

Identifying Factors And Criminal Law Enforcement on Online Gambling: An Empirical Study

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Abstract. This study investigates the factors that lead to online gambling and the measures taken by police investigators to respond to the crime. This study employed empirical legal research focusing on the actual data and facts obtained from interviews with perpetrators and players of online gambling alongside the police investigators. This study revealed that various reasons exist in the commission of online gambling by the perpetrators, such as possessing desires for instant wealth, being burdened by debt, obtaining funds for a wedding, seeking enjoyment, curiosity, killing time, having no other better activities, and wanting to spend money. Based on the differential association theory, these reasons are linked to the lack of capability to serve as better human resources and bad habit as the internal factors; as well as economic motive and lack of the legal awareness of the perpetrators as the external factors. The measures taken by the police in response to the crime involves both preventive and repressive ones. The former is taken by conducting numerous campaigns in neighborhoods, schools, and other social gatherings to raise awareness, educate, and guide the community to prevent and eradicate gambling as a social disease. The latter is implemented when it has been proven that the accused perpetrator is involved in a crime, whereby they will be legally processed accordingly. In the enforcement of online gambling cases, Police has not yet applied the ITE Law but uses KUHP instead to charge the defendants. Hence, the specific regulations for handling online gambling cases have not been implemented.

Keywords: Criminal law enforcement, Differential association theory, Online gambling, Police investigator.

Abstrak. Penelitian ini menyelidiki faktor-faktor penyebab perjudian online dan langkah-langkah yang diambil oleh penyidik polisi untuk mengatasi kejahatan ini. Penelitian ini menggunakan penelitian hukum empiris yang berfokus pada data dan fakta aktual yang diperoleh dari wawancara dengan pelaku dan pemain judi online serta penyidik polisi. Penelitian ini mengungkapkan bahwa berbagai alasan dipenuhi dalam melakukan judi online oleh para pelakunya seperti ingin cepat kaya, terbebani hutang, mencari dana untuk menikah, mencari kesenangan, rasa ingin tahu, menghabiskan waktu, tidak memiliki kegiatan lain, dan menghabiskan uang. Dari teori asosiasi diferensial, alasan-alasan ini terkait dengan kurangnya kemampuan sumber daya manusia dan kebiasaan sebagai faktor internal, serta motif ekonomi dan kurangnya kesadaran hukum pelaku sebagai faktor eksternal. Tindakan polisi melibatkan tindakan preventif dan represif untuk menangani kejahatan ini. Yang pertama diambil dengan melakukan berbagai kampanye di lingkungan, sekolah, dan pertemuan sosial lainnya untuk meningkatkan kesadaran, mendidik, dan membimbing masyarakat untuk mencegah dan memberantas penyakit sosial seperti perjudian. Yang terakhir ini dilaksanakan ketika telah terbukti bahwa pelaku yang dituduh terlibat dalam kejahatan, dan mereka akan diproses secara hukum sesuai dengan itu. Dalam penegakan kasus perjudian online, Polisi belum menerapkan UU ITE melainkan menggunakan KUHP untuk menuntut para terdakwa. Oleh karena itu, peraturan khusus untuk menangani kasus perjudian online belum diterapkan.

Kata kunci: Penegakan hukum pidana, Teori asosiasi diferensial, Perjudian online, Penyidik polisi.

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INTRODUCTION

This study focuses on the factors triggering online gambling and the criminal law enforcement by the police in response to the crime. Gambling is an undeniable phenomenon of social malaise,¹ the entirety of human behaviors that are considered inappropriate, violate common norms and customs, while not being integrated with social norms.² With the advancement of time, it can be carried out through various mechanisms and in various forms, one of which is online gambling.³ Gambling, including participation therein, is a crime that was initially prohibited under Article 542 of the Indonesian Criminal Code (hereinafter referred to as the KUHP). However, based on the regulation stipulated in Article 2 paragraph (4) of Law Number 7 of 1974 on the Regulation of Gambling, such provision has been amended via Article 303 and Article 303 *bis* of the KUHP. Gambling is also regulated in Article 27 paragraph (2) of Law Number 19 of 2016 on Amendments to Law Number 11 of 2008 on Electronic Information and Transactions (hereinafter abbreviated as the ITE Law).

As technology and information rapidly advance, gambling has undergone a transformation, shifting from conventional gambling to online gambling, which is more practical to engage in.⁴ The phenomenon of online gambling that has been prevalent from the past until now includes underground lottery gambling (*togel*), sports gambling, and the recent surge in slot games.⁵ Particularly, the widespread occurrence of online gambling revolves around *togel* found on internet sites, through advertisements that appear on internet windows, utilizing devices such as

¹ Matthew Browne et al., *The Gambling Harms Scales: Instruments to Assess Impact to Gamblers and Affected Others That Are Benchmarked to Health Utility* (Australasia: Victorian Responsible Gambling Foundation, 2022), https://responsiblegambling.vic.gov.au/documents/1206/RES0118_The_Gambling_Harms_Scales.pdf.

² Amon Jacob Suissa, "A Sociohistorical Analysis," in *In the Pursuit of Winning: Problem Gambling Theory, Research and Treatment* (New York: Springer, 2008).

³ Michela Ghelfi et al., "Online Gambling: A Systematic Review of Risk and Protective Factors in the Adult Population," *Journal of Gambling Studies* (Springer, 2023), <https://doi.org/10.1007/s10899-023-10258-3>.

⁴ Jukka Törrönen, Eva Samuelsson, and Malin Gunnarsson, "Online Gambling Venues as Relational Actors in Addiction: Applying the Actor-Network Approach to Life Stories of Online Gamblers," *International Journal of Drug Policy* 85 (November 1, 2020), <https://doi.org/10.1016/j.drugpo.2020.102928>.

⁵ Abdul Azis Lubis, "The Phenomenon Of Online Gambling Under The Guise Of Online Games Among College Student," *JHSS (Journal of Humanities and Social Studies)* 6, no. 3 (October 29, 2022), p. 365, <https://doi.org/10.33751/jhss.v6i3.6794>.

computers, laptops, or smartphones that support *togel*.⁶ Online gambling, which has become a social malaise, is now rampant in major cities, including in Cirebon Regency. The phenomenon observed in Cirebon Regency is characterized by the prevalence of online gambling, particularly slot games, in public places such as coffee shops, hospitals, and even within the campus environment. This is based on direct field observations. As for *togel*, it is commonly practiced by groups of people who gather at a person's house, which serves as a meeting place to discuss the formulas of probable numbers that will be chosen. In the case of online *togel*, the bookie usually meets bettors to collect the money that will be wagered, and then they will place the chosen numbers. The most frequently encountered type of online *togel* in Cirebon Regency is the Sydney-based lottery, typically the results announced around 23:00 Western Indonesian Time (WIB).

Several cases successfully uncovered by the Cirebon City Resort Police were carried out in April 2021 during an operation targeting social malaise (known as "*operasi pekat*") conducted by the Cirebon City Resort Police the Chief of Cirebon City Resort Police, Police Commissioner M. Syahduddu, stated that through their operation, they have uncovered cases of *togel* in Kenanga Village, Sumber District, Cirebon Regency.⁷ In this event, five suspects were apprehended and evidence such as cash, mobile phones, and *togel* betting slips were seized. The five suspects in this case were charged under Article 303 of the KUHP and set to face a maximum sentence of 10 years in prison. Another case recently handled by the Cirebon City Police Resort involved *togel* operation caught red-handed in Ciledug District, Cirebon Regency, on April 26, 2024.⁸

⁶ Aniza Lakoro, Lisnawaty W Badu, and Nuvazria Achir, "Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online Di Kota Gorontalo," *Jurnal Legalitas* 15, no. 1 (2020), <https://doi.org/https://doi.org/10.33756/jelta.v13i01.7304>.

⁷ Intel Media, "Hasil Operasi Pekat, Polresta Cirebon Ungkap Kasus Perjudian Hingga Prostitusi Online," <https://intelmedia.co.id/hasil-operasi-pekat-polresta-cirebon-ungkap-kasus-perjudian-hingga-prostitusi-online.html>, April 20, 2021.

⁸ Putri Asti, "Digerebek Polisi Di Ciledug Cirebon, Omzet Capai Rp30 Juta Sehari," <https://style.tribunnews.com/2024/04/26/penampakan-markas-judi-togel-digerebek-polisi-di-ciledug-cirebon-omzet-capai-rp30-juta-sehari>, April 26, 2024.

Several studies have been conducted on the online gambling. Senjaya⁹ focused on the enforcement of the law on money laundering from online gambling. It merely studied the role of the police and the challenges faced by insufficient human resources in the field of information technology and the use of VPNs by online gamblers. Other study has been particular on online crimes related to gambling on the Internet, includes the dynamics of criminal organizations involved and how they avoid security systems. This study provided a broader understanding of internet crime but does not specifically comment on influencing factors as well as effective law enforcement.¹⁰ Iswahyudi's¹¹ research provides insight into the criminal law enforcement of online gambling in Surabaya City, distinguishing between criminal and non-criminal acts. The study focuses on law enforcement practices at the regional level and provides specific data on the practice in Surabaya.

This present study shows a novelty by combining exploration of factors affecting law enforcement as well as details of online gambling crimes that may not be discussed in depth in previous studies. This approach could provide a more holistic and inclusive understanding of ways to improve the effectiveness of law enforcement, as well as influence policies that are more focused on the prevention and control of evidence-based online gambling. The present study is aimed at analyzing twofold; the causal factors of online gambling from criminological view and strategies by the Cirebon City Police Resort to conduct criminal investigation. The handling of online gambling is considered sub-optimal due to various obstacles encountered in the field, including challenges related to time, costs, and the complex process that are not easily comprehensible. In the case of combating online gambling in Cirebon Regency, which by and large is a crime that is not easily traced, it requires different means and infrastructure between one transaction and another in each case. The Cirebon City Police Resort explained that in handling online gambling cases, they still rely on KUHP and is yet implemented the ITE Law.

⁹ Murshal Senjaya, "Law Enforcement of the Crime of Money Laundering That Comes from Online Gambling," *International Journal of Social Science* 2, no. 3 (2022): 1641–50.

¹⁰ Samuel Hoy V I I Brown, "Gambling on the Blockchain: How the Unlawful Internet Gambling Enforcement Act Has Opened the Door for Offshore Crypto Casinos," *Vand. J. Ent. & Tech. L.* 24 (2021): 535.

¹¹ Flavia Irene Iswahyudi, "Law Enforcement Against Criminal Acts of Online Gaming In The City of Surabaya," *YURISDIKSI: Jurnal Wacana Hukum Dan Sains* 18, no. 1 (2022): 30–41.

METHODOLOGY

This study employed empirical legal research focusing on the actual data and facts obtained from interviews with perpetrators and players of online gambling as well as the Criminal Investigation Unit of the Cirebon City Resort Police. To gain information, the authors collected the data on online gambling cases occurred in the region and mapping the perpetrators. Four major questions have been delivered for both perpetrators and players: age, duration, types, and reasons for playing online gambling. The findings were then analyzed based on the differential association theory. For the police investigators, the focus of data rests on the measures taken by the Cirebon City Police Resort to respond to online gambling. The details of the questions were directed toward the types of measures and the technical legal enforcement to deal with and suppress the online gambling. The findings were then grouped into preventive and repressive measures.

RESULT AND DISCUSSION

Factors that Lead to Online Gambling

Online gambling is an unlawful act that is challenging to uncover, let alone be brought to legal proceedings. The lack of sufficient evidence and proper witnesses are major challenges in exposing online gambling cases by law enforcement body,¹² despite the knowledge that online gambling is still prevalent within the community, particularly among the young people.¹³ From the research findings obtained through respondents, it was identified that many people in the Cirebon Regency, specifically in Tangkil Village, Susukan District, Cirebon Regency, access online gambling sites through smartphones, laptops, or computers. The active involvement of a portion of the community in gambling can be seen in the following table:

¹² Andri Wetson. R., "Law Enforcement Obstacle Against Online Gambling at Lampung Regional Police," *Ius Poenale* 2, no. 2 (December 31, 2021): 123–36, <https://doi.org/10.25041/ip.v2i2.2232>.

¹³ Anu Sirola et al., "Loneliness and Online Gambling-Community Participation of Young Social Media Users," *Computers in Human Behavior* 95 (June 2019): 136–45, <https://doi.org/10.1016/j.chb.2019.01.023>.

Table 1.
Respondents Actively Engaging in Online Gambling

No	Innitial	Age	Duration	Types of Online Gambling	Reason
1	T	24 years old	5 years	- Online slot machine; - <i>Togel</i> .	- Hoping to earn a large sum of money instantly.
2	OW	23 years old	2 years	- Online slot machine; - Mixed parlay (soccer bet).	- Burdened with debt.
3	W	24 years old	2 years	- Mixed parlay (soccer bet).	- curiosity; - Habit.
4	MC	22 years old	3 years	- Online slot machine.	- Hoping to earn a large sum of money instantly.
5	R	30 years old	5 years	- <i>Togel</i> ; - Mixed parlay (soccer bet).	- Curiosity.
6	BJ	23 years old	7 years	- <i>Togel</i> .	- Collecting funds for a wedding celebration
7	BDH	26 years old	10 years	- Mixed parlay (soccer bet)	- curiosity; - Habit.
8	WW	27 years old	10 years	- Online slot machine; - <i>Togel</i> .	- Seeking enjoyment.

Source: Active Respondents Questionnaire

The table above shows that online gambling behavior is still prevalent among the community, especially among the young people, for various reasons such as wanting to get rich instantly, being burdened by debt, collecting funds for a wedding celebration, seeking enjoyment, curiosity, killing time, having no better activities to do, and liking to spend money. The preferred and practiced forms of gambling include online slot machines, *togel*, mixed parlay (soccer gambling), and dragon-tiger.

Essentially, gambling is a criminal offense that disturbs society.¹⁴ The practice of gambling in Cirebon Regency is still rampant among the community in various forms conducted through online platforms. One way to determine the level of online gambling cases in Cirebon Regency is by examining criminal statistics. Criminal statistics are numerical data that indicate or describe the recorded number of crimes in a specific place and time. The data on online gambling cases received by the

¹⁴ Lailatul Mustaqimah and Toetik Rahayuningsih, "Gambling in the Perspective of Criminal Law Policy," *Media Iuris* 6, no. 1 (February 28, 2023): 115–26, <https://doi.org/10.20473/mi.v6i1.32975>.

Cirebon City Police Resort within a period of 5 (five) years, from 2018 to 2022 are as follow:

Table 2.
Data on Online Gambling in Cirebon City Police Resort

No.	Year	Report	Legal Enforcement
1	2018	11	0
2	2019	14	0
3	2020	42	1
4	2021	31	1
5	2022	8	1
Total		106	3

Source: Cirebon City Police Resort

Based on the table above, the number of online gambling cases in Cirebon Regency from 2018 to 2022 was 106 reported cases. Out of these 106 cases, only 3 cases were successfully handled by Cirebon City Police Resort. However, the reports related to online gambling have been increasing over the years. This is linked to the root causes of crime originating from deep-rooted collaborative behaviors. It is also argued that there is a significant increase in cases in the year 2020. According to Nindra Gunawan, a member of the Specialized Criminal Investigation Unit (*Reskrimsus*) of Cirebon City Police Resort, the significant increase in 2020 was attributed to lockdown, imposed due to the Covid-19 pandemic. As a result of these restrictions, many people were not engaged in regular activities and became involved in online gambling. Therefore, there was a significant increase in cases during that particular year.¹⁵

In certain cases, someone engages in gambling starting from curiosity and it eventually becomes a habit.¹⁶ From this curiosity, it can be said that the person undergoes a process of learning to become evil. Based on an interview with W (24 years old), it was revealed that he was introduced to online gambling by a friend,

¹⁵ Interview with Nindra Gunawan, Police Brigadier Resor Cirebon City, in Cirebon, 09 May 2022.

¹⁶ Gen-Yih Liao et al., "Impact of Gaming Habits on Motivation to Attain Gaming Goals, Perceived Price Fairness, and Online Gamer Loyalty: Perspective of Consistency Principle," *Telematics and Informatics* 49 (June 2020): 101367, <https://doi.org/10.1016/j.tele.2020.101367>.

then decided to try it out, which eventually developed into a habit.¹⁷ In addition, there are various reasons behind someone engaging in gambling, and these reasons can be accepted rationally. As in online gambling, a person could gain profits if they are skilled in understanding the game patterns.¹⁸ On the prevalence of online gambling cases in Cirebon Regency, further examination is needed from a criminological perspective to understand why such crimes are still being committed by the community. Criminology is a scientific discipline that studies crime in its broadest scope.¹⁹ In criminology, a crime is not only viewed from a juridical perspective but also encompasses actions that contradict the existing norms in society, including acts categorized as societal issues that can trigger the emergence of crime.²⁰

Differential Association Theory

Crimes that occurs within the society are influenced by factors that drive individuals to commit such crimes. Various factors can contribute to the occurrence of a crime. Certain factors can lead to specific crimes, while other factors can give rise to different types of crimes. According to criminology experts, this is referred to as multiple factors. In general, the factors contributing to an offense or crime can be divided into two categories: internal factors and external factors.²¹ Internal factors refer to the factors originating from within the perpetrator that drive them to commit the crime.²² On the other hand, external factors refer to the factors originating from outside the perpetrator that influence them to engage in criminal behavior.²³

¹⁷ Interview with W, a player or perpetrator of online gambling, on 17 May 2022 at 19.00 Western Indonesian Time (WIB), in Cirebon.

¹⁸ Chris Grollman, Laura Izod, and Sokratis Dinos, "Patterns of Play Technical Report 1: Qualitative Scoping Stage" (London, 2022), www.natcen.ac.uk.

¹⁹ Martin O'Brien and Majid Yar, *Criminology the Key Concepts* (New York: Routledge, 2008).

²⁰ Honglan Shuai and Jianhong Liu, "The Relationship between Criminology and Criminal Law: Implications for Developing Chinese Criminology," *Humanities and Social Sciences Communications* 10, no. 1 (December 1, 2023), <https://doi.org/10.1057/s41599-023-01851-3>.

²¹ JESS J. BOWE, "Internal and External Factors Impacting on Criminal Justice Curriculum Changes in Institutions of Higher Education," *International Journal of Comparative and Applied Criminal Justice* 11, no. 1–2 (January 1987): 143–50, <https://doi.org/10.1080/01924036.1987.9688863>.

²² Syawal Amry Siregar, Gomgom T.P. Siregar, and Muhammad Ansori Lubis, "Criminological Perspective of Street Crime," *Journal of Advanced Research in Dynamical and Control Systems* 12, no. 6 (2020): 603–11, <https://doi.org/10.5373/JARDCS/V12I6/S20201069>.

²³ Abdul Syani, *Sosiologi Kriminalitas* (Bandung: Remaja Karya, 1957).

In the case of online gambling, the internal factors refer to lack of human resources capability and habit. Gambling behavior can affect a person's mental state.²⁴ Individuals who enjoy gambling often exhibit low mental traits such as laziness, being prone to speculation, impulsiveness, and a tendency to take risks. Poverty, economic pressure, and a lack of environmental concern are issues that make it difficult to eradicate gambling behavior.²⁵ One of the most fundamental elements is the character of the gamblers themselves. Someone with a gambling character will try to find ways to continue gambling. For example, even if law enforcement authorities have blocked online gambling sites, individuals with a gambling character will always try to find ways to access those blocked sites, such as using a Virtual Private Network (VPN).²⁶

It is evident that gambling behavior is a crime that needs to be avoided and eliminated, or at least preventive measures should be taken. To prevent such behavior, efforts can be made by enhancing faith and religious understanding so that individuals are not easily tempted by uncertain gains.²⁷ Additionally, continuously blocking online gambling sites can make it harder for players to access such sites.²⁸ The information from initials W and BDH in the table above explains that the online gambling games played were merely a form of leisure or curiosity. From this, it can be inferred that the mental condition of gambling players can be considered low.

Habitual factor likewise contribute to the prevalence of online gambling in Cirebon Regency. Gambling is considered common because it has been traditionally practiced by the community. In the past, people generally viewed gambling as being

²⁴ Dominic Sagoe et al., "The Relationships between Mental Health Symptoms and Gambling Behavior in the Transition from Adolescence to Emerging Adulthood," *Frontiers in Psychology* 8, no. MAR (March 31, 2017), <https://doi.org/10.3389/fpsyg.2017.00478>.

²⁵ Matúš Adamkovič and Marcel Martončík, "A Review of Consequences of Poverty on Economic Decision-Making: A Hypothesized Model of a Cognitive Mechanism," *Frontiers in Psychology* (Frontiers Media S.A., October 11, 2017), <https://doi.org/10.3389/fpsyg.2017.01784>.

²⁶ Mark D. Griffiths, "Online Gambling And Geolocation Technology: Implications For Regulation And Potential Threats To Player Protection," *Gaming Law Review* 23, no. 5 (June 2019): 344–47, <https://doi.org/10.1089/glr2.2019.2352>.

²⁷ Dave Clarke et al., "Religion, Spirituality and Associations with Problem Gambling," *New Zealand Journal of Psychology* 35, no. 2 (2006), <https://www.researchgate.net/publication/233995964>.

²⁸ Michael Egerer and Virve Marionneau, "Blocking Measures against Offshore Online Gambling: A Scoping Review," *International Gambling Studies* (Routledge, 2023), <https://doi.org/10.1080/14459795.2023.2190372>.

considered legal since it was done solely for entertainment without any other purpose. Based on an interview with WW (27 years old), playing gambling is seen as a means of entertainment to seek enjoyment, as there is something enjoyable in playing gambling, particularly online slot machine games.²⁹ The criminological theory related to the case aligns with the social control theory proposed by Travis Hirschi, specifically the element of involvement. The element of involvement refers to an individual's active participation in a sub-system, where their time and energy are devoted to such activities, consequently leaving only a little room for contemplating actions that contradict to the law.³⁰

The external factors of online gambling are both economic motive and legal awareness. The gambling behavior exhibited by players is triggered by the economic factors as the primary driver, particularly for individuals belonging to the lower to middle-income brackets.³¹ Individuals with lower to middle economic status are more prone to engaging in gambling behavior as they seek quick and instant solutions to meet their needs. Players believe that through gambling, they can quickly improve their economic situation by investing a small amount of capital while having the potential for substantial profits.³² Information obtained from online gambling players, referred to as "T" and "MC," indicates that the reasons for engaging in online gambling stem from the desire to quickly earn a large sum of money through instant means. The funds used by "T" for depositing were derived from their monthly salary. As for "MC," the funds used for depositing came from allowances provided by their parents, as they are still unemployed.³³

The societal awareness of legal provisions is fundamental. Some members of society comply with certain types of policies but do not adhere to others. Individuals who have become addicted to online gambling continue engaging in such activities

²⁹ Interview with WW, a player or perpetrator of online gambling, on 11 May 2022 at 16.15 WIB, in Cirebon.

³⁰ Sri Utari, *Aliran Dan Teori Dalam Kriminologi* (Yogyakarta: Penerbit Thafa Media, 2012).

³¹ Anna Bussu and Claudio Detotto, "The Effect of Socio-Economic and Emotional Factors on Gambling Behaviour," *CRENoS*, 2014, <https://www.researchgate.net/publication/235960887>.

³² Ramdani Budiman et al., "The Impact of Online Gambling Among Indonesian Teens and Technology," *LAIC Transactions on Sustainable Digital Innovation (ITSDI)* 3, no. 2 (April 27, 2022): 162–67, <https://doi.org/10.34306/itsdi.v3i2.559>.

³³ Interview with T and MC, player or perpetrator of online gambling, on 14 May 2022 at 21.12 WIB, in Cirebon.

because they can do so freely. Selective non-compliance with policies is due to weak law enforcement in the realm of online gambling within the community.³⁴ Efforts to prevent and eliminate gambling behaviors are hindered by the community's lack of understanding, as the visual aspect, such online gambling looks like smartphone games in general, is what they primarily perceive. Information from individuals "R" and "BDH" reveals that they have never been caught by law enforcement authorities while engaging in gambling, both in conventional and online forms. Throughout their experience with online gambling, they have never encountered any operations conducted by law enforcement, whether in cyberspace or in person.³⁵

Criminal Law Enforcement on Online Gambling

The Police, as law enforcement officers, have the authority to regulate and enforce the law as stipulated in Article 13 of Law Number 2 of 2002 on the Indonesian National Police, which states that the police have the main duty to maintain public order and security, provide services, guidance, and protection to the public, as well as enforce the law. Additionally, the police also have the authority to act as investigators as regulated in Article 15 and Article 16 of Law Number 2 of 2002 and in Article 5 to Article 7 of the Criminal Procedure Code (KUHAP). The role of the police in addressing online gambling in criminal law enforcement is not only in the creation of the law but also lies in what measures to be taken. The police's role in anticipating and addressing issues in combating crimes that occur in society is carried out through both penal approaches (criminal law) and non-penal approaches (without enforcing criminal law).³⁶

According to the Head of General Administration Affairs at the Criminal Investigation Unit of the Cirebon City Police Resort, the enforcement of criminal law against online gambling is carried out through several steps, such as preventive efforts by blocking websites that are deemed to promote online gambling sites,

³⁴ Edward Cevy Listiyanto, "Implementation Effectiveness Of Police Role In Eradication Of Online Gaming Crime In Digital Era," *Law Development Journal* 3 (2021): 362–70, <https://doi.org/http://dx.doi.org/10.30659/ldj.3.2.362-370>.

³⁵ Interview with R and BDH, player or perpetrator of online gambling, on 15 May 2022 at 17.00 WIB, in Cirebon.

³⁶ Rito Priasmoro, "Peran Kepolisian Dalam Penanggulangan Tindak Pidana Perjudian Koprok (Studi Kasus Di Wilayah Hukum Polres Metro)" (Universitas Lampung, 2016).

conducting socialization on the prohibition and dangers of gambling, and raising awareness to the public to refrain from engaging in online gambling.³⁷ Preventive measures are efforts to prevent the occurrence of online gambling crimes. Preventive measures do not rely on criminal means for prevention rather by maximizing the potential within the society to collectively engage in prevention and eradication of crimes. The main challenge in preventive efforts is addressing an environment conducive to criminal activities such as online gambling. A factor that contributes to the conducive environment for online gambling is a social conditions where individuals are unaware of online gambling, particularly community leaders who may not understand that online gambling constitutes a criminal offense.³⁸

The Cirebon City Police Resort undertook preventive measures by conducting awareness campaigns in villages and schools, as well as social meetings with community leaders, aimed at prevention and community development regarding the message to refrain from engaging in societal diseases like gambling. In addition to conducting preventive efforts in the form of public education, the Cirebon City Police Resort also carried out preventive measures in the form of direct patrols, which are conducted three times a week. Patrol, according to the Decision of the Indonesian National Police in SKEP/608/VI1997, is a police activity carried out by two or more police officers as an effort to prevent the convergence of intentions and opportunities by visiting, exploring, observing, and monitoring situations and conditions that are expected to cause disruptions in society, and demanding the presence of the police to maintain order and ensure public safety.

An optimistic approach in combating online gambling cases in Cirebon Regency is expressed by Try Nuryanto, the Head of General Administration Affairs at the Criminal Investigation Unit of the Cirebon City Police Resort. He explained that the handling of non-penal measures in the form of preventive steps is carried out by specialized units within the police, in particular the cybercrime unit and community

³⁷ Interview with IPDA Try Nuryanto, Head of General Administration Affairs at the Criminal Investigation Unit Cirebon City Resort Police Cirebon, on 04 May 2022, at 11.00 WIB, in Cirebon.

³⁸ Katarzyna Dąbrowska and Łukasz Wiczorek, "Perceived Social Stigmatisation of Gambling Disorders and Coping with Stigma," *NAD Nordic Studies on Alcohol and Drugs* 37, no. 3 (June 1, 2020): 279–97, <https://doi.org/10.1177/1455072520902342>.

guidance unit, fulfilling their respective functions.³⁹ Combating crime through criminal law is an approach that does not provide a complete solution by eliminating its underlying causes.⁴⁰ The resolution through criminal law has been limited and fragmented, focusing mainly on the punishment of offenders. This limited focus results in preventive effects and rehabilitative efforts through criminal law being aimed at preventing individuals from committing crimes, rather than preventing the occurrence of the crime itself. The use of punitive measures alone will lead to a humanistic approach, but it is not only the perpetrators who require treatment and rehabilitation; society and environmental conditions also necessitate such development.⁴¹ Thus, it can be concluded that the use of both penal and non-penal measures should be maximized, not only focusing on addressing crimes that have already occurred but also directed towards community development to prevent the occurrence of the said crimes.

Repressive measures are carried out when it has been proven that the accused perpetrator has committed a criminal act, hence they will be legally dealt with in repressive manners. In terms of crime prevention, the Cirebon City Police Resort still faces difficulties and obstacles in technology-based crime prevention. For example, in conducting investigations and inquiries, there remain many obstacles in tracking phone numbers. Furthermore, in the process of Examination Reports (BAP), it involves examining the communication networks formed by the perpetrators and obtaining information from witnesses. The evidence found and related evidence are used as penal means in combating gambling in Cirebon Regency. In terms of proving and testifying against the defendant during the defendant's examination process, evidence is derived from the defendant's communication tools in serving customers, and money becomes the seized evidence during the examination. Detailed information regarding the communication between the bookie and the

³⁹ Interview with IPDA Try Nuryanto, the Head of General Administration Affairs at the Criminal Investigation Unit of Cirebon City Resort Police, on 04 May 2022, at 11.00 WIB, in Cirebon.

⁴⁰ Alexey Nikolaevich Antipov, "Criminal Law as the Main Means of Combating Crime," in *Proceedings of the VII International Scientific-Practical Conference "Criminal Law and Operative Search Activities: Problems of Legislation, Science and Practice" (CLOSA 2021)* (Scitepress, 2021), 169–75, <https://doi.org/10.5220/0010633000003152>.

⁴¹ Sudaryono, *Kejabatan Ekonomi* (Surakarta: Fakultas Hukum Universitas Muhammadiyah Surakarta, 2018).

bettors or individuals involved in the online gambling network is recorded in the examination report. In addition, other evidence can come from witness testimonies.

Law enforcement in online gambling cases falls under the attention of the Chief of Police Sutanto, as gambling is a disease that must be eradicated in society, and it is included in the cases that require attention. The steps taken by the National Police of Indonesia in investigating and prosecuting increasingly sophisticated and complex cases necessitate advanced breakthroughs, including the implementation of cyber patrols, which have been applied by the Cirebon City Police Resort to accommodate cyber police.

The repressive measures carried out by the Cirebon City Police Resort is by taking repressive actions against online gambling perpetrators when sufficient evidence is found. Try Nuryanto stated that repressive measures are taken to enforce the law against online gambling crimes in the Cirebon City Police Resort. Repressive measures are a form of action taken by directly addressing the root of the problem in society to eradicate a crime by imposing strict measures on the perpetrators to create a deterrent effect. These include arrests and the imposition of criminal sanctions on both online gambling operators and players. If it is proven during the investigation and inquiry process that someone has unlawfully engaged in online gambling, the cyber unit will take decisive action by arresting the person involved.

CONCLUSION

Online gambling has been committed for various reasons such as wanting to get rich instantly, being burdened by debt, collecting funds for a wedding celebration, seeking enjoyment, curiosity, killing time, having no better activities to do, and liking to spend money. From a criminological perspective, the internal factors contribute to the online gambling are lack of capability as human resources and habit, while the external factors are economic motive and lack of the legal awareness of the perpetrators. To address the online gambling cases in the Cirebon City, the police has activated measures which involves both preventive and repressive ones. The former is taken by conducting numerous campaigns in neighborhoods, schools,

and other social gatherings to raise awareness, educate, and guide the community to prevent and eradicate social diseases such as gambling. The latter is implemented when it has been proven that the accused perpetrator is involved in a crime, whereby they will be legally processed accordingly. In the enforcement of online gambling cases, the Indonesian National Police has not yet applied the ITE Law but uses the KUHP instead to charge the defendants. Thus the specific regulations for handling online gambling cases have not been implemented.

This study proposes several recommendations. The police should also enhance cooperation and coordination with various parties, such as the Ministry of Information, to identify online gambling sites and track the International Mobile Equipment Identity (IMEI) of online gambling offenders, to promptly resolve gambling issues. It is also argued that law enforcement in online gambling cases should not only be based on articles in the KUHP but also consider the importance of implementing ITE Law. This is due to the principle of *lex specialis derogate legi generalis* in terms of investigation, inquiry, and further evidence. Finally, law enforcement body should set aside the cost considerations as the implementation of law enforcement that prioritize the aspects of legal certainty, utility, and justice.

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COMPETING INTEREST

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