⁴ This void becomes a legal loophole that allows businesses to continue to operate without adequate restrictions.

¹³ Shabrian Adam Wicaksono et al., "How Gacha Games Developers Make Players Spend More Money: Insights from Indonesian University Students," n.d.

¹⁴ Resna Pratiwi Maharani, "Tanggung Jawab Penyelenggara Transaksi Elektronik Dalam Melindungi Hak Konsumen," *SUPREMASI: Jurnal Hukum* 1, no. 1 (2018): 73–86.

Furthermore, if it is related to Article 303 of the Criminal Code regarding gambling, the gacha system has substantially similar elements, namely the existence of money expenditure, opportunities for profit, and uncertainty of results. However, problems arise due to the absence of an unequivocal interpretation of whether gacha belongs to the category of gambling.¹⁵ This condition creates a vague norm that has the potential to cause multiple interpretations in law enforcement.

Critically, this ambiguity is not only a technical problem but also shows the lag of criminal law in the face of digital transformation. The Penal Code, designed in the context of conventional gambling, has not been able to accommodate modern forms of gambling, which are veiled in digital gaming systems. As a result, there is a vacuum in law enforcement, where practices that closely resemble gambling remain beyond its effective reach. As a result, law enforcement faces a vacuum, where practices that closely resemble gambling remain beyond its effective reach. by law.

The combination of the emptiness of the norm and the ambiguity of the norm ultimately creates a condition known as a legal gray area. In this area, businesses like miHoYo can run gacha-based monetization practices without certainty about whether the practice is illegal. This situation is very problematic in a state of law, because the law should provide certainty (legal certainty), justice (justice), and utility (usefulness).¹⁶

Furthermore, this condition shows the failure of the law to carry out its basic function as a tool for social engineering (the law as a tool for social engineering). The law should be able to direct and control the development of society, including in the field of the digital economy. However, in the case of gacha, the law is passive and lags behind current practices.¹⁷

The implications of this failure are very serious. In the absence of clear settings:

- 1) There are no legal standards that bind business actors.
- 2) There is no effective monitoring mechanism.
- 3) and there is no strong legal basis for consumer protection.

¹⁵ Afrodena Vaelena Rintan, Bastianto Nugroho, and Supolo Setyo Wibowo, "Tindak Pidana Perjudian Dalam Perspektif Pasal 303 Bis Ayat (1) Ke-1 Kitab Undang-Undang Hukum Pidana: Studi Kasus Putusan Nomor 615/Pid.B/2025/PN.Sby," *Journal Evidence of Law* 4, no. 3 (2025): 1238–42.

¹⁶ Nur Melinda Lestari and others, "Legal Certainty and Sharia Digital Financing in Indonesia: From Legal Practice to Regulatory Reconstruction," *Jurnal Indo-Islamika* 15, no. 2 (2025): 400–417.

¹⁷ Desi Apriani, Zulherman Idris, and M. Nasir, "Ketentuan Sanksi Menurut Hukum Persaingan Usaha Indonesia Ditelaah Dari Aspek Law Is a Tool of Social Engineering," 2025.

Thus, regulation is needed because there are no norms and existing ones don't work. Therefore, more specific and adaptive legal interventions are needed to address the challenges posed by the gacha system in the digital economy.

b. Sociological urgency

The urgency of regulating the practice of microtransactions through the in-game gacha system developed by miHoYo can also be analyzed from a sociological perspective, namely by looking at how the practice develops, is accepted, and impacts people's lives. This approach is important because the law essentially serves not only as a written norm but also as an instrument that must be responsive to evolving social dynamics.

Sociologically, the normalization of gacha practice cannot be separated from the absence of preventive legal intervention. From a legal perspective, this condition shows the state's failure to carry out the function of legal protection (the legal protection function), especially in the form of preventive protection for consumers.¹⁸ In fact, the law not only serves as a repressive instrument after the occurrence of losses but also as a preventive mechanism against potential losses that can be predicted.

Furthermore, the normalization indicates the legal vacuum effect, where the absence of specific norms causes potentially harmful practices to develop into socially accepted ones.¹⁹ In legal theory, this condition is dangerous because it can shift the standard of legal propriety (legal propriety) into just a standard of market habits.

The sociological concern extends beyond the mere existence of the system to its progressive normalization within society.²⁰ Spending money to obtain random results through gacha mechanics has become a common practice among players. Players now view spending money to obtain random results through gacha mechanics as a natural part of the gaming experience, accepting it without criticism. as a natural part of the gaming experience, accepted without criticism. This condition indicates a shift in values in a digital society, where practices that have similarities to gambling are no longer perceived as problematic.

¹⁸ Andri Soemitra and others, "Kebocoran Data Pada Jasa," *Jurnal Institusi Politeknik Ganesha Medan Juripol* 5, no. 1 (2022): 288–303.

¹⁹ Kekosongan Norma, "Penemuan Hukum Sebagai Implementasi Teori Hukum Dalam Menjawab Kekosongan Norma," *Media Hukum Indonesia (MHI)* 3, no. 4 (2025): 108–20.

²⁰ Cindy Kristika, Elnita Rahayu, and Syifa Qharamithah, "Eksplorasi Perilaku Konsumtif Generasi Alpha Terhadap Top Up Game Online," *Dinamika Ekonomi*, 2025, 73–77.

Critically, this normalization does not occur naturally; it results from a system design intentionally crafted to influence user behavior. This normalization is not a natural occurrence; it results from a system design that is intentionally built to influence user behavior. The gacha system utilizes a psychological mechanism in the form of variable ratio reinforcement, which is an uncertain but random reward pattern that is scientifically proven to increase the tendency to repeat behavior.²¹ In this context, players are encouraged to continue to "pull" in the hope of acquiring rare items, even though rationally the chance is minimal.

This circumstance shows that the practice of gacha cannot be viewed as an ordinary economic transaction but rather as a system that has a manipulative dimension to consumer behavior. In such a situation, the assumption that consumers act rationally is somewhat irrelevant, because the decisions taken have been influenced by the design of systems that are persuasive and even exploitative.²²

The urgency of regulation is even stronger when considering the most affected user groups, namely children and adolescents. This group generally lacks maturity in financial decision-making and has not been able to understand the long-term risks of digital transactions. In the absence of restrictions or supervision, they become very vulnerable to:

- 1) uncontrolled consumptive behavior;
- 2) recurring expenses without planning;
- 3) Dependence on the game system is another issue.

Consumer protection theory reveals that this condition harms consumers not only economically but also psychologically and socially. The losses that arise are not always direct but accumulative and recurrent, so in the long run they can have a more serious impact.

Furthermore, if analyzed using John Rawls' theory of justice, the normalization of the gacha system without adequate regulation actually reinforces structural injustices in the digital society. These systems often exploit the most vulnerable groups, who lack the information and ability to protect themselves from risks. In this case, the state should be

²¹ Muhammad Galuh Hafada and Adrio Kusmareza Adim, "Pengaruh Motivasi Bermain Game Terhadap Perilaku Konsumtif Dalam Game Berbasis Gacha: Studi Pada Pemain Goddess of Victory: Nikke," *Jurnal Locus Penelitian Dan Pengabdian* 4, no. 9 (2025): 8682–93, <https://doi.org/10.58344/locus.v4i9.4778>.

²² Keyni Regina Danilasari and Elizabeth Kristi Poerwandari, "Sikap Kompetitif Dan Problematic Gambling Pada Pemain Game Gacha: Studi Kasus Tunggal," *Psyche 165 Journal* 17, no. 4 (2024): 340–47, <https://doi.org/10.35134/jpsy165.v17i4.460>.

present to ensure that the social and economic system does not harm the group.

Meanwhile, from the perspective of utilitarianism, the unregulated practice of gacha has the potential to generate more harm than benefit to society. Although it provides economic benefits for game developers, the negative impact it has on consumers, such as addiction and financial loss, suggests that these systems do not provide optimal benefit collectively.

Sociologically, one aspect that reinforces the urgency of regulation is the massive and repetitive nature of the impact of the gacha system. Unlike losses in conventional transactions that are incidental, losses in the gacha system occur continuously through a recurring purchase mechanism. The gacha system causes the losses. The consumer may not always directly realize the losses incurred, as they accumulate over time.²³ The consumer may not always directly realize these losses, but they accumulate over time.

Additionally, the advancement of digital technology has accelerated the widespread adoption of this practice across geographical boundaries. Games developed by miHoYo can be accessed by millions of users in Indonesia, who can access games developed by miHoYo without significant restrictions on age or spending control. Millions of users in Indonesia can access games developed by miHoYo without significant restrictions regarding age or spending control. In this situation, the absence of national regulation becomes very problematic because the country loses control of the digital economic activities that take place within its territory.²⁴

Thus, the need for regulation from a sociological perspective is based not only on negative impacts but also on the potential for widespread and hard-to-control effects if not immediately addressed by law. In the absence of clear regulation, the practice of gacha has the potential to continue to develop and take root in society as a form of entertainment that actually contains high risks.

Therefore, the regulation of the gacha system becomes urgent as a preventive measure for the following:

- 4) prevent the normalization of harmful practices;
- 5) protecting vulnerable groups;
- 6) as well as maintaining a balance between economic interests and social interests

²³ Rio Adi Dharma, "Fear of Missing Out Dan Repurchase Decisions Dalam Gacha Games: Perspektif Indonesia," *Journal of Syntax Literate* 10, no. 6 (2025).

²⁴ T. Qi, "Research on Marketing and Innovation Strategies in China's Gacha Game Industry: Taking miHoYo Company as an Example," *Journal of Education* 48 (2025): 8–12.

in a digital society.

c. Philosophical urgency

In addition to the juridical and sociological urgency, a strong philosophical basis also underlies the regulatory need for the practice of microtransactions through the gacha system in the game developed by miHoYo. In this context, the conceptual approach is used to assess whether the practice aligns with fundamental values in law, particularly justice and expediency as reflected in consumer protection theory, John Rawls' theory of justice, and the theory of utilitarianism.

The philosophical urgency is important because the law basically serves not only as a set of formal rules but also as a reflection of moral values that must ensure the justice and well-being of society. Therefore, when a digital economy practice such as gacha goes against these values, then legal regulation becomes a necessity.²⁵

2. Comparative Models of Gacha Regulation and Their Relevance for Indonesia

The comparative approach allows for an analysis of the urgency to regulate microtransactions within the gacha system of miHoYo's game by examining how other countries respond to this phenomenon. This approach is important because it indicates that the practice of gacha is not only a national issue but has become a global issue that requires serious attention from various legal systems in the world.

In practice, these countries developed two main models of regulating gacha, namely the restrictive model and the regulative model. These two models reflect different approaches in balancing between consumer protection and the interests of the digital gaming industry.

a. Restrictive model

The restrictive model is an approach that positions the gacha system as a form of digital gambling that should be banned. Countries such as Belgium and the Netherlands take a firm position by categorizing loot boxes as activities that meet the elements of gambling because they involve payment with money and uncertainty of results, as well as the possibility of obtaining profits.²⁶

Regulation of gacha practices in Belgium and the Netherlands suggests a different approach to qualifying loot boxes as gambling. Belgium adopted a broad approach by

²⁵ Afreiza Octaguna A and others, "23-Moderasi-0101-464 (1)," 2023, 1-17.

²⁶ Leon Y. Xiao, "Loot Box State of Play 2023: Law, Regulation, Policy, and Enforcement Around the World," *Gaming Law Review* 28 (2024), <https://doi.org/10.1089/glr.2024.0006>.

including all forms of loot boxes as games of chance under the Gambling Act 1999, so the practice is essentially prohibited without a license. In contrast, the Netherlands uses a limited approach by only qualifying loot boxes as gambling if they have real economic value or can be traded, so not all gacha practices are illegal.²⁷

This approach was born out of concerns that the gacha system was not only potentially financially detrimental but could also have psychological effects such as addiction, particularly in younger age groups. Therefore, countries choose to eliminate these potential risks directly through bans.

In its implementation, this policy brings quite significant consequences. Many game developers, including those that use the gacha system as their main source of income, have had to adapt their products by removing the feature or even withdrawing their services from regions where bans are in place.²⁸ This shows that the restrictive approach has an impact not only on consumers, but also on the sustainability of the gaming industry itself.

Descriptively, this model provides a very high level of protection because it completely closes the possibility of exploitation through the gacha system. Consumers are no longer exposed to the risk of uncertain opportunity-based spending, so potential losses can be minimized from the start.

Nevertheless, this approach also has limitations. In the context of a digital economy that is global and cross-border, a total ban is not always effective. Users can still access services from abroad through various means, so state control is limited. In addition, this approach also has the potential to hinder innovation and development of the gaming industry, which at the moment is one of the important sectors in the digital economy.

Thus, although restrictive models offer maximum legal certainty and protection, these approaches tend to be less flexible in the face of the dynamics of technological development.

²⁷ Sigit Agung Susilo and Serva Muthia, "The Legal Perspective Tug-of-War in Determining the Status of Loot Boxes and Gacha as Gambling," *Jurnal Hukum Sehasen* 11, no. 1 (2025): 39–44, <https://doi.org/10.37676/jhs.v11i1.7298>.

²⁸ Muhammad Theo Rizki Putra, "Legalitas Sistem Monetisasi Lootbox Dalam Transaksi Game Online Berdasarkan Undang-Undang Nomor 11 Tahun 2008 Jo. Undang-Undang Nomor 19 Tahun 2016," *Jurnal Hukum Adigama* 3, no. 1 (2020): 1480–503, <https://journal.untar.ac.id/index.php/adigama/article/view/9404>.

b. Regulatory model

Unlike the restrictive model, the regulative model does not necessarily prohibit the gacha system but seeks to strictly regulate it so that it can still operate without causing adverse impacts. Countries such as Japan and China are prime examples of implementing this approach.

Japan and China point out that the practice of gacha is not necessarily prohibited but rather can be legalized through a regulative approach. Japan adopted a limited regulatory model with an emphasis on consumer protection and the banning of certain mechanisms, while China adopted a more interventionist approach through transparency obligations, system design restrictions, and strict state supervision.²⁹ Both models show that the legality of gacha largely depends on how the state qualifies and controls the risks posed.

In Japan, state intervention is carried out by banning certain forms of gacha that are considered the most harmful, such as complete gacha, while other forms are still allowed. This approach suggests that the state does not deny the existence of gacha as a whole but seeks to control potentially exploitative practices.³⁰ Meanwhile, China is adopting a more systematic approach by requiring transparency in the gacha system. Game developers are required to clearly disclose the probability or chance of obtaining a particular item to players. In addition, there are also restrictions on children's access and supervision of transaction activities in the game.³¹

Descriptively, the regulative model reflects the state's efforts to balance two often conflicting interests, namely consumer protection and industrial growth. The state does not close the space for innovation but still ensures that the practices carried out are within reasonable limits and do not harm society. The advantages of this model lie in its versatility. The state can adjust the level of regulation in accordance with the development of technology and the social conditions of society. In addition, this approach also allows the gaming industry to remain thriving, thus contributing to the economy.

However, the regulative model also has its own challenges. Its effectiveness is highly dependent on the level of compliance of business actors and the ability of the state to

²⁹ Susilo and Muthia, "The Legal Perspective Tug-of-War in Determining the Status of Loot Boxes and Gacha as Gambling."

³⁰ Putri et al., "Critical Review of the Legal Regulation of Microtransaction 'Gacha': A Comparative Study of Islamic Criminal Law and National Criminal Law."

³¹ Leon Y. Xiao et al., "Regulating Gambling-Like Video Game Loot Boxes: A Public Health Framework Comparing Industry Self-Regulation, Existing National Legal Approaches, and Other Potential Approaches," *Current Addiction Reports* 9, no. 3 (2022): 163–78, <https://doi.org/10.1007/s40429-022-00424-9>.

conduct supervision. If supervision is weak, then the existing regulations potentially do not run optimally and actually open new loopholes for practices that harm consumers.

c. Indonesian regulatory model

In comparison to these two models, Indonesia currently lacks a clear approach to regulating gacha practices. Gacha is not explicitly categorized as gambling by specific regulations, nor is its implementation regulated technically. The existing regulations are still general and do not address the specific characteristics of the gacha system. As a result, this practice is widely developed without any clear boundaries, whether in terms of transparency, consumer protection, or supervision.

Descriptively, this condition shows that Indonesia is in a vulnerable position. On the one hand, people have wide access to gacha-based games, but on the other hand, there is no adequate legal protection. This creates an imbalance between technological development and national legal readiness.

When compared to other countries, Indonesia not only lags behind in terms of regulation but also risks becoming an uncontrolled market. In such a situation, businesses have the flexibility to carry out monetization practices without clear restrictions, while consumers are in a weak position.³² Based on the comparison between restrictive and regulative models, analyzing the comparison between restrictive and regulative models reveals that each approach has its own advantages and disadvantages. Each approach has its advantages and disadvantages. Therefore, the selection of the right regulatory model requires that we consider Indonesia's overall condition when selecting the appropriate regulatory model. the condition of Indonesia as a whole.

The restrictive approach of banning gacha altogether does provide strong protection, but in the Indonesian context, this approach is potentially difficult to implement. In addition to the challenges in law enforcement, a total ban also risks encouraging illegal practices that are even more difficult to control.³³ In contrast, the regulatory approach that allows gacha with strict supervision is considered more in line with Indonesian conditions. This approach allows the state to still accommodate the development of the gaming industry while providing protection to consumers through

³² Putri et al., "Critical Review of the Legal Regulation of Microtransaction 'Gacha': A Comparative Study of Islamic Criminal Law and National Criminal Law."

³³ Xiao, "Loot Box State of Play 2023: Law, Regulation, Policy, and Enforcement Around the World."

specific arrangements.³⁴

In this context, the settings can be directed to:

- 1) probability transparency obligation;
- 2) restriction of access for children;
- 3) This obligation includes the supervision of in-game transactions.

However, the success of this approach largely depends on the seriousness of the state in conducting surveillance and law enforcement. Without it, existing regulations will only be formal and ineffective in protecting consumers.

Based on the foregoing, it can be understood that the arrangement of gacha in different countries indicates a difference in approaches to responding to the same phenomenon. The restrictive model provides maximum protection but is less flexible, while the regulative model offers a balance between protection and industry development.

In the context of Indonesia, the absence of clear regulations reinforces the urgency to immediately establish comprehensive regulations. Indonesia must have regulations to protect consumers and uphold the law. Therefore, it is more appropriate for Indonesia to adopt an adaptive regulatory model while still placing consumer protection as a top priority. This approach is considered the most relevant to address the challenges of developing the digital economy while ensuring that the practice of gacha does not develop uncontrollably.

C. CONCLUSION

The urgency of regulation regarding the practice of microtransactions through the gacha system in the game developed by miHoYo is based on three main dimensions: namely, juridical, sociological, and philosophical. Juridically, there are gaps and blurring of norms in Indonesian positive law that have not been able to accommodate the complexity of the gacha system, thus creating legal uncertainty and weak consumer protection. Sociologically, the practice of gacha has experienced normalization in the digital society and has the potential to cause exploitation, especially against vulnerable groups such as children and adolescents. Meanwhile, philosophically, the unregulated gacha system is contrary to the principles of justice and expediency because it causes more harm than benefit to consumers. Therefore, specific and adaptive legal regulation

³⁴ Susilo and Muthia, "The Legal Perspective Tug-of-War in Determining the Status of Loot Boxes and Gacha as Gambling."

becomes urgent to create a balance between consumer protection and the development of the gaming industry.

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