

Optimization of Online Gambling Eradication in the Central Java Regional Police Area

Ari Pujiyanto

Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail:

AriPujiyanto.std@unissula.ac.id

Abstract. *That the advancement of information technology in addition to bringing positive impacts also brings negative impacts on people's lives, one of which is in terms of providing the development of modus operandi in crimes in the current digital era or it can also be said to provide a basis for the creation of cyber crime. This writing aims to analyze legally regarding the effectiveness of eradicating online gambling crimes in the jurisdiction of the Central Java Regional Police. The method in this study is sociological legal. Based on the analysis carried out, law enforcement cannot be carried out because there are no reports from the public accompanied by evidence. This results in the ineffectiveness of eradicating online gambling crimes in the jurisdiction including in the Central Java Regional Police. Cyber crime is defined as an illegal activity with a computer intermediary carried out through a global electronic network. Online gambling is categorized as a cyber crime because in committing its crimes, online gambling uses computers and the internet as a medium to commit the crime of gambling. Gambling is basically contrary to religious norms, morality, and Pancasila morals, and can be dangerous for the survival of society, nation and state. Gambling is a violation of social culture in Indonesia. Proof of online gambling can be done by using proof of transfer and e-mail. This suggests that eradicating online gambling is more difficult because it uses sophisticated technological media and is carried out by parties who have digitalization expertise.*

Keywords: *Eradication; Gambling; Online; Optimization.*

1. Introduction

Online gambling is categorized as a cyber crime because in committing the crime, online gambling uses computers and the internet as a medium to commit the crime of gambling. Gambling is basically contrary to religious norms, morality,

and Pancasila morals, and can be dangerous for the survival of society, nation and state. Gambling is a violation of social culture in Indonesia.¹

Gambling has an addictive effect because players always hope to get profit. If they win, then the player will try their luck again, but if they lose, then the player will gamble again in the hope that they will win in the next game. As a result, online gamblers try to find money in any way to use as gambling capital, including by committing crimes, such as theft, fraud and so on. Referring to the development of online gambling, Tech Addiction reveals the following facts: Tech Addiction has provided a number of interesting facts on internet casinos as well as selected online gambling statistics:²

- a. *“Pathological Gambling” was officially recognized as a clinical disorder in 1980 when it was first included in the DSM-III.*
- b. *Although most people are able to gamble responsibly, it is estimated that 3% of the population struggles with pathological gambling.*
- c. *The first online casino launched in August of 1996 (Inter Casino, based in Antigua). Eighteen games were available at the time. There are now thousands of internet gambling websites and new online gambling businesses appear every day.*
- d. *Most online gambling websites are not affiliated with land-based casinos. This is widely thought to be because traditional casinos did not want to get involved with a business model that would take away from traditional sources of revenue. This policy appears to be changing as traditional casinos are now developing their own online gambling websites.*
- e. *There are no official product safety standards and regulations for online casinos. Players who choose to wager at online gambling websites essentially do so at their own risk.*
- f. *Playing on “free” internet gambling websites is a common activity for teenagers and young adults.*
- g. *Research suggests that young adults are most likely to engage in online gambling.*
- h. *The first internet Bingo site went online in 1998.*
- i. *The first online poker site (Planet Poker) also started in 1998.*
- j. *The number of online poker websites dramatically increased in 2003 when the World Series of Poker became a popular television program.*
- k. *Total revenues from online casinos are difficult to pinpoint but have been estimated at \$12 billion in 2005 and 15.2 billion in 2006. In 2010, revenues were 29.3 billion.*

¹Dewi Bunga, “Online Gambling Formulation Policy in Indonesian Law”, VYAVAHARA DUTA, Volume XIV, No.1, 2019, p. 21-22

². Location, cit.

l. One in five online gamblers may be pathological gamblers m. Approximately 4% of teenagers have a gambling problem.

Cybercrime, especially online gambling, requires law enforcement efforts to prevent and eradicate these crimes so that they are not increasingly played. Conceptually, law enforcement is an activity to harmonize the relationship of values that are expressed in good and manifested rules and is also an attitude of action as a series of final stage value descriptions, in order to create, maintain and defend peaceful social life.³ Law enforcement is carried out and carried out by law enforcers. The implementation of law in society, in addition to depending on the legal awareness of the community, is also very much determined by law enforcement officers.⁴

Law enforcement efforts against cyber crime in Indonesia are carried out by the police, because these crimes are related to national security and order issues. The police are at the forefront in anticipating various security threats and enforcing the law in Indonesia. This is in accordance with Article 13 letter b of Law Number 2 of 2002 concerning the Indonesian National Police, which states "The main task of the Indonesian National Police is to enforce the law." In its development, the eradication of online gambling in the city of Semarang has not been running optimally. Head of Public Relations of the Central Java Regional Police, Senior Commissioner Satake Bayu Setianto, revealed that "throughout 2023, 221 cases of online gambling crimes were uncovered by the ranks Central Java Regional Police and the regional police, with the number of suspects reaching 52 people. Online gambling cases are mostly carried out by buying gambling fee deposits to online gambling operators, the balance price to participate in various games starts from hundreds of thousands of rupiah to tens of millions of rupiah."⁵

Based on various explanations it is clear that online gambling which is a criminal act that has experienced the development of the modus operandi is increasingly mushrooming in the social life of society. However, law enforcement by the authorities is still experiencing obstacles, this is due to the lack of existing facilities and infrastructure.⁶ Then the high unemployment rate in an area, population density, social pressure, and many needs. These are what encourage people to do various ways to meet all their needs, including in ways that are contrary to legal provisions), learned behavioral factors or differential associations (in online gambling, interaction and communication are needed so

³Soerjono Soekanto, *Factors Influencing Law Enforcement*, PT. Raja Grafindo Persada, Jakarta, 2014, p. 5.

⁴Santoyo, *Law Enforcement in Indonesia*, Journal of Law, Legal Studies Program, Faculty of Law, Jenderal Soedirman University, Purwokerto, Volume 8, Number 3, 2008.

⁵Results of personal interviews with Head of Public Relations of the Central Java Regional Police, Police Commissioner Satake Bayu Setianto on May 12 2024.

⁶*Ira Alia Maerani*, *Criminal Law and the Death Penalty*, UNISSULA PRESS, Semarang, 2018, p. xvi.

that it is easier to learn), and facilities and infrastructure factors (online gambling can be done anywhere and anytime by simply using a mobile phone or laptop). Sutherland and Cressey firmly stated that crime or deviant behavior occurs due to learning factors through interaction with other people in intimate personal groups. Everyone who is interested will learn how to play online gambling so that they become addicted. This illustrates that online gambling in committing its crimes requires interaction and communication, making it easier for perpetrators to commit their crimes. The development of technology is a factor that greatly influences the level of crime that occurs, including gambling. In this modern digital era, gambling crimes can be committed using the Internet. This is what encourages people to commit online gambling crimes, because online gambling can be done anywhere by simply using a mobile phone (handphone) or laptop. This factor is a distinct advantage for perpetrators of online gambling crimes to deceive the police, so that more and more people are interested in carrying out these actions.⁷

2. Research Methods

The type of research used in this study is a type of analytical descriptive legal research. Analytical descriptive legal research is a method that functions to describe or provide an overview of the object being studied through data or samples that have been collected as they are without conducting analysis and making conclusions that apply to the public.⁸

3. Results and Discussion

3.1. Factors Causing the Emergence of Online Gambling Crimes in the Jurisdiction of the Central Java Regional Police Currently

The turnover of online gambling money in one month reaches 300 million to 9 billion, while advertising for one type of online gambling can reach 2 billion.⁹ Talking about gambling in Grobogan Regency, almost all levels of society condemn gambling, considering it a crime, violation or other criminal acts such as murder, prostitution, theft, all of which have received strong criticism from the community. What is unique is that gambling still occurs and is carried out by almost all levels of society. An example that is easily seen is gambling carried out by the lower middle class such as: pedicab drivers, drivers, porters, and the unemployed also participate in gambling in Grobogan Regency.¹⁰ The reasons that often arise for lower middle class people taking part in gambling are:¹¹

⁷Maskun, *Cyber Crime (CYBER CRIME): An Introduction*, Kencana, Jakarta 2013, p. 46.

⁸Sugiono, *Quantitative, Qualitative and R&D Research Methods*, Alfabeta, Bandung, 2009, p. 29.

⁹Fanani, 2019, 5 Years Untouched, Online Gambling with a Turnover of Billions Rolled Up <https://news.detik.com/berita-jawa-timur/d-4459126/5-tahuntak-tersentuh-judi-online-beromzet-miliaran-digulung>, accessed on August 22, 2024.

¹⁰ Interview with AKP Agung Joko Haryono, Head of the Criminal Investigation Unit of the Grobogan Police, September 12, 2024.

¹¹Location, cit.

- 1) They, especially the lower classes and the poor, feel uncertain about their future, and are not sure that with the results of their reasonable efforts they can obtain balanced results, so one way to obtain a sense of balance is by speculating, playing for luck and gambling;
- 2) They feel that they do not receive protection and security from the authorities, the government in their efforts to maintain their daily lives, so they certainly carry out many speculative and gambling actions, which can then develop into deviant behavior due to forced circumstances that are not repeated or mild deviant behavior (primary deviation);
- 3) The gambling behavior pattern is then used as a tool to solve daily life difficulties, so the gambling pattern develops into real deviant behavior that is often carried out and has quite serious consequences and disturbs other people (secondary deviation).

According to a community leader in Grobogan Regency¹²told the author, gamblers in general, they put false hopes to multiply their money, minimal salary, uncertain living conditions, encourage the lower classes to imagine profits with high hopes, by buying lottery, cap jie kie, togel. Coupled with apathy and ignorance of how they should improve the standard of living of their families and themselves in the economic crisis, all of that encourages them to risk some of their own income by gambling, the atmosphere of tension full of hope while waiting for the results of the cap jie kie numbers, and togel, every day and at certain hours provides a little variation and a spark of hope of excitement in the daily depression situation and it seems that the type of gambling pattern such as cap jie kie and togel can provide stimulation to foster a little hope in times of economic deprivation and uncertain feelings. The result is the emergence of a pattern of behavior in the Grobogan community that can be considered abnormal, namely, looking for codes and numbers from shamans, asking crazy people who like to wander the streets, looking for "inspiration" in graves or sacred places, and also believing in predictions.¹³

3.2. Effectiveness of Eradicating Online Gambling Crimes in the Central Java Regional Police Area

Gambling problems are generally difficult to overcome, besides it takes a long time, it also requires a lot of money. In addition, there are several factors that make it difficult for this gambling to be completely clean from the environment of obstacles Polres Grobogan in handling gambling seen from internal factors or factors that exist within the body of the Police institution itself such as:

1. The regulations regarding gambling contained in the Criminal Code itself, namely those concerning the granting of permits for gambling by the Government, are no longer in accordance with current societal conditions;

¹²Location, cit.

¹³Location, cit.

2. The limited number of police officers compared to the number of Indonesian Republic Police officers in Grobogan Resort Police is certainly less in handling gambling. Grobogan Resort Police can only conduct raids and arrest gambling according to the number of police officers available and ready to be deployed, the limited facilities and infrastructure within the Police scope, this is an obstacle in handling gambling, especially online gambling that uses more sophisticated technology, so the Police only conduct raids if the facilities and infrastructure are still adequate or sufficient to accommodate the gamblers who are caught in the raid;
3. Further education for the Police, it cannot be denied that most of today's Police are only educated from the State Police school or most are only high school graduates, even though in handling gambling, experienced Police are needed in this field, especially in terms of ITE;
4. Incomplete evidence with the increasing number of gambling models, especially those using technology (online), makes this gambling very difficult to prove, here POLRI members must have expertise in ITE;
5. Organized gambling, First of all organized crime is very dependent on the environment therefore why gambling can develop easily where the more the environment, unkempt, far from law enforcement then it will be easy for various kinds of organized crime to nest there. This is where the form of online gambling develops where this organized gambling also has support from the community or the community who are less concerned about environmental order;
6. The absence of evidence at the time of the arrest at the scene can also be an obstacle for the Grobogan Police to overcome the crime of gambling because with the absence of evidence, those suspected of having gambled and have been arrested cannot be examined for the purposes of the investigation and must be released within a maximum of 1x24 hours. Thus, the investigation of the gambling case is declared closed because there is no initial evidence, the absence of evidence at the scene can occur because of leaked information by the community itself to the perpetrators that the Police will conduct a raid on the place where they play, so that the evidence is first removed by them, and even if the Police come to arrest them, they will be free because there is no evidence that they gambled. This of course can cause gambling cases to be stopped immediately so that the perpetrators cannot be arrested and punished. To prevent this from happening, the police should be more active in taking action, meaning that after receiving a report of gambling, the police should arrive at the scene as soon as possible and then arrest the suspects after conducting surveillance for a while so that the suspects do not have time to remove the evidence that could land them in prison;
7. The existence of gambling backing by certain individuals. Gambling in Indonesia has become a fairly serious national social problem. The Indonesian National Police as the core force for fostering public order and security has done

much to eradicate gambling and has succeeded in arresting big-time gambling bosses, but this success will be raw again if the cases of backing by certain individuals who abuse their authority are not immediately dealt with firmly and if necessary, published so that the public knows that in enforcing the law, the Police do not discriminate. The existence of backing of gambling crimes in this case is not just a lie. The Grobogan Police always find these backing individuals in every operation they carry out, in fact, it is not uncommon for these backers to be very brave in fighting police officers during raids because they often feel beyond the reach of the law. The actions of these backers are intolerable and must be dealt with immediately for the sake of upholding the law.

Handling the problem of backing is actually a very serious problem, because backing in the world of crime will also be a serious obstacle in efforts to prevent crime itself. Crime backers can be categorized as perpetrators of the crime themselves, not just as accomplices to the crime. In the case of gambling, backers can be equated with bookies who in the Criminal Code can be threatened with imprisonment of more than 5 (five) years. This reference comes from the statement of an Indonesian legal expert "who stated that even though the act committed by a person is not an act of settlement, but if the cooperation with the perpetrator of the act is very close, then the person's actions can be categorized as a perpetrator of a crime, not as an accomplice to a crime.¹⁴To overcome this problem of backing, both the Chief of Police and the Commander of the TNI should be able to provide a firm ultimatum to individuals who abuse their authority to back crimes, including gambling crimes, so that the Police as law enforcement officers and the core force for fostering public order and security no longer encounter obstacles in preventing and overcoming gambling practices in society.

In the author's opinion, gambling is essentially a social disease, so that the cure must also come from the community without the help of the community, the handling of this gambling crime will be in vain. The police in conducting operations often do not produce results, because it is suspected that the operation to be held has been leaked beforehand, with the leaking of this operation plan, gamblers often leave the place before the police arrive.

On the other hand, the police officers are limited and there is no police unit that specifically handles gambling problems, this handling is carried out by the police themselves so that this is a heavy task that is burdened to the ranks of the police. But on the other hand, these obstacles arise from within the police itself, whether it is recognized or not, the reality is that there are individuals involved, how can the social disease disappear, if there are police officers who back up, some even become bookies.

¹⁴Moeljatno, Principles of Criminal Law, Rinika Cipta Karya, 2002, p. 25.

In addition, other external obstacles according to AKP Eko Bambang Nurtjahyo, include:¹⁵

1. Until now, in the Grobogan Police, there is still gambling that is difficult to monitor so it is difficult to make arrests, for example, online gambling;
2. Lack of funds and infrastructure from the police themselves means that sometimes the information obtained by the police is slower than the information obtained by the perpetrators;
3. This form of gambling is clandestine or secretive;
4. The perpetrators of gambling are always moving around/not settling down and information from fellow gamblers is that they use sophisticated tools such as cell phones and so on and the tools used for gambling are other tools such as sticks and cigarettes;
5. There are some members of the community who are still closed and not willing to help inform the police, in the context of investigations and inquiries by keeping quiet or claiming not to know anything, this happens because the community members do not feel disturbed and do not want to get into trouble with the perpetrators;
6. Citizens do not want to be used as witnesses in criminal cases and do not want to be bothered;
7. Most people consider gambling not to be a criminal act;
8. Among some people, there is still a view that gambling is a legacy from their ancestors, gambling is a culture and not a violation of the law;
9. There are police officers who provide leaked information regarding when and what time the raid operation will be carried out by the police;
10. There are certain officers who accept peace money offered by perpetrators who are caught;
11. Often the perpetrators remove or damage the evidence used during the operation.

In the author's opinion, criminal law enforcement for gambling prevention has experienced quite interesting dynamics, because gambling is often considered as something normal and legal, but on the other hand, the activity is very negative and very threatening to social order in society. The increase in the mode of gambling crimes that are getting higher can be seen from the increasing types of gambling, for example lottery, tail gambling, white coupon gambling, especially with the increasing development of technology that also forms gambling that has experienced developments such as gambling with the use of technology, namely the internet or SMS online gambling games Singapore, watching football matches together or observing a football match on the internet by placing bets.

¹⁵Results of an interview with A as an Online Gambling Actor on May 12, 2024.

4. Conclusion

Law enforcement cannot be carried out because there are no reports from the public accompanied by evidence. This results in the ineffectiveness of eradicating online gambling crimes including in the Central Java Regional Police area. So it is necessary to improve facilities and infrastructure in digital-based law enforcement at various levels of police institutions in order to prevent and eradicate online gambling.

5. References

- Dewi Bunga, "Online Gambling Formulation Policy in Indonesian Law", *VYAVAHARA DUTA*, Volume XIV, No.1, 2019, p. 21-22
- Maerani, Ira Alia, 2018, *Criminal Law and the Death Penalty*, UNISSULA PRESS, Semarang
- Maskun, 2013, *Cyber Crime: An Introduction*, Kencana, Jakarta
- Moeljatno, 2002, *Principles of Criminal Law*, Rinika Cipta Karya
- Santoyo, *Law Enforcement in Indonesia*, Journal of Law, Legal Studies Program, Faculty of Law, Jenderal Soedirman University, Purwokerto, Volume 8, Number 3, 2008
- Soekanto, Soerjono, 2014, *Factors Influencing Law Enforcement*, PT. Raja Grafindo Persada, Jakarta
- Sugiono, 2009, *Quantitative, Qualitative and R&D Research Methods*, Alfabeta, Bandung