

Efforts to Resolve Online Gambling Crimes at the Barelang City Police Resort

Tony Pantano¹⁾ & Bambang Tri Bawono²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Tonypantano.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Bambangtribawono@unissula.ac.id

Abstract. *Cyber crime, especially online gambling, requires law enforcement efforts, both to prevent and eradicate, so that it does not become more widespread. Conceptually, law enforcement is an activity to harmonize the relationship of a value 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. This study aims to determine the legal construction of handling online gambling crimes in the concept of legal certainty, and efforts to resolve online gambling crimes at the Barelang City Police Resort. The approach used in this study is normative and empirical juridical. Normative juridical research refers to laws and regulations using secondary data. While empirical research is field research using primary data. The results of this study can be concluded. The legal construction of handling online gambling crimes in the concept of legal certainty that law enforcement against online gambling that has been carried out by the Barelang Police Criminal Investigation Unit uses the instrument of Article 303 of the Criminal Code, Article 27 paragraph (2) in conjunction with Article 45 of the Electronic Information and Transactions Law. Efforts to resolve online gambling crimes at the Barelang City Police as Investigators in handling online gambling crimes in prosecuting online gambling crimes in the jurisdiction of the Barelang Police include: Application of the Criminal Code and Law Number 11 of 2008 concerning Information and Electronic Transactions in online gambling cases. Inhibiting factors or obstacles faced in enforcing the law on online gambling crimes in the jurisdiction of the Barelang Police include the lack of understanding and mastery of Investigators in the field of information technology, not balanced with the development of the abilities of online gambling perpetrators and the use of electronic evidence requires expert testimony that requires a budget to finance the expert's honorarium.*

Keywords : Crimes; Police; Online Gambling; Resolves.

1. Introduction

Security is a primary need in human life. Security can color all human life activities, starting from personality, behavioral patterns, ways of seeing and thinking and will have a big influence when security can be obtained optimally is a lifestyle. Through a sense of security, humans can improve all their abilities without any shame and worry that there will be a crime that will befall them. Safe conditions are expected by society as the main foundation for the need to actualize themselves to be very crucial when faced with problems that are actually contrary to the desired expectations.¹The Republic of Indonesia National Police (Polri) is a state apparatus that plays a role in maintaining public security and order, enforcing the law, and providing protection, shelter, and services to the community in order to maintain domestic security, which is a condition characterized by guaranteed public security and order, order and upholding of the law, and the provision of protection, shelter, and services to the community. The Indonesian National Police in carrying out its duties plays a dual role, as law enforcers and social workers in the social and community aspects (service and devotion).² Law enforcement requires the Indonesian National Police to stand on legal regulations. On the other hand, the Indonesian National Police also carries out social community duties where they must pay attention to the values that live in society.³

The function of the Indonesian National Police according to Article 2 of Law Number 2 of 2002 concerning The Republic of Indonesia National Police is: one of the functions of state government in the field of maintaining public security and order, law enforcement, protection, patronage and service to the community. The definition of Kamtibmas according to Article 1 number 5 of Law Number 2 of 2002 states that: Public security and order is a dynamic condition of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals which are marked by guaranteed security, order, and the upholding of law, as well as the establishment of peace which contains the ability to foster and develop the potential and strength of society in preventing, preventing, and overcoming all forms of violations of the law and other forms of disturbances which can disturb society. The function of the Indonesian National Police which organizes public security and order, law enforcement, protection, patronage and service to the public, is aimed at maintaining and ensuring the validity and obedience of existing norms in the community, so that life in the community becomes safe, peaceful, orderly, peaceful and prosperous.¹⁰ The main duties of the Indonesian National Police are regulated in Article 13 of Law Number 2 of 2002, namely: The main duties of the Republic of Indonesia National Police are:⁴

¹ Ridwan, State Administrative Law, Raja Grafindo Persada, Jakarta, 2011, p. 2.

² Rudy Cahya Kurniawan, Regulation of the Authority of the KPK and the Police in Investigating Corruption Crimes in Indonesia, Deepublish, Yogyakarta, 2021, p. 72.

³ Lanka Amar, The Role of Parents in the Trial Process of Gambling Crimes Committed by Children, Mandar Maju, Bandung, 2017, p. 1.

⁴<https://www.batamnews.co.id/berita-110147-polresta-barelang-ungkap-sindikatan-judi-online-between-countries-in-batam-city.html>

Master of Law, UNISSULA

1. Maintaining public security and order;
2. Enforcing the law; and
3. Providing protection, care and services to the community.

Law enforcement efforts against cyber crime in Indonesia are carried out by the Police, because the crime is related to the issue of state security and order. The Police are the front guard 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. Batam as a free trade area and free port, as the largest investment area in Indonesia is certainly not free from various types of cyber crime, especially online gambling. The Batam area itself is rife with cases related to online gambling. An online gambling syndicate operating across countries has been successfully uncovered by the Bareleng City Police (Polresta). This online gambling network is known to have connections to Cambodia and is centered in the Sky Garden Apartment, Pelita, Lubuk Baja District, Batam City. The investigation began with public reports via social media regarding online gambling activities at the Sky Garden Apartment. The Bareleng Police Criminal Investigation Unit Team, which conducted the investigation, then found two rooms on the 7th floor of the apartment which were used as the center for online gambling operations. The raid was carried out on Monday, March 18, 2024, where a number of computers were found connected to the online gambling site BOSCUAN89.COM and several workers who were operating the computers. In the raid, 12 perpetrators were arrested, including the operator and manager of online gambling.

Online gambling, which is a criminal act that has experienced the development of the modus operandi, is increasingly widespread 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. Then the high unemployment rate in an area, population density, social pressure, and many needs. These are what encourage society doing various ways to fulfill all needs, including in ways that are contrary to legal provisions, learned behavioral factors or differential associations (in carrying out online gambling, interaction and communication are required so 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 others 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 crimes requires interaction and communication, making it easier for perpetrators to commit crimes. The development of technology is a factor that influences the crime rate, 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 just by using a mobile phone (handphone) or laptop. This factor is an advantage for online gambling perpetrators to deceive the police, so that more and more people are interested in committing such acts.

2. Research Methods

This study uses a qualitative approach method. The qualitative approach method is a research approach that focuses on an in-depth understanding of social, cultural, or human behavioral phenomena. This approach emphasizes the exploration of meaning, experience, and individual or group perspectives in a particular context, using descriptive data such as written or spoken language. According to Maleong, Qualitative Method is a scientific research that aims to understand a phenomenon in natural social contact by prioritizing the process of in-depth communication interaction between researchers and the phenomenon to be discussed.⁵

3. Results and Discussion

3.1. Legal Construction of Handling of Online Gambling Crimes by the Police in the Concept of Legal Certainty

Crime is a name given to assess certain actions as evil actions. The definition comes from the nature of values, has a very relative meaning, namely depending on humans giving the assessment. So a crime by someone is not necessarily recognized by other parties as a crime too. Even if for example all groups can accept something as a crime, the severity of the act still causes differences of opinion. Crime as an anti-social act that causes harm, inappropriateness in society, so that in society there is anxiety, and to calm society, the state must impose punishment on criminals.

Over time, advances in technology and communication have changed the structure of society from being local to being global. This transformation is triggered by the existence of technology and information. The development of information technology combined with electronic media has produced a new tool known as the internet. The internet has brought significant changes to human life, eliminating the limitations of distance and time. The internet has created a new reality in everyday life and opened up new opportunities in society.

The development of technology in the current era of globalization is developing very rapidly, especially in the field of information technology. This allows people to easily access and convey information to the general public. Although information technology provides positive benefits, it also has negative impacts, such as providing opportunities for crimes in cyberspace, known as cyber crime. Cyber crime can be explained as illegal activities that use computers as intermediaries and are carried out through global electronic networks. The behavior of individuals who do not comply with applicable norms and violate the interests of others or society, which results in disruption of social order, can be considered a crime or violation. The development of legal formulations and legal sanctions related to crimes becomes a system that aims to enforce criminal law rules. Criminal sanctions are considered the most effective instrument to overcome criminal behavior. In addition, the legal products

⁵Soerjono Soekanto and Sri Mamuji, Normative Legal Research, A Brief Review, Rajawali, Jakarta, 1996, p. 15.

Master of Law, UNISSULA

of state administrators should reflect responsive, democratic legal products, as a fulfillment of the aspirations of a group or individual in society.

Article 1 paragraph (3) of the 1945 Constitution states that Indonesia is a state of law (*rechtstaat*). Therefore, optimally, the legal position should be given the highest priority, and every individual and action must comply with the provisions of the law without exception. In addition, the law also functions as a means of regulating society and as an instrument solving problems that occur in society. The principle of the rule of law is seen as something essential related to its existence. Gambling in all its forms has been declared prohibited by law, but the same as other crimes, it is very difficult to eradicate it completely in society. This is proven by the fact that games containing elements of gambling are still often found in society such as cockfighting, playing cards, *toto gelap* (*togel*), and gambling carried out in certain places.⁶

In addition to direct gambling, there are also forms of gambling carried out by betting, the object of betting is sports broadcast on television, such as football, and so on. In the explanation of the Republic of Indonesia Government Regulation Number 9 of 1981 concerning the Implementation of Law Number 7 of 1974 concerning the Regulation of Gambling, Article 1 paragraph (1), several types of gambling are mentioned, namely:

1. Gambling in casinos, among other things, consists of:

- a. Roulette;
- b. Blackjack;
- c. Baccarat;
- d. Crepes;
- e. Keno;
- f. Towel;
- g. Super Ping Pong;
- h. Lotto Fair;
- i. Satan;
- j. Paykyu;
- k. Slot Machine (Jackpot);
- l. Ji Si Kie;
- m. Big Six Wheel;
- n. Chuck a Cluck;
- o. Throw a feather/duck at a target or board;
- p. The rotating (*Paseran*);
- q. Pachinko;
- r. Poker;
- s. Twenty One;
- t. Hwa Hwe;
- u. Kiu Kiu.

⁶ Santoyo, Law Enforcement in Indonesia, Journal of Law, Legal Studies Program, Faculty of Law, Jenderal Soedirman University, Purwokerto, Volume 8, Number 3, 2008.

2. Gambling in crowded places, among other things, consists of gambling with:

- a. Throw a dart or chicken feather at a board or stationary target;
- b. Throw the bracelet;
- c. Toss money (coin);
- d. Coin;
- e. Inducement;
- f. Guess the target that is not rotating;
- g. Throw the ball;
- h. Cockfighting;
- i. Buffalo fighting;
- j. Goat or sheep fighting;
- k. Horse racing;
- l. Bull racing;
- m. Dog racing;
- n. Hello;
- o. Mayong/Macak

3. Gambling associated with other reasons includes gambling associated with habits:

- a. Cockfighting;
- b. Bullfighting;
- c. Buffalo fighting;
- d. Horse racing;
- e. Bull racing;
- f. Ram or goat fighting.

In the explanation above, it is stated that the form of gambling contained in number 3, such as cockfighting, bull racing and so on, is not included in gambling if the customs in question are related to religious ceremonies and as long as the customs do not constitute gambling. The provisions of this Article also cover the forms and types of gambling that may arising in the future as long as it falls into the category of gambling as referred to in Article 303 paragraph (3) of the Criminal Code.

In the positive law applicable in Indonesia, both those regulated in the Criminal Code and those regulated outside the Criminal Code such as in Law Number 7 of 1974 concerning the Control of Gambling and Government Regulation Number 9 of 1981 concerning the Implementation of Law Number 7 of 1974, all of them stipulate gambling as a crime so that its practice needs to be prevented and addressed.⁷

According to the Criminal Code, gambling is any game, where in general the possibility of making a profit depends solely on luck, also because the player is more skilled or more skilled. This includes all bets on the results of a race or other game, which are not held between those who participate in the race or play, as well as all other bets. The crime of gambling is anyone

⁷ Interview with the Head of Criminal Investigation Unit of Barelang Police.

Master of Law, UNISSULA

who uses the opportunity to gamble, which is held in violation of the provisions of Article 303 and/or anyone who participates in gambling on a public road or on the side of a public road or in a place that can be visited by the public, unless there is permission from the competent authority who has given permission to hold the gambling (Article 303 bis Colonial 732).

Gambling is regulated in Article 303 of the Criminal Code and Law Number 7 of 1974 concerning the Regulation of Gambling. In Article 1 of the Law Number 7 of 1974 concerning the Regulation of Gambling Gambling is declared a crime.

Gambling today along with the development of technology is progressing and more modern. Gambling that exists now also uses sophisticated information technology. One form of gambling that follows the development of technology is online poker, ball, qiuqiu gambling, so that by doing online gambling there are no more limitations of space and time, and it is easier to gamble as long as the perpetrators of the gambling crime master information technology.

The problem of online gambling is increasingly disturbing in society, the activity that seems invisible inevitably causes problems that are sometimes difficult to contain because online gambling operates using information technology. This is a form of crime development with the mode of using electronic transactions. Reviewed from Law Number 11 of 2008 concerning Information and Electronic Transactions, the regulation on violations of criminal acts of gambling is stated in Article 27 paragraph (2) 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 have gambling content.

The use of the instruments of the Criminal Code and Law Number 11 of 2008 concerning Electronic Information and Transactions is used by investigators. Barelang Police Resort to uncover online gambling. In general, online gambling handled by investigators uses the instrument of Article 303 of the Criminal Code, not Article 27 paragraph (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions.

In realizing legal certainty, law enforcement measures are needed to overcome and reduce cyber crime, especially in the field of online gambling, so that this activity does not become more widespread. Conceptually, law enforcement is an effort to coordinate relationships based on values reflected in good norms and reflect attitudes and actions as the final form of explaining these values. The goal is to create, maintain, and maintain peace in community life. The implementation of law enforcement itself is carried out by law enforcement officers, who, in addition to depending on the legal awareness of the community, are also greatly influenced by their role in society. If steps are not taken quickly, the consequences will be very serious. The state has a responsibility to enforce legal certainty, especially in eradicating all forms of criminal acts that are not in accordance with the norms and values of the Pancasila ideology. One example is the prohibition of online gambling in Indonesia. However, efforts to eradicate online gambling crimes have not yet reached an optimal level.

Handling of crime (criminal policy) understanding criminal policy in relation to the criminal justice system in Indonesia cannot be separated from the understanding of the justice system

related to the law enforcement system. This means that criminal law enforcement can be realized, among other things, through a criminal justice system that is in accordance with criminal policy. Criminal policy as an effort to overcome crime in a broad sense that includes the criminal justice system. While in a narrow sense, handling crime is only an effort to prevent crime without using criminal law. These activities can be exemplified in activities in the community, for example activities in the name of legal awareness activities aimed at young people so that they do not fall into an environment and behavior that violates the law. The criminal justice system includes activities even before a crime occurs. Thus, the criminal policy in question focuses on crime prevention activities and law enforcement activities.

The role of the police in overcoming online gambling crimes explains that criminal law enforcement is actually not only how to make the law itself, but also about what the role of the police is in anticipating and overcoming problems in overcoming criminal acts that occur in society can be done penally (criminal law) and non-penal (without using criminal law). According to Sudarto's opinion, law enforcement can be carried out in two ways as follows:⁸

1. Penal (Repressive) Efforts

Penal efforts are one of the law enforcement efforts or all actions taken by law enforcement officers that prioritize eradication after a crime has been committed with criminal law, namely criminal sanctions which are a threat to the perpetrators. Talking about criminal policy which includes a penal approach through the criminal justice system, will automatically come into contact with criminalization which regulates the scope of unlawful acts, criminal responsibility, and sanctions that can be imposed, both in the form of punishment and action (treatment).

The means of crime prevention policy is carried out by using penal means (criminal law), so criminal law policy (penal policy) must pay attention to and lead to achieving the objectives of social policy in the form of social welfare and social defense. Criminal law policy is a science and art that ultimately has a practical goal to enable positive legal regulations to be formulated better and to provide guidance not only to lawmakers, but also to courts that apply laws and also to organizers or implementers of court decisions.

Between the study of criminological factors on the one hand and the study of legal techniques on the other, there is a place for a science that observes and investigates legislative phenomena and for a rational art, in which scholars and practitioners, criminologists and lawyers, can work together not as opponents or as opponents, but as co-workers bound by a common task, namely, above all, to produce a realistic, humanistic, progressive and healthy criminal policy.⁹

Criminal law in its efforts to achieve its goals is not solely by imposing punishment (straf) but also uses actions (maatregel). So besides punishment there are also actions. These actions are also sanctions, although there is no retaliation for them. The general objectives of punishment are:

⁸ Sudarto, Law and Criminal Law, Bandung, 1996, p. 113.

⁹ Maskun, Cyber Crime: An Introduction, Kencana, Jakarta, 2013, p. 46.

Master of Law, UNISSULA

- a. Influencing the perpetrator's behavior so that they do not commit crimes again, usually called special prevention;
- b. Influencing the behavior of members of society in general so that they do not commit crimes like those committed by the convict;
- c. Bringing a peaceful atmosphere or conflict resolution;
- d. Retaliation or compensation for the maker's mistakes.

Still related to the purpose of criminal punishment in the form of community protection and welfare, there are three objectives that must be considered judges in imposing criminal penalties, namely correction, resocialization, and protection of community life.

Correction means that against people who violate a norm, the punishment imposed is a warning that such actions should not be repeated. Resocialization is an effort aimed at making convicts able to live in society without committing crimes again when they have completed their sentence. Thus, the purpose of punishment here is to protect the life of society in the form of imposing criminal sanctions on those who commit crimes.

The formulation stage in the process of handling crimes gives responsibility to law-making apparatus (legislative apparatus) to determine or formulate what acts can be punished and are arranged in a unified criminal law system (legislative policy) that is harmonious and integrated.

Although there is a close relationship between formulation/legislation policy (legislative policy, especially penal policy) with law enforcement policy and criminal policy, but seen conceptually/theoretically and from a reality perspective, crime handling policy cannot be carried out solely by improving/renewing legal means (law reform including criminal law/penal reform). However, evaluation is still needed if there are weaknesses in the formulation policy in existing legislation. Evaluation of the formulation policy covers three main problems in criminal law, namely the problem of formulating criminal acts (criminalization), criminal responsibility, and criminal regulations and their punishment.¹⁰

2. Non-penal (preventive) efforts

This non-penal law enforcement effort is an effort at prevention. Prevention is better than eradication, prevention before the crime occurs and is indirectly carried out without using criminal means. The non-penal approach covers a broad area of crime prevention and includes both policy and practice.

Non-penal means are basically preventive measures, ranging from code of ethics education to civil law and administrative law reform. These policies vary from country to country according to the cultural, political and intellectual backgrounds of each society. Non-penal handling, either through prevention without punishment or influencing society's views on crime and punishment through mass media (influencing views of society on crime and

¹⁰ Kasman Tasaripa, Duties and Functions of the Police in their Role as Law Enforcers according to Law Number 2 of 2002 concerning the Police, Legal Opinion Journal of Law, Edition 2, Volume 1, 2013.

Master of Law, UNISSULA

punishment/mass media) actually has a strategic role as a preventive measure to prevent people from gambling.

Due to its preventive nature, non-penal handling must be carried out paying attention to various social and psychological aspects that are conducive factors causing people to gamble. The 8th Congress of Government Regulation in 1990 in Havana, Cuba, identified the causes of this crime more on factors that cannot be overcome solely by penal measures. The 8th UN Congress emphasized the importance of the social aspect of development policy which is an important factor in achieving crime prevention and criminal justice strategies.

One form of non-penal prevention is to provide an understanding to the community about the crime of gambling, its effects and consequences. Up to this point, the socio-cultural conditions of Indonesian society, which is predominantly a religious society, can be the right tool, and in religiosity, a person tends to enter a certain group, organization and order, although they are not always strictly and actively bound. However, in general, everyone has an adherence to religious views to a certain group. Loyalty to social or religious groups is often even stronger and greater than to other structural institutions (such as the state), this is what can be used as a medium for providing an understanding of gambling.¹¹

An effort to overcome crime through criminal law enforcement, which is rational, namely fulfilling a sense of justice and utility. In order to overcome crime, various means as a reaction can be given to perpetrators of crime, in the form of criminal means or non-criminal law, which can be integrated with one another. If criminal means are called to overcome 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.¹²

3.1.1. Repressive Efforts in Handling Online Gambling Crimes

This effort is carried out when a crime has occurred, the action being law enforcement by imposing a penalty. Repressive efforts are conceptual efforts to combat crime that are taken after a crime has occurred. The repressive efforts carried out by the Barelang City Resort Police are:

a. Conducting investigations and seeking information.

In the police's efforts to combat criminal acts of gambling, they can easily determine areas that are prone to gambling, so the Criminal Investigation Unit together with the Community Development Unit, also has a Community Order Officer (Bhabikammtibmas) in One sub-district, with the presence of Bhabikammtibmas, formed an informal, together with meeting the community to prevent them from gambling which in essence violates the law.

b. Going undercover

¹¹ Mohammad Hatta, Introduction to the Path of Knowledge, Mutiara, Jakarta, 1990, p. 14.

¹² Yesmil Anwar and Adang, Criminal Law Reform: Criminal Law Reform, PT Gramedia Widiasarana Indonesia, Jakarta, 2005,

To uncover gambling cases, police officers disguise themselves as ordinary people and work together with community leaders. In this way, perpetrators of gambling crimes can easily be arrested on the spot without any prior reporting from the public because the police already know the perpetrators of gambling crimes. In addition, to uncover gambling cases, police officers sometimes disguise themselves by participating in gambling. In this way, perpetrators of gambling crimes can easily be arrested on the spot without any prior reporting from the public because the police already know the perpetrators of gambling crimes.

c. Arrest suspects and confiscate evidence

Barelang Resort Police in carrying out operations to prevent and eradicate gambling, arrested the perpetrators and confiscated evidence found at the crime scene as well as items suspected of being tools for gambling or gambling winnings.

3.2. Effort Completion To Action Criminal Gambling Online in Barelang City Police Resort

Law Enforcement Theory examines the effectiveness of law enforcement actions and the role of various factors such as technology, resources, and coordination between institutions in improving the effectiveness of law enforcement. Effective law enforcement requires support from adequate technology and the ability to adapt to change. That successful law enforcement requires the use of technology and collaboration between institutions to detect and prosecute online crimes.

In the context of legal regulation, the effectiveness of law enforcement against online gambling crimes can depend on a number of the following factors:

1. Accuracy and Appropriateness of Regulation.

Good legal regulations should be carefully designed to cover various aspects of online gambling, including the definition of online gambling activities, the types of games that are allowed or prohibited, and licensing requirements. Clear and comprehensive regulations provide a strong legal basis for enforcement.

2. Compliance with Technology.

As online gambling evolves along with technological developments, legal regulations must be able to adapt to these changes. The involvement of new technologies such as blockchain or artificial intelligence in online gambling requires regulations that can accommodate these dynamics.

3. Strictness of Sanctions and Punishments.

Effective legal regulation must establish adequate and effective sanctions and penalties as a form of deterrence. The threat of punishment that can seriously reduce the motivation of perpetrators to engage in illegal gambling activities.

4. Operator Licensing and Supervision.

The licensing mechanism for online gambling operators must be strict and involve a careful process. In addition, supervision of licensed operators must be carried out regularly to ensure compliance with regulations and protect consumer interests.

5. Inter-agency cooperation.

The importance of cooperation between government agencies in implementing regulations cannot be ignored. Collaboration between law enforcement agencies, financial institutions, and regulatory authorities can improve enforcement efficiency and strengthen control over illegal gambling activities.

6. Consumer Protection.

Regulations should provide adequate protection for consumers involved in online gambling, including in terms of personal data security, game fairness, and complaint handling. Granting authority to an ombudsman or consumer protection agency can also increase public trust.

7. Ability to Respond to Change.

Regulations must be designed with the ability to respond quickly to new developments in the online gambling industry. Mechanisms regulatory changes and adaptation to new trends are important to maintain the relevance and effectiveness of regulation.

8. Transparency and Public Participation.

The level of transparency in the regulatory process and public involvement in the creation of regulations can increase trust and support law enforcement. The public needs to understand the legal basis and objectives of regulations to support enforcement efforts.

The availability of resources, including personnel and technology, can affect the ability of law enforcement to track and prosecute online gambling perpetrators. Lack of resources can be a serious obstacle to law enforcement efforts. In order for law enforcement to be more effective, support from all parties involved in law enforcement is needed.

The success of online gambling law enforcement depends on the existence of clear and comprehensive legal regulations. These regulations must be able to accurately identify the types of violations related to online gambling, provide sufficient authority to law enforcement officers, and determine appropriate penalties. Law enforcement must be equipped with adequate technology and investigative expertise to be able to identify and track illegal online

gambling activities. Speed and accuracy in following up on information related to illegal activities are key in law enforcement efforts. Close cooperation between law enforcement agencies, authorities, and other related entities is a critical factor. Good coordination can improve information exchange, speed up the investigation process, and optimize existing resources.¹³

The effectiveness of law enforcement can be strengthened by the application of penalties that are harsh enough to serve as a deterrent to online gambling perpetrators. The threat of significant penalties can be a deterrent to prevent people from engaging in this illegal activity. Training and capacity building of law enforcement officers to deal with the specific challenges associated with online gambling is essential. Skills in understanding technology, data analysis, and digital investigation expertise will strengthen law enforcement capabilities. Law enforcement must be able to adapt quickly to changes in technology and online gambling trends. Regulatory flexibility and the ability of law enforcement to anticipate and respond to these changes will ensure their effectiveness in the long term. Public awareness of the risks of illegal online gambling can strengthen law enforcement efforts. Public education, through outreach and information campaigns, can help identify and report illegal activities, and encourage active participation in maintaining public safety. By considering these factors, law enforcement against online gambling crimes can be more effective and responsive to the ever-evolving challenges in the legal realm.¹⁴

The rise of online gambling is due to the modus operandi of online gambling being increasingly popular among the people of Batam City, especially those who are directly under the authority of the Bareleng Police. The reason most of the perpetrators do this is because online gambling is to increase income, and most of them have unclear jobs, so the perpetrators commit online gambling crimes. According to the Head of Criminal Investigation Unit of the Bareleng Police, the Bareleng Police have several methods to find out the existence of online gambling activities in the jurisdiction of the Bareleng Police, namely:¹⁵

1. Receiving Public Complaint Reports

The initial process of the Police to take action is from the results of public complaint reports (usually called Dumas) who are aware of online gambling transactions. Then the public tells the true incident to the Bareleng Police Investigator who has been known and seen directly in front of the investigator regarding the online gambling case. From the public report, it will be followed up by the Investigator in the investigation/investigation process.

¹³ Oscar Stefanus Setjo and Umar Ma'ruf, Investigation of Children Which Conflicting With Law in Narcotics Criminal Acts In Law Area of the Semarang City Police Jurisdiction, Jurnal Daulat Hukum Volume 3 Issue 2, June 2020. <http://jurnal.unissula.ac.id/index.php/RH/article/view/9851/4156>.

¹⁴ Tan Kamelo, Development of Fiduciary Guarantee Institutions: A Review of Court Decisions and Agreements in North Sumatra, Dissertation, PPs-USU, Medan, 2002, p. 35.

¹⁵ Riyanto, Umar Ma'ruf, and Sri Kusriyah, Implementation of Police Role in Countermeasures of Traffic Criminal Acts of Traffic Violations in Efforts to Establish Police Images as Community Guidelines, Jurnal Daulat Hukum Volume 3 Issue 2, June 2020 ISSN: 2614560X. <http://jurnal.unissula.ac.id/index.php/RH/article/view/8777/4076>.

Master of Law, UNISSULA

In practice, usually first the Investigator will track the perpetrator by tracing the internet site address used for gambling, the provider and the bank to find and find that the case is a crime. After witnesses and evidence are collected, the police will continue the case to the level of investigation and inquiry.

2. Conducting Investigation

Investigation is a series of investigator actions to search for and find an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the method regulated in the law. Investigative actions to determine whether an event is a criminal event are an obligation for authorized officials when receiving reports from the public as referred to in Article 102 paragraph (1) of the Criminal Procedure Code, namely: Investigators who know, receive reports or complaints about the occurrence of an event that is suspected of being a criminal act are required to immediately carry out the necessary investigative actions.

In conducting investigations into online gambling crimes, the Bareleng Police have just collaborated with the Polsek, the Riau Islands Police, and the National Police Headquarters in order to facilitate obtaining information that can support the arrest of perpetrators of online gambling network cases. This investigation process aims to determine whether or not further handling can be carried out, namely the investigation stage. In investigating the truth of online gambling crimes, the police first conduct investigations via the internet by tracing websites related to online gambling sites. Many websites on the internet offer online gambling, such as on the site: www.sbobet.com, www.m88.com, www.ibcbet.com, www.kakakdewa.com And www.39bet.com. Police sued For look for, observe, track, and analyze whether the crime is real does it really exist and is included in the scope of the crime of gambling via the internet or is it just a regular gambling crime.¹⁶

3. Conducting Investigations

The investigation process is carried out by the police with the aim of collecting evidence, with the existence of this evidence it makes clear an online gambling crime in order to find out the suspect. Investigators can determine someone as a suspect in online gambling. If after the examination and has met the requirements as a suspect with the existing evidence.

In the internet world, there are many sites that can be accessed by everyone, for example the sites: www.sbobet.com, www.m88.com, www.ibcbet.com, www.kakakdewa.com And www.39bet.com. On the site, there are those who offer their own telephone numbers, WA, Messenger, so that it is very easy for the perpetrators to gamble online.

From that method, the investigator's actions prove that online gambling is undercover, which is intentionally involved in gambling via the internet to trap the perpetrators of online

¹⁶ Ragil Tri Wibowo and Akhmad Khisni, Restorative Justice in Application for Crime Investigation on Property, Jurnal Daulat Hukum Volume 1 Number 2 June 2018. <https://media.neliti.com/media/publications/324206restorative-justice-in-application-for-c-dd5ceb5.pdf>.

gambling, by registering as a member to the admin of the gambling site available to get a username to join the game in question. If you already have a username, the admin will provide instructions on how to join the game and communicate about the game procedures. Therefore, to transact between players or bettors and gambling managers, they also use bank transaction services with media internet. In addition to using the internet to communicate with members, the admin of the online gambling site uses a cellphone with a certain number that is used between members.

Online gambling perpetrators in making transactions usually do not meet directly with members, usually by tracking the phone and then transferring an agreed amount of money through a designated bank and from this method investigators obtain evidence in the form of printouts of the perpetrator's transaction conversations with users, which evidence is obtained by investigators by disguising themselves as users, proof of money transfer receipts, and proof of SMS from the perpetrator. This is in accordance with Article 5 of Law Number 11 of 2008 concerning Information and Electronic Transactions which reads:

1. Electronic information and/or electronic documents and/or printouts thereof constitute valid legal evidence.
2. Electronic information and/or electronic documents and/or printouts as referred to in paragraph (1) constitute an extension of valid evidence in accordance with the procedural laws applicable in Indonesia.

There are also perpetrators who can be invited to make transactions by meeting directly, from there the investigator traps the perpetrator and arrests the perpetrator, and conducts a search. Then the investigator technically proves the act. Evidence is usually found in gambling via the internet, including: cellphones, laptops, modems, accounts, bank statements, M-Banking, and ATM cards. Most perpetrators throw away savings books because they are fictitious accounts. In addition, perpetrators make transactions via e-mail to transfer data, in this case the perpetrators usually do not inform the e-mail password so that investigators can coordinate regarding cracking the e-mail code with the National Police Headquarters.¹⁷

After the Polresta investigator is sure about the perpetrator, then hold a case conference first to plan the arrest, before making an arrest there are formal requirements that must be met by the Polri investigator before making an arrest, these requirements are written in Article 43 paragraph (6) of Law Number 11 of 2008 concerning Information and Electronic Transactions which states: In making an arrest and detention, the Investigator through the Public Prosecutor is required to request a determination from the Head of the local District Court within one time twenty-four hours. Meanwhile, for proof, the Polri can use electronic evidence and/or printed documents or electronic information as an extension of the evidence as per Article 5 paragraph (2) of Law Number 11 of 2008 concerning Information and

¹⁷ Timbul Mangaratua Simbolon, Gunarto, and Umar Ma'ruf, Criminal Law Policy Against Criminal Acts of Insult or Defamation Through the Internet in Indonesia as Cybercrime, Jurnal Daulat Hukum Volume 1, Number 1 March 2018. <http://jurnal.unissula.ac.id/index.php/RH/article/view/2560/1917>.

Master of Law, UNISSULA

Electronic Transactions, in addition to other conventional evidence in accordance with the Criminal Procedure Code.

4. Arrest

In accordance with Article 1 number 20 of the Criminal Procedure Code, an arrest is an action by an investigator in the form of temporary restriction of the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and/or trial in matters and according to the methods regulated by law.¹⁸

4. Conclusion

The legal construction of handling online gambling crimes in the concept of legal certainty that law enforcement against online gambling that has been carried out by the Bareleng Police Criminal Investigation Unit uses the instruments of Article 303 of the Criminal Code, Article 27 paragraph (2) in conjunction with Article 45 of the Electronic Information and Transactions Law. Efforts to resolve online gambling crimes at the Bareleng City Police as Investigators in handling online gambling crimes in prosecuting online gambling crimes in the jurisdiction of the Bareleng Police include: Implementation of the Criminal Code and Law Number 11 of 2008 concerning Information and Electronic Transactions in online gambling cases. Inhibiting factors or obstacles faced in enforcing the law on online gambling crimes in the jurisdiction of the Bareleng Police include the lack of understanding and mastery of Investigators in the field of information technology, not balanced with the development of the abilities of online gambling perpetrators and the use of electronic evidence requires expert testimony that requires a budget to finance the expert's honorarium.

5. References

Journals:

Kasman Tasaripa, Duties and Functions of the Police in their Role as Law Enforcers according to Law Number 2 of 2002 concerning the Police, *Legal Opinion Journal of Law*, Edition 2, Volume 1, 2013.

Oscar Stefanus Setjo and Umar Ma'ruf, Investigation of Children Which Conflicting With Law in Narcotics Criminal Acts In Law Area of the Semarang City Police Jurisdiction, *Jurnal Daulat Hukum* Volume 3 Issue 2, June 2020.
<http://jurnal.unissula.ac.id/index.php/RH/article/view/9851/4156>.

Ragil Tri Wibowo and Akhmad Khisni, Restorative Justice in Application for Crime Investigation on Property, *Jurnal Daulat Hukum* Volume 1 Number 2 June 2018.
<https://media.neliti.com/media/publications/324206restorative-justice-in-application-for-c-dd5cebf5.pdf>.

¹⁸ Santoyo, Law Enforcement in Indonesia, Journal of Law, Legal Studies Program, Faculty of Law, Jenderal Soedirman University, Purwokerto, Volume 8, Number 3, 2008.

Master of Law, UNISSULA

Riyanto, Umar Ma'ruf, and Sri Kusriyah, Implementation of Police Role in Countermeasures of Traffic Criminal Acts of Traffic Violations in Efforts to Establish Police Images as Community Guidelines, *Jurnal Daulat Hukum Volume 3 Issue 2*, June 2020 ISSN: 2614560X. <http://jurnal.unissula.ac.id/index.php/RH/article/view/8777/4076>.

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

Timbul Mangaratua Simbolon, Gunarto, and Umar Ma'ruf, Criminal Law Policy Against Criminal Acts of Insult or Defamation Through the Internet in Indonesia as Cybercrime, *Jurnal Daulat Hukum Volume 1*, Number 1 March 2018. <http://jurnal.unissula.ac.id/index.php/RH/article/view/2560/1917>.

Books:

Lanka Amar, The Role of Parents in the Trial Process of Gambling Crimes Committed by Children, Mandar Maju, Bandung, 2017,

Maskun, Cyber Crime: An Introduction, Kencana, Jakarta, 2013,

Mohammad Hatta, Introduction to the Path of Knowledge, Mutiara, Jakarta, 1990,

Ridwan, State Administrative Law, Raja Grafindo Persada, Jakarta, 2011,

Rudy Cahya Kurniawan, Regulation of the Authority of the KPK and the Police in Investigating Corruption Crimes in Indonesia, Deepublish, Yogyakarta, 2021,

Soerjono Soekanto and Sri Mamuji, Normative Legal Research, A Brief Review, Rajawali, Jakarta, 1996,

Sudarto, Law and Criminal Law, Bandung, 1996,

Tan Kamelo, Development of Fiduciary Guarantee Institutions: A Review of Court Decisions and Agreements in North Sumatra, Dissertation, PPs-USU, Medan, 2002,

Yesmil Anwar and Adang, Criminal Law Reform: Criminal Law Reform, PT Gramedia Widiasarana Indonesia, Jakarta, 2005,

Internet:

<https://www.batamnews.co.id/berita-110147-polresta-barelang-ungkap-sindikat-judi-online-between-countries-in-batam-city.html>

Interview:

Interview with the Head of Criminal Investigation Unit of Barelang Police.