

**LAW ENFORCEMENT BY THE INDONESIAN POLICE AGAINST ONLINE
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afa132@ums.ac.id**Abstract**

The development of information technology has led to the rise of online gambling, which has become a serious threat in Indonesia. Although prohibited in the Criminal Code and the Electronic Information and Transaction Law, the practice continues to grow due to high accessibility and weak law enforcement. This study aims to analyze the effectiveness of regulations and strategies for handling online gambling to protect the public and maintain socio-economic stability. This study uses a qualitative method with a descriptive-analytical approach. Data was collected through a literature study as well as an analysis of government policies related to the prevention and enforcement of online gambling. The results show that law enforcement still faces technical challenges and regulatory weaknesses. There should be legal reform, strengthening of monitoring technology, and cross-border cooperation. In conclusion, a comprehensive approach is needed to address the negative impacts of online gambling.

Keywords: online gambling, policy, law enforcement, regulation, technology.

INTRODUCTION

The development of digital technology has brought significant changes in various aspects of life, including the emergence of the increasingly widespread phenomenon of online gambling in Indonesia. Online gambling is a form of gambling conducted through digital platforms such as websites and mobile applications, which allows users to bet anytime and anywhere. This phenomenon continues to grow along with increasing internet penetration and easy access to digital services. According to a report by the Ministry of Communication and Information Technology (*Kominfo*), thousands of online gambling sites are blocked every year, but the emergence of new platforms continues, indicating that existing regulations have not been fully effective in eradicating this practice.¹

Online gambling is a gambling activity conducted through electronic media, especially the internet, where individuals place bets of money or other values on the outcome of an

uncertain game or event in the hope of financial gain. Basically, online gambling is the same as other gambling because there is an element of winning and losing and there is a value at stake.² This activity is growing rapidly along with the advancement of digital technology that provides easy access through computer devices or smart phones. Online gambling is a gambling activity that is carried out digitally, but the gambling scheme remains more or less the same.³ Online gambling encompasses a wide array of activities, including sports betting, card games, lotteries, and casino games. The advent of this technology has profoundly transformed the landscape of traditional gambling, offering players a more immediate, anonymous, and global experience. In the Indonesian legal framework, online gambling falls under the category of cybercrimes, which are defined as the use of information technology to perpetrate illegal activities.⁴

Despite eradication efforts, online gambling remains a serious problem with far-reaching implications. Individually, the practice often leads to addiction, financial loss, and mental health problems. Socially, online gambling contributes to increased crime rates, illegal debt, and moral degradation of society. From an economic perspective, the large flow of funds flowing abroad through online gambling sites causes foreign exchange leakage that is detrimental to the state. Low public legal awareness and limited capacity of law enforcement are the main factors that complicate efforts to eradicate online gambling in Indonesia.⁵

According to the prevailing legal framework in Indonesia, all forms of gambling are considered illicit, with online gambling being included in this prohibition. Article 303 and Article 303 bis of the Criminal Code (KUHP) explicitly prohibit all forms of gambling. Moreover, Article 27 paragraph (2) of Law Number 11/2008 on Electronic Information and Transactions also stipulates the prohibition of the dissemination of gambling content through electronic media. The government has taken various preventive measures, such as blocking websites and monitoring financial transactions through Bank Indonesia (BI) and the Financial Services Authority (OJK).⁶ However, weak law enforcement and loopholes in regulations make online gambling still exist in society.⁷

There has been a lot of research on online gambling, but there are still research gaps that need to be studied further.⁸ Most studies focus more on formal legal aspects or social impacts in general. However, there are not many studies that comprehensively analyze the effectiveness of law enforcement and the obstacles faced in eradicating online gambling in Indonesia.⁹ This research seeks to fill this gap by analyzing the legal basis used in law enforcement against online gambling and evaluating the efforts made by law enforcement officials to eradicate this practice.¹⁰

Based on the background that has been described, this research formulates several main problems. First, what is the legal basis for law enforcement against online gambling? Second, what efforts have been made by law enforcement to eradicate online gambling? This research aims to analyze what legal basis is used in law enforcement against online gambling and to analyze what efforts have been made by law enforcers in eradicating online gambling.

RESEARCH METHOD

This research uses a normative legal research method, which focuses on the study of legal norms that apply in law enforcement against online gambling in Indonesia. The approach used is a statutory approach, which examines various regulations relating to the prohibition and law enforcement of online gambling, such as the Criminal Code, Law Number 11 of 2008 concerning Electronic Information and Transactions, and other relevant laws and regulations. The data source used in this research is secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include applicable laws and regulations, while secondary legal materials include scientific journals, legal articles, and the results of previous studies that discuss similar topics. Tertiary legal materials in the form of legal dictionaries and encyclopedias are used to clarify the legal concepts used in the analysis. The method of analysis applied is qualitative analysis by interpreting relevant laws and regulations, examining their application in the context of online gambling, and identifying gaps or challenges in existing regulations.

RESULT AND DISCUSSION

Legal Basis in Law Enforcement Against Online Gambling

Online gambling is increasingly popular in various walks of life. The Financial Transaction Reports and Analysis Center report recorded a surge in transactions related to online gambling in Indonesia. In 2023, there will be around 168 million transactions with a value of IDR 327 trillion.¹¹

Law enforcement against online gambling in Indonesia is based on various regulations governing both conventional and digital-based gambling. The state has strict regulations in prohibiting all forms of gambling. Online gambling that uses the internet as a platform is included in criminal acts that are of serious concern to law enforcement officials. The applicable regulations provide the basis for the government to take legal action against online gambling offenders. The government has the authority to monitor and take action against all forms of gambling, including those using digital media.¹²

The Criminal Code serves as the primary foundation for law enforcement measures pertaining to gambling activities. It is evident that Articles 303 and 303 have the capacity to regulate the prohibition of all forms of gambling. These provisions continue to be pertinent in addressing online gambling, despite the absence of specific regulation of internet-based gambling within the Criminal Code. Law enforcement officials utilize this article as a tool to impose sanctions on individuals who engage in online gambling activities. The Electronic Information and Transaction Law Number 11 of 2008, which was updated to Law Number 19 of 2016, is the legal basis for the eradication of online gambling. This regulation regulates the use of information technology and electronic transactions that violate the law. Article 27 paragraph

(1) expressly prohibits the dissemination of online gambling content. The government is authorized to block online gambling sites that violate legal provisions.¹³

Regulation of the Minister of Communication and Information Technology No. 19/2014 authorizes the government to handle negatively charged internet sites. This regulation provides a legal basis for officials to take action against illegal content. The government has the authority to take action against sites that are considered detrimental to society. The identification process is carried out to determine which sites fall into the category of prohibited content. The implementation of the blocking mechanism is executed in collaboration with various authorities. This regulatory framework enables the restriction of access to websites that feature gambling content. This initiative is undertaken as a component of a broader strategy aimed at mitigating the deleterious effects of online gambling. Access to gambling sites is considered a factor that exacerbates the spread of this illegal practice. Blocking action is a legal instrument in reducing the number of digital gambling cases. The authorities have a duty to ensure that this policy can be implemented effectively.¹⁴

The government is implementing measures to restrict public access to online gambling services that are based overseas. Regulations have been instituted with the objective of constraining the dissemination of gambling sites that target users in Indonesia. Monitoring is conducted on various sites that contain illegal content. Internet service providers are requested to comply with the established blocking policy. This step is an integral component of a multifaceted strategy aimed at reducing the prevalence of digital gambling. Law enforcement officials play a pivotal role in addressing the issue of online gambling offenders. Consequently, individuals found to be engaged in online gambling operations are subject to legal action. The investigative process is conducted with the objective of ensuring that the perpetrators can be charged with the applicable legal provisions. Individuals involved in the administration of the digital gambling system are subject to disciplinary measures. Officials endeavor to optimize the authority they possess in carrying out their duties.

Investigations are conducted to identify individuals and groups involved in these activities. This process requires cooperation between various authorized agencies. Officials use investigative methods to trace networks involved in online gambling. Digital technology becomes the main tool in tracing suspicious transactions. Strict action is taken against individuals who are found to have violated the law. The legal authority given to the police and related institutions is a major factor in efforts to eradicate online gambling. Regulations provide a legal basis for the authorities in carrying out their duties. Legal instruments become guidelines in taking action against digital criminals. The existence of these rules supports the effectiveness of the work of the authorities in cracking down on gambling networks. The government continues to strengthen regulations to adjust to the developments that occur.¹⁴

The government has established collaborative relationships with various institutions to address the issue of online gambling. It is imperative to ensure that the steps taken are in accordance with the established legal provisions. This is achieved through a coordinated effort to align the actions with the pertinent legal framework. The authorities collaborate with internet

service providers to implement the aforementioned policy of blocking access to certain websites. The system under development is intended to enhance the effectiveness of monitoring. The government continues to promote interdisciplinary collaboration in addressing cases pertaining to digital gambling. Coordination with internet service providers is one of the steps taken. This cooperation aims to ensure that the blocking policy can run optimally. Service providers have an obligation to close access to sites that are proven to violate the rules. The government oversees the implementation of the policy to ensure its effectiveness. Regulations are continuously updated to adapt to technological developments.¹⁴

Bank Indonesia has a role in monitoring suspicious financial transactions. The institution monitors the flow of funds that could potentially be used for illegal activities. The financial system continues to be monitored to prevent money laundering practices related to online gambling. Policies are implemented to limit the space for suspicious transactions. Authorities are collaborating with financial institutions to ensure compliance with established regulations. Financial institutions have been requested to enhance their oversight of transactions that may be utilized for the purpose of online gambling. The implementation of an early detection system is a critical component of the overall security strategy, aimed at identifying any unusual activities that may be indicative of potential threats. The data obtained becomes the basis for determining the legal steps to be taken. Law enforcement has an obligation to take action against perpetrators involved in illegal transactions. Reporting from the public is part of the social control mechanism in efforts to eradicate online gambling.¹⁴

Public awareness in avoiding online gambling contributes to the effectiveness of law enforcement. Sanctions for online gambling offenders include imprisonment and fines. These penalties aim to provide a deterrent effect for offenders and prevent the development of digital gambling activities. Consistent law enforcement is needed to ensure the rules are effective. The government educates the public about the dangers of online gambling. Socialization campaigns are organized to raise awareness of the negative impact of gambling. This step is part of the strategy to reduce public interest in online gambling. The development of technology is a challenge in eradicating online gambling. Perpetrators use various methods to avoid detection. Law enforcement needs to increase capacity in dealing with changes in digital crime patterns.¹⁴

Law Enforcement Efforts in Combating Online Gambling

In an effort to address this issue, the Indonesian government has taken measures to restrict access to online gambling sites. This initiative represents a initial step in a broader strategy aimed at eradicating online gambling within the country. The Ministry of Communication and Information Technology is responsible for identifying operating sites and collaborating with internet service providers to restrict access to these sites. The technology employed facilitates expeditious identification of websites that host online gambling material. The blocking of online gambling sites is carried out regularly to reduce public access to online gambling. Sites that have been blocked often reappear with new domains or through the use of

private virtual networks. The public is involved in this effort by providing reports on sites that are still accessible.¹⁵

The government is monitoring the effectiveness of blocking online gambling sites by continuously improving the monitoring system. The speed of identifying and blocking new sites is a challenge in combating online gambling. More sophisticated monitoring technology is needed to ensure that blocking efforts are more effective. The responsibility for addressing the issue of online gambling in Indonesia falls within the purview of the Indonesian National Police. Law enforcement officials address cases of online gambling through investigative measures and the apprehension of those responsible. The Criminal Investigation Unit of the Police has exposed the existence of domestic gambling networks and those with links to overseas servers. The cybercrime unit of the Indonesian National Police plays a role in addressing issues related to online gambling. This unit conducts technology-based investigations to track transactions and communications that occur within online gambling networks.¹⁶

The police work closely with international organizations in handling cases involving global networks. This cooperation aims to combat increasingly complex transnational crimes. Digital technology facilitates the operation of online gambling networks in various countries. Law enforcement requires cross-border coordination to ensure effective action. Law enforcement officials utilize a range of investigative methodologies to identify and dismantle networks of perpetrators. Legislation has been enacted to regulate the penalties imposed on individuals who engage in online gambling activities. Law enforcement is defined as the rules established by the state. Individuals engaged in online gambling operations may be subject to legal sanctions. This provision is designed to reduce the number of crimes associated with online gambling. This step is part of the effort to eradicate illegal practices that harm the community.¹⁵

Article 303 of the Criminal Code is the basis for taking action against online gambling offenders. This provision regulates sanctions for parties proven to have committed the crime of gambling. The penalties listed in this article include imprisonment for the perpetrator. This sanction aims to provide a deterrent effect for the individuals involved. The state has demonstrated a commitment to eradicating illegal gambling through strict law enforcement. The Electronic Information and Transaction Law serves as the foundational framework for addressing issues related to online gambling. This regulatory framework stipulates sanctions for entities engaging in gambling operations utilizing information technology. Law enforcement officials possess the legal authority to initiate legal proceedings against individuals who violate this provision. Individuals who have been proven to facilitate online gambling may face legal consequences. The state continues to strengthen regulations to adapt to technological developments. Penalties for online gambling offenders include imprisonment as well as fines. This provision applies to individuals who are proven to be involved in online gambling operations. Law enforcement is carried out to reduce the number of crimes in this sector. This effort aims to protect the public from the negative impact of online gambling. Law enforcement officers continue to increase supervision to ensure the effectiveness of the actions taken.¹⁵

The government runs educational programs to raise public awareness about the dangers of online gambling. The Ministry of Social Affairs and the National Narcotics Agency organized a campaign on the social and economic impacts of online gambling. This campaign aims to reduce the number of people who fall into online gambling. Community counseling is conducted by involving educational institutions and families. Parents are provided with information on how to protect their children from the influence of online gambling. Educational institutions play a role in providing materials on responsible internet use.¹⁵

Inter-agency cooperation is a strategy employed in the effort to combat the proliferation of online gambling. The Ministry of Finance, the National Narcotics Agency, and international institutions collaborate in the monitoring of financial transactions related to online gambling. Each institution has a specific task in supporting efforts to eradicate online gambling. Coordination between law enforcement agencies is carried out to accelerate the process of prosecuting online gambling. Law enforcement agencies cooperate with financial authorities in tracking suspicious transactions. The National Police and the Ministry of Communication and Information Technology carry out joint operations in an effort to reduce the number of online gambling.¹⁵

Legal sanctions against online gambling offenders are strengthened through the revision of stricter regulations. Stricter regulations are implemented to increase the deterrent effect for online gambling offenders. More severe sanctions will later be able to reduce the number of violations related to online gambling. The prosecution of online gambling is not only aimed at the organizers, but also at the players involved. Identification of users who are active in online gambling is done through financial transaction analysis. Individuals who have been identified as engaging in online gambling may be subject to criminal prosecution in accordance with legal provisions. Efforts to eradicate online gambling have been characterized by a dualistic approach, encompassing both preventive and repressive measures. The preventive approach is carried out through education and public awareness campaigns. The repressive approach is implemented through stricter legal action against online gambling offenders. The government continues to improve the monitoring system for online gambling through cooperation with internet service providers. A stricter monitoring system is implemented to reduce the loopholes that can be utilized by online gambling players.¹⁷

CONCLUSION AND SUGGESTION

Conclusion

Based on the research results, the legal basis for law enforcement against online gambling in Indonesia has been expressly regulated in Article 303 and Article 303 bis of the Criminal Code which prohibit all forms of gambling. In addition, Article 27 paragraph (2) of Law Number 11 of 2008 concerning Electronic Information and Transactions also regulates the prohibition of the distribution of gambling content through electronic media. This regulatory framework

underscores the government's well-established legal foundation for addressing online gambling activities. In an effort to eradicate online gambling, law enforcement officials have taken various actions, including the blocking of gambling sites by the Ministry of Communication and Information, the monitoring of financial transactions by the Financial Services Authority (OJK) and Bank Indonesia (BI), and the apprehension of perpetrators by the police. However, challenges remain, such as the re-emergence of blocked gambling sites, limited inter-agency coordination, and low public legal awareness. There must be strengthened inter-institutional coordination, improved law enforcement technology capacity, and public education to increase the effectiveness of online gambling eradication in Indonesia.

Suggestion

The government and law enforcement officials should strengthen inter-agency coordination to ensure more integrated policies. Optimization must be done in the implementation of the existing legal basis, such as tightening supervision of financial transactions related to online gambling activities and increasing technological capacity to detect and block gambling sites more efficiently. Law enforcement officials will also be more proactive in taking action, not only by arresting perpetrators, but also by taking action against networks that support online gambling operations, including internet service providers and parties that facilitate illegal financial transactions. The government can consider revising or improving regulations to adjust to technological developments so that law enforcement is more adaptive to the new modus operandi used in online gambling.

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