

Research Article

Integrated Policy on the Eradication of Online Gambling Crimes

(Case Study in the Jurisdiction of the Surakarta City Police)

Elysa Diah Pramesti*

Fakultas Hukum, Universitas Islam Batik Surakarta, Indonesia; e-mail: elysadiyahpramesti20@gmail.com

* Corresponding Author: Elysa Diah Pramesti

Abstract: This study aims to determine whether the Penal and Non-Penal Integral Policy can be implemented to increase the effectiveness of eradicating online gambling crimes and to determine the obstacles faced by the local government in implementing the Integral Policy on Online Gambling Crimes in Surakarta. This type of research uses empirical legal research, with a descriptive research nature. The research location is at the Surakarta Police, Surakarta City. The types and sources of data in the study consist of two types, primary data and secondary data. Data collection techniques are by observation, interview, and decision study techniques. The results of this study show that the causes of the rampant online gambling in the Surakarta Police area are economic problems, community disobedience to the law, morality factors, low Human Resources (HR), and tradition. The eradication of online gambling in the Surakarta Police area can be said to be effective, although in reality online gambling continues to grow, but during the last five years (2020-2025) there has only been one case file handled regarding online gambling. However, the role of the Police in handling online gambling cases is still limited, so that the perpetrators of gambling are only subject to Article 303 of the Criminal Code concerning gambling. and in handling online gambling cases, there are various obstacles found in the field, both in terms of time, costs and processes that are not easy to imagine.

Keywords: Criminal Acts; Cybercrime prevention; Digital regulation; Eradication; Online Gambling

1. Introduction

Criminal law in Indonesia is essentially based on Napoleonic law, then based on Staatsblaad number 23 of 1847 concerning the burgerlijk wetboek voor Indonesia (BW) or referred to as the Criminal Code. As a country governed by the rule of law, Indonesia has criminal law regulations, namely the Criminal Code (KUHP), which contains hundreds of articles governing criminal law in Indonesia. Criminal law issues are very complex. One of the criminal issues that occur in society is gambling.

The crime of gambling is a criminal act of betting a sum of money where the winner receives the bet money, or in other words, a game of chance, as a form of gambling for those who participate, as well as all types of betting where the bettors are not directly involved in the game, including all other types of betting. Gambling can be detrimental to society and the morals of our nation. Basically, this crime disrupts public order, peace, and security. In addition, the impact on children is enormous. They will imitate the gambling crimes they see in their environment, which will have a negative psychological impact on them and cause material losses for those who commit them.

Gambling games have been known and played since long ago, when Indonesia (the archipelago) still consisted of kingdoms around the fifth century AD. At that time, the most popular gambling games were animal fights such as cockfighting, cricket fighting, sheep fighting, buffalo fighting, horse racing, dog racing, and other animal fights.

With the rapid advancement of electronic technology, particularly in the fields of communications and computerization, gambling has also evolved and can now be played online via the internet. Online gambling games that can be played include soccer betting, electronic card games, games of skill, slot machines, and others.

Internet gambling is not the same as regular gambling. The difference between regular gambling and internet gambling is the medium used. Regular gambling can be played anywhere in the real world, either openly or secretly, while internet gambling is conducted

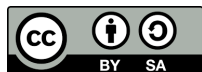
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using online media. One type of online gambling that is currently popular among many people due to its interesting and easy gameplay is slot gambling.

The Surakarta Police jurisdiction is one of the areas facing major challenges in eradicating online gambling. Based on police data, in recent years there has been an increase in online gambling cases, with increasingly complex operational patterns. Perpetrators often use social media platforms, instant messaging applications, and digital financial transactions to carry out their illegal activities, requiring law enforcement officials to work harder to identify and take action.

In an effort to overcome this problem, the Surakarta Police have implemented an integrated policy to eradicate online gambling, which includes preventive, repressive, and rehabilitative approaches. This approach involves various strategies, such as monitoring online activities, educating the public about the dangers of online gambling, collaborating with internet service providers and banks to block access to gambling sites, and strict law enforcement against perpetrators and bookies.

However, this policy still faces various obstacles, such as regulatory limitations in dealing with foreign-based gambling sites, the difficulty of tracking anonymous financial transactions, and low public participation in reporting online gambling cases. Therefore, a more in-depth study is needed on the effectiveness of the integrated policy implemented by the Surakarta Police, as well as how this strategy can be improved to be more optimal in combating online gambling crimes.

Based on this, the author is interested in writing a thesis titled: "Integrated Policies for Combating Online Gambling Crimes (A Case Study in the Surakarta City Police Jurisdiction)".

2. Materials and Method

This type of research is empirical legal research, which examines the effectiveness of law and discusses how law operates in society. This type of empirical legal research is related to and based on aspects of positive law or current law, which consists of provisions of legislation and other provisions that are then linked to practices in the field. This study is descriptive and analytical in nature, analyzing both primary and secondary data, including the content and structure of positive law, which will be used to determine the content or meaning of the legal rules used as a reference in resolving the legal issues that are the subject of the study. The research location refers to the place where the research is conducted. Therefore, this research will be conducted at the Surakarta Police Headquarters. The author chose this research location because of the prevalence of online gambling in the city of Surakarta. In this study, the author used primary and secondary data sources. Data collection techniques are the methods used by researchers to obtain data in a study. In this study, the researcher chose qualitative research, so the data obtained must be in-depth, clear, and specific. The methods used in this study include interviews and legislative studies. Based on the data obtained in the research, both through literature research and field research, a qualitative descriptive analysis was then carried out, namely grouping and selecting the data obtained from the research based on the problem, then the results were systematically arranged to become concrete data.

3. Results and Discussion

- a. Can an integrated penal and non-penal policy be implemented to improve the effectiveness of combating online gambling crimes?

The role of the police in anticipating and addressing issues in combating crime in society can be carried out through penal (criminal law) and non-penal (without using criminal law) means.

- 1) Countermeasures Against Online Gambling Crimes Using Penal Measures

In conducting investigations, the police have the authority to arrest, detain, seize, and search. In arresting online gambling agents, investigators from the Surakarta Police used three theories to determine the locus delicti, namely the theory of material acts, the theory of instruments, and the theory of consequences. In carrying out the arrest of online gambling agents, investigators showed their assignment letters and gave the suspects arrest warrants. The arrest was carried out in accordance with Article 18 paragraph (1) and Article 19 paragraph (1) of the Criminal Procedure Code. The detention and continued detention of suspects by investigators was carried out by issuing a detention warrant that included the suspect's identity, stating the reasons for the detention, a brief

description of the alleged online gambling case, and the place where the suspect was detained. This refers to Article 21 paragraph (2) of the Criminal Procedure Code.

2) Countering Online Gambling Crimes with Non-Penal Measures

The Surakarta Police also prevent online gambling crimes in a non-penal manner by taking preventive measures. This prevention is actively carried out by the Surakarta Police through cyber patrols (patrols through cyberspace). Cyber patrols are conducted on the internet by searching for websites that lead to gambling practices. This is done to break the chain between online gambling agents and players. Cyber patrols are carried out by the IT Sub-Directorate and Cyber Crime Unit every day.

In addition, eradication efforts are also carried out in collaboration with the community by involving community leaders, religious leaders, neighborhood associations, and sub-districts. As a tangible form of police participation in the social life of the community, the police coordinate with local officials to disseminate information about the impact of gambling and work together to maintain a conducive environment by requiring local officials who witness or know of gambling crimes to report them directly to the community.

The efforts undertaken by the Surakarta Police Department in combating and preventing online gambling include conducting community outreach activities using various preventive and repressive methods. The next prevention method is the preventive method, which involves crime prevention efforts by controlling and monitoring actions or fostering a conducive environment to reduce and suppress crime so that it does not develop in society. This initiative consists of prevention measures by the police, which include providing legal advice related to online gambling to the community in collaboration with NGOs, community leaders, and religious leaders. Other efforts include intensifying patrols in areas prone to gambling and cyber patrols of gambling websites.

The final preventive measure is carried out using repressive methods (eradication and arrest). Repressive measures against gambling are carried out after a gambling crime has been committed by the perpetrator, including investigation, prosecution, and criminal punishment. In its repressive measures, the Surakarta City Police not only conduct investigations, but also the following:

a) Blocking

If the Criminal Investigation Unit of the Surakarta City Police finds a website that contains online gambling content, the police officers coordinate with the Indonesian Ministry of Communication and Information Technology to have the website blocked by the Ministry. This is because the Indonesian Ministry of Communication and Information Technology has the authority to block websites that violate the law.

b) Conducting Investigations

If officers discover a website containing online gambling content, the measures taken by police officers to address such websites involve conducting online investigations to identify the owners, administrators, or operators of the online gambling website.

c) Conducting Cyber Patrols

In addition to investigating cases, police officers also investigate websites or social media groups that contain gambling content. Police officers conduct cyber patrols to counteract news that disrupts national security and hoaxes. Officers from the Criminal Investigation Unit conduct cyber patrols every day and still find many gambling websites circulating on the Internet.

In general, the pattern of gambling prevention emphasizes the principle that every action taken against gambling offenders must have a deterrent effect to prevent the recurrence of such incidents, considering that the offenders are members of the general public who can be named as suspects.

From the author's observations, preventive and repressive methods are very effective, namely through education and approaches carried out by community leaders who are directly involved with the community and can understand the social conditions of the community. The police cooperate

with community leaders in efforts to mitigate the negative impacts of current technology by holding regular monthly meetings between the police and community leaders in the sub-district to discuss issues related to the negative impacts of technological developments. At these meetings, the police also raise public awareness about avoiding illegal activities. The police also conduct cyber patrols and block access to prevent the community from engaging in illegal activities. The community and parents also play a role in minimizing online gambling crimes through law enforcement efforts.

- b. What are the obstacles faced by the local government in implementing an integrated policy against online gambling in Surakarta?

In terms of tackling online gambling cases in Surakarta, which is a crime that is not easy to trace, AKP Agung Purwaka explained that in handling online gambling cases in Surakarta, conventional laws are still being applied, namely the conventional Criminal Code, and the ITE Law has not yet been applied. Handling these cases within the community is more complicated because every transaction must be followed from start to finish.

The Surakarta Police explained that in handling online gambling cases in the Surakarta area, only a few cases were found, but not many. In handling online gambling cases, they also encountered various obstacles in the field, both in terms of time, cost, and processes that were not easy to imagine. This is if they want to maximize law enforcement by implementing the ITE Law. Based on the results of the interview above, the full implementation of the ITE Law related to online gambling cases has not yet been applied at the Surakarta Police Department. Law enforcement, in this case, refers to the eradication of online gambling, which is not solely about the implementation of legislation. The main issue in law enforcement lies in the factors that influence it, both directly and indirectly. These factors can be positive or negative for law enforcement itself.

In order to eradicate and enforce the law against online gambling, the Indonesian National Police encounter many obstacles or barriers in the field. These obstacles or barriers include:

- 1) Allocation The public IP addresses of gambling websites are located overseas. Most gambling websites are located and created overseas. This complicates investigations if there are differences in legal views between Indonesia and other countries, because the country where the website is created may consider gambling to be legal or illegal.
- 2) Different legal perspectives in each country There is a difference in legal perspective between the Republic of Indonesia and the country where the online gambling server website is hosted. In Indonesia, gambling is a criminal offense, but overseas, gambling is not necessarily a criminal offense. Therefore, if the country where the online gambling server website is hosted legalizes gambling, that country will not provide data related to online gambling.
- 3) Bank accounts are constantly changing The bank accounts used by website owners to receive online gambling transactions are constantly changing. Online gamblers have many bank accounts with different identities and at different banks.
- 4) The bank account opening application data used to receive online gambling transactions is fictitious. The data and identities used by website owners to create bank accounts usually use false identities or instruct someone to create them and are rewarded if they are willing to create them for use in gambling transactions. This makes it difficult for the police to find the perpetrators or owners of the gambling sites.
- 5) Evidence is easily altered and lost Referring to Article 43 Paragraph (3) of Law Number 19 of 2016, an amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), Searches and seizures must be carried out with the permission of the Head of the local District Court within twenty-four hours. In this case, it is very difficult to realize because it is not possible to obtain such a permit in such a short time. Evidence for online gambling is evidence through electronic

information and transaction media that can be easily removed or altered by the owner of the online gambling website, so caution and speed are needed in securing evidence.

- 6) Lack of State Funding
If this is to be developed at the district police level, the unit handling cyber issues will require significant funding and resources, as sophisticated technology is needed to uncover cybercriminals, both in terms of investigation and inquiry.
- 7) High level of human proficiency in information technology
The owners or perpetrators of online gambling certainly understand or master information technology, enabling them to deceive officers and make themselves difficult to find. Sometimes, the information technology skills possessed by officers are far less than those of cybercriminals. Most online gambling perpetrators or owners are highly experienced in the field of information technology.
- 8) Lack of public awareness and concern
The public is largely indifferent to online gambling, often turning a blind eye to online gambling-related crimes. Many view gambling as a commonplace activity. Additionally, the public sometimes chooses to overlook gambling activities within their communities.

4. Conclusion

Based on the results of the research and discussion above, the author can draw the following conclusions:

- (1) The police in Surakarta, Polresta Surakarta, have taken preventive and repressive measures to combat online gambling. Preventive measures are taken if the perpetrator is proven to have committed a criminal offense, in which case they will be prosecuted. Preventive measures are carried out by the local police by conducting numerous outreach programs in neighborhoods, schools, and other social gatherings in order to prevent, educate, and guide the community regarding the dangers of social ills such as gambling, and so that gambling can be completely eradicated. In enforcing online gambling cases as described above, the Indonesian National Police has not yet applied the regular Criminal Code, meaning that defendants are only charged according to the Criminal Code and have not yet applied the rules specifically enacted to handle online gambling cases. However, in enforcing the law, the Indonesian National Police has been maximally effective in eradicating online gambling cases by applying both penal and non-penal measures, particularly in eradicating gambling cases in Surakarta.
- (2) Online gambling crimes, where the infrastructure used to commit these crimes is so modern and difficult for the police to track, because it uses flexible and sophisticated electronic equipment. Law enforcement can also be linked to the ITE Law. The criminal penalties are outlined in Article 45 of the ITE Law, which stipulates a maximum prison sentence of 6 years and/or a maximum fine of Rp 1 billion. The role of the police in handling online gambling cases can be considered effective. However, the role of the police in handling online gambling cases is still limited, so that the perpetrators of gambling are only charged under Article 303 of the Criminal Code concerning gambling. Furthermore, the handling of online gambling cases faces various obstacles in the field, both in terms of time, cost, and processes that are not easy to imagine.

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