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Countermeasure strategies for law enforcement of illegal online toto gambling: Study at Central Maluku Police

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Abstract

Online lottery is one of the crimes we usually call cyber crime, so apart from being charged under the Criminal Code, online lottery gambling games can also be set under Article 27 paragraph (2) in conjunction with Article 45 of Law Number 11 of 2008 concerning Information and Transactions. Electronic. The duties, functions, and responsibilities of the National Police are enforcing the law, where the National Police, especially the Central Maluku Police, plays a role in tackling crime, one of which is online lottery gambling. This research aims to reveal a countermeasure strategy for enforcing online lottery gambling laws carried out by the Central Maluku Police. The type of research used is empirical legal research. Central Maluku Police research location. The sample, respondents, and population are the head and members of the General Crimes Unit of the Central Maluku Police. Data sources are primary data and secondary data. Data collection techniques through interviews and observation. Qualitative data processing and analysis techniques. The results of the research show that the strategy for dealing with online lottery gambling law enforcement carried out by the Maluku Police is to increase human resource skills, increase facilities, or increase public legal awareness and maximize the role of the community. For this reason, it is hoped that the strategy to overcome online lottery gambling law enforcement carried out by the Central Maluku Police can tackle online lottery gambling so that the role and support of the government, law enforcement officials, and the community are also needed to realize the ideal and aspired online lottery gambling law enforcement.

Keywords: Coping strategies, Online Togel Gambling, Central Maluku Police

1. Introduction

Gambling is any activity or game in which a certain amount of money or property is wagered in the hope of winning a larger amount than before (Situmeang et al., 2023). Kartono (2015) argues that gambling is a deliberate gamble, where someone risks something of value or something that is considered valuable by understanding that there are risks and expectations associated with events, games, competitions, and events whose outcomes cannot be predicted. Meanwhile, gambling games are any game that generally relies on pure luck and is also a game that is more skilled or advanced (Yudhistira, 2023), as intended in Article 303 paragraph (3) of the Criminal Code (hereinafter referred to as the Criminal Code). This includes all bets on the results of races or other games that are not played directly between participants (Supriono, 2021).

Gambling in any form is prohibited by Indonesian positive law and has legal consequences as regulated in Article 303 paragraphs (1) and (2) of the Criminal Code which states that:

- (1) Threatened with imprisonment for a maximum of ten years or a fine of a maximum of twenty-five million rupiah, whoever does not obtain a permit:
 - a. deliberately offering or providing opportunities for gambling games and making it a pursuit, or deliberately participating in an enterprise for that purpose:

- b. deliberately offering or giving/the opportunity to the general public to gamble or deliberately taking part in a company for that purpose, regardless of whether to take advantage of the opportunity of a condition or the fulfillment of a procedure;
- (2) If the person is guilty of committing the crime while carrying out his search, then his right to carry out the search can be revoked.

Among other things, it states that gambling cases are increasing in line with the increasing number of gambling cases. human life, science, and technological progress.

Gambling itself has various forms, According to Government Regulation of the Republic of Indonesia Number 9 of 1981 concerning the implementation of Law Number 7 of 1974 concerning the Classification of gambling (hereinafter referred to as PP no. 9 of 1981) it is stated that there are several forms of gambling including roulette, Bloch jach, lottery, tempo, dice, docking, fighting, okay, cockfighting, and Toto Gelap (hereinafter abbreviated as Togel) (Tiyarto, 2006). According to PP no. 9 of 1981 mentioned above, the game that involves predicting the numbers that will be drawn is the lottery game (illegal lottery). In the past, playing the lottery was done offline, namely by writing numbers on a certain piece of paper and then handing it over to the lottery dealer/lottery seller along with the money for the installation. This was the development of the lottery gambling game. (Togel) coincides with technology.

However, with the development of science and advances in technology, choosing lottery numbers has now become more accessible thanks to the existence of online lottery service providers (also called "online bookies"). To choose lottery numbers, one just needs to create an account with an online bookie and then deposit money into the bookie's account. Only mobile devices, PCs, or laptops connected to an internet network can be used for this (Lautumaerissa et al., 2021).

Online lottery is a crime that we usually call cyber crime, so apart from being charged under the Criminal Code, online lottery gambling games can also be charged under Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law). Cybercrime is described as an activity that uses computers as a medium and a reliable telecommunications system, in this case, a dial-up system, when committing crimes via telephone lines (Judhariksawan, 2005).

For perpetrators who play online lottery games or gamble, Article 27 paragraph (2) of the ITE Law can be applied which states that:

"every person intentionally and without authorization distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain gambling content".

Then the threat of criminal sanctions is regulated in Article 45 paragraph (1) of the ITE Law, which states that:

"Every person who meets the elements as intended in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of 1,000. 000,000.00 (one billion rupiah)".

Thus, it is necessary to take firm action from law enforcement officers, especially the Indonesian National Police (hereinafter referred to as the National Police) to prevent and deal with online lottery gambling so that law enforcement regarding lottery gambling can be enforced. Examining law enforcement from a conceptual perspective is an activity to balance the relationship between values contained in sound principles. which is also an attitude of

action as a series of final stage value development to build, maintain, and maintain harmony in society (Soekanto, 2014).

Law enforcers carry out and are responsible for carrying out law enforcement. Even if the public is expected to be aware of the law, the application of the law in society depends on the awareness of those who are clearly blind or don't care about the laws detailed in the Law and the Criminal Code (KUHP). Soekanto (1988), is also very much determined by law enforcement officials (Santoyo, 2008). By the duties, functions, and responsibilities of the National Police, one of which is enforcing the law, according to Article 13 letter b of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia where the National Police plays a role in overcoming online lottery gambling through law enforcement in various cities/districts in Indonesia.

In Central Maluku district, online Togel gambling is rampant in Letwaru sub-district, Liang Village, and Haruru Village which are within the jurisdiction of the Central Maluku police station. So, it requires the role of the National Police, in this case the Central Maluku Regency Police, to overcome online lottery gambling which can be done by determining appropriate and good response strategies for law enforcement of online Togel gambling that occurs in Central Maluku Regency. This is what will be studied because the role of the Central Maluku Police in dealing with online lottery gambling is very important. The aim of this research is how to deal with Togel Gambling Law Enforcement by the Central Maluku Regency Police.

2. Methods

The research approach used is qualitative. This approach was chosen because the research aims to understand and analyze strategies for dealing with illegal online toto gambling as well as the experience of police officers in carrying out related law enforcement in the Central Maluku Police area. Furthermore, the research design is field research with a case study approach. This research design allows researchers to gain an in-depth understanding of the response strategies and role of the Central Maluku Police in enforcing laws related to illegal online toto gambling. The respondents in this study were police officers involved in law enforcement regarding illegal online toto gambling in the Central Maluku Police area. The selection of respondents was carried out purposively by considering their experience and knowledge in this field.

Data collection in this research consisted of: (1) interviews: primary data was obtained through semi-structured interviews with police officers involved in enforcing illegal online toto gambling laws. Interviews were conducted using interview guidelines that had been prepared previously. (2) Observation: Participatory observation is used to observe the law enforcement process and response strategies implemented by the Central Maluku Police. (3) Document Analysis: Secondary data was obtained through analysis of official documents, such as law enforcement reports, regulations and policies related to illegal online toto gambling. Data obtained from interviews, observations and document analysis will be analyzed qualitatively. Data analysis involves the process of coding, grouping findings, identifying patterns, and making interpretations. Analytical techniques such as content analysis and thematic analysis will be used to identify key findings and patterns that emerge from the data.

This research will adhere to the principles of research ethics, including informant consent, anonymity, and validity of data. Informants will be provided with information about the aims of the research, as well as their right to withdraw from participation at any time. In

addition, to ensure the validity and reliability of the data, data triangulation will be used by combining data from various sources, such as interviews, observations and document analysis.

3. Research Results and Discussion

Current criminal law is the totality of rules that allow actions especially criminal acts, as well as sanctions that are characterized by the aim of preventing crime. In theory, there are many doctrines used by experts regarding the continuity of criminal law.

Barda Nawawi believes that the term Policy is taken from the terms strategy (English) and politiek (Dutch), so Criminal Law Policy can also be referred to as Criminal Law Politics which is often known as the punitive approach, setting criminal regulations or strafrechts politiek (Arief, 2008).

Muladi stated that criminal policy or crime prevention policy, if you look at its scope, is comprehensive and has high complexity. This is natural because crime is essentially a humanitarian problem and, simultaneously, a social problem that requires its understanding. Crime as a social problem is a dynamic phenomenon that is constantly growing and is related to other very complex social phenomena and structures, it is a socio-political problem (Hadisuprpto, 1997).

When the crime is completed, the penal term is first mentioned in a repressive nature (suppression, eradication, or eradication). In contrast, the non-penal term is first mentioned in a preventive nature (prevention or deterrence). The repressive nature is seen as different from broad differences because repressive actions are essentially acts of oppression, eradication, or crushing (Sudarto, 1986).

Crime prevention efforts can be taken by:

- a) Application of criminal law (application of criminal law);
- b) Deterrence without punishment, also called Deterrence
- c) To influence public opinion through mass media (influence public opinion about crime and punishment)

Based on the opinion above, crime prevention efforts can be broadly divided into two, namely penal and non-penal channels.

Crime Prevention through Criminal Law (Penal Efforts)

According to Arief (2008), countermeasures through criminal law can also be referred to as efforts carried out through criminal law. This can be called an effort because it is one of the representative's efforts, the actions carried out in connection with the crime consist of obtaining law and determining punishment in relation to completed crimes. in the context of crime prevention, including guidance and rehabilitation measures.

Combating Crime Without Criminal Law (Non-Penal Efforts)

According to Arief (2008), countermeasures through non-penal channels can also be called efforts made through channels outside criminal law. These can be called countermeasures that focus more on preventive actions, such as actions taken after the crime is completed. As a result of this non-penal approach, the main target is to deal with the factors that cause crime, which includes problems or social conditions that can directly or indirectly give rise to crime.

Crime Prevention with Prevention, Representation and Curative Treatment

Arief (2008), stated that the concept of crime prevention with two policy models, namely with criminal (penal), without criminal (non penal), Soedarto, put forward the concept of crime prevention efforts through preventive, repressive and curative measures, namely:

- a) Preventive Action, namely efforts to prevent crime, is part of criminal justice policy. Criminal policy can take many forms, both small and large. In addition to criminal justice policy, it is considered a method and set of rules for dealing with crimes of human trafficking effects that are similar to criminal. In a broader sense,

criminal policy is the entire function of the legal structure, including the workings of investigators, public prosecutors and judges. Criminal politics is a form of government that is carried out through officialdom and legislation to establish central norms for the masses, much like the more ancient arts.

- b) Repressive Action, also known as the type of action carried out by law enforcement officials in response to a crime (criminal act). What includes repressive actions are investigations, investigations, prosecutions, up to criminal implementation. This is one example of parts of the criminal justice system, and should be used as a stand-alone activity carried out by bad people trying to correct the crime.
- c) What is meant by curative action is preventive action used in the context of activities commonly referred to as crime prevention. However, to achieve this goal, the term curative action is different from repressive action because it is used together with action against people who commit crimes.

Legal remedies, also known as criminal law, are one of many efforts that focus on the social aspects of legal pursuits. This is because the goal of these efforts is to help people achieve their goals in the first place. However, these efforts can also be called all rational efforts to achieve social welfare. As a matter that includes policy, the use of criminal (law) is actually not an obligation. The Indonesian government is implementing social policies known as social policies which aim to realize social welfare (social welfare policy) and policies to provide social protection (social defense policy) to meet the needs and aspirations of the community (Arief, 2008).

Efforts to prevent and deal with actual or potential criminal acts or crimes are one of the methods used to encourage social defense policies. In this case it is called a criminal act or crime in the context of criminal policy because it involves the use of criminal law (penal) means, and is also called part of criminal law policy (penal policy) ((Arief, 2008).

Efforts to overcome all forms of crime are always pursued, the criminal law policies adopted so far are nothing but steps that are continuously explored and studied so that crime prevention efforts are able to optimally anticipate criminal acts which in fact continue to increase. The use of criminal law as a strategy to educate the public about the threat and/or disruption of crime is a form of criminal law policy, namely the use of racial power to tackle crime.

Efforts to overcome online lottery gambling by the Maluku Police can be carried out through preventive and repressive efforts as follows:

a) Prevention Efforts (Preventive)

This preventive prevention is indirectly carried out without using criminal means or criminal law and prioritizes prevention before a crime occurs. Indirectly influencing crime prevention efforts, non-penal or preventive crime prevention strategies only include the use of social methods to improve certain social conditions (Arief, 2008). Because according to Bonger (1997), a criminologist, says that preventing crime is better than trying to educate criminals to become good people again.

Central Maluku Regency is one of the quite large districts in Maluku Province, therefore the Police must be more responsive in maintaining security and public order in the Central Maluku Police Legal area. Regarding the problem of online lottery gambling, the Central Maluku Police in preventive/preventive efforts regarding dealing with online lottery gambling, based on an interview with Bripka Susanto, a member of the Central Maluku Criminal Investigation Unit on July 20 2023, the Police issued an appeal to the public regarding the dangers of gambling (Bonger, 1997).

The appeal was made directly to the community by providing warnings and education. In this case, the Bitmas Police Department takes an approach by providing outreach to schools and the public regarding online gambling and providing knowledge about the dangers and losses that can occur when gambling online. The police also issued a warning by emphasizing that gambling or online gambling is a criminal offense and will receive criminal sanctions for those who do so as regulated in Article 303 of the Criminal Code.

b. Penal Effort

In the case of the criminal act of online lottery gambling, the penal efforts carried out by the Central Maluku Police are in accordance with the application of Article 303 and/or 303 bis of the Criminal Code to the perpetrators and then examine the perpetrators in accordance with Law no. 8 of 1981 concerning the Criminal Procedure Code (KUHAP) or those regulated in other laws and regulations.

The criminal act of gambling via the internet (online) which is clearly explained in Article 45 of the Information and Electronic Transactions Law, explains that every person who carries out and without rights or against the law intercepts the transmission of electronic information and/or electronic documents containing content. gambling as intended in Article 27 paragraph (2) "is punishable by imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of IDR 1,000,000,000.00 (one billion rupiah)"

Based on the results of an interview with Aipda Frans M, Herwawan as Head of Tipidum Unit I, in terms of carrying out repressive measures against online lottery gambling law enforcement, the Police play an important role in handling lottery gambling cases in Central Maluku Regency and for perpetrators of criminal acts based on the Criminal Code. and the ITE Law. The Central Maluku Police have handled it in accordance with applicable regulations, but in dealing with or taking firm action against perpetrators of online lottery gambling cases, it has not gone well because there are still obstacles found in the process of dealing with gambling crimes (Interview with Frans M. Herwawan). It is known that there are still cases of online lottery gambling at the Central Maluku Police, which can be seen in the table below.

Table 1

Data on Gambling Crimes Handled by Central Maluku Police for 2021 – 2022

No	Year	Number of Cases
1	2021	2
2	2022	3
	Total	5

Data Source: Data from BA Unit 1 Tipidup Central Maluku Police

Based on the table above, there are 5 (five) cases of gambling crime handled by the Central Maluku Police that occurred from 2021 to 2022, namely in 2021 there were 2 (two) cases and in 2022 there were 3 (three) cases. Based on the cases that occurred, the role of the perpetrators here is as sub-agents or what is usually called bookies.

In an interview conducted by the author with Bripka Susanto, the Criminal Code and the ITE Law are the laws used to punish those who engage in online lottery gambling, although the Criminal Code is more often used, especially in Article 303 paragraph (1) first and second, although the means are different between regular gambling and gambling carried out online. Apart from that, this is based on the prosecutor's instructions regarding the actions of online lottery gambling perpetrators which still fulfill the elements of Article 303 of the Criminal Code. According to Article 303 of the Criminal Code, the maximum sentence for perpetrators of criminal acts is 10 years (Interview with Bripka Susanto).

To be able to realize law enforcement against online lottery gambling by the Police, a law enforcement strategy for online lottery gambling is implemented, as follows:

a. Increasing Human Resources Skills

The human resource factor in efforts to eradicate criminal acts of online lottery gambling is an important factor. Lack of mastery and understanding of personnel in the information technology sector can affect the performance of the police, because online lottery gambling relies heavily on internet facilities as a means of carrying out criminal acts.

According to Aipda Frans M. Herwawan, the limited number of members at the Central Maluku Police who have skills/expertise and abilities in the field of information technology is an obstacle in dealing with online lottery gambling. Apart from that, there are limited members of the Police who master technology in handling the rampant cases related to online lottery gambling that occur in society because online lottery gambling can occur at any time and anywhere so this is why there are still many cases of online lottery gambling that have not been handled by the police (Interview with Frans M. Herwawan and Head of Tipidum I).

b. Improvement of Facilities or Facilities

Facilities or facilities that support the handling of online gambling are very necessary. According to Frans, this is in line with the importance of making certain regulations effective without being supported by means or facilities that support or support, which will affect the enforcement of online lottery gambling laws. The facilities or facilities referred to in this case are facilities that function as supporting facilities. It could be said that the regulations have been implemented, but the facilities are not yet fully available.

The Central Maluku Regency Police are experiencing obstacles such as not being supported by modern technology to search for evidence, for example for online lottery gambling, it is necessary to use bantek (technical assistance) from the cyber crime unit which only exists at the Regional Police. The use of sophisticated technological tools is very necessary for handling new types of gambling games. Furthermore, in terms of facilities or facilities, there is also a lack of computers or laptops to support work, for example for making investigation reports. This lack of facilities and infrastructure causes operational mobility in the field to experience obstacles.

The police have an important role in efforts to tackle online lottery gambling. The absence of a cyber crime unit within the Central Maluku Police proves that a special unit is needed that has capabilities in the field of information and electronic transactions to handle crimes in cyberspace. Therefore, a special unit is really needed that has knowledge or skills in the field of information and electronics in eradicating criminals from online lottery gambling because as is known, online lottery gambling falls into the category of cyber crime.

c. Increasing Community Legal Awareness

Public legal awareness is also part of the mitigation efforts in enforcing online lottery gambling laws. This is in accordance with what was conveyed by Briпка Robby Tamtelahitu that the Central Maluku Police have actively carried out appeals, outreach and legal counseling as well as warnings about gambling in schools and in the community with the aim of increasing public legal awareness regarding the problem of online gambling (Interview with Frans M. Herwawan, Head of Tipidum Unit I).

d. Maximizing Community Role

The role of the community is very necessary in tackling online lottery gambling. Based on the results of an interview with Aipda Frans M. Herwawan, the community has an important role in reporting rampant gambling cases because there are cases that are reported. However, there are also gambling cases that are not reported to the Central Maluku Police. The lack of information provided by the public to the police when they see or know about

online gambling incidents provides evidence of a lack of public participation in law enforcement.

It is hoped that the strategy to overcome online lottery gambling law enforcement carried out by the Central Maluku Police can tackle online lottery gambling. It requires the role and support of the government, law enforcement officers, and the community to realize ideal law enforcement with the availability of resources from Police members who have skills in the field. Technology, availability of advice or facilities, public legal awareness and community participation in overcoming online lottery gambling at the Central Maluku Police.

4. Conclusion

The strategy to overcome the law enforcement of online lottery gambling carried out by the Central Maluku Police is by increasing human resource skills, increasing facilities or facilities, increasing public legal awareness, and maximizing the role of the community. For this reason, it is hoped that the strategy to overcome online lottery gambling law enforcement carried out by the Central Maluku Police can tackle online lottery gambling so that the role and support of the government, law enforcement officials and the community is also needed to realize the ideal and aspired online lottery gambling law enforcement.

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