

Effectiveness of Law Enforcement of the Crime of Gambling in the Form of Playing Cards in the Petarukan Police Area, Pemalang Regency

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Abstract. *The Constitution of the Republic of Indonesia of 1945 (UUD RI 1945) has stipulated that the State of Indonesia is a state of law, which in this case regulates all aspects of life in Indonesian society. In a rule of law, the law is used as the basis for a means of social control in society, so that the law exists to keep society in a pattern of behavior and remains within the rules in accordance with the laws and regulations in Indonesia. Criminal Code (KUHP) Article 303 paragraph (3). The approach method used is normative juridical, namely a library legal research carried out by examining library materials or secondary data using deductive thinking methods. The writing specifications use descriptive analysis, the sources and types of data used are primary and secondary data. Data collection method by collecting data using secondary data collection methods. The results of the study concluded that the form of law enforcement carried out by the Petarukan Regency Police was based on preventive efforts in the form of conducting supervision, patrolling and guarding the community, coordinating with the RT/RW sub-districts to carry out raids and for suspects (gambling perpetrators) who were taken to court during their handling. Nearest police station to carry out an inspection. Meanwhile, preventive efforts consist of receiving and taking action on reports or complaints of crimes occurring in the community. The effectiveness of law enforcement carried out by the Petarukan Police can be said to be quite successful, considering that the preventive and repressive efforts carried out in accordance with applicable laws are able to provide a deterrent effect to perpetrators of criminal acts of gambling in the Petarukan Regency area, although criminal acts of gambling still exist. from the Petarukan Police, it is considered quite efficient and able to reduce gambling acts that occur in the Petarukan Sector Police area, Pemalang Regency.*

Keywords: *Effectiveness; Enforcement; Gambling; Law.*

1. Introduction

Gambling by some people is considered a culture where it has existed since the time of our ancestors. However, preserving culture in the modern era is indeed important, so that the culture is not lost eroded by time. In this country of Indonesia, there are many and various cultures, but of course not all of them have a positive impact. There are also cultures that are considered to have a negative impact, such as gambling.¹

Gambling threatens social norms that can cause tension both individually and in society. It has the potential to disrupt social order and hinder the development of the country. Gambling teaches people to earn money through inappropriate activities and can open up lazy nature. However, development requires individuals who are persistent and have mental toughness. Therefore, it is important for us to find rational ways and solutions in dealing with this gambling so that it can be overcome effectively.²

The problem of gambling has been known for a long time throughout history in the midst of society. Since ancient times until now, the problem of gambling is a reality or social symptom that is very difficult to eliminate in life in society until now. Criminal law enforcement to overcome gambling as deviant behavior must continue to be carried out. This is very reasonable because gambling is a real threat to social norms that can cause individual tensions and social tensions.

The 1945 Constitution of the Republic of Indonesia (UUD RI 1945) has regulated that the Republic of Indonesia is a state of law, which in this case regulates all aspects of life in Indonesian society. In a state of law, law is used as a basis for social control in society, so that law exists to maintain society in behavioral patterns and remain within the rules in accordance with the laws and regulations in Indonesia. The Criminal Code (KUHP) Article 303 paragraph (3) defines gambling as:

“Every game, where every game generally depends on the possibility of obtaining a profit on the factor of chance, also if the opportunity becomes greater with higher training or with higher dexterity of the player.”

The crime of gambling has been regulated in Article 303 of the Criminal Code (KUHP). Then it is also regulated in Law Number 7 of 1974 concerning the Regulation of Gambling, where Article 2 of the Gambling Regulation Law explains that:³

1) Changing the threat of punishment in Article 303 paragraph (1) of the Criminal Code, from a maximum prison sentence of two years and eight months or a

¹Wirjono Prodjodikoro, 1986, *Certain Criminal Acts in Indonesia*, (Bandung: PT Eresco), p. 129

²Sugeng Tiyarto, 2015, *Law Enforcement against Gambling Crimes*, (Yogyakarta: Genta Press), p. 19.

³Article 2 of Law Number 7 of 1974 concerning the Regulation of Gambling

maximum fine of ninety thousand rupiah to a maximum prison sentence of ten years or a maximum fine of twenty-five million rupiah.

- 2) *Changing the threat of punishment in Article 542 paragraph (1) of the Criminal Code, from a maximum imprisonment of one month or a maximum fine of four thousand five hundred rupiah, to a maximum imprisonment of four years or a maximum fine of ten million rupiah.*
- 3) *Changing the threat of punishment in Article 542 paragraph (2) of the Criminal Code, from a maximum imprisonment of three months or a maximum fine of seven thousand five hundred rupiah to a maximum imprisonment of six years or a maximum fine of fifteen million rupiah.*
- 4) *Changing the title of Article 542 to Article 303 bis.*

From the author's observation, what is happening in the jurisdiction of the Petarukan Police, Pemalang Regency is that gambling still often occurs in the community, both in the lower, middle, and upper economic classes. The type of gambling that occurs most often in the jurisdiction of the Petarukan Police is the type of Playing Card gambling, because players do not need to use a lot of media or tools, only need cards and several gamblers and money to be used as bets.

Based on the problems above, regarding the many phenomena of people who gamble, the author feels that an analysis is needed to be made into a thesis entitled "Effectiveness of Law Enforcement of Gambling Crimes in the Form of Playing Cards in the Petarukan Police Area, Pemalang Regency."

2. Research Methods

The approach method used in this study is a sociological legal approach. This approach is intended to study and research the reciprocal relationship between law and other social institutions. Here, law is not conceptualized as an independent (autonomous) normative phenomenon, but as a social institution that is actually linked to other social variables.⁴ Once the required data has been collected, the next step is to identify the problem, which ultimately leads to solving the problem.

Data collection is done through literature study by reviewing literature related to research problems. Data analysis techniques are qualitative analysis in the form of exposure, description, and description of research results.

3. Results And Discussion

3.1. Form of Law Enforcement of Criminal Acts of Gambling in the Form of Playing Cards in the Petarukan Police Sector Area, Pemalang Regency

Law An effort to enforce crime through criminal law enforcement, which is rational, namely fulfilling a sense of justice and utility. In the context of enforcing crime, namely the means as a reaction that can be given to the perpetrators of

⁴Ronny Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics* (Jakarta: Ghalia Indonesia, 1998), p. 34

the crime, in the form of criminal means or non-criminal law, which can be integrated with each other. If criminal means are called for enforcing crime, it means that criminal law will be implemented, namely holding elections to achieve criminal legislation results in accordance with various circumstances and situations at a time and for the future.⁵

Law enforcement is basically part of criminal policy which is essentially an integral part of social policy, then this policy is implemented into the criminal justice system, according to Muliadi the criminal justice system has a dual functional dimension. On the one hand it functions as a means for society to contain and control crime at a certain level (crime containment system), on the other hand the criminal justice system also functions for secondary prevention, namely trying to reduce crime among those who have committed crimes and those who intend to commit crimes through the process of detection, punishment and implementation of criminal penalties.⁶

Law enforcement is a process to realize legal desires into reality. What is called legal desires here is none other than the thoughts of the law-making body formulated in legal regulations. The formulation of the thoughts of lawmakers that are poured into legal regulations will also determine the implementation of law enforcement.⁷

Regarding law enforcement, Barda Nawawi Arief explained that law enforcement is an effort to eradicate crime in a fair manner, fulfilling a sense of justice and effectively. To eradicate these crimes, efforts can be made to handle these crimes, in the form of criminal and non-criminal legal efforts that can be integrated with each other. If criminal action is used to eradicate crime, it means that a criminal law policy will be implemented, namely holding elections to achieve criminal law results that are in accordance with the current circumstances and situations and for the future.⁸

The substance of law is the rules, norms and patterns of human behavior that are real in the legal system, it can also be a product produced by people in the system, including the decisions they make, the new rules they create, also including Living Law, and not just the rules that are in the law books (Law in the books).

The law has regulated the criminal act of gambling, where in this case, the criminal act of gambling has been subject to repressive efforts or penal efforts carried out by the police, especially at the Petarukan Police, Pemalang Regency, by arresting and applying Article 303 Bis paragraph 1 to 2 of the Criminal Code to

⁵Arief, Barda Nawawi. *Problems of Law Enforcement and Criminal Law Policy in Combating Crime*, 11th Edition, 2018.

⁶Muliadi, *Selected Chapters on the Criminal Justice System*, Semarang: Undip, 1995, 21-22.

⁷Satjipto Raharjo, *Law Enforcement as a Sociological Review*, Genta Publishing, Yogyakarta, 2009, p. 25

⁸Barda Nawawi Arief, *Criminal Law Policy*, Citra Aditya Bakti, Bandung, 2002, p. 109.

perpetrators of criminal acts of gambling in the form of playing cards, then examining them according to the Criminal Procedure Code and applicable laws and regulations.

Gambling in this world will never be eliminated, including gambling played by people to get money instantly. Crime will always follow and accompany human civilization. Human efforts are limited to preventing and eradicating gambling. In terms of law, gambling will always exist because of economic pressure factors so that you can receive money immediately and easily without having to work hard, if you have the ability to do it repeatedly until the player receives the prize. the benefits and advantages they want. In a game of chance, the perpetrator and the victim are one unit, where the perpetrator of the game is also the victim. Provisions regarding this issue in the sense of participating in committing a crime and assistance in committing the crime can be found in Article 55 of the Criminal Code (KUHP).⁹

The form of law enforcement that has been carried out by members of the Petarukan Police, Pemalang Regency, assisted by the community has proven effective in overcoming criminal acts of gambling, especially playing cards, that occur in the jurisdiction of the Petarukan Police. This is based on data on gambling cases that have decreased from 2021 to 2022, although there was an increase in gambling cases from 2020 to 2021.

The factors that cause gambling in the Petarukan Police area, Pemalang Regency, are generally almost the same as those that occur in other areas in Central Java Province and in Indonesia. In fact, many people already understand the side effects/disadvantages of gambling. Both in terms of family, economy, and social life have been felt by the gambler, but for some reason there are still many who do gambling activities.

Referring to the 7 cases that have occurred, none were given SP3 (Investigation Termination Order) so that all cases were able to be transferred to the Prosecutor's Office to then be submitted to the Court to obtain a case resolution based on justice, legal certainty and benefits. From a total of 7 cases of card gambling that occurred at the Petarukan Police, it shows that the perpetrators of gambling are dominated by men, both adults and those who are still in school considering that there were no women involved in the gambling cases.

The police routinely conduct night patrols for the sake of public security and order, when conducting patrols the police are suspicious of a crowded place and when an inspection is carried out it turns out that a criminal act of gambling is being carried out. Then the police take repressive action in the form of appeals

⁹Ibnu Adi Prasetyo, Indah Setyowati, Police Efforts in Overcoming Criminal Acts of Playing Card Gambling (Case Study in the Jurisdiction of the Wonosalam Police, Demak Regency), Journal of Proceedings of the Unissula Student Scientific Conference (KIMU) 2, Sultan Agung Islamic University, Semarang, October 18, 2019, p. 10.

and directions but if it happens repeatedly then strict action is taken to provide a deterrent effect for the perpetrators of gambling.

The Petarukan Police Sector police are eradicating and dealing with this in a preventive manner with various efforts, including:

1. Conducting Legal Counseling To reduce criminal acts that still occur, it is necessary to conduct legal counseling to the community. Legal counseling is a means to provide information and understanding of norms and laws that are useful for realizing public awareness of the law so as to create a society that obeys applicable legal norms.
2. Conducting supervision Supervision carried out by the police is carried out in areas that are often crowded, public places, and remote places.
3. Conducting Patrols and guarding the community. Petarukan Police Sector places police personnel to patrol the Petarukan area of Pematang Rejang Regency. Patrols carried out by the Police usually comb places that are often reported by the community because of activities suspected of being gambling crimes.
4. Coordinated by the RT/RW sub-district to socialize to the community. With the hashtag protecting and serving the community, the Police also participate in the social life of the community and coordinate with local officials to conduct socialization regarding the impact of gambling and work together to maintain environmental conduciveness.
5. Conducting Raids Conducting raids in various areas that are often used as places for gambling can be one way to reduce the gambling that occurs.

Furthermore, the repressive actions carried out by the Petarukan Police are as follows:

1. Receive and take action on reports or complaints of crimes occurring in the community, so that the police can immediately raid the gambling venue and arrest the perpetrators of the gambling.
2. Conducting a series of investigative and investigative actions against a gambling crime so that it can be processed further so that the perpetrators are deterred and can be processed directly, and create comfort for the local community.
3. Arresting gamblers who are caught red-handed playing and conducting examinations and detentions by the local police before being transferred to the police station.

If it can be continued, then the case file will be transferred to the Prosecutor's Office for prosecution so that those involved in gambling crimes can be punished through the trial process. Every step taken by law enforcement to fulfill public security will certainly be welcomed by all parties. In general, gambling prevention patterns emphasize the principle that action against gambling perpetrators in any form must have a deterrent effect so that the incident does

not happen again considering that the perpetrators are the general public where the perpetrators can be said to be suspects.

The actions of the Petarukan Police in Pemalang Regency reflect the Theory of Law Enforcement, proven by the existence of Preventive and Repressive law enforcement efforts that are carried out significantly in order to realize the ideas of justice, legal certainty and social benefits into reality. So law enforcement is essentially a process of realizing ideas. Law enforcement is the process of carrying out efforts to uphold or function legal norms in real terms as guidelines for actors in traffic or legal relations in community and state life.

3.2. Effectiveness of Law Enforcement in the Petarukan Police Sector Area, Pemalang Regency.

The definition of effectiveness refers to the extent to which an action or activity can achieve the planned goals. In general, effectiveness refers to success in achieving the goals that have been set. For example, in the context of an organization, effectiveness can be measured by the extent to which an organization achieves its goals. Effectiveness can also be seen as the interaction between output and goals, where success in achieving goals is reflected in the output produced.¹⁰ Legal effectiveness refers to the extent to which the law can be applied and achieve its objectives. In general, legal effectiveness indicates the level of public compliance with the law and the conformity between what is regulated in the law and its implementation. Legal effectiveness can also be seen from the aspects of application, implementation, and enforcement of law in society to achieve legal objectives.

The reduction in gambling cases in the period 2021-2022 was based on preventive and repressive efforts carried out by the Petarukan Police Sector on a regular basis.

Preventive efforts carried out by the Petarukan Police, Pemalang Regency include: Conducting legal counseling; Conducting supervision. Supervision carried out by the police is carried out in areas that are often crowded, public places, and remote places; Conducting patrols and guarding the community. The Petarukan Police Sector places police personnel to patrol the Petarukan area of Pemalang Regency; Coordinating with the RT/RW sub-districts to socialize to the community. With the hashtag protecting and serving the community, the Police also participate in the social life of the community and coordinate with local officials to conduct socialization regarding the impacts of gambling and work together to maintain a conducive environment; Conducting Raids Raids in various areas that are often used as places to gamble can be one way to reduce gambling.

¹⁰Iga Rosalina, "Effectiveness of the National Program for Empowering Urban Independent Communities in Revolving Loan Groups in Mantren Village, Karangrejo District, Madetaan Regency". *Journal of Community Empowerment Effectiveness*, Vol. 01 No. 01 (February 2012), p. 3.

Meanwhile, the repressive efforts carried out by the Petarukan Pematang Police to follow up on Gambling Crimes include receiving and taking action on reports or complaints of crimes occurring in the community, so that the police can immediately raid the gambling place and arrest the perpetrators of gambling; Carrying out a series of investigative and investigative actions against a gambling crime so that it can be processed further so that the perpetrators are deterred and can be processed directly, and creating comfort for the local community; Arresting gambling perpetrators who are caught red-handed playing and examination and detention by the local police before being raised to the Polres.

The obligation of the authorities to conduct searches or raids on gambling during this period of course does not only expect criminal sanctions against them, because criminal sanctions are not considered a guarantee for good people as they are. The parties involved still provide counseling to players who are serving prison sentences. The consultation material includes awareness of law, order, religion and the importance of living in a good society and trying to do halal work like other people do. As long as they consider the law to be nothing more than a process in which they understand that their actions are prohibited by legal standards and are also considered not to support respect for legal authority. While the meaning of the command is that life in society and the state today requires not only a sense of security but also order, so that the act of playing clearly not only threatens peace but also disturbs peace.

The effectiveness of law enforcement efforts carried out by the Petarukan Police Sector can be said to be quite efficient, considering the reduction in gambling cases handled by the Petarukan Police. Preventive and repressive actions by the Petarukan Police have a deterrent effect although they have not been able to eliminate Gambling Crimes in the Petarukan area of Pematang Regency.

4. Conclusion

The form of law enforcement carried out by the Petarukan Police of the Regency is based on preventive efforts in the form of conducting supervision, conducting patrols and guarding the community, coordinating with the RT/RW sub-district to conduct raids and for suspects (gambling perpetrators) in their handling they are taken to the nearest Police for examination. While preventive efforts are in the form of receiving and taking action on reports or complaints of crimes that occur in the community, so that the police can immediately carry out their duties to raid the gambling place and immediately arrest the perpetrators of gambling, carry out a series of investigative and investigative actions against a gambling crime so that it can be processed further so that the perpetrators are deterred and can be processed directly to create comfort for the local community, make arrests of gambling perpetrators who are caught red-handed playing and examination and detention by the local police before being raised to the Police.

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