

## Implications of Legal Problems for Police Efforts to Eradicate Online Gambling Crimes

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**Abstract.** *Many online gambling operators are based overseas, making national jurisdictions inadequate for effective legal proceedings. Extradition processes, requests for mutual legal assistance (MLA), and international cooperation are essential, but their implementation is not always smooth due to differences in legal systems and political interests between countries. Therefore, the government and the police need to take effective steps to prevent and stop online gambling practices in society. Based on this situation, efforts to address the problem of online gambling require effective criminal law policies. The purpose of this study is to determine and analyze (1) the dynamics of online gambling in Indonesia from the perspectives of legal sociology and positive law, (2) current police efforts to eradicate online gambling crimes, and (3) legal issues hindering police efforts to eradicate online gambling crimes. The approach used in this study is normative juridical. The research specifications are descriptive and analytical. The data sources used are secondary data. Secondary data is data obtained from library research, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The research results and discussion can be concluded as follows: (1) Legal sociology considers that in the public's view, it is necessary to improve legal doctrine so that the public can understand the dangerous and destructive impacts of online gambling as well as legal doctrine on the effectiveness of law enforcement against the sources of the increase in online gambling itself. Modernization of law against online gambling is applied to legal products in Law Number 1 of 2024 concerning Electronic Information and Transactions. (2) Technically, the Police eradicate online gambling in collaboration with the Ministry of Communication and Digital, one of the efforts carried out by the National Police's Cyber Crime Directorate is to carry out formal supervision through cyber patrol techniques. The main purpose of carrying out formal supervision is to create a deterrent effect on criminals because the risk of being caught is high. One implementation of this strategy is in the form of the Cyber Patrol method carried out by Sub-Directorate 3 of the Cyber Crime Directorate of the National Police's Criminal Investigation Agency. (3) The Police need support from the government in the form of formulations from a legal and foreign policy perspective to further legitimize Police actions in reaching online gambling crime subjects located abroad. In many cases, online gambling servers or perpetrators' social media accounts are based abroad.*

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*When the data and perpetrators are in different jurisdictions, Indonesian authorities must go through a lengthy international cooperation mechanism.*

**Keywords:** *Police; Problems; Online Gambling.*

## 1. Introduction

The Republic of Indonesia is a state based on law <sup>1</sup>, so that the Constitution and all state regulations should naturally be based on national independence, which has been stated in the 1945 Constitution of the Republic of Indonesia, which consists of the preamble, body, 37 paragraph 4 of the transitional rules and two additional paragraphs of rules along with their explanations. The state government system assigned in the Constitution, that Indonesia is a state based on law (Rechts staat), not based on mere power (matchs staat). The government based on the constitutional system (basic law) is not absolutist (unlimited power).<sup>2</sup>

The affirmation of the concept of a state based on law in the 1945 Constitution of the Republic of Indonesia demonstrates that the principle of a state based on law (Rechtsstaat) is viewed as essential. To this day, the concept of a state based on law remains the most ideal concept of statehood. This concept of a state based on law has been developing since Plato wrote the *Nomoi*, or even long before. The concept of a state based on law is based on the belief that state power must be exercised on the basis of good and just law.<sup>3</sup>

A state based on the rule of law requires that the law must always be upheld, respected, and obeyed by everyone without exception. This aims to create security, order, and prosperity in social and national life. Human beings naturally have various interests and needs. The concept of a state based on the rule of law is in accordance with the dictates of the constitution (constitutionalism). This agreement has, over time, evolved into a shared hope, also known as the state philosophy or *staatsidee*, meaning the ideals of the state.<sup>4</sup>

In order to fulfill their needs and interests, humans behave and act. To ensure that their attitudes and actions do not harm the interests and rights of others, the law provides guidelines in the form of behavioral boundaries in order to achieve and fulfill these interests. As a nation based on the rule of law, Indonesia is obliged to enforce the law against all forms of crime in order to realize the supremacy of law.

## 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 method of thinking (a way of thinking in drawing conclusions drawn from something of a general nature that has been proven to be true and the conclusion is intended for something

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<sup>1</sup> Supriyono, Criminology Study of Crime of Fencing the Stolen Goods, *Jurnal Daulat Hukum*, 3 (1) March 2020, p. 186

<sup>2</sup> Sarudi, Indonesia sebagai Negara Hukum, *Widya Sandhi: Institut Agama Hindu Negeri Gde Pudja Mataram*, 12 (1) Agustus 2021, p. 4

<sup>3</sup> Frans Magnis Suseno, *Etika Politik Prinsip-prinsip Moral Dasar Kenegaraan Modern*, Gramedia Pustaka Utama, Jakarta, 1994, p. 295.

<sup>4</sup> Habibul Umam Taqiuddin. Gagasan UUD 1945 Sebagai Konstitusi Politik, Konstitusi Ekonomi, dan Konstitusi Sosial. *Econetica*, 3 (2) November 2021, p. 40

of a specific nature). Thus, the object analyzed with a qualitative approach is a research method that refers to legal norms contained in statutory regulations.

### 3. Results and Discussion

#### 3.1. Dynamics of Online Gambling in Indonesia from the Perspective of Legal Sociology and Positive Law

Before discussing online gambling, it is important to understand the basic concept of gambling itself. Gambling has been a well-known problem throughout history in society and is perhaps the most established form of gambling on the planet. Countries all over the world recognize it as an ancient game. However, gambling is a social problem due to its highly negative impacts, particularly on the general public and younger generations, as it tends to make them lazy to work. Furthermore, gambling also violates strict moral and social standards. Gambling can trigger addiction and cause material and unnecessary harm to both players and their families.<sup>5</sup>

Gambling has existed for centuries and continues to be a social phenomenon. Perspectives and types of wagering games may vary over time. Gambling involves wagering or using a specific amount of money, either in large or limited amounts, according to a specific understanding. Winners can take money or goods from criminals without sympathy or leniency, often leading to extortion and the destruction of other groups. Gambling is often seen as an easy path to wealth through immoral means. People who are often lethargic at work and live in fantasies and empty dreams are more likely to dislike gambling activities.<sup>6</sup>

In gambling, players place bets on one option from a range of choices, with the goal of being the only one to choose correctly and win. The loser of the bet transfers the stake to the winner. Before the game begins, the rules and betting amounts are determined. Gambling is defined by the Indonesian Dictionary as any game (such as playing cards or dice) in which bets are made with money or valuables.<sup>7</sup>

In recent decades, advances in information technology have transformed the way we interact with the world, including in entertainment and gambling. The development of the internet has opened the door for the gambling industry to expand significantly, offering a wide variety of games and betting opportunities easily accessible from the comfort of home. The proliferation of gambling websites and apps has made it easier for users to utilize, access, and search for a wide variety of games to gamble on websites and apps without having to travel to a casino, as all types of games can be easily found and participated in online.

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<sup>5</sup> Josua Sitompul, *Cyberspace Cybercrimes Cyberlaw: Tinjauan Aspek Hukum Pidana*, Cet. III; Jakarta:PT Tatanusa, 2007, p. 5.

<sup>6</sup> Tiara Nur Hidayah & Septi Indah Novita Sari. Identifikasi Yuridis Penegakan Hukum Terhadap Perjudian Online di Indonesia, *Qaumiyyah: Jurnal Hukum Tata Negara*, 4 (1) 2023, p. 22

<sup>7</sup> Rara Zui Andri, dkk. Law Enforcement in Eradicating the Crime of Online Gambling (Slot Gambling) in Taluk Kuantan City, *Rewang Rencang : Jurnal Hukum Lex Generalis*, 4 (7) 2023, p. 4

According to Onno W. Purbo, what is referred to as online gambling or internet gambling typically occurs when bets are placed online. Gamblers are required to make an upfront deposit before they can gamble online. This means transferring a certain amount of money to the gambling website administrator as an initial deposit.<sup>8</sup>

The influence of current developments in information and communication technology has impacted gambling game models, including payment methods. In the past, gambling games required players to meet face-to-face, or in other words, using physical facilities, and payments were made using cash. However, today, gambling games can be played online, eliminating the need for in-person meetings. Online gambling requires more than just profit; it requires adept internet usage and strategic execution, such as transferring funds via mobile banking.<sup>9</sup>

Online gambling is characterized by the nature of a cybercrime, a type of cybercrime known as cyberpiracy, which is directly related to illegal content, the dissemination of information, the use of internet networks, and the creation of software to distribute online gambling systems that violate laws used by perpetrators to carry out their crimes.

Some electronic devices that can easily access the software created by perpetrators include computers, laptops, and mobile phones, which are used by players to gamble online. Mobile phones and computers are commonly used for communication, while computers are used for work. However, the principle remains the same: they can be used as tools for committing crimes. One of the advantages of online gambling is that it can be played anywhere and at any time, as these bookmakers operate 24/7. Furthermore, online gambling is also conducted in internet cafes or Wi-Fi locations, or simply played using a smartphone. To start playing online gambling, depositing bets can be done online through online payments or transactions, including mobile banking, Western Union, MoneyGram, credit cards, and money orders, wire transfers. Transaction payments are also now made online. Winners in online gambling games receive their money through electronic transactions.

### **3.2. Current Police Efforts to Eradicating Online Gambling Crimes**

Article 1, number 1 of Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia, State Gazette of the Republic of Indonesia Number 2 (hereinafter referred to as the Police Law), states that "Police are all matters relating to the functions and institutions of the police in accordance with statutory regulations." This definition has two meanings: police institution and police function. The police institution is an organized and structured government organ designated as an institution and authorized to carry out its functions based on statutory regulations. Meanwhile, the function of the police, as defined in Article 2 of the Police Law, is one of the

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<sup>8</sup> Onno W. Purbo, *Op.Cit*, 2007

<sup>9</sup> Putri Ayu Trisnawati, dkk. Kekuatan Pembuktian Transaksi Elektronik dalam Tindak Pidana Perjudian Online dari Pespektif Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (Putusan Nomor 140/Pid.B/2013/PN-TB), *Jurnal Ilmu Hukum Universitas Jember*, 1 (1) 2015, p. 2

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functions of state government in the areas of maintaining public security and order, law enforcement, protection, patronage, and service to the community.

The function of the police is the general duties and authority of the police, meaning all work activities carried out by the police which include preventive activities and law enforcement (repressive). In Law No. 2 of 2002, the main duties of the police are formulated as follows: First, maintaining public security and order; second, enforcing the law; and third, providing protection, shelter, and services to the community.<sup>10</sup>

The main duties of the Republic of Indonesia National Police are to maintain public security and order, enforce the law and provide protection, shelter and services to the community and government in accordance with the needs of the organizers of all activities in ensuring security, order and smooth traffic on the road, fostering the community to increase community participation, public legal awareness and community compliance with laws and regulations, participating in national legal development to maintain order and guarantee public security. The Indonesian National Police (Polri) also has the task of coordinating, supervising, and providing technical guidance to the special police, civil servant investigators, and other forms of self-service security. It also conducts investigations and inquiries into all criminal acts in accordance with criminal procedure law and other laws and regulations. It also provides police identification, police medical services, forensic laboratories, and police psychology services to protect the safety of life, property, the public, and the environment from disturbances and/or planned activities. This includes providing assistance and assistance while upholding human rights. It also serves the interests of the public temporarily before being handled by authorized agencies or parties providing services to the public in accordance with the interests within the police's scope of duties. It also carries out other duties in accordance with laws and regulations, the implementation of which will be further regulated by Government Regulations.

The police, as an institution mandated to enforce the law, have the duty and function to prevent and combat all forms of crime, including online gambling. As part of the legal enforcement apparatus, the police are obligated to prevent and combat online gambling, as online gambling crimes have become widespread in society. So far, the police have made efforts to prevent all criminal acts, but regarding online gambling, there are many things that must be eradicated, starting from online gambling platforms, bookies, to the community.<sup>11</sup>

In essence, law enforcement is the activity of law enforcement in implementing statutory provisions, prosecuting criminal acts, and imposing sanctions for every violation and crime committed by criminals. Law enforcement is carried out in an organized manner by all police systems and other law enforcement agencies. Law enforcement is one of the main duties of the police, namely to create, maintain, and preserve peace in social life.<sup>12</sup> Law enforcement

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<sup>10</sup> Djoko Prakoso. *Op.Cit.* 1987. p. 39

<sup>11</sup> Husain Rahmat Hidayat, dkk. Peran Kepolisian Dalam Penanggulangan Tindak Pidana Perjudian Online Studi Kasus : Wilayah Kepolisian Resor Subang, Jawa Barat, *Karimah Tauhid*, 3 (3) 2024, p. 3053

<sup>12</sup> Soejono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Raja Grafindo Persada, Jakarta, 1993, p. 13



is carried out as mandated by the 1945 Constitution of the Republic of Indonesia and the Police Law. Law enforcement is a multifaceted process.<sup>13</sup>

### **3.3. Legal Issues Hampering Police Efforts to Eradicate Online Gambling**

Online gambling has dominated the past five years, spanning a variety of platforms, from soccer betting sites and slot machines to online lottery. However, conventional forms of gambling, such as dice, playing cards, and offline lottery, are still found, especially in densely populated areas. The shift in *modus operandi* over this period, primarily due to the widespread use of technology, is palpable. Previously, perpetrators gambled in person, but now they use technology to conceal their activities. Online gambling is generally conducted via smartphones, with payments made through e-wallets or bank accounts not in the perpetrator's name. They also use encrypted chat apps, such as Telegram and WhatsApp, to communicate with bookies.

Mark Griffiths, a behavioral expert from Nottingham Trent University, stated that online gambling has unique characteristics but poses very dangerous risks for online gambling addicts.<sup>14</sup> The impact of online gambling addiction not only affects individuals but can also damage family social structures, lead to poverty, and trigger crime due to financial pressures. However, what is even more concerning is that online gambling can also influence the behavior of those around them. This means that not only online gamblers are potentially criminals, but also those who feel disadvantaged by them.

In his study, Mark Griffiths, in addition to highlighting the impact of online gambling on perpetrators, also highlighted that online gamblers are more difficult to detect due to their invisibility. Online gambling is like a social disaster that can threaten the sustainability of society. This also presents a challenge for law enforcement in curbing the high rate of online gambling in Indonesia. Based on research conducted by the Center for Indonesian Policy Studies (CIPS), Muhammad Nihdal revealed that the prevalence of online gambling in Indonesia is due to low digital and financial literacy, as well as a lack of legal enforcement against online gambling practices.<sup>15</sup>

Online gambling is the root of national destruction caused by technological developments. Although technological advances offer many benefits, if not handled wisely, they can become a tool that erodes morals and public life. Furthermore, even employees of the Ministry of Communication and Digital (Komdigi), who have the authority to inspect and block online gambling sites, have abused their authority by engaging in these practices. This situation demonstrates that the government must not turn a blind eye to and underestimate the

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<sup>13</sup> Shant Dellyana, *Konsep Penegakan Hukum*. Yogyakarta. 2021. p. 32

<sup>14</sup> Mark Griffiths, Andrew Barnes, Internet Gambling: An Online Empirical Study Among Student Gamblers, Nottingham Trent University, *International Journal of Mental Health and Addiction*, 6 (2) Springer 2008, p. 194-204

<sup>15</sup> <https://news.republika.co.id/berita/sfmjg4409/alasan-mengapa-judi-online-marak-di-indonesia-menurut-studi>, Diakses Pada Tanggal 20 Agustus 2025

practice of online gambling, as if not addressed promptly and effectively, it will seriously damage public morals and economic stability.

Addressing the online gambling phenomenon in Indonesia is a complex task and requires an integrated strategy, given the numerous obstacles that must be overcome. One major challenge is the transformation from conventional gambling to a digital or modern form. In this shift, gambling is no longer limited to the physical realm but has entered the digital realm, requiring a different and more sophisticated law enforcement approach.

Despite efforts to block online gambling sites, new clones of online gambling sites continue to emerge at an unpredictable rate. Once one site is successfully blocked, thousands of others quickly emerge, making it difficult to effectively monitor. The complexity of blocking online gambling sites is compounded by the fact that some servers are difficult, if not impossible, to block. Even if blocking is implemented, the impact can ripple outward and affect other servers that may not be involved in online gambling activities.

The complexity of online gambling crimes, including the anonymity often exploited by perpetrators, adds to the difficulty of uncovering and handling cases, as bookies and online gambling site managers use anonymous identities to shield themselves from law enforcement. Furthermore, the practice of falsifying and buying and selling accounts by online gamblers is an additional deception method, increasing the difficulty of identification and prosecution.

The problem is further complicated by the presence of online gambling centers operating overseas. Legal differences between Indonesia and the countries where these centers are located complicate effective and efficient law enforcement. Online gambling platform servers are not solely located in Indonesia, making it difficult to detect and intercept all activities carried out by online gambling operators. The servers used to display online gambling platforms are difficult to access, making it difficult for police to identify online gambling perpetrators. Several countries, such as Cambodia, Thailand, the Philippines, and Singapore, have their own laws regarding law enforcement. Therefore, if the police want to access their systems for law enforcement purposes, they must follow their established procedures. This is especially true in countries where online gambling has been legalized, which is considered an economic activity and a choice for everyone.<sup>16</sup>

The cross-border nature of cybercrime, both geographically and across legal jurisdictions, complicates tracking, arrest, and extradition. Police often struggle to identify perpetrators because they use fake accounts, fictitious identities, and virtual private networks (VPNs) to conceal their location and digital activity. This technology makes it difficult for law enforcement to track perpetrators quickly and accurately.<sup>17</sup> Online gambling operators often form large, impenetrable networks. They not only target local players but also recruit agents,

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<sup>16</sup> Husain Rahmat Hidayat, dkk. *Op.Cit*, 3 (3) 2024, p. 3062

<sup>17</sup> Sri Gustina, dkk. Online Gambling Crime: Law Enforcement by the Police, as well as Efforts and Strategies for Handling it, *JIIIC: Jurnal Intelek Insan Cendikia*, 2 (5) Mei 2025, p. 7770



affiliates, and promoters through social media. This network requires police to work extra hard to dismantle the entire organizational structure.

#### **4. Conclusion**

In terms of causality, legal sociology considers that in the public's view, it is necessary to improve legal doctrine so that the public can understand the dangerous and destructive impacts of online gambling as well as legal doctrine regarding the effectiveness of law enforcement against the source of the increase in online gambling itself. In the interpretation of legal sociology, criminal law norms for online gambling must see the turmoil that occurs in society due to the impact that occurs with a domino pattern on further crimes that arise from online gambling activities and the psychological impact of people who enter the online gambling circle. The modernization of law on online gambling is applied to the legal product of the ITE Law. Regulations regarding criminal acts of online gambling in Indonesia are regulated in Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law). Article 27 paragraph (2) of the ITE Law as a legal substance that accommodates criminal elements in online gambling which explains that anyone who intentionally and without the right to distribute, and/or transmit and/or create information or electronic documents that contain gambling content is included as a prohibited act. In material criminal law, the latest Criminal Code is Law No. 1 of 2023 concerning the Criminal Code. After decades of deliberation, the Draft Criminal Code was passed by the House of Representatives (DPR) in January 2023. Some new articles were also retained, including the gambling article, which was retained but with reduced penalties. Specifically, in the eighth section on gambling, Articles 426 and 427. Technically, the police are working with Komdigi to eradicate online gambling. One of the efforts undertaken by the National Police's Cyber Crimes Directorate (Dittipidsiber) is to conduct formal supervision through cyber patrol techniques. The main goal of formal supervision is to create a deterrent effect on criminals because the risk of being caught is high. One implementation of this strategy is the Cyber Patrol method run by Sub-Directorate 3 of the Cyber Crimes Directorate of the National Police Criminal Investigation Agency (Bareskrim Polri). Cyber Patrols are a crime prevention effort to reduce the distribution of online gambling in Indonesia. This method is carried out through digital devices to detect content or websites containing elements of online gambling as early as possible. Furthermore, based on the results of investigations or monitoring, the Indonesian National Police (Polri) can provide recommendations and coordinate with the Ministry of Communication and Information Technology (Kominfo) to block sites or content containing elements of online gambling. The Indonesian National Police (Polri) has an integrated group consisting of relevant law enforcement agencies and the Ministry of Communication and Information Technology (Kominfo) to facilitate rapid coordination. The Ministry of Communication and Information Technology will then assess the recommendations, and violators will be blocked or taken down. In addition to collaborating with the Ministry of Communication and Information Technology, one of the Indonesian National Police's efforts to eradicate and prevent online gambling in Indonesia is by collaborating with the Financial Transaction Reports and Analysis Center (PPATK) and the Financial Services Authority (OJK) to impose restrictions on any transaction activity that indicates online gambling activity. The Financial Services Authority

(OJK) and banking institutions have taken steps to prevent the distribution of online gambling by blocking bank accounts suspected of involvement in online gambling distribution activities in Indonesia. Analyzing the problematic Indonesian law within the scope of police investigations into criminal law subjects, such as online gambling site managers and online bookies located abroad, has become a major stumbling block for Indonesia in optimizing its efforts to eradicate online gambling due to weak regulations governing cross-border digital jurisdiction. Preventive techniques such as blocking online gambling-affiliated accounts, blocking online gambling sites, detecting the emergence of new online gambling sites through web defacement and black hat SEO, criminalizing influencers/creators/entertainers involved in promoting online gambling, and raiding online gambling server offices in various regions of Indonesia are not in vain. However, the most effective and influential way to eradicate online gambling lies in targeting the heads or parent bodies of online gambling networks. This means that the police need government support in the form of legal and foreign policy formulations to further legitimize police actions in reaching online gambling criminals located abroad. In many cases, online gambling servers or perpetrators' social media accounts are based abroad. When data and perpetrators are located in different jurisdictions, Indonesian authorities must go through lengthy international cooperation mechanisms, such as The Mutual Legal Assistance Treaty (MLAT) often delays legal proceedings. Furthermore, not all countries have criminalized online gambling.

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