

## **THE POLICE ARE INDECISIVE: ONLINE GAMBLING IS RISING. FACTS ABOUT THE ERADICATION OF ONLINE GAMBLING IN THE FIELD**

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### **ABSTRACT**

Gambling, a widespread practice in society, often lures individuals with the promise of accumulating wealth from their investments. As technology advances, gambling has found a new frontier online, offering convenience to both operators and participants who can easily access it through mobile phones or computers. However, from a normative standpoint, online gambling is banned and classified as a criminal activity in Indonesia. Online gambling operators exhibit remarkable cunning in their endeavors, employing a variety of websites and enticing promotions that challenge law enforcement agencies, particularly the police, in their efforts to combat it. This study aims to elucidate the legal status of online gambling in Indonesia and shed light on the role of the police in enforcing laws related to online gambling cases. It delves into the complexities of regulating this digital vice within the framework of Indonesian law, taking into account the challenges posed by the ever-evolving online gambling landscape. Gambling continues to captivate the public's interest as a means of wealth accumulation, the online variant presents unique challenges to law enforcement. This research endeavors to explore the legal intricacies and the police's role in addressing the issue, striving for a more comprehensive understanding of the situation.

**Keywords:** *gambling, online, police, eradication.*

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### **INTRODUCTION**

The consequence of the progress of the globalization era is the rapid development of technology. Technological advances have a broad impact on the order of life, one of which is the cause of the transition in people's ways of thinking and acting. The transition transforms the values of life that grow in society. In addition to technological advancements that bring many positive things, on the other hand, they also have negative impacts such as cybercrime. Cybercrime or cybercrime is a crime that uses computer media and the internet. Cybercrime is very diverse, one of which is gambling which is no longer conventional. Online gambling is included as a cybercrime because the process involves computers and the internet.

Nowadays gambling is increasingly spreading to various groups of people, from the younger generation to the elderly generation. This is because gambling made online is very easy to access through various sites that provide very easy gambling facilities, for example only using special numbers (Rodhiyah et al., 2022). With the conveniences provided by the use of online gambling, it poses a serious obstacle to the development of the nation (Amar, 2017).

Online gambling requires strict enforcement efforts to eradicate it. Law enforcement for online gambling actions needs to be done so that these actions do not continue to be used by the public. Law enforcement is carried out to harmonize the relationship of value in a good rule to maintain and maintain a safe and prosperous life (Soekanto, 2007). In this context, the police play the role of law enforcers in dealing with online gambling. The function of the Police is to maintain security and order and ensure the implementation of law and good governance.

## **METHOD**

In this study, the authors adopted the normative juridical research methodology. This approach, as defined by legal expert Soerjono Soekanto, involves conducting legal research by scrutinizing existing literature and secondary materials. This research method predominantly relies on the examination of library resources such as books, legal statutes, expert opinions, and academic journals that pertain to the subject matter under investigation. Normative juridical research is a crucial method in the field of law and legal studies. It provides a structured framework for comprehending, analyzing, and interpreting legal principles, regulations, and doctrines. This research type primarily focuses on exploring the theoretical and doctrinal aspects of the law rather than empirical or real-world observations (Soekanto, 2007).

One of the notable advantages of normative juridical research is its ability to contribute to the development and enhancement of legal scholarship. By thoroughly examining existing legal literature and jurisprudence, researchers can gain a deeper understanding of legal concepts, their evolution, and their practical implications. Additionally, normative juridical research serves as a valuable tool for legal professionals, policymakers, and scholars in shaping legal arguments, policy recommendations, and legislative reforms. It allows for the critical assessment of legal principles and the identification of gaps or inconsistencies within the legal framework.

In this particular study, the choice of the normative juridical research method signifies a commitment to a rigorous and systematic examination of legal texts, expert opinions, and relevant literature concerning the subject at hand. By employing this approach, the authors aim to provide a comprehensive and well-informed analysis of the legal position of online gambling in Indonesia and the role of law enforcement agencies, particularly the police, in addressing online gambling-related cases. Normative juridical research is an indispensable tool in legal scholarship, enabling researchers to explore the theoretical underpinnings of the law, assess its practical implications, and contribute to the ongoing development of legal discourse and practice.

## **RESULTS AND DISCUSSION**

### **Positive Legal Provisions in Indonesia for Online Gambling Actions**

Gambling is a game where users bet to choose one of the available options because there will only be one correct choice and a winner, while users who make the wrong choice will hand over their betting tools to the winning player (Prodjodikoro, 1986). Gambling or gambling games or gambling according to the Big Indonesian Dictionary is a game using money as a bet. Gambling is an act of risking money or property to obtain greater income than what is at stake.

Gambling is a serious social problem. Online gambling acts hurt the nation's generations because they can damage the nation's morality. The negative impacts that can be caused include gambling which will have an addictive effect because it is easier to multiply money or assets, weakening spiritual values due to leaving religious obligations such as praying and drinking (Zurohman et al., 2016). From this description, gambling is a crime, as juridically crime is defined as behavior that is contrary to applicable regulations and sociologically crime is an act that can harm both the perpetrator and other parties in the form of loss of peace and order ((R.), 1976). Everything contrary to the rules is included in a criminal act. Moeljanto said that a crime

is an act that is prohibited by law, this prohibition is accompanied by sanctions for the perpetrators (Barda, 2010). According to Vos, a crime is a human behavior that is punishable by law (Andrisman, 2009). The prohibition of gambling games is contained in Article 303 paragraph (1) of the Criminal Code (KUHP), which reads: "What is called a gambling game is each game, where in general the possibility of getting a profit depends on sheer luck, also because the players are more trained or more proficient." Sanctions for gambling games are regulated in Article 303 paragraph (1) Bis which reads: "With a maximum prison sentence of four years or a maximum fine of ten million rupiah, the following punishment is: 303."

Gambling is not only carried out conventionally but can be done online, arrangements regarding online gambling are regulated in the Information and Transaction Act (UU ITE), one of which functions to reduce gambling acts carried out online by imposing sanctions for acts of using deviant technology. Article 27 paragraph (2) of the ITE Law No. 19 of 2016, regulates that; "Every person intentionally and without rights distributes, transmits, and/or makes accessible Electronic Information or Documents that have gambling content." Threats regarding online gambling actions are listed in Article 45 paragraph (2) which reads:

"Anyone who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have gambling content as referred to in Article 27 paragraph (2) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp. 1 billion".

The above regulations mean that online gambling is an act of betting that uses money or property as a betting tool with a predetermined amount by utilizing technological and electronic media. The mechanism of online gambling is the same as gambling that is done conventionally, both have an addictive effect and invite curiosity to win. If you have succeeded in winning, gambling will trigger a feeling of wanting to try again to get multiple profits from what has been spent. Especially with the online system, the players don't need to be in the same location so it is more practical to make bets. With a savings account, mobile phone, and internet network, online gambling can be directly operated through sites that are very easy to access. The act of gambling online means committing acts that deviate from the use of technology which is referred to as Cybercrime. Cybercrime in a narrow sense is a crime that uses network media, computer systems, or facilities. The forms of cybercrime are divided into 3 (three) namely (Aldriano & Priyambodo, 2022): (a) cyber crimes related to privacy or confidentiality, integrity, and the existence of data (b) cyber crimes that use computer media (c) cyber crimes related to computer data (Aldriano & Priyambodo, 2022). Even though Cybercrime is online, Cybercrime is still classified as a legal action so the perpetrators are still categorized as perpetrators of legal actions that deserve sanctions. Cybercrime is the dark side of the rapid advancement of technology, which hurts all aspects of life (Abdurrahman, 2009).

### **The Role of the Police in the Eradication of Online Gaming**

The law needs to be upheld so that the law can provide social welfare. The law consists of several components. The legal component according to Lawrence M. Friedman consists of 3 (three) things, namely structural, substance, and legal culture. Structural law enforcement officials, legal substance consists of the values of the law itself, and legal culture is the behavior of society towards the law itself (Abdurrahman, 2009). For the law to provide welfare, it is necessary to realize security, order, peace, and harmony in society. One of the organs of the

government that is tasked with maintaining security, order, peace, and peace is the Police (Hasibuan, 2021). The duties of the Police are listed in Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, namely: "Duties and main duties of the Indonesian National Police (a) Maintain public order and security (b) uphold the law (c) provide protection, protection and service to society."

The police have a very important role in efforts to eradicate online gambling. With penal facilities, the Police can carry out investigative efforts as stipulated in Article 4 of the Criminal Procedure Code (KUHAP) which reads (Nono et al., 2021): "Investigators are police officers of the Republic of Indonesia who are authorized by this law to conduct investigations". Investigations can be carried out based on Article 11 paragraph (1) of the Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2012 Concerning Criminal Investigation Management, that: "Investigations can be carried out (a) before there is a police report or complaint (b) after there is a police report or complaint for investigation". After an investigation was carried out, it was followed up with investigative efforts into online gambling actions carried out by searching the electronic system as a management device, storing, announcing, and disseminating electronic information. Searching electronic systems is regulated in Article 43 paragraph (3) which reads: "Searches and/or seizures of Electronic Systems related to alleged criminal acts in the field of Information Technology and Electronic Transactions are carried out by the provisions of the criminal procedural law." If the investigation process has been completed, it will be followed by prosecution, and examination in court until the implementation of the court decision (Aditi & Widana, 2020).

Facts on the ground, online gambling managers quickly create changing sites and mechanisms. This is a real challenge for the Police in dealing with online gambling cases. In 2022, in the Jakarta area, the Directorate of Cyber Crime (Dittipidsiber) uncovered a conspiracy that manages online gambling with the sites kingkoi88, winlab88, Goldman, by box, and sherbet (Nafiatul Munawaroh, S.H., 2022). The ranks of the North Sumatran Regional Police and Medan Police carried out raids on online gambling operators on the sites Lebah4d, Dewajudi4a, and Laris4d and obtained evidence in the form of hundreds of computers suspected of being tools for operating online gambling. Various efforts continue to be made by the Police to eradicate online gambling and as an effort to prove to the public that the Police do not protect gambling managers or players (Kuasa & Jaya, 2022).

Another action taken by the online gambling manager is to offer via WhatsApp to become their member and promise lucrative bonuses. Every member who joins will buy coins to play. If you win, the coins will increase and if you lose, the coins will decrease. In this case, Bareskrim Polri through the website [www.mastertogel78live.com](http://www.mastertogel78live.com) managed to identify 12 suspects and is still pursuing 4 (four) DPOs who are suspected of being bosses of online gambling sites (Ryan, 2019). In Gorontalo, Ditkrimsus Kombes Pol. Taufan Dirgantoro, S.I.K., M.H. succeeded in uncovering online gambling cases through the [sd8.net](http://sd8.net) website, which is a soccer gambling site that is not registered with the PSE of the Indonesian Ministry of Communication and Information. It was recorded that in April 2023 the police succeeded in uncovering 1,154 online gambling cases. The Police together with the Ministry of Communication and Informatics blocked 436 websites and 906 accounts (Singadji et al., 2021).

Other actions that can be taken by the Police to protect the community as a preventive effort, one of which can be done by preventing crimes that are actually or are expected to occur

(Haryadi, 2019). Prevention that can be done is the establishment of good communication between the Police and the community, which is intended to work hand in hand in preventing crime, in this context is the act of online gambling. With the establishment of good communication, the public will not hesitate to participate in assisting the Police in tackling online gambling. The success factor for upholding the law does not only come from the duties of law enforcers but is determined by the factor of community participation. To maintain security and order which leads to law enforcement, it is necessary to increase and coordinate proportionately, because law enforcement is not solely handled by the police, but is influenced by other supporting factors, namely the community. The Police can also take pre-emptive action to create a conducive situation by detecting earlier the factors that cause online gambling and conducting outreach to the public about gambling. Further prevention can be done by breaking the chain between online gambling agents and the public through routine cyber patrols.

## **CONCLUSION**

Positive law regarding gambling is listed in Article 303 paragraph (1) of the Criminal Code and online gambling is regulated in Article 27 paragraph (2) of the ITE Law No. 19 of 2016. Even though online gambling managers are very smart in carrying out their actions, the police continue to eradicate online gambling optimally. Penalty, the police can carry out investigations and investigations into alleged acts of online gambling. The police can also carry out cyber patrol efforts to uncover these crimes. In enforcing the law against online gambling actions, the Police can also build good communication with the community so that the community participates in preventing online gambling. The police can also make pre-emptive efforts, namely holding outreach or seminars related to online gambling.

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