

# The implementing the Role of the Police in Preventing Gambling Crimes

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## Abstract.

*The objectives to be achieved in this study are to find out the factors causing the rampant gambling in the Kudus region, to determine the implementation of the role of the Kudus Resort Police in preventing gambling crimes and to find out what obstacles and solutions are in implementing the role of the Kudus Resort Police in preventing gambling crimes? The research method used in this study is a juridical-sociological approach. The data analysis method used in this study is qualitative analysis, which is a way of analyzing research results that produces analytical descriptive data. The conclusions in this study are the factors that cause the rampant gambling in the Kudus area: They, especially the small and poor people, feel uncertain about the future, and are not sure that with reasonable business results they can get balanced results They feel they do not get protection and The role of the Police in Combating Gambling in Kudus is extraordinary, so that the Kudus Polres can be said as one of the Polres that consistently eradicates Gambling indiscriminately. Kudus Police and Efforts: Obstacles originating from the community/outside the police. Obstacles that come from within the police.*

*Keywords: Crime; Gambling; Implementation; Police.*

## 1. Introduction

Gambling is a bad social disease, because the winnings resulting from gambling will not last long and will instead result in the destruction of individual characters and will ruin their lives. There are many facts that tell us that gambling winners do not always have a prosperous life, most of them experience extreme poverty and experience isolation from family and society.

Gambling is an act that is contrary to religious norms, decency, morals, and law, and is very dangerous for the life of the community, nation and state. Various forms of gambling today are often carried out by people who are around us, either done secretly or done in an open way. This is because our society has considered gambling as a common thing. Judging from the legal perspective, gambling is one of the crimes (delict) that is very troubling to the community.<sup>1</sup> The Encyclopedia Britanica notes that gambling was invented in primitive times, such as the Bushmen in South Africa, the Aborigines in Australia, and the Indians in America, where they were familiar with the game of dice.<sup>2</sup>

Law enforcement to limit gambling is apparently still weak, because first, the development of community values and desires to legalize gambling, for example through the localization of gambling venues. Second, many gambling venues are

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<sup>1</sup><http://darpawan.wordpress.com/2009/12/14/menangkan-keadilan-dalam-penunjukan-pidana/> accessed on October 25, 2021

<sup>2</sup>Tabah, A. (1991). *Menatap Dengan Mata Hati Polisi Indonesia*. Jakarta: PT Gramedia Pustaka Utama, p. 182.

actually unofficially protected by law enforcement officers and or covert organizations such as thugs. The modus operandi of the perpetrators of gambling crimes is indeed different. By knowing the factors that cause gambling and the modus operandi of gambling actors, it is hoped that the right way to prevent, overcome and uncover the gambling business that is still thriving in the community, both through law enforcement officials and through community members.

Andi Alamsyah, Ruslan Renggong, Abdul Salam Siku, show the shape of the role of the police in tackling the crime of gambling can be seen from the efforts. The measures taken include pre-emptive efforts in the form of delivering messages of security and public order (*kamtibmas*) to mosques, Bhayangkara builder, door-to-door public security and order (*Bhabinkamtibmas*), and legal counseling at village offices/homes of community leaders. Then preventive efforts carry out operations and supervision in crowded places, conduct regular and ongoing patrols and surveillance. In a repressive effort, the police conducted investigations and sought information, participated in gambling, disguised themselves, arrested suspects and confiscated evidence. The obstacles faced by the Police in an effort to overcome the crime of gambling are the lack of public response to socialization or counseling, closed society providing information.<sup>3</sup>

The research of M. Yundha Kurniawan, Taufik Siregar, & Sri Hidayani shows that law enforcement against perpetrators of gambling crimes online in the Police increase in the crime mode of online gambling is not accompanied by an increase in the quality and quantity of Polri personnel. Lack of mastery of information technology by investigators in uncovering perpetrators of online gambling crimes. Lack of identity of perpetrators and lack of witnesses. Lack of evidence in the filing process. Lack of cooperation between the Police and providers and the public to obtain information related to online gambling crimes. The lack of cooperation between the Police and the Public Prosecutor in the process of investigating online gambling crimes.<sup>4</sup>

Gambling according to Article 303 paragraph (3) of the Criminal Code (KUHP) is defined as any game, where in general the possibility of making a profit depends on sheer luck, also because the players are more trained or more proficient. This includes any bets on the outcome of a race or other game not held between those participating in the competition or playing, as well as any other bets. Gambling in Webster's dictionary is defined as an activity that involves an element of risk.

The study of Ibn Adi Prasetyo, Indah Setyowati in 2019, stated it is known that the Police's efforts in tackling the crime of gambling are carried out with preemptive, preventive and repressive efforts. In dealing with it, the Police have several obstacles, namely the lack of public awareness and awareness, the existence of security from the police certain elements, the lack of police personnel,

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<sup>3</sup>Andi Alamsyah, Ruslan Renggong, Abdul Salam Siku, 2019 Implementation of Police Functions in Handling Gambling Crime (Case Study of Maros Regency) Indonesian Journal of Legality of Law ISSN: 2477-19X, <https://postgraduate.univeritasbosowa.ac.id>

<sup>4</sup>M. Yundha Kurniawan, Taufik Siregar, & Sri Hidayani, 2022 Law Enforcement by the Police Against Criminals of Online Gambling (Study on the Regional Police of North Sumatra) Scientific Journal of Masters of Law, 4(1) 2022: 28-44, <http://journalmahasiswa.uma.ac.id/index.php/arbitar>

and the perpetrators running away. To overcome these obstacles, the Police made several efforts, namely holding outreach to the community, eradicating elements that act as security backers, adding and rearranging personnel, and arresting perpetrators.<sup>5</sup>

The results of Muhammad Aldy Sulaiman study prove the role of the Kudus Police in overcoming criminal acts with non-criminal and criminal efforts. Factors that become obstacles and incentives in overcoming those who participate in gambling, for the sake of the community, are inhibiting factors consisting of less than optimal social control, economic factors, low community level, low response from the community to socialization or counseling carried out by the police, law enforcement is less asking in action. Meanwhile, the driving factors are members of *Bhabinkamtibmas* who continue to improve their abilities, security guarantees by community protection officers so that an orderly and comfortable atmosphere is maintained.<sup>6</sup>

The jurisdiction of the Kudus Resort Police, Central Java, as many as 10 gambling cases during January to February 2020 and arrested the perpetrators. Based on the cases that were successfully revealed, it was still dominated by cases of dark toto gambling (*togel*) then dice gambling and online gambling using applications. For the latest case, the Kudus Police managed to uncover gambling cases in three locations, all of which were lottery gambling, namely in Kedungdowo Village (Sub-district of Kaliwungu), Mlati Norowito (Main District), and Jepang Village (Mejobo District).<sup>7</sup>

Next on the research of Aniza Lakoro, Lisnawaty W. Badu, Nuvazria Achir shows that police efforts in handling the crime of online lottery gambling, they first carried out the first socialization, asking for information assistance to village officials may also encourage them to be more active so as not to gamble. Second, the Routine Patrol of the Kudus Resort Police, this activity is actually one of the routine tasks of the Kudus Resort Police which aims to provide a sense of security and order in the jurisdiction of the Kudus Police and so that things do not happen again like that. And the inhibiting factor in handling online lottery gambling crimes is the role of the police in dealing with online gambling cases has not been very effective because there are obstacles found in the process of overcoming these criminal acts, among others, are the limited IT constraints, so that the perpetrators of gambling are only subject to Article 303 of the Criminal Code concerning gambling. In handling online gambling cases, there are various

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<sup>5</sup>Ibnu Adi Prasetyo, Indah Setyowati, 2019, Police Efforts in Combating the Crime of Playing Card Gambling (Case Study in the Legal Area of Wonosalam Police, Demak Regency) Proceedings of the Unissula Student Scientific Conference (KIMU) 2 Sultan Agung Islamic University Semarang, 18 October 2019 ISSN. 2720-913X

<sup>6</sup>Muhammad Aldy Sulaiman. (2020). Peran Kepolisian Resor Kediri dalam penanggulangan tindak pidana perjudian. *Jurnal Sosiologi Dialektika*. doi:<http://dx.doi.org/10.20473/jsd.v15i2.2020.101-107>

<sup>7</sup> <https://www.murianews.com/2020/06/03/189227/polres-kudus-tangkap-32-orang-bandar-dan-pelaku-judi.html> accessed on June 3, 2021

obstacles found in the field both in terms of time, cost and processes that are not easy to imagine.<sup>8</sup>

Based on the description above, the authors are interested in conducting research that aims to find out and analyze the factors causing the rampant gambling in the Kudus area, the implementation of the role of the Kudus Resort Police in gambling crimes, what obstacles and solutions are in implementing the role of the Kudus Resort Police in preventing gambling crimes.

## 2. Research Methods

This research is a legal research that uses a sociological juridical approach, the specifications of the research used by the researcher by discussing the problem in an analytical descriptive way, the data obtained from observations, interviews, and documents. The data collection method is sourced from primary and secondary data, while the data analysis method uses descriptive analytical methods.

## 3. Results and Discussion

### 3.1. Factors Causing the Rise of Gambling in the Kudus Region

Talking about gambling in the Holy City, almost all levels of society condemn gambling which considers it a crime, violation or other criminal acts such as murder, prostitution, theft, all of which have received strong criticism from the community, uniquely gambling still occurs and is carried out by almost all levels of society. For the community, an easy-to-see example is gambling carried out by the lower middle class, such as: pedicab drivers, drivers, coolies, unemployed people who enliven gambling in the Holy City.

The reasons that often arise why the lower middle class participate in gambling are:<sup>9</sup>

- They, especially the small and poor people, feel uncertain about the future, and are not sure that with the results of their reasonable efforts they can get a balanced result, so one way to get a balance of feelings is by speculating, playing luck and gambling.
- They feel they do not get protection and security from the authorities, the government in their efforts to maintain their daily lives, so they must have done a lot of speculative actions and gambling, which can then develop into deviant behavior due to forced circumstances that are not repeated or behavior slight deviation (primary deviation).
- The pattern of gambling behavior is then used as a tool to solve the difficulties of daily life, then the gambling pattern develops into a real deviant behavior and is often carried out and the consequences are quite severe and disturbing others (secondary deviation).

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<sup>8</sup>Aniza Lakoro, L. W. (2020). Lemahnya Kepolisian dalam Penanganan Tindak Pidana Perjudian Togel Online. *1070-5055*.

<sup>9</sup>Muchlis, P. (2015). Judi Atau Bukan, Panji Masyarakat. *XXVIII*

According to one community leader in Kudus City, telling the author, gamblers in general, they have false hopes to double their money, low salaries, uncertain living conditions, encourage small people to imagine profits with high hopes, by buying lottery, cap jie kie, lottery. Coupled with apathy and ignorance of how they should improve the standard of living of their families and themselves in the economic crisis, all of this prompts them to risk part of their own income by gambling, the atmosphere of tension filled with hope while waiting for the results of the cap jie kie numbers, and the lottery.<sup>10</sup>

According to the writer's opinion, gambling also damages people's mentality, people who like to gamble are weak in their endurance and weak in their fighting power against the harshness of life, they tend to be dreamers. If his mental state is so damaged because he dreams more, the long-term result is that this nation will lose its creativity to make breakthroughs. In short, people become unproductive, gambling is not an effort to increase income because in fact what happens is that the rich will get richer while the poor will remain poor and will even get poorer.<sup>11</sup>

### **3.2. Implementation of the role of the Kudus Resort Police in the crime of gambling, the role of the Kudus Resort Police in preventing gambling crimes**

The actions taken by the Kudus Police in suppressing the spread of gambling crimes can be a fairly effective legal remedy, this is due to the actions of the Kudus Police officers who use the means of criminal law (penal policy). The action of the Kudus Police by using criminal law means, it can be explained in more detail that the process of handling gambling criminal cases carried out by the Kudus Police, begins with a report from the local community that there has been a criminal act suspected of gambling, after hearing and receiving the report, several members of the Police immediately conducted an investigation. Most reports received by the Kudus Police are in the form of oral reports, and in accordance with the provisions in Article 103 paragraph (2) of the Criminal Procedure Code.

In conducting the investigation, the police immediately went to the scene to find out whether the public report stating that a gambling crime had occurred was true or not, if after checking and reconnaissance for a while at the scene, it was true that a gambling crime had occurred, then The police then arrested people involved in the gambling and then collected evidence and witnesses. In the event that the gambler is caught red-handed, in accordance with Article 1 number 19 of the Criminal Procedure Code, thus the investigation carried out by the Kudus Police has a function as a filter whether an investigation can be carried out or not.

### **3.3. What are the obstacles and solutions in implementing the role of the Kudus Resort Police in preventing the crime of gambling**

In general, gambling problems are difficult to overcome besides it takes a long time, it also requires a very large cost. Besides that, there are several factors that make it difficult for gambling to be completely clean from the obstacles in the

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<sup>10</sup>Interview with AMchifdi, community leader, secretary of GP Ansor NU and Head of Public Relations of Al Anwar Grand Mosque, Kudus City, 10 June 2016 8.

<sup>11</sup>Ibid



Kudus Police in dealing with gambling, seen from internal factors or factors that exist within the Police institution itself, such as:

- The regulation regarding gambling contained in the Criminal Code itself, which concerns the issue of granting permits for the administration of gambling by the Government which is no longer in accordance with the conditions of today's society.
- The limited number of members of the Police when compared to members of the Police of the Republic of Indonesia in the Kudus Police is certainly less in dealing with Gambling. The Kudus Police can only conduct raids and arrest gambling in accordance with existing Police members and are ready to be deployed, the limited facilities and infrastructure within the scope of the Police, this is an obstacle in dealing with gambling, especially online gambling that uses more sophisticated technology, so the Police only do raid if the facilities and infrastructure are still adequate or sufficient to accommodate the gamblers affected by the raid
- Police further education, it is undeniable that most of today's police only have education from the State Police school or mostly only up to high school graduates, even though in dealing with gambling, it is necessary to have experienced policemen in this field, especially in terms of ITE. d. Incomplete proof with increasing gambling models especially those using technology (online) then gambling is very difficult to prove, here POLRI members must have expertise in ITE.
- Organized gambling, First of all, organized crime is very dependent on the environment, that's why gambling can develop easily where the more the environment, not maintained, far from law enforcement, it will be easy for various kinds of organized crime to occur nesting there. This is where the form of online gambling develops where organized gambling also has support from the community or people who are less concerned about environmental order.

#### **4. Conclusion**

In general, gambling problems are difficult to overcome besides it takes a long time, it also requires a very large cost. The obstacles of the Kudus Police in dealing with gambling are seen from internal factors or factors that exist within the body of the Police institution itself such as: Regulations regarding gambling contained in the Criminal Code. The Kudus Police can only conduct raids and arrest gambling in accordance with existing Police members who are ready to be deployed, limited facilities and infrastructure that are within the scope of the Police, Police further education, it is undeniable that most of today's Police only have education from State Police school or mostly only up to high school graduates, whereas in dealing with gambling, experienced Policemen are needed. Organized Gambling. First of all, organized crime is very dependent on the environment, that's why Gambling can develop easily where the more the environment, the unkempt, far from the law enforcement, the easier it will be for various kinds of organized crime to occur nesting there.

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