

Police Strategic Steps in Eradicating Online Gambling

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Abstract: *The purpose of this study is to determine, study and analyze the role of the police in enforcing the law to eradicate online gambling access. In this writing, the author uses a normative legal method with research specifications in the form of descriptive analysis. One of the conveniences found in online gambling is that it can be played anytime and anywhere because online gambling bookies spread across the internet operate 24 hours. In payment transactions, online facilities have also been used by sending them via M-Banking. Online gambling perpetrators utilize information and communication technology as a means of modern gambling. Related to the eradication of online gambling, the National Police have taken massive legal action against gambling practices. The eradication efforts were carried out after the Chief of Police General Listyo Sigit Prabowo instructed all police at all levels to take firm action against gambling practices. In fact, even though online gambling has been regulated in Law No. 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic, online gambling has not been easily enforced because the government and its legal apparatus have not been able to keep up with crime techniques with information technology facilities, especially the internet.*

Keywords: *analyze; police; Transactions.*

1. Introduction

With the development of technology in society, gambling has begun to be done through electronic media by utilizing the internet network and platforms provided by bookies and/or companies that utilize gambling. Gambling carried out through electronic media in society today is known as online gambling. Online gambling certainly involves many people in it, namely the owner, application or platform, bookies, and the community. Online gambling has become commonplace in society, and is often advertised openly through the media, Instagram, Twitter, FB, YouTube, and others. Online gambling actors in Indonesia have spread almost throughout Indonesia with the development of technology, and many groups are involved in online gambling ranging from children, teenagers to adults.

One of the conveniences found in online gambling is that it can be played anytime and anywhere because online gambling bookies spread across the internet operate 24 hours, in addition this game is run in internet cafes, wifi places, or via smartphones. In payment transactions have also used online facilities by sending them via M-Banking. Online gambling actors utilize information and communication technology as a means of modern gambling.¹ With the presence of computers in a wide scale network, this will certainly provide greater benefits than conventional gambling.²

In fact, even though online gambling has been regulated in Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions, online gambling has not been easily enforced because the government and its legal apparatus have not been able to keep up with crime techniques with information technology facilities, especially the internet. There are still many online gambling perpetrators who have not been caught by law enforcement officers in Indonesia. Law enforcement officers tend to use Article 303 of the Criminal Code to ensnare online gambling perpetrators.

The Indonesian National Police (POLRI) has a very significant role and function of state government in the field of security and order in the community environment. The duties, functions and authorities of the Polri are stated in Law Number 2 of 2022 concerning the Indonesian National Police.³In this case, several roles of the police are to prevent perpetrators of online gambling syndicate crimes.

In relation to the eradication of online gambling, the National Police have taken massive legal action against gambling practices. The eradication efforts were carried out after the Chief of Police General Listyo Sigit Prabowo instructed all police at all levels to take firm action against gambling practices. In the last few days, the eradication of gambling has been carried out intensively by the regional police (Polda). In Central Java, for example, there were 18 cases of online gambling practices and two of them were international online gambling networks, which were uncovered in Purbalingga Regency and Pemalang Regency.⁴

In Article 27 paragraph (2) of the ITE Law Number 19 of 2016 which reads: "Any person intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that contain Gambling". However, from the elements of the article, the word "Any Person"

¹Putri Ayu Trisnawati, Abintoro Prakoso, Sapti Prihatmini, (2015), The Power of Evidence of Electronic Transactions in Online Gambling Crimes from the Perspective of Law Number 11 of 2008 concerning Electronic Information and Transactions (Decision Number 140/Pid.B/2013/PN-TB), Journal of Law, University of Jember, 1 (1), p 2

²Marcy Marlando, (2011), Legal Review of Proving Football Gambling Cases via the Internet, DIH: Journal of Legal Studies, 7 (14), (August), p 96

³M. Aswin and J. Jumadi, (2020), Community Participation in Assisting the Police to Maintain Security in the Makassar City Area, J.Alauddin Law Dev, 2 (3), (November), p 456,

⁴Research Center of the Expert Body of the Secretariat General of the Indonesian House of Representatives, (2022), Eradication of Online Gambling in Indonesia, August IV

which applies globally until now, no International online gambling site bookie has been drawn as a legal subject who is responsible because the nature of International online gambling bookies is a corporation or legal entity that makes it difficult to determine which party should be held accountable because the perpetrators are in the form of Legal Entities or Corporate Crime. This is a problem for Polri investigators in enforcing the law based on the principle of legal certainty. Based on the description above, the researcher is interested in conducting research to find out the role of the police in strategically handling the phenomenon of the development of online gambling activities that are disturbing the community, by...The aim of the research is to find out, study and analyze the role of the police in enforcing the law to eradicate online gambling access..

2. Research Methods

The approach method used in compiling this thesis is normative legal research (normative legal research method). The normative legal research method is a library legal research conducted by examining library materials or secondary data only. By using the deductive thinking method (a way of thinking in drawing conclusions drawn from something that is general in nature that has been proven to be true and the conclusion is intended for something that is specific in nature). Thus, the object analyzed with a qualitative approach is a research method that refers to legal norms contained in laws and regulations.

3. Results and Discussion

3.1. Online Gambling

Online gambling itself is a gambling game through electronic media with internet access as an intermediary. Online gambling is a game that is played using money as a bet with the provisions of the game and the amount of bets determined by the online gambling actor and using electronic media with internet access as an intermediary. Online gambling is a kind of addiction, where initially just trying and getting a win will spur the desire or desire to repeat it with bigger and bigger bets with the thought that the more money is bet, the more wins will get more results. Online gambling itself can be done anywhere and anytime as long as the online gambling actor has a lot of free time, some money used as a bet in the actor's savings account, and a computer or smartphone and internet connection used as a tool to do online gambling.

Online Gambling Criminals are anyone who plays games using money as a bet and through electronic media and internet access as an intermediary. Online gambling criminals include various groups, both old and young, entrepreneurs, workers, unemployed, men and women, in cities and villages. Online gambling perpetrators are dominated by the lower middle class, where they think that they want to get rich quickly but don't want to try and are lazy at work. Gambling, which was previously a habit of Indonesian society and has transformed into online gambling, makes it easier for perpetrators to carry it out. No need to meet with gambling partners or secretly carry out gambling in a predetermined place, just by sitting

relaxed in front of a computer or smartphone connected to the internet and making a deposit by transferring via an ATM (Automatic Teller Machine) or internet banking.

3.2 The Role of the Police in Law Enforcement to Eradicate Online Gambling Access

Handling of online gambling cases must prioritize the principle of *lex specialis derogat legi generalis*. From the descriptions of the elements of Article 303 paragraph (1) to 2 of the Criminal Code and Article 27 paragraph (2) of the ITE Law, it is in accordance with the definition of online gambling as regulated in Article 27 paragraph (2) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions. Investigators should apply a single Article by applying Article 27 paragraph (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions which is a special rule (*lex specialis*) from Article 303 paragraph (1) to 2 of the Criminal Code which is a general rule (*lex generalis*). The requirements referred to include a *lex specialis* crime must contain all the main elements of a *lex generalis* crime. Plus one or more special elements in the *lex specialis* that are not contained in the *lex generalis*. In this case, the main elements contained in Article 303 paragraph (1) 2 of the Criminal Code, namely: a) anyone who; b) without permission; c) intentionally; d) offers or gives the opportunity to the general public to gamble or intentionally participates in a company for that purpose, regardless of whether to use the opportunity there is a condition or the fulfillment of a procedure. Then the addition of special elements in Article 27 paragraph 2 of the Electronic Information and Transactions Law, namely: a. intentionally; b. without rights; c. distributes, transmits, makes accessible; d. electronic information and/or electronic documents that have gambling content.

By looking at the facts that occur in society, online gambling cases are still rampant in Indonesia. This can be caused by the ease of accessing online gambling sites on the internet. Although gambling sites find it difficult to accept players from Indonesia because of the legal provisions in Indonesia and its law enforcement which are very serious about eradicating online gambling, there is still a second application that can help players from Indonesia to continue accessing online gambling sites. Internet control in Indonesia must be greatly improved because of the many online gambling sites that are still roaming the internet, especially in Indonesia.⁵In this case, the Police Cyber Unit in collaboration with the Ministry of Communication and Information took swift action by blocking online gambling sites.

The pattern of developing online gambling practices, bookies often change new online gambling sites, move around, and change accounts. Even combining the results of online gambling with legitimate businesses. The perpetrators obscure

⁵Dimas Kurniawan, (2024), Police Repressive Efforts in Eradicating Online Gambling Activities, Master of Law, Thesis, p 91

the origin of funds from criminal acts with legitimate businesses, making it difficult for investigators to trace the confiscated assets. An estimated 157 million online gambling transactions worth a total of IDR 190 trillion were processed in Indonesia between 2017 and 2022, as reported by the Financial Transaction Reports and Analysis Center (PPATK). To obtain this data, PPATK tracked and analyzed 887 different participants in the online gambling network. From PPATK's monitoring, the flow of online gambling funds is indicated to flow to various countries in the Southeast Asian region such as Thailand, Cambodia, and the Philippines. For this reason, PPATK has coordinated with financial intelligence agencies in these countries. In addition to these countries, the flow of funds indicated for online gambling is suspected of flowing to tax haven countries, namely countries that offer low taxes or no taxes to foreign companies and individuals. The country also protects all financial information from taxpayers, and there is no exchange of information and transparency.⁶

In relation to the eradication of online gambling, the National Police have taken massive legal action against gambling practices. The eradication efforts were carried out after the Chief of Police General Listyo Sigit Prabowo instructed all police at all levels to take firm action against gambling practices. In the last few days, the Police have been actively eradicating gambling. In Central Java, for example, there were 18 cases of online gambling practices and two of them were international online gambling networks, which were uncovered in Purbalingga Regency and Pemalang Regency. Both gambling practices were operated through servers in Thailand and Cambodia. The online gambling case uncovered in Pemalang even used the endorsement services of a celebrity as a means of promotion. The suspects of gambling are threatened with Article 303 of the Criminal Code concerning gambling, with a maximum sentence of 10 years in prison or a maximum fine of IDR 25 million. Meanwhile, online gambling bookies will be subject to additional Article 27 paragraph (2) in conjunction with Article 45 paragraph (2) of the Law on Information and Electronic Transactions (ITE) carries a maximum prison sentence of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).⁷

The authority of the Police in carrying out efforts by blocking online gambling sites is related to the authority of law enforcement actions for online gambling as a criminal offense. In this case, it is the same as a Police patrol with a cyber scope which is a form of law enforcement. The function of the special police, related to the authority of the police which by or by the power of law is specifically determined for one area of authority. Government agencies which by or by the power of law are authorized to carry out special police functions in their respective fields are called special police tools, in accordance with the laws that are the legal

⁶Novianti, (2022), Eradication of Online Gambling in Indonesia. Research Center of Expertise Agency of the Secretariat General of the Indonesian House of Representatives, Issue of the Week: Political, Legal and Security Affairs, Commission III, 4th Week of August.

⁷Ibid

basis. The function of the police from a sociological dimension, consists of certain jobs which in the practice of community life are felt to be necessary and have benefits, in order to realize security and order in their environment, so that from time to time it is carried out on the basis of the awareness and will of the community itself independently and then institutionalized in the order of community life.

However, blocking access is not the only solution to eradicating online gambling. First, gambling sites are reproduced with similar domain names or using IP addresses. Second, in some cases, gambling offers are made through personal messages, so they cannot be monitored by the Ministry of Communication and Information. Third, law enforcement related to gambling activities is regulated differently in each country, so this condition raises the issue of jurisdiction for legal action against online gambling organizers outside Indonesia. These challenges make it necessary for all elements, including the government, society, and industry players, to eradicate online gambling.

There is an emergency regarding internet gambling in Indonesia. Eradicating access to gambling on the internet is a top priority for the National Police in collaboration with the Ministry of Communication and Information (Kominfo). So far, the government through authorized agencies has blocked 176 accounts and 938,106 contents related to online gambling. In 2023, the National Police have handled 77 cases involving 130 suspects related to online gambling.⁸

In this case, the efforts made by the Police in enforcing the law against the eradication of online gambling sites in Indonesia, one of which is through cyber patrol. However, the fact is that there are still sites that are difficult to detect and hidden. In this case, the role of the government through stakeholders of the relevant ministry of Communication and Information is also influential in eradicating online gambling sites.

Activities related to online gambling The Cyber Crime Unit of the Indonesian National Police coordinates with the Ministry of Communication and Information to block websites suspected of carrying out online gambling activities. If it is proven that there are online gambling activities on a website, the Cyber Crime Unit will immediately coordinate with the Ministry of Communication and Information regarding the blocking of the website in order to prevent anyone from playing online gambling.

In the case of online gambling in Indonesia, the perpetrators of the crime in question are the website managers and every employee who works on the website, and the targets are active online gamblers and internet users who are categorized as potential players. One of the efforts that has been made by the Police is to conduct formal supervision through cyber patrol techniques. The main

⁸Maretha Indri S, et al. (2024), *Mayantara Crime in the Form of Gambling Crimes Through Electronic Media*, *INNOVATIVE: Journal of Social Science Research*, 4 (1), p 4411

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 the Cyber Patrol method carried out by the Police through the Cyber Directorate of Bareskrim. Cyber Patrol is one of the efforts to prevent crime in reducing the distribution of online gambling in Indonesia. This method is carried out through digital devices to be able to detect content or websites that contain elements of online gambling as early as possible.⁹

To monitor cyberspace, the police also patrol the cyber environment by looking at whether there is any behavior that is indicated as a criminal act or not. In addition to conducting formal patrols, in this case the Cyber Directorate of the Criminal Investigation Unit of the Indonesian National Police also provides a public service site that can be used to report cybercrimes and share information about cybercrimes with the public.¹⁰

So that the public can be well educated and increase public awareness of the threat of cybercrime. Cyber patrol activities carried out by the cyber troop team are by monitoring and tracking all activities in cyberspace through various social media.

The implications of online gambling distribution in Indonesia, efforts to prevent online gambling crimes that have been carried out by the National Police are implemented through cyber patrols and the use of social media. Although technology has always been an integral component of police operations and strategies, social media devices are a group of information and communication technology (ICT) resources that have recently had an impact on law enforcement practices in many countries. Meanwhile, in the use of social media, the National Police have so far utilized social media as one of the means of carrying out crime prevention efforts.¹¹

Preventing cybercrime by involving related institutions that have the authority is one of the efforts that can be made to deal with cybercrime in Indonesia, especially Online Gambling. Etymologically, cooperation comes from the English word "Cooperation" which means Cooperation. In the big dictionary of the Indonesian language, cooperation is defined as an activity or effort carried out by several people (Institutions, governments, and so on) to achieve common goals. In discussing the prevention of online gambling crimes in Indonesia, the National Police agency involves cooperation with related government institutions.

⁹DH Hendarto & RS Handayani, (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 1549

¹⁰Flew, Terry, Martin, Fiona, & Suzor, Nicolas. (2019), Internet Regulation as Media Policy: Rethinking the Question of Digital Communication Platform Governance. *Journal of Digital Media & Policy*, 10(1), p 33–50.

¹¹DH Hendarto & RS Handayani, (2024), *Op.Cit*, 5 (5), May, p 1550

Police Chief Regulation Number 12 of 2014 Concerning Guidelines for the Preparation of Police Cooperation explains that in carrying out the main duties as a member of the Police, cooperation is needed to be able to optimize the duties and responsibilities of individuals as members of the Police, including: 1) Intensive communication, namely two-way communication carried out continuously between Police officers and the Community/Community through direct or indirect meetings, in order to discuss security and order. 2) Partnership, namely constructive cooperation between Police officers and the Community/Community in order to solve national problems. 3) Personal relationships, namely the Police approach to the community that is more beneficial to personal relationships than formal/bureaucratic relationships while still adhering to the ethics of the Police profession.

The cooperation carried out by the Police through coordination meetings and limited meetings held as well as official letter correspondence to exchange information and data needed. This exchange of information and data is very much needed in conducting investigations and inquiries related to the distribution of online gambling. Other cooperation carried out is also related to coordination with the Ministry of Communication and Information to carry out blocking, as well as coordination with the Financial Services Authority and PPATK to identify and block online gambling transactions.¹²

In addition to working with Kominfo, one of the efforts of the Police to eradicate and prevent online gambling in Indonesia is by working with PPATK, the Financial Services Authority to provide restrictions on every transaction activity that has indications of online gambling activities. The Financial Services Authority and banking institutions have made efforts to prevent the distribution of online gambling by blocking bank accounts, which are indicated to be involved in the distribution of Online Gambling in Indonesia. From these efforts, it is recorded that the Financial Services Authority has instructed banking institutions to block more than 4,000 bank accounts.¹³The instruction is also accompanied by the development of a system that must be owned by banking institutions, to be able to carry out profiling of online gambling perpetrators, so that they can identify online gambling activities early on and block accounts independently.

Law enforcement always involves humans in it and also involves human behavior. The law cannot be enforced by itself, meaning that the law is unable to realize what is stated in the laws and regulations. In terms of law enforcement, it requires legal institutions in realizing the objectives of the law.¹⁴Seeing the breadth of police duties as mentioned above, Satjipto Raharjo calls the police street-class law

¹²Ibid, p 1552

¹³Ibid, p 1554

¹⁴Satjipto Raharjo. (2009), *Law Enforcement: A Sociological Review*, Yogyakarta: Genta Publishing, p 7

enforcers, who have the most direct contact with the community compared to other law enforcement officers.¹⁵

The term police as street law enforcers is an important symbol that symbolizes the law enforcement work carried out by the police. The symbol was chosen to accommodate law enforcers who are liable. Such as visiting and conducting direct inspections at the scene of the crime (TKP), conducting hunts, arresting criminals, and conducting surveillance. All with quite high risks. The police are not only law enforcers who are liable but also tough law enforcers.

4. Conclusion

In this case, the efforts made by the Police in enforcing the law against eradicating online gambling sites in Indonesia are one of them with cyber patrols. However, in fact there are still sites that are difficult to detect and hidden. In this case, the role of the government through stakeholders of the relevant Ministry of Communication and Information is also influential in eradicating online gambling sites. Activities related to online gambling The National Police Cyber Crime Unit coordinates with the Ministry of Communication and Information to block websites that are suspected of carrying out online gambling activities, if it is proven that there are online gambling activities on a website, the Cyber Crime Unit will immediately coordinate with the Ministry of Communication and Information regarding the blocking of the website in order to prevent someone from playing online gambling.

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¹⁵M. Yundha Kurniawan, et al. (2023), *Law Enforcement By Polri Against The Performers Online Gambling Crime (Study On North Sumatra Regional Police)*, *ARBITER: Jurnal Ilmiah Magister Hukum*, 5 (1), p 92

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