Law Enforcement Against Online Gambling in the Jurisdiction of the Bali Regional Police

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Abstract

The development of information technology, especially internet media technology, not only meets the needs of society for efficiency and convenience for those who want something practical, but also gives rise to new forms of crime. This crime is committed by utilizing technology such as computers and internet media as its mode of operation. Through the internet media, various types of crimes can occur, ranging from pornography to gambling crimes. Gambling is a legal problem that is often considered a social disease. It is called so because people involved in gambling often find it difficult to stop this habit. Conceptually, law enforcement is a process of aligning the relationship between the values contained in legal rules with real actions. This is the final step in the elaboration of legal values to create, maintain, and defend peace and order in people's lives. In addition, many online game websites that offer opportunities to make money can also be categorized as online gambling crimes. Law enforcement against online gambling in the jurisdiction of the Bali regional police is a preventive and repressive law enforcement effort.

Keywords: Law Enforcemet, Crime , and Online Gambling

Introduction

Law enforcement against online gambling is regulated in the laws and regulations concerning Electronic Information and Transactions (ITE), namely Law Number 1 of 2024 which is the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE). Article 27 paragraph (2) of the Law on Information and Electronic Transactions (ITE) reads, "Any person who intentionally and without the right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain gambling content. From the provisions of Article 27 paragraph (2) of Law Number 1 of 2024 which amends Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), it can be seen that anyone who intentionally carries out acts against rights or against the law so that electronic information or documents containing elements of gambling can be distributed, transmitted, or accessed by the public, will be threatened with imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR 1,000,000,000 (One Billion Rupiah).

Methods

The research method used in this study is a normative research method supported by empirical research that uses various types of primary legal materials in the form of laws and regulations and secondary legal materials in the form of library materials relating to the enforcement of online gambling crimes as sources of research materials. Johnny Ibrahim argues that normative legal research is a form of scientific research aimed at finding the truth based on the logic of legal science reviewed from the normative part, or which is in the form of an effort to discover law that is adjusted to a particular case.

Results and Discussion

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According to Simons, a crime is an unlawful act that has been done intentionally or unintentionally by a person who can be held responsible for his actions which by law has been stated as an act that can be punished. With limitations like this, according to Simons, for a crime to occur, the following elements must be met: 1) Human actions, both in the sense of positive actions (doing) and negative actions (not doing); 2) Threatened with criminal penalties; 3) Against the law; 4) Done by mistake; and 5) By people who are able to take responsibility. With an explanation like this, it is concluded that all the requirements for a crime have been attached to the criminal act. Simons does not separate criminal acts from criminal responsibility. If this opinion is followed, then if someone commits murder, for example in Article 338 of the Criminal Code, but then the person who committed the murder turns out to be a person who is not able to take responsibility, for example because he is crazy, then in this case it cannot be said that a crime has occurred. It can be easily explained why the incident cannot be called a crime, because the elements of the crime are not fulfilled, namely the element of a person who is unable to take responsibility. Therefore, there is no criminal act, so there is no crime. -

Criminal acts as a social phenomenon that occurs on earth may never end in line with the development and social dynamics that occur in society. The problem of this crime seems to continue to grow and will never recede, both in terms of quality and quantity, this development causes unrest for society and the government. Criminal acts are a form of deviant behavior that always exists and is inherent in every form of society, in the sense that criminal acts will always exist like diseases and deaths that always repeat themselves as well as the seasons that always change from year to year.

Gambling is a game where players bet to choose one option among several options where only one option is correct and becomes the winner. The player who loses the bet will give his bet to the winner. The rules and amount of the bet are determined before the match starts. Online gambling is a game that is played using money as a bet with the provisions of the game and the amount of the bet determined by the online gambling actor and using electronic media with internet access as an intermediary.

Due to the many criminal acts committed and disturbing in society, it is necessary to create a Law that reduces crime in society. Basically, every Law made by the Lawmakers is a legal answer to the problems of society at the time the Law was formed. The development of law should be in line with the development of society, so that when society changes or develops, the law must change to organize all developments that occur in an orderly manner amidst the growth of modern society. One of the things behind the birth of the ITE law is the increasing development of crime in society, so the law must also develop so that its function as a provider of a sense of security can be fulfilled. With this Law, it is hoped that society will be afraid to make mistakes so that it reduces crimes in society.

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Electronic Transactions are legal acts where an agreement occurs between a seller and a buyer using media such as computers, gadgets, internet networks or other electronic media such as those based on the ITE Law. Legal bonds or legal relationships carried out electronically where there are buying and selling activities in it by combining networks of electronic-based media such as computers and gadgets with network-based communication systems, namely the internet, is the definition of an electronic transaction. Electronic trade contracts, electronic trade transactions, and web contracts are other terms that are often used in electronic transactions (e-commerce). So that electronic transactions are trade transactions between sellers and buyers by utilizing electronics as their media and the internet as a connecting network between the media used, so that the process of ordering goods, payment for transactions that take place until the delivery of goods is communicated via electronic media connected to the internet. The police are the guardians of society who should prevent any crimes that arise in society. The main task of the Police as stated in the Police Law Number 02 of 2002 Article 13 letter C is to protect, guard, and serve from various social ills. There are two main categories in online gambling based on the transaction process. First, online gambling with a direct transaction system is a gambling activity carried out online using a game application that is similar to conventional gambling in the real world. This application, although only used for entertainment, cannot be stopped by the authorities because they only function as a means of entertainment without clear gambling elements. Games that should be recreational are often misused for gambling activities, with applications such as casinos being one of the most commonly used. This phenomenon has been rampant since the beginning of 2008, initially only interested in a handful of people, but over time, public interest has increased rapidly, even becoming a large industry with the existence of online gambling bookies. This online gambling has grown along with the development of the internet. The second category is the online gambling model with a deposit system that has developed since 2010, which does not involve real money but virtual money. These online gambling players transfer funds to the admin's account, which is then converted into virtual currency in the game. This online gambling is more popular because it is specifically intended for gambling activities. The systematization of this gambling allows players to feel safer, because they use transaction methods that have been developed in such a way that players can use services at banks that cooperate with online gambling admins.

Bali as one of the largest tourist destinations in Indonesia is certainly not free from various types of cyber crime, especially online gambling. The Bali region itself is rife with cases related to online gambling, this is proven by the example of an online gambling case in Bali that was successfully arrested by the Counter Transnational Organized Crime (CTOC) Task Force team in 2017, namely raiding an online gambling headquarters located at Dedy Net Sesetan, Denpasar, Bali. The raid resulted in the arrest of two people with the initials DW (38) and MH (26). There were several pieces of evidence found and confiscated by the Cyber Crime Unit, namely in the form of cash amounting to IDR 160 million and electronic computer and internet equipment. This case was revealed thanks to the performance of the Cyber Crime Unit team together with the CTOC task force who conducted an investigation related to indications of rampant online gambling in Bali. There are several law enforcement efforts that have been carried out by the Bali Police Cyber Crime Unit in dealing with cyber crime in the field of online gambling by taking preventive and repressive efforts. Preventive efforts through First, by conducting Cyber patrols. Cyber patrol is a cyber patrol used by the Bali Police through the Cyber Crime Unit to supervise cyber crime.

This cyber patrol is a form of law enforcement effort carried out by the Cyber Crime Unit in preventing and supervising actions that contain gambling in cyberspace. Cyber patrol in carrying out its duties uses the internet as a supporting facility in conducting patrols in cyberspace, this is to supervise the activities of someone who is indicated to be carrying out online gambling activities or games and to track websites that have gambling content. Second, the Head of Cyber Crime Unit of the Bali Police explained that the Cyber Crime Unit team in an effort to prevent activities related to online gambling games, the Cyber Crime Unit

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coordinates with the Ministry of Communication and Information to block websites that are indicated to be carrying out online gambling activities, if it is proven that there are online gambling activities on a website, the Cyber Crime Unit will immediately coordinate with the Ministry of Communication and Information regarding the blocking of the website in order to prevent someone from playing online gambling because gambling will sooner or later harm the person playing in it. The repressive efforts carried out by the Cyber Crime Unit in handling online gambling cases are by taking firm action in the form of arrests and imposing criminal sanctions on online gambling perpetrators, both online gambling bookies and online gambling players. If in the investigation and inquiry process it is proven that someone has legally violated the law by carrying out online gambling activities, then the Cyber Crime Unit will immediately take firm action by arresting someone who is proven to have carried out online gambling activities.

Obstacles to Law Enforcement Against Online Gambling in the Jurisdiction of the Bali Regional Police

The use of social media as a target for perpetrators to carry out their actions is not without reason, the law has not yet accommodated and has not left evidence in the process. When associated with criminology, it is seen to what extent the crime of gambling is committed and knowing all aspects and causes of a criminal act being committed. There are several factors that cause someone to commit online gambling, including: 1. Cultural culture; 2. Motivating factors; and 3. Economy. The ITE Law regulates every crime that is included in cyber crime. In its application, the ITE Law not only regulates legal acts that occur in Indonesia and/or are carried out by Indonesian citizens, but also applies to legal acts carried out outside the jurisdiction of Indonesia, both by Indonesian citizens and foreign citizens or Indonesian legal entities or foreign legal entities that have legal consequences in Indonesia, considering that the use of Information Technology for Electronic Information and Electronic Transactions can be crossterritorial or universal. This is regulated in Article 2 of the ITE Law which reads: This Law applies to any person who carries out legal acts as regulated in this Law, whether within the jurisdiction of Indonesia or outside the jurisdiction of Indonesia, which have legal consequences in the jurisdiction of Indonesia and/or outside the jurisdiction of Indonesia and are detrimental to the interests of Indonesia.

In the effort to enforce the law against perpetrators of online gambling crimes by the Bali regional police, there are several obstacles, including: 1. Internal obstacles, in the form of (a). Human Resources Police investigators have an important role in law enforcement efforts against perpetrators of online gambling crimes, where the investigator's ability is greatly needed to uncover the case. Special investigators are needed who have the ability in the field of information and electronic transactions to handle crimes in cyberspace. The limited number of experts in the police is indeed an influential f'ctor, with the limited number of expert members, the disclosure and investigation of online gambling cases cannot be completed quickly, making the perpetrators more free to carry out online gambling. Lack of technical knowledge and experience of investigators in handling online gambling cases and factors of the evidence system that make it difficult for investigators. (b). Aspect of Evidence. Evidence in online gambling cases is different from evidence of other crimes where the target or media of cybercrime is data or computer systems or the internet which are easy to delete, change or hide by the perpetrators. In addition, victim witnesses in online gambling crime cases play a very important role where there are rarely witnesses in online gambling crime cases because victim witnesses are outside the region or even abroad which makes it difficult for investigators to examine witnesses and file investigations. (c). Facility Aspect. Online gambling crimes are said to be difficult to catch the perpetrators. Because the perpetrators can easily delete digital traces and the perpetrators can easily break off relations with their victims. So in the process of searching for the perpetrators, the police need sufficient technology to catch the perpetrators.

In uncovering cybercrime cases including online gambling cases, facilities are needed that can support the performance of the police.

These facilities are in the form of computer forensic laboratories which are used to reveal digital data and record and store evidence in the form of images, programs, html, sound, and others. 2. External Constraints, in the form of; (a). Lack of Public Legal Awareness. Public legal awareness of the function and in terms of responding to cybercrime including online gambling is still felt to be lacking. This is due to the lack of public understanding and knowledge of the types of online gambling. This lack of knowledge causes online gambling law enforcement efforts to experience obstacles related to legal arrangements and public supervision of every activity or activity suspected of being related to online gambling crimes; (b). Lack of Public Response to Socialization or Counseling Conducted by the Police. The obstacle faced by the police in conducting socialization or counseling about online gambling crimes is the lack of public response to the police. This proves that the public still has minimal knowledge about laws and regulations regarding online gambling fraud because the public still assumes that there are no binding regulations on technology and if violated will be subject to sanctions. (c). Lack of Public Reports. The lack of public reports on online gambling crimes is when a crime occurs in the community, they seem not to care about the activity. This has an impact on the lack of reports received by the police regarding online gambling crimes.

Conclusion

Law enforcement of Online Gambling Crimes carried out by the Police through preventive and repressive handling. Preventive handling carried out by the police is to carry out preventive efforts in advance systematically, planned and directed towards the possibilities of online gambling crimes. Obstacles in law enforcement of online gambling crimes experienced by the Police are internal obstacles consisting of weak government and police supervision, investigator aspects, evidence aspects, and facilities aspects. External obstacles consist of lack of public legal awareness, Lack of Public Response to Socialization or Counseling Carried Out by the Police, and lack of public reports.

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