



Online Gambling Criminal Act In Criminology Perspective

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ABSTRACT

The phenomenon of online gambling is increasingly rampant and has become a form of crime that is worrying in Indonesia, as widely reported in national and local media. This study aims to analyze the modus operandi of online gambling, identify obstacles in efforts to overcome it, and evaluate the steps that have been taken by law enforcement officers in eradicating this case. This study uses a document review method with a normative legal approach, which refers to secondary data in the form of laws and regulations, legal theory, and the opinions of relevant experts. The results of the study indicate that the modus operandi of online gambling is carried out through a mechanism for sending funds to admin accounts, which are then converted into game currency. One of the main obstacles in eradicating online gambling is the difficulty of identifying and closing gambling sites that often use misleading names and operate from abroad, where gambling is legal according to the laws of their country of origin. In efforts to overcome it, law enforcement officers are guided by Article 303 bis Paragraph (1) of the Criminal Code as the legal basis for prosecuting online gambling perpetrators. However, the effectiveness of law enforcement still faces various challenges, so a more comprehensive strategy is needed, including strengthening regulations, updating monitoring technology, and increasing digital literacy in the community to prevent involvement in online gambling..

Keywords: Online Gambling, Crime, Criminology, Law Enforcement, Modus Operandi.

ABSTRAK

Fenomena judi online semakin marak dan menjadi salah satu bentuk kejahatan yang mengkhawatirkan di Indonesia, sebagaimana banyak diberitakan di media nasional maupun lokal. Penelitian ini bertujuan untuk menganalisis modus operandi perjudian online, mengidentifikasi kendala dalam upaya penanggulangannya, serta mengevaluasi langkah-langkah yang telah dilakukan oleh aparat penegak hukum dalam memberantas kasus ini. Penelitian ini menggunakan metode kajian dokumen dengan pendekatan yuridis normatif, yang mengacu pada data sekunder berupa peraturan perundang-undangan, teori hukum, serta pendapat

para ahli yang relevan. Hasil penelitian menunjukkan bahwa modus operandi perjudian online dilakukan melalui mekanisme pengiriman dana ke rekening admin, yang kemudian dikonversikan ke dalam mata uang permainan. Salah satu kendala utama dalam pemberantasan judi online adalah sulitnya mengidentifikasi dan menutup situs perjudian yang sering kali menggunakan nama yang menyesatkan serta beroperasi dari luar negeri, di mana perjudian tersebut legal menurut hukum negara asalnya. Dalam upaya penanggulangan, aparat penegak hukum berpedoman pada Pasal 303 bis Ayat (1) KUHP sebagai dasar hukum dalam menindak pelaku perjudian online. Namun, efektivitas penegakan hukum masih menghadapi berbagai tantangan, sehingga diperlukan strategi yang lebih komprehensif, termasuk penguatan regulasi, pemutakhiran teknologi pemantauan, serta peningkatan literasi digital masyarakat untuk mencegah keterlibatan dalam perjudian daring.

Kata Kunci: Judi Online, Tindak Pidana, Kriminologi, Penegakan Hukum, Modus Operandi.

1. INTRODUCTION

The development of information and communication technology has brought various impacts to social life, one of which is the increasing number of online gambling cases (Behera et al., 2024; Radanliev et al., 2024). In Indonesia, the phenomenon of online gambling is increasingly rampant and involves various groups, from the lower class to state officials (Pradika et al., 2024). Based on the report of the Indonesian National Police (Polri), throughout 2023 there were more than 1,500 online gambling cases that were successfully uncovered with a total transaction value of trillions of rupiah (Ramadhan, 2024). Not only does it have an impact on the economic aspect, online gambling is also a trigger for increasing crime rates, such as money laundering, fraud, and domestic violence due to gambling addiction (Duncan & Lord, 2022; Sanctis, 2023). This phenomenon shows that online gambling is not just a legal problem, but also a social problem that needs to be studied in depth from a criminology perspective.

Theoretically, online gambling can be analyzed through various approaches in criminology, one of which is the strain theory proposed by Robert K. Merton. This theory explains that individuals tend to commit crimes when they experience social pressure due to a mismatch between expectations and reality (Wang, 2021). In the context of online gambling, individuals who experience economic pressure and have limited access to legal economic resources often seek shortcuts through gambling as a form of instant solution (Woods, 2022). Other studies also show that online gambling has a higher addictive power compared to conventional gambling, due to easier accessibility and the use of technology that provides a more immersive gambling experience (Liu et al., 2021; Hing et al., 2022). Therefore, the study of online gambling crimes from a criminological perspective is relevant in order to understand the motives and factors behind this online gambling behavior.

This study aims to analyze the phenomenon of online gambling crimes using a criminology approach to understand the causes, impacts, and strategies for overcoming them. Through the approach of strain theory and rational choice theory, this study will examine the factors that drive someone to get involved in online gambling and how individuals consider the risks and benefits before committing the crime. In addition, this paper also aims to explore the legal policies that have been implemented in Indonesia in handling online gambling cases and evaluate their effectiveness in preventing such actions. Thus, this study can contribute to the development of more effective online gambling prevention strategies in the future.

Based on the social facts and literature that have been discussed, the main hypothesis proposed in this study is that the increasing cases of online gambling crimes in Indonesia are not only caused by economic factors, but are also influenced by social changes due to technological advances that make gambling easier to access. In addition, weak law enforcement and the lack of digital literacy in society have exacerbated this situation. From a criminological perspective, online gambling can be explained as a form of adaptation to economic and social pressures, where individuals are more likely to choose high-risk shortcuts in order to gain financial gain in a short time. Therefore, a more comprehensive approach is needed in dealing with online gambling, not only through legal aspects, but also with social and educational approaches to reduce the number of people participating in online gambling.

2. RESEARCH METHOD

This study employs a qualitative approach with a descriptive-analytical method to understand the phenomenon of online gambling crimes from a criminological perspective. This method is chosen because it allows the researcher to explore in-depth the causes, impacts, and policies that have been implemented to address online gambling cases in Indonesia (Creswell, 2014). Through this method, data is collected from various relevant sources, including literature studies, legal policy analysis, and interviews with individuals directly related to online gambling cases, such as law enforcement officers, criminology experts, and former online gambling participants.

The data in this study is obtained from two types of sources: primary data and secondary data. Primary data is collected through in-depth interviews with informants directly involved in online gambling cases, such as police investigators handling online gambling crimes, criminology academics, and individuals who have engaged in online gambling (Yin, 2018). Meanwhile, secondary data is gathered from various written sources, including scientific journals, police reports, legal regulations related to online gambling in Indonesia, and news articles discussing this phenomenon (Babbie, 2020). The data collection techniques

include literature review, in-depth interviews, and document analysis. The literature review aims to provide a theoretical understanding of the online gambling phenomenon from a criminological perspective, particularly in relation to strain theory and rational choice theory (Merton, 1938; Agnew, 1992). Semi-structured in-depth interviews are conducted to extract information from informants regarding the motives, patterns, and social impacts of online gambling (Griffiths & Parke, 2002). Additionally, document analysis is used to examine legal regulations and policies that have been implemented to combat online gambling cases in Indonesia.

The collected data is analyzed using thematic analysis, which aims to identify patterns and themes emerging from the data (Braun & Clarke, 2006). The analysis process involves several stages, including thoroughly reading and understanding the data, coding relevant information, grouping data into specific themes, and drawing conclusions based on the findings. This approach enables the researcher to comprehend the motives and patterns of online gambling crimes in a social and criminological context. Moreover, this study applies a triangulation approach to enhance data validity and reliability. Triangulation is performed by comparing interview results, document data, and literature studies to ensure consistency in findings (Patton, 2015). By employing this approach, the study aims to provide a more comprehensive understanding of the factors influencing online gambling behavior and the effectiveness of policies implemented to address this issue.

This study has several limitations that should be acknowledged. First, it focuses on analyzing online gambling from a criminological perspective in Indonesia, meaning that its findings may not be fully generalizable to other countries with different regulations and social conditions. Second, limited access to data from active online gamblers poses a challenge in obtaining more in-depth information about their motives and strategies. Third, this study emphasizes descriptive analysis rather than quantitative measurement, making the findings more exploratory and interpretative (Silverman, 2020). Despite these limitations, this study is expected to provide meaningful contributions to understanding the dynamics of online gambling crimes and formulating more effective countermeasures from a criminological perspective. By comprehending the underlying factors of online gambling behavior, this research can offer recommendations for the government, law enforcement, and society in addressing the issue of online gambling more comprehensively.

3. RESULT AND ANALYSIS

Factors Causing Online Gambling Crimes

The development of human thought patterns produces a deep understanding and logically in finding the causes of crime (Garbuio & Lin, 2021). According to Sutherland, crime is the result of these factors today and henceforth cannot be

arranged from a generic provision without exception (Windle et al., 2021; Joyce & Laverick, 2022). Likewise, the same is true with the various factors related to online gambling crimes. Several factors that cause crime in criminology and the motives of a person to do so cannot be separated from two main elements. The two factors are internal factors and external factors (Jafari et al., 2023).

A. Internal Factors

These factors are viewed from the general characteristics of the individual, such as:

1. Age, this factor has a big influence, where every human being from childhood to adulthood experiences delinquency both physically and mentally;
2. The state of the individual in society;
3. Individual religion;
4. The problem of individual reactions;
5. Individual education.

B. External Factors

These external factors are based on the environment which has a correlation with crime and it is precisely these factors which according to scholars are the factors which determine or dominate individuals towards crime, which in general can be divided into four parts, namely:

- 1) An environment that provides opportunities for crime to arise;
- 2) Social environment that provides examples;
- 3) Economic environment;
- 4) Different social environments.

That in connection with the occurrence of online gambling crimes via the internet media, it can be caused by various factors, ranging from social symptom factors, social diseases (pathology) to including internal individual factors and external factors which contribute to a crime occurring.

Forms and Characteristics of Online Gambling in a Criminological Perspective

Types of online gambling based on the Digital Gambling Control Act, July 1974, which states among other things that gambling in any form is a crime (Chanvi, 2023). While in government regulation Number 9 of 1981 concerning the Implementation of Law Number 7 of 1974 concerning Supervision of Games of Chance, gambling is categorized into 3 (three) types, namely.

- a) Casino gambling, among others, consists of: Roulette; Black Jack; Baccarat; Creps; Keno; Tombola; Super Ping-Pong; Lotto Fair; Satan; Paykyu; Slot Machine; Ji Si Kie; Big Six Wheel; Chuc A Luck; Throwing Chicken Feathers at Targets or Spinning Boards; Pachinko; Poker; Twenty One; Hwa Hwe; Qiu-Qiu; and so on.

- b) Gambling in Crowded Places, including: Bracelet Throwing; Money Throwing; Kim; Fishing; Shooting at Non-Rotating Targets; Ball Throwing; Cockfighting; Horse Racing; Mayong; Bull, Goat, Buffalo Fighting; Erek-Erek.
- c) Gambling that is associated with habits, gambling in this third form consists of what is also included in gambling in places far from the crowds, what makes it different is that this third one is based on habit factors.

There are other forms of online gambling:

- a) Sbobet is an online soccer gambling game. The Sbobet trademark is probably the most successful and well-known trademark in the field of online gambling. Sbobet itself is an abbreviation of online sports betting, where the soccer market is updated every day according to upcoming and ongoing games. Therefore, even though the soccer match is in progress, members can play soccer.
- b) Ibcbet is an online gambling that is actually the same as Sbobet. There is not much that distinguishes Ibcbet from Sbobet. Both brands compete so tightly in the global online gambling. Although there is one advantage that Ibcbet has, it is the game variants contained in Ibcbet, where they also provide games such as casinos, number games, and several other mini games which of course are also a means of making money.
- c) 338a or Sbobet Casino is a type of online game, which is basically based on online casino games. There are many games that can be played through this 338a website. Some of them are Baccarat, Black Jack, Sic Bo (Craps) and Roulette.
- d) SGD777 is an online Casino gambling operating in Le Macau Club. SGD777 is one of the Casino trademarks that has grown very rapidly in recent years. The games on this site are more or less the same as 338a. only they have a different User Interface (image display) according to 338a.
- e) Bola tangkas 2 is an online game of chance. Maybe, if you have ever been in the Mickey Mouse game era, you will taste this feeling again, only this one is online. With the increasingly rapid growth of technology and the cheap price of internet in Indonesia and the presence of online gambling, the Mickey Mouse game has become very safe and can be played safely and comfortably at home without fear.
- f) Isin 4D is an online slot machine provided for the Lottery market. Because of its many fans and from the lower, middle to upper classes, this game immediately became an online game version. In a short time, this game has attracted many users because of its game efficiency and indeed playing online cards is the only safe and efficient way.

But always wrong one type of game that began to develop in Indonesia in general and online gambling in particular, such as: online soccer games (soccer

gambling), qiu-qiu, poker, etc. Online gambling is one type of gambling game that can be played in generic places because what is needed is an android cellphone (smart phone) to play online gambling. Online games, although official and underground, this game is almost played and known throughout Indonesia and even throughout the world.

Meanwhile, the characteristics of online gambling as a cyber crime, the application of criminal sanctions and criminal law provisions against online gambling is appropriate. The application of criminal law in the form of imprisonment for perpetrators of online gambling crimes is contrary to the legal theory of cyber crime. The decision-making model for online gambling perpetrators must prioritize more specific regulations (*lex specialis derogate legi generali*), namely Law Number 19 of 2016 in conjunction with Law Number 11 of 2008 concerning information and electronic transactions. So decision-making is carried out not only to apply criminal sanctions and legal provisions contained in the Criminal Code (KUHP).

Obstacles Faced in Eradicating Online Gambling

Gambling is regulated in Article 303 of the Criminal Code and Law No. 7 of 1974 concerning the Regulation of Gambling. In Article 1 of Law No. 7 of 1974 concerning the Regulation of Gambling, gambling is stated as a crime. Gambling is currently progressing and more modern along with technological developments. Gambling that exists now also uses sophisticated information technology. So that difficulties arise for the authorities to investigate and even to eliminate the rampant online gambling crimes that are increasingly mushrooming everywhere almost throughout Indonesia.

According to Kominfo (Ministry of Communication and Information), online gambling is difficult to eradicate because the names of gambling sites are sometimes deceptive and come from other countries. "Gambling sites are not always judi.com but other names that do not match the name and purpose," said the Director General of Informatics Applications of the Ministry of Communication and Information, Aswin Sasongko, in an online gambling seminar at the RRI Building, Jl Medan Merdeka Barat, Jakarta. In addition, the existence of online gambling servers that are not in Indonesia also makes it difficult for his party. According to Aswin, it is impossible for his party to sue gambling sites that are protected by their respective countries. "Gambling sites are not only from Indonesia, there are some from abroad and not all laws in countries are the same. Our efforts can only be to block them," he explained.

Meanwhile, the Director General of Social Protection and Security of the Ministry of Social Affairs, Andi Z.A Dulung stated that the rampant gambling is due to people's instant thinking in terms of material. "One of the causes of the rampant online gambling is because of the attitude of people who want to get rich quickly, want instant wealth. This is a wrong perception," said Andi on the same occasion. The Ministry of Social Affairs also asked for public participation in eradicating the

rampant gambling in cyberspace. "If there is a site containing gambling activities, report it to us (the Ministry of Social Affairs-ed), so we can check first whether it is a gambling category, skill or lottery. We often go to the Ministry of Communication and Information to block it," Andi emphasized.

As for the response from the Police, the rampant online gambling in Indonesia has become difficult for the police to eradicate. The main obstacle is that this type of gambling is centered abroad and is legalized there. "Actually, there is no online gambling center in Indonesia, the operators are in other countries," said the Director of Special Economic Crimes at the Criminal Investigation Unit, Brigadier General Pol A Kamil Razak, at the Bandung Institute of Technology (ITB) Campus, Bandung City. This is acknowledged as an obstacle in eradicating online gambling to the roots. The police also have difficulty dismantling online gambling sites. "For example, we arrested 8 (eight) online gambling perpetrators, it turned out that the center was in the Philippines. When investigated, it turned out that it was legal there. Finally, we closed the financial transactions in Indonesia," he said. We said, almost all provinces in Indonesia have many who practice online gambling. One of them is during the big football season. "Usually this case is busy during the football season," he said.

As for the obstacles in the evidence as the key to solving a criminal case, in online gambling itself because it is played in cyberspace not the real world, it is difficult for the police to conduct investigations. According to the author, there are two main obstacles that are the basis for the difficulty of the police in investigating and solving this online gambling case, the two main obstacles are internal technical obstacles and external technical obstacles.

4. CONCLUSION

Based on the research problem formulation, findings, and discussion, it can be concluded that the modus operandi of online gambling currently consists of two methods: the cash system and the deposit system, both of which present unique challenges in law enforcement. Efforts to eradicate online gambling face various obstacles, such as difficulties in hacking gambling websites hosted in foreign countries where such activities are legal, limited access to modern technological facilities within law enforcement agencies, and a lack of expertise among some officers in handling cybercrime, which continues to evolve. To combat this crime, three approaches have been implemented: pre-emptive efforts, which involve early education about the negative impacts and legal sanctions for online gambling offenders; preventive measures, aimed at eliminating opportunities for gambling by blocking online gambling sites operating in Indonesia; and repressive actions, which involve strict enforcement against perpetrators if pre-emptive and preventive measures fail. However, in its implementation, the Pematangsiantar Police Resort faces several challenges in law enforcement, including passive public

attitudes and reluctance to report gambling offenses, as well as information leaks before police operations or raids take place, which ultimately hinder the effectiveness of online gambling eradication efforts.

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