

## **The Effectiveness of the Police's Role in Enforcing the Law Against Justice-Based Online Gambling Networks (A Case Study of the West Java Regional Police Cyber Directorate)**

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**Abstract.** *The rampant phenomenon of online gambling poses a serious challenge to law enforcement in Indonesia. Advances in digital technology are exploited by perpetrators to operate across borders with ever-evolving methods, demanding adaptation from law enforcement agencies. This study aims to: (1) Describe the role of the police in law enforcement against online gambling networks; (2) Analyze the weaknesses of this police role; and (3) Determine the level of effectiveness of justice-based law enforcement, with a case study on the Cyber Directorate of the West Java Regional Police. This research uses a socio-legal research method with a qualitative approach. Primary data was collected through interviews and observation at the Cyber Directorate of the West Java Regional Police, while secondary data was sourced from primary, secondary, and tertiary legal materials. Data analysis was conducted descriptively-qualitatively to understand the gap between law in books and law in action. The results indicate that the Police's role includes preventive efforts (site blocking, outreach) and repressive efforts (investigation, arrests). However, its effectiveness still faces significant weaknesses, such as a less adaptive legal framework, limitations in human resources and digital forensic technology, and the complexity of evidence gathering. It is concluded that effective and just law enforcement requires a holistic strategy that not only relies on a repressive approach but also strengthens preventive-educative aspects, inter-agency coordination, enhanced investigative capacity, and active community participation.*

**Keywords:** Effectiveness; Justice; Law Enforcement; Online Gambling; Police Role.

## 1. Introduction

Online gambling has become a worrying global phenomenon due to its ability to cross national borders and exploit regulatory loopholes in various jurisdictions.<sup>1</sup> In the digital age, gambling activities no longer require a physical location; players can easily access online platforms via a device and an internet connection.<sup>2</sup> This phenomenon demonstrates how technological developments have a direct impact on the rise in cybercrime, including cross-border online gambling.

In Indonesia, online gambling is a serious problem that requires special attention from law enforcement. Although Article 303 of the Indonesian Criminal Code and the Electronic Information and Transactions Law (UU ITE) prohibit gambling, law enforcement faces various obstacles such as limited technological resources, a shortage of digital forensics experts, and the complexity of perpetrators' modus operandi.<sup>3</sup> Data from various regional police forces shows an increasing trend in online gambling cases from year to year, indicating that enforcement efforts have not been fully effective.<sup>4</sup>

In particular, the jurisdiction of the West Java Regional Police (Polda Barat) has become a hotspot, with numerous online gambling cases uncovered. The West Java Regional Police's Cyber Directorate plays a crucial role in investigating and prosecuting these crimes. However, the effectiveness of the implemented law enforcement strategy still needs to be evaluated, given the limitations of digital forensic tools, suboptimal inter-agency coordination, and adaptation to increasingly complex crime patterns.<sup>5</sup>

In August 2023, six women in Bandung were arrested for promoting online gambling sites through their Instagram accounts. The accounts had between 15,000 and 150,000 followers and received endorsements of Rp200,000 per post for promoting online gambling on their personal accounts. The West Java Regional Police subsequently named them suspects and charged them under Article 27 paragraph 2 of the Electronic Information and Transactions (ITE) Law in conjunction with Article 45 paragraph 3 of the ITE Law (which carries a penalty of up to six years in prison). Article 27 paragraph (2) of the 2008 ITE Law concerning electronic information and transactions (Law no. 19 of 2016) states:

"Any person who intentionally and without authority distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content."

Article 45 paragraph (3):

"Any person who intentionally and without authority 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 subject to a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."

## **2. Research Methods**

This research is a legal study using a socio-legal research method, a type of research that examines law not only as written norms (law in books) but also as a social phenomenon that manifests in practice (law in action).

According to experts:

a. Philip Nonet & Philip Selznick (1978):

"Law cannot be understood simply as a system of rules, but as a social institution that interacts with values, culture, and power."

b. Banakar & Travers (2005):

"Socio-legal research is an interdisciplinary approach that combines legal science with sociology, anthropology, politics, and criminology to understand the reality of law in its social context."

c. Soetandyo Wignjosoebroto (2002):

"Social legal research seeks to observe law in action, not just law in books."

## **3. Results and Discussion**

### **3.1. The Role of the Police in Law Enforcement Against Online Gambling Networks**

Developments in information and communication technology have triggered a significant increase in gambling practices, with West Java being one of the regions experiencing this trend. Gambling methods have evolved from conventional forms to online forms that utilize internet infrastructure. This transformation offers ease of access, as players are no longer required to interact physically or move locations. Instead, they can conduct their activities from their respective homes or any location as long as they are connected to the internet.

Legally, online gambling in Indonesia is a criminal offense. This is based on the provisions of Law Number 7 of 1974 concerning the Regulation of Gambling, which strictly prohibits all forms of gambling, including those conducted digitally. Despite this prohibition, Indonesian public participation in online gambling remains substantial. This phenomenon is characterized by the proliferation of various websites offering a variety of games, from card games like poker and blackjack to roulette, slot machines, and even betting on sporting events.

The operational mechanism generally requires users to register an account and deposit funds as betting capital. Players can then select games and place bets using their available balance. Winnings are credited back to the player's account and can be withdrawn to a registered bank account.

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However, despite this procedural ease, there are fundamental risks that require vigilance. The proliferation of illegal online gambling sites operating without oversight by authorized authorities has the potential to cause material losses to users, such as default in paying winnings. Furthermore, players are also vulnerable to fraud and unauthorized loss of funds, given the lack of legal protection for transactions.

In addition to the provisions of Law Number 7 of 1974, online gambling is specifically regulated by Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law). The main provisions are contained in Article 27 Paragraph (2), which states that "Any person who intentionally and without authority distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content."

The scope of the criminal act, namely distributing, transmitting, or making accessible gambling content as stipulated in Article 27 Paragraph (2) of the ITE Law, must be understood in the same context as the provisions stipulated in Article 303 of the Criminal Code (KUHP) and Article 303 bis of the KUHP.

Importantly, the ITE Law separates the formulation of the elements of a criminal act from the criminal sanctions. As mentioned, Chapter VII, Article 27 Paragraph (2) contains the formulation of prohibited acts. Meanwhile, sanctions for these acts are regulated separately in Article 45 Paragraph (2) of Law Number 19 of 2016 concerning Amendments to the ITE Law.

Article 45 Paragraph (2) reads, "Any person who intentionally and without authority 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 subject to a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."

The significant increase in online gambling cases demands that relevant authorities immediately formulate more comprehensive legal instruments to curb the growth of this phenomenon. The main obstacle faced by law enforcement officials in addressing this problem is the lack of legal instruments that specifically and explicitly regulate online gambling crimes, thus hampering effective law enforcement.

In this context, the Indonesian National Police, based on Law Number 2 of 2002, plays a central role. Article 13 of this law emphasizes the Police's primary duties to maintain public security and order, provide services, protection, and guidance, and most importantly, enforce the law. The basis of the Police's authority as investigators, as regulated in Article 15 and Article 16 of the Law and Articles 5 to 7 of the Criminal Procedure Code (KUHAP), strengthens the position of this institution in the legal process.

The role of the police in combating gambling crimes emphasizes that criminal law enforcement focuses not only on the substance of the law itself, but also on its implementation and concrete actions in the field. To anticipate and address the problem of online gambling, the police can carry out their role through a dual approach:

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1. A penal approach, namely through direct criminal law enforcement, starting with inquiries and prosecutions, and ending with prosecution of perpetrators.
2. A non-penal approach, namely through preventative measures that do not involve criminal law, such as outreach, public education, guidance, and other pre-emptive measures to prevent the public from falling prey to gambling practices.

### **3.2. Weaknesses of the Police's Role in Law Enforcement Against Online Gambling Networks**

As is commonly understood, the problem of gambling, especially online gambling, is inherently difficult to address. This difficulty lies not only in the lengthy process but also in the significant financial outlay required. In addition to these two factors, several other factors make it difficult to completely eradicate gambling from society.

According to AKBP....., the Directorate of Special Criminal Investigation of the West Java Regional Police faces a number of obstacles stemming from internal factors, namely those within the police institution itself. These include:

#### **1. A Legal Framework Deemed No Longer Relevant**

The rules regarding gambling contained in the Criminal Code (KUHP) are deemed no longer fully appropriate to current societal conditions. In particular, the provisions concerning the granting of gambling permits by the government create complexities.

#### **2. Limited Human Resources and Facilities**

The number of police officers assigned to the Directorate of Special Criminal Investigation of the West Java Regional Police to handle gambling cases is very limited. As a result, raids and arrests can only be carried out to the extent that personnel are available and ready to be deployed. On the other hand, limited facilities and infrastructure also pose a serious obstacle, particularly in handling online gambling, which utilizes cutting-edge technology. In practice, police can only conduct raids if the facilities and infrastructure are adequate or sufficient to accommodate the arrested gamblers.

#### **3. High Level of Difficulty in Proving**

With the increasing development of gambling models and methods, especially those utilizing digital (online) technology, the legal process of proving the truth has become extremely complex. This situation requires members of the Indonesian National Police (Polri) from the Directorate of Special Criminal Investigation of the West Java Regional Police to possess specialized competencies and expertise in Information Technology and Electronic Transactions (ITE).

#### **4. The Role of a Supportive Environment**

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Organized gambling crime is highly dependent on the surrounding environmental conditions. Therefore, gambling can easily flourish in locations that are increasingly neglected, unmaintained, and far from the reach of law enforcement. Various forms of organized crime can easily nest in such places. This is where online gambling develops, often tolerated or even supported by local communities who are indifferent to environmental order.

#### 5. The Practice of Protection from Certain Individuals (Backing)

Gambling in Indonesia has become a serious national social problem. The Indonesian National Police, as the spearhead of maintaining public security and order, have made every effort to eradicate gambling and have successfully arrested high-profile bookies. However, this success can be wasted if cases involving protection practices by certain individuals who abuse their authority are not immediately and firmly prosecuted. If necessary, such cases should be widely publicized so that the public understands that law enforcement is uncompromising. In the context of gambling, these backers can be equated with bookies, who under the Criminal Code are subject to imprisonment of more than five years. This reference stems from the statement of an Indonesian legal expert who stated that even if a person's actions are not the primary act, if their collaboration with the main perpetrator is very close, then that person's actions can be categorized as a perpetrator of the crime, not merely an accessory.

In addition, AKBP ..... Head of the Operational Division of the West Java Regional Police's Criminal Investigation Directorate, also outlined external obstacles, namely:

##### 1. Vast Area and Difficulty in Supervision

To date, many areas in West Java, especially those in remote areas, remain hotspots for gambling cases that are difficult to monitor, making arrests difficult. Online gambling is the most prominent example.

##### 2. Budget and Facility Limitations

The lack of funds, facilities, and infrastructure within the police force means that information obtained is sometimes slower than the perpetrators' actions.

##### 3. The Hidden Nature of the Activity

Gambling's modus operandi is carried out covertly and covertly, making early detection difficult.

##### 4. High Mobility of Perpetrators

Perpetrators frequently move from place to place and do not settle in one location, making arrests difficult.

##### 5. Lack of Transparency and Public Participation

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Some members of the public remain secretive and unwilling to provide information to the police for investigations and inquiries. They choose to remain silent or claim ignorance.

#### 6. Public Intention to Become Witnesses

Many members of the public are unwilling to be witnesses in criminal cases because they do not want the hassle of the legal process.

#### 7. Disappearance and Destruction of Evidence

Perpetrators often intentionally remove or destroy evidence used during police operations.

To address the various obstacles faced by the police in eradicating gambling crimes, particularly online gambling, the following efforts are being undertaken:

##### 1. Institutional Paradigm Change

The Indonesian National Police (Polri) must transform its mindset in personnel management and improve professionalism. This aims to change existing negative perceptions and regain public sympathy.

##### 2. Opening Space for Partnership with the Community

The police provide greater opportunities and space for the public to cooperate by reporting potential crimes and disrupting public order.

##### 3. Strengthening Interstakeholder Coordination

To foster effective and synergistic cooperation, the police maintain ongoing coordination with local governments and community elements. The goal is to minimize the occurrence of online gambling through comprehensive preventative measures.

The actions taken by the West Java Regional Police's Directorate of Special Criminal Investigations to suppress the spread of gambling crimes can be categorized as quite effective legal efforts, as these police actions utilize criminal law policy instruments (penal policy). The process of handling gambling crimes carried out by the West Java Regional Police's Directorate of Special Criminal Investigations begins with a public report regarding an incident suspected of being a gambling crime. After hearing and receiving the report, several police officers immediately conduct an investigation. The majority of reports received by the West Java Regional Police's Directorate of Special Criminal Investigations are in the form of oral reports. In accordance with the provisions stipulated in Article 103 paragraph (2) of the Criminal Procedure Code, these oral reports are then recorded or written by the Investigating Officer and then signed by both the reporter and the investigator concerned.

### **3.3. Effectiveness of the Police's Role in Justice-Based Law Enforcement Against Online Gambling Networks**

The effectiveness of police law enforcement against online gambling networks cannot be separated from the underlying legal framework. Regulations such as the Electronic Information and Transactions Law (UU ITE) and the Criminal Code (KUHP) have provided the legal basis for prohibiting online gambling practices. However, the success of a regulation is not determined solely by the strength of its legal text. According to the theory of legal effectiveness, consistent implementation, supporting facilities, and public participation are crucial factors to ensure the law does not remain merely on paper.<sup>6</sup>

From an institutional perspective, the police face significant challenges in terms of human resource and technological readiness. Digital-based online gambling crimes require adequate investigative capacity and mastery of cyber forensic technology. Limitations in the number of qualified personnel, digital forensic tools, and operational budget often hamper the speed and accuracy of police response. Consequently, the effectiveness of eradication efforts is less than optimal when dealing with perpetrators using sophisticated technology such as VPNs and foreign servers.

Coordination and synergy between institutions are other crucial pillars for success. Handling complex online gambling networks requires solid collaboration within a governance network.<sup>7</sup> Collaboration between the National Police, the Communications and Information Technology Agency (Kominfo), the Financial Transaction Reports and Analysis Center (PPATK), and the Financial Services Authority (OJK) is crucial for blocking websites, monitoring suspicious fund flows, and uncovering modus operandi. Without effective coordination, the efforts of a single agency can easily be overwhelmed by the agility of the criminal network.<sup>8</sup>

Public participation and legal awareness are also key variables in this effectiveness equation. Based on the Theory of Social Responsibility, the public is expected to not merely passively but actively reject and report online gambling activities. Low digital and legal literacy among the public allows gambling practices to proliferate covertly. Therefore, active public participation in monitoring their environment and reporting suspicious activity significantly assists the police in obtaining information and evidence.

Operationally, the police implement repressive measures such as cyber patrols, closing illegal websites, and arresting perpetrators. These actions are a manifestation of the application of criminal law (penal policy) to create a deterrent effect. However, a repressive approach alone is insufficient to eradicate the problem at its roots. Approaches that rely solely on

<sup>6</sup> Hutagaol, R., 2019, Perbandingan Kedudukan Penyidik Tindak Pidana Narkotika Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dan Kitab Undang-Undang Hukum Pidana. *Jurnal Ilmiah Penegakan Hukum* , 6 (2), 86-95.

<sup>7</sup> Packer, H., 1968, *Batasan sanksi pidana*, Stanford University Press, hlm. 76.

<sup>8</sup> Rhodes, RAW, 1996, Tata kelola baru: memerintah tanpa pemerintah, *Studi politik* , 44 (4), 652-667.

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enforcement often fall behind if not balanced with more proactive and preventative strategies to address the rapid technological developments exploited by criminals.

On the other hand, preventative efforts through education and increasing public digital literacy have a long-term strategic role. Legal education and an understanding of the risks of online gambling can build collective awareness and create a social environment that rejects this illegal practice. People with high digital literacy will be better able to recognize online gambling schemes disguised as ordinary games or applications, allowing them to avoid them and report them early.

Public misperceptions about gambling, such as the gambler's fallacy and the illusion of control, further complicate the police's task. Many perpetrators are driven by the irrational belief that a loss will soon be followed by a win, leading them to continue gambling despite experiencing significant losses. These psychological and cognitive aspects demonstrate that law enforcement must understand the roots of perpetrators' behavior, rather than simply arresting them, to achieve a more comprehensive approach based on restorative justice.

#### **4. Conclusion**

The role of the police in enforcing the law against online gambling networks, particularly the West Java Regional Police's Cyber Directorate, encompasses both preventive and repressive measures. Preventive measures include blocking gambling sites, raising awareness of the dangers of gambling, and providing public warnings. Repressive measures include investigations, prosecutions, arrests of perpetrators, and the collection and management of digital evidence. The police also play a role in coordinating with relevant agencies such as the Ministry of Communication and Information Technology and the Financial Transaction Reports and Analysis Center (PPATK), although in practice they are still faced with complex modus operandi and limited resources. Weaknesses in the police's role in enforcing the law against online gambling networks currently include a legal framework that is deemed not fully relevant to technological developments, limited human resources and facilities (such as digital forensic tools), and the high level of difficulty in establishing evidence. Furthermore, external factors such as the vast territory, the mobility of perpetrators, low public participation, and the practice of protection (backing) from certain individuals also weaken the effectiveness of case handling. The effectiveness of the police's role in justice-based online gambling law enforcement is influenced by several factors, namely consistent law enforcement, support from facilities and technology, inter-agency coordination, and public participation. Although repressive measures have been implemented, an approach relying solely on enforcement is deemed insufficient. A holistic and equitable strategy is needed, combining a preventative-educational approach with increased investigative capacity, so that law enforcement is not merely reactive but also capable of delivering substantive justice for the community.

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