

Optimizing the Role of the Police in Law Enforcement Online Gambling Offenses

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Abstract. *The purpose of this research is to now and analyze Police law enforcement methods against online gambling activities. The phenomenon of the spread of online gambling today can be said to have become a problem with national emergency status. The ease of access to this gambling game with only an android device, laptop and the ease of placing bets with a deposit system to an account on an online gambling website and can be played anywhere makes the effect of online gambling games accessible to all groups, both adults, teenagers, and even children. The brutal impact that has occurred recently due to online gambling is very concerning. There are implications for criminal elements in online gambling activities on the side of online gambling website developers as a form of cybercrime. Law enforcement against cybercrime in Indonesia, especially online gambling crimes, is carried out by the Police, because cybercrime is related to the issue of state security and its stability. The Police in terms of eradicating online gambling and the form of the Police's commitment to eradicating online gambling which focuses on online gambling bookies.*

Keywords: *Cybercrime; Enforcement; Police.*

1. Introduction

In this era of globalization, the most significant social change felt by society is the emergence of technology. This era of globalization began in the 18th century with the discovery of the steam engine and continues to develop until now. The current era of globalization is known as the industrial revolution 4.0 where previously limited social interactions are made easier by the internet, artificial intelligence (AI), and the digitalization of human communication tools. This progress does not only occur in the field of communication but also in various other fields such as information, entertainment, economics, law, politics, and others. The more sophisticated the development of science and technology (IPTEK), the more human activities are made easier, where the internet is the dominant media used by humans. The development of information technology has also provided various services that operate online without the need for direct interaction between

humans.¹This convenience also results in the emergence of various new criminal acts.

One of the crimes in question is the crime of online gambling. With the existence of various internet and various online platforms, it has become easier for people to access sites or applications that offer and become gambling venues. Gambling carried out with online media is known as online gambling. Seeing the rampant phenomenon of online gambling, it can be said that this phenomenon is not only a social problem in society but also a legal problem that needs to be eradicated.

The current online gambling phenomenon can be said to have become a national emergency problem. The brutal impacts that have occurred recently due to online gambling are very concerning. Some of the cases that have occurred include A man in Sambas, West Kalimantan, who killed a savings and loan cooperative employee on Wednesday, June 19, 2024. The case began when the victim called the perpetrator to collect arrears on installments at the cooperative. However, the perpetrator admitted that he could not pay because his money was used up for online gambling. A policewoman, Police Brigadier One or Briptu Fadhilatun Nikmah, burned her husband who is also a police officer, Briptu Rian Dwi Wicaksono. The burning that occurred at the Mojokerto Police Dormitory, East Java, on Saturday, June 8, 2024, was allegedly triggered because the victim used his salary for online gambling. The man with the initials AR, 34 years old, stabbed his wife, DI, 30 years old, with a kitchen knife in early April 2024. The incident occurred at his residence, in Cangkring Village, Jayalaksana Village, Cabangbungin District, Bekasi Regency, West Java. The witness, who is also their neighbor, often heard the victim's crying because they had been arguing for a week. The domestic dispute was allegedly because the perpetrator, who works as a public transportation driver, often played slot gambling.

The increasing cases of online gambling, the greater the impact felt by society. The impacts of online gambling are in the form of increasing other criminal activities that can harm society.² There are implications for criminal elements in online gambling activities on the side of online gambling website developers as a form of cybercrime. Law enforcement against cybercrime in Indonesia, especially online gambling crimes, is carried out by the police, because cybercrime is related to the issue of state security and stability. The police are the main organization responsible for preventing and handling various forms of security threats and law enforcement in Indonesia. This is in accordance with Law Number 2 of 2002 concerning the Republic of Indonesia Police, Article 13 letter b, which states that "The main task of the Republic of Indonesia Police is to enforce the law."

¹HS Manalu, (2019), Law Enforcement Against Online Gambling Criminals. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 2 (2), p 429-430

²Delfi Aurelia Kuasa, and Febri Jaya. (2022), The Phenomenon of Online Gambling: Law and Society, *Widya Yuridika: Journal of Law*, 5 (2), December, p 347

The disclosure of online gambling cases in Indonesia carried out by the National Police and its ranks is a manifestation of the Police's commitment to eradicating online gambling and a manifestation of the Police's commitment to eradicating online gambling that focuses on online gambling bookies. The commitment that has been made by the National Police needs to be maintained for the sake of public security and order. Although it cannot be denied that the development of online gambling is growing very rapidly and technological crimes are more difficult to eradicate due to the advancement of sophisticated information technology today.

In connection with this topic, to research it further and include it in writing a legal work with purpose of writing for knowing and analyzing the Police law enforcement methods against online gambling activities.

2. Research Methods

To conduct a study in this study, the author uses a normative legal method or written legal approach. The normative legal research method is a legal research which is carried out by examining literature or commonly called secondary data periodically. Normative legal research is research on the principles of positive law contained in legislation where this research has the concept that law is a rule. This research is conducted by examining literature or what is called secondary data.

3. Results and Discussion

3.1. Online Gambling

Online gambling is a game that is played using money as a bet with the provisions of the game and the mount of bets determined by the online gambler and using electronic media with internet access as an intermediary. Online gambling itself can be done anywhere and anytime as long as the online gambler has a lot of free time, an amount of money used for bets in the perpetrator's savings account and a computer or smartphone and an internet connection used as a tool for online gambling.³

Online gambling itself first existed in 1994 when the internet first appeared.⁴, which first made online gambling was one of the countries in the Caribbean islands, namely Antigua and Barbuda, which approved and passed the Free Trade & Processing Act, one of the contents of which then allowed companies or organizations to open online casinos, which became the forerunner to the emergence of sites that offered online gambling games for the first time. The rapid development of the internet in the current era of digital disruption is not a strange thing because the development of the internet is directly proportional to the

³Uswatun Hasanah & Citra Pertiwi Isroyo, (2022), The Phenomenon of Online Gambling on the Tendency of Understanding Hadith in the Era of Digital Disruption, Journal of Religious Research, 2 (3), December, p 955

⁴Z. Hidayat, et al. (2017), Motivation, Habits, and Security of Internet Use. Journal of Communication Science, 13 (2), p 133

development of the gambling business via the internet (internet gambling).⁵ In fact, this is inseparable from the fact that there are more and more gambling sites and that various types of games can be easily found and followed on the internet.

3.2. Police Law Enforcement Methods against Online Gambling Activities

The role of the police in enforcing the law on online gambling crimes is based on the Criminal Procedure Code, Law No. 2 of 2002 concerning the Police, and the ITE Law. Article 42 of the ITE Law states that investigations into ITE crimes as referred to in the ITE Law are carried out based on the provisions of the Criminal Procedure Code and the provisions of this Law. Article 43 of the ITE Law explains that those who have the authority in the investigation process are not only the police but also certain civil servant officials who work in the government and are responsible for information and electronic transactions. Meanwhile, the Criminal Procedure Code states in Article 4 that investigators are every police officer of the Republic of Indonesia, and in Article 6 of the Criminal Procedure Code which in essence explains that investigators are police officers and civil servant officials who are given special authority by law.

Eradicating online gambling is difficult because online gamblers do not meet each other in the real world. Online gambling utilizes information technology by using servers from abroad, making it more difficult to enforce the law.⁶ In Article 27 paragraph (2) of the ITE Law, there is a legal loophole for parties who are not mentioned in the text of the article, but are involved in gambling events on the internet. For example, gamblers who play or use or receive access to electronic information and/or electronic documents that contain gambling content.⁷ Therefore, in online gambling, the legal rules applied by the Police for gamblers who play still refer to the Criminal Code.

In this case, the Police through the Directorate of Cyber Crime of the Indonesian National Police are collaborating with government agencies in charge of access to information technology, namely the Ministry of Communication and Information, in the prevention stage through efforts to eradicate online gambling sites.⁸ Until now in 2024, the Ministry of Communication and Informatics (Kemkominfo) has cut off access to 3.4 million digital content containing elements of gambling, including digital platform accounts and sites that share content related to gambling activities. The cutting off of online gambling access was carried out based on the findings of the National Police cyber patrol. The National Police Criminal Investigation Unit has submitted a request to block 52,151 sites and content

⁵Z. Rasyid, (2017), Online Gambling Among Students. UIN Sunan Kalijaga Yogyakarta

⁶Maruf Rian Ardiansyah, et al. (2023), Effectiveness of Eradicating Online Gambling Crimes, Jurnal Juridisch, 1 (3) November, p 187

⁷Budi Suhariyanto, (2012), Information Technology Crimes (Cybercrime), Jakarta: Raja Grafindo Persada, p 53

⁸Novianti, (2022), Eradication of Online Gambling Content from the Perspective of the Electronic Information and Transactions Law (UU ITE), DPR RI Political, Legal and Security Agency: Brief Info, XV (18)/II/Puslit, September, p 8

related to online gambling to the Ministry of Communication and Informatics (Kominfo). Since June 2024, the National Police Criminal Investigation Unit has uncovered 198 online gambling cases and arrested 247 suspects. The confiscated evidence includes 265 mobile phones, 542 laptops, 273 accounts, 30 online gambling accounts, 1 car, 1 motorbike, 1,051 ATM cards, and Rp6.1 billion in cash from blocked accounts.

Regarding the crime of online gambling content, Article 27 paragraph (2) of the ITE Law states: "Any person who intentionally and without the right distributes/transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content". From Article 27 paragraph (2) it can be seen that the provision focuses more on gambling content, and not on the act of gambling itself. This means that acts and content that are directly or indirectly related to gambling are included in criminal acts. Therefore, if it is associated with someone who receives online gambling endorsements by sharing content containing gambling, then based on Article 27 paragraph 2 of the ITE Law, the Police can criminalize them by applying the said Article.

The criminal threat related to gambling content or content is stated in Article 45 paragraph (2) of the Amendment to the ITE Law which states "Any person who intentionally and without the right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing 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 IDR 1 billion."

The elements of a criminal act that can be applied by the Police are contained in Article 45 paragraph (2), namely "distributing" can be interpreted as sending or spreading information electronically to other people or other parties. While "making accessible" is interpreted as an act that causes information or documents to be known to other people or the public that have gambling content.

The Article applied by the Police to the crime of offering or providing an opportunity to gamble is also regulated in Article 303 and the Criminal Code which states "Threatened with a maximum imprisonment of ten years or a maximum fine of Rp. 25,000,000 (twenty five million rupiah), anyone who without permission: (a) intentionally offers or provides an opportunity for gambling and makes it a livelihood, or intentionally participates in a company for that purpose; (b). intentionally offers or provides an opportunity for the general public to gamble or intentionally participates in a company for that purpose, regardless of whether there are any conditions or procedures to use the opportunity; (c). makes participation in gambling a livelihood". The criminal act regarding gambling contains an element without permission and the element without permission is inherent in the unlawful nature of all acts.

The police detected elements of developing online gambling distribution for investigation efforts by controlling the emergence of online gambling site

advertisements. Online gambling companies create visually appealing images and video posts to showcase their services. Typically, the most frequently used Instagram ads by online gambling operators are image, video, or story posts. Image posts consist of descriptions of upcoming sporting events with mention of betting coefficients, upcoming new promotions, reminders of existing promotions, welcome or reload bonuses, casino games, or jackpot event results with short and interesting text. Video posts and stories consist of sports results, entertainment videos, which showcase the competitive and exciting aspects of gambling, testimonials from users who have experienced success on the platform, and visualized videos that showcase the excitement and potential winnings associated with the offer.⁹

The police through Cyber Patrol also conduct detection patterns of the spread of online gambling sites by reading the schemes of online gambling site developers in carrying out their actions to keep their sites existing so that they can still be accessed by online gambling players. Some of the schemes of online gambling site developers include:

1. *Web Defacement*

Web defacement is an attack on a website that changes the original appearance or content of a website. The perpetrator of a web defacement attack is called a defacer. Web defacement is often used to test the defacer's abilities and as an act of electronic vandalism. Web defacement can also be used for political agendas, because it can reduce the reputation or credibility of a particular party. Web defacement attacks can be carried out by exploiting a weakness in the system so that the perpetrator has access to the server and has the authority to change or delete the content of a website.¹⁰

2. *Black HatSEO*

Black HatSEO is an SEO strategy that goes against search engine guidelines to increase website rankings. Various methods are used to manipulate search engine algorithms, one of which is using too many irrelevant keywords (keyword stuffing). Websites that use Black Hat SEO usually end up getting penalized by search engines and lose visitors. These identified websites serve as channels to increase the ranking and SEO of websites related to online gambling, which often operate covertly under the guise of legitimate .go.id domains. By using sophisticated HTML coding techniques to obfuscate online gambling-related URLs, these websites make them almost invisible to ordinary visitors. In addition, there is significant association between these websites and other .go.id domains, indicating potential compromise through the creation of new paths or directories to increase the

⁹Daniel Hasiyanto Hendarto, et al. (2024), Prevention of Cybercrime Related to Online Gambling Distribution in Indonesia in the Context of Realizing Public Security and Order, *Jurnal Syntax Admiration*, 5 (5), May, p 1547

¹⁰Ibid, p 1548

ranking and SEO of websites related to online gambling. Some of these websites even provide links to foreign online gambling sites.¹¹

In the case of online gambling in Indonesia, the perpetrators of the crime are the website managers and every employee who works on the website, and the targets are active online gambling players and internet users who are categorized as potential players. One of the efforts that has been made by Dittipidsiber is to conduct formal supervision through cyber patrol techniques. The main purpose of carrying out formal supervision is to create a deterrent effect on criminals because the risk of being caught is high. One of the implementations of this strategy is in the form of the Cyber Patrol method carried out by Subdit 3 Dittipidsiber Bareskrim Polri.¹²

Cyber Patrol is one of the crime prevention efforts in reducing the distribution of online gambling in Indonesia. This method is carried out through digital devices to be able to detect as early as possible content or websites that contain elements of online gambling. To monitor cyberspace, the police also conduct patrols in the cyber environment which are carried out by seeing whether there is behavior that is indicated as a criminal act or not. In addition to conducting formal patrols, in this case the Dittipidsiber Bareskrim Polri also provides a public service site that can be used to report cyber crimes and share information about cyber crimes with the public. So that the public can be well educated and increase public awareness of the threat of cyber crime. Cyber patrol activities carried out by the cyber troop team are by monitoring and tracking all activities in cyberspace through various social media.

The crime of gambling carried out online by foreign bookies, of course in this crime does not only consist of one person but also a corporation as a subject of criminal law, in the case of online gambling bookies until now the Police are still having difficulty in determining which party is responsible, whether the service provider (online gambling site) proxy provider, bookie, agent in Indonesia, or the site maker who can be held criminally responsible. While most countries in the world have made corporations a subject of criminal law.

The Indonesian National Police (Polri) has taken a major step by collaborating with Interpol in an effort to eradicate the rampant practice of online gambling in Indonesia. This step was taken as part of the Polri's strategy to suppress illegal gambling which is increasingly disturbing the community. The Polri has begun cooperation with Interpol in handling the problem of online gambling, which is increasingly rampant in Indonesia. In this cooperation, the Polri aims to increase the exchange of information with Interpol, which can help in identifying, tracking, and prosecuting online gambling perpetrators operating in Indonesia.

¹¹*ibid*, p 1549

¹²Daniel Hasiyanto Hendarto, et al. (2024), *Op.Cit*, 5 (5), May, p 1550

In addition to cooperation with Interpol, the Indonesian National Police will also cooperate with the police of neighboring countries, with a technical level meeting, the Senior Officer Meeting Transnational Crime, held in Laos. There are many Indonesian citizens involved in online gambling businesses in other Southeast Asian countries. This adds to the urgency for the Indonesian National Police to take firm action to prevent this illegal practice.¹³The prevention efforts carried out by the Police include revoking passports, then restricting, preventing, and preventing the departure of several groups suspected of going to other countries to be employed as gambling operators.¹⁴

With cross-country cooperation and more intensive information exchange, the Indonesian National Police hopes to effectively eradicate online gambling practices and provide a strong deterrent effect for illegal perpetrators. This step is also expected to provide a sense of security and more protection to the Indonesian people from the negative impacts of online gambling.

4. Conclusion

The police through Cyber Patrol also conduct detection patterns of the spread of online gambling sites by reading the schemes of online gambling site developers in carrying out their actions to maintain the existence of their sites so that they can still be accessed by online gambling players. Some of the schemes of online gambling site developers include Web defacement and Black Hat SEO. In the case of online gambling in Indonesia, the perpetrators of the crime in question are website managers and every employee who works on the website, and the targets are active online gambling players and internet users who are categorized as prospective players. One of the efforts that has been made by the Directorate of Cyber Crime of the Indonesian National Police is to conduct formal supervision through cyber patrol techniques.

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¹³Alda Satrya, et al. *Money Laundering Crime Against Online Gambling*, *Al-Manhaj: Journal of Islamic Law and Social Institutions*, 4 (2), (2022), p 293

¹⁴Y. Kurniawan, et al., (2023), *Law Enforcement by the Police Against Perpetrators of Online Gambling Crimes (Study of the North Sumatra Regional Police)*, *Arbiter Journal of Master of Law*, 5 (1), May, p 92

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