

## **Criminal Law Analysis of Online Gambling Perpetrators in Medan City**

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### **Abstract**

*One of the impacts of technological and communication advances is now seen in the form of online gambling or known as online gambling. This technology initially only allowed online games, or games that can be accessed via smartphones connected to the internet. The research method uses a normative legal approach. Library data collection techniques/literature studies. The data analysis technique used is the conclusion drawing method. The results of the discussion found that the responsibility experienced by online gambling perpetrators is seen from the law that has been regulated in Law No. 1 of 2024 concerning ITE. So it was found that the maximum penalty for online gambling in North Sumatra is 2 years in prison. However, it can be seen that the lack of efforts made by the authorities. The factors that occur in online gambling perpetrators are divided into two parts, internal and external. The purpose of this study is to review the law with several library studies related to online gambling perpetrators in North Sumatra.*

**Keywords:** *Legal Analysis, Perpetrators, Online Gambling, Medan*

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## **INTRODUCTION**

In today's digital era, information technology has a significant impact on various aspects of life, including behavioral patterns and social interactions in society. Internet network access now reaches all groups and levels of society, both adults, teenagers, and even children who understand the principles of Internet technology. There are many reasons why many people feel their lives are easier thanks to Internet services. The Internet provides convenience in many aspects of human life, such as education, business, social interaction, access to information, and of course communication (Tobing, 2019). The Internet has indeed provided many conveniences for human life. However, over time, the Internet is increasingly used and can be utilized by certain parties to gain profit (Zurohman et al., 2016).

One of the impacts of technological and communication advances is now seen in the form of online gambling or known as online gambling. This technology initially only allowed online games, or games that could be accessed via smartphones connected to the internet. However, over time, this has developed into a form of gambling that can provide prizes to its players, which is called online gambling. Gambling is a type of betting activity that involves the use of money, and the winner receives the entire amount of the bet. In gambling, the element of luck plays an important role for the players, and those who suffer financial losses are at risk. According to Kurniawan et al. (2023) Gambling is a behavior that is against the law and this has become a habit in almost every community environment. Various types and forms of gambling have become so widespread in everyday life, both openly and secretly. In fact, some people tend to be permissive and seem to view gambling as something normal, so that it no longer needs to be a problem. As a result, what is happening in various places now is that many lottery gambling agents and other gambling have been opened which have actually sucked up quite large amounts of public funds.

Indonesia is a country of law based on Pancasila and laws that support and prioritize noble values related to morality and ethics, ethics and character of national life. Indonesia is based on the principle of the Almighty God which is the benchmark for the state to reflect the strength of the faith of the Indonesian people. This principle illustrates that the Indonesian people strongly believe in the Almighty God as the foundation of their lives. (Agif Septia Meswari & Matur Ritonga, 2023) In the digital world, it is difficult to prosecute gambling as a violation of the law if only using state law as in the real world, because the place where the crime occurred is clear, because the perpetrators of the crime can easily move locations. Gambling is mainly related to religious, moral, moral or legal actions that are contrary to norms and can endanger the social life of the country. From a legal perspective, gambling is a crime that disturbs society. Article 27 paragraph 2 of Law Number 11 of 2008 concerning Information and Electronic Transactions states that: "Any person intentionally and without the right to distribute or transmit or make accessible electronic and electronic documents that contain insults and/or defamation" (Enik Isnaini, 2017). Persuading the information conveyed in the introduction regarding the distribution of information and electronic transactions.

Online gambling cases have been found in many regions, especially in the province of North Sumatra. So online gambling must be avoided by the public because it has an impact on the economy in Indonesia. According to data found by researchers, online gambling has reaped many losses in Indonesia. Data found from Ramadhani et al. (2023) Data on online gambling transactions in Indonesia from 2017 to 2022 shows a very significant increasing trend, both in terms of the number and value of transactions. In 2017, the number of transactions was recorded at 250,726 times with a value of IDR 2,009,676,571,607, and increased drastically to 104,791,427 times with a value of IDR 104,417,674,955,287 in 2022. This multiple increase indicates that online gambling is increasingly popular and accessed by the public, driven by easy internet access, increased smartphone use, and aggressive promotions by online gambling sites.

This study is almost similar to that conducted by several researchers, including; Nono et al. (2021), Kurniawan et al. (2022), Lubis (2018), and Saputra (2022). From the previous studies above, the actions taken by the police against perpetrators and distributors of online gambling websites. While this study focuses on analyzing the punishment of online gamblers in the city of Medan. The researcher aims in this study to be useful for readers so that they do not continue to gamble online. Based on the background above, the researcher is very interested in the case of online gambling perpetrators. So the researcher took the title "Criminal Responsibility for Online Gambling Site Perpetrators in North Sumatra". Thus, the researcher hopes that this study will be useful for the community as a reference for future research. The formulation of the problem in this study is: 1) what are the factors causing the rise of online gambling? 2) how is online gambling handled in the city of Medan? 3) what are the obstacles experienced by the authorities in eradicating online gambling in the city of Medan.

## **RESEARCH METHODS**

The research method uses a normative legal approach based on legislative policies. Normative legal research is a study that focuses on law as a norm or rule. Thus, this study is positive law and case approach. The analysis method used is the library data collection method/literature study. The author uses the nature of descriptive analytical research, which is a solution by presenting and applying data completely, in detail, and systematically. The approach method in this writing is through statutory law.

Meanwhile, to obtain data that supports the writing of this law, the author uses a data collection method through library research by collecting data through literature and other

materials related to the title in the writing of the law that the author has compiled. The results of the analysis that have been obtained are then used in the conclusion drawing method. With this approach, the law in the legislation is identified first, then it is seen how the law is applied in the legal case, especially the legal handling of online gambling crimes reviewed according to the ITE Law.

## RESULT AND DISCUSSION

Online gambling is a form of gambling that is carried out via the internet using electronic devices such as computers, laptops, or mobile phones. Online gambling is one of the types of online gambling as stated in the prohibited acts in Article 27 paragraph (2) of Law 1/2024 concerning the second amendment to the ITE Law, which reads as follows: Every person intentionally and without the right to distribute, transmit, and/or make accessible Electronic Information and/or Electronic Documents that contain gambling content. In online gambling, players can place bets and participate in various types of gambling games provided by online gambling service providers. (September et al., 2023) There are various types of popular online gambling, including sports betting, casino games such as poker, blackjack, roulette, and online slots, as well as other gambling such as horse racing and lottery betting. Players usually have to create an account with an online gambling service provider and deposit a certain amount of money to be used as a bet. One of the main advantages of online gambling is its ease of access. Players can access online gambling sites anytime and anywhere as long as they have an internet connection. In addition, online gambling also offers a wide variety of games and betting options, which makes it attractive to many people.

The phenomenon of online gambling in society is a problem that is getting more attention. In recent years, many students have been involved in online gambling activities, be it sports betting, casino games, or other types of gambling that can be accessed online. According to Elvia et al. (2023) there are several factors that have caused this phenomenon to increase in society. First, ease of access. With the development of technology, people can easily access online gambling sites via Smartphone devices so that the police have made efforts in online gambling cases.

The police have several preventive efforts related to online gambling. What the police do is provide an appeal to the public about the dangers of gambling and provide supervision in cyberspace through the internet media. The appeal is carried out by going directly to the community, providing warnings, and counseling. This counseling is carried out by the police with an approach of providing an understanding of online gambling and providing knowledge about the dangers and losses that can be obtained if they gamble online (Swardhana, 2019). The police also provide warnings by emphasizing that gambling or online gambling is a criminal act and will receive criminal sanctions for those who do it as regulated in Articles 303 and 303bis of the Criminal Code.

Based on the Electronic Information and Transactions Law (UU ITE 2024). The implementation of this policy is carried out by blocking content, blocking Websites/platform applications (Medol/Social Media) and legal action. By blocking and filtering content or applications that have elements of gambling, it can reduce the development of online gambling in society (Lauder Siagian, 2018). The serious threat to online gambling perpetrators in Law No. 19 of 2016 Article 27 paragraph (2) states: "Any person who intentionally and without the right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have gambling content as referred to in Article 27 paragraph (2) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR

1,000,000,000.00 (one billion rupiah)." Based on the law above, online gambling perpetrators will be subject to severe laws according to the actions taken. Online gambling in addition to destroying the economy in Indonesia even destroys the lives of individual humans. So it can be said that online gambling is something that has a very big impact on social life that causes despair in life caused by debt everywhere. So there are many cases on social media of suicide due to being in debt.

According to news released by the ANTARA blog, in 2024 there have been 6 cases of online gambling, including 4 online slots and 2 online gambling. Medan Police stated that everything related to gambling must be dealt with firmly by the local police (Said, 2024). Online gambling cases have occurred a lot among young people. Therefore, the police continue to pay attention to people who participate in online gambling. According to Sandrawati et al. (2019), stated that "In general, it can be said that the factors that cause a crime to occur can be divided into 2 (two) groups, namely:

- a. Internal factors are factors found in the general nature of individuals which consist of, namely:
  - b. 1) Age, humans always experience changes from children, adults to parents also including their physical and spiritual conditions. With these changes, a person can act badly and can also act well according to the development of the mind and certain conditions that exist around the individual
  - c. 2) The position of the individual in society.
  - d. 3) Religion is the most important element in life and is a spiritual need.
  - e. 4) The problem of individual recreation/entertainment, is related to crime, because lack of recreation or relaxation can also cause crimes in society.
  - f. 5) Individual education, This affects the state of mind, behavior, especially intelligence
- g. External factors are factors that come from outside the individual, this is based on the environment which includes:
  - h. 1) Time of the crime, in this case, at the time the crime was committed and time also affects a person's actions to commit a crime.
  - i. Place of crime, In this case the place is very important, because the perpetrators determine the right place to be able to carry out their crimes.

The obstacles and constraints faced in enforcing the law against online gambling crimes are as follows :

1. Lack of budget: The budget provided by the government for the investigation and investigation of online gambling crimes in 2021 is IDR 679,493,000 (six hundred seventy-nine million four hundred ninety-three thousand rupiah) for all ranks of the North Sumatra Regional Police based on the DIPA of the Special Criminal Investigation Directorate of the North Sumatra Regional Police. This budget is considered insufficient to cover operational needs in dealing with online gambling cases.
2. Increasing crime modes: The modus operandi of online gambling crimes continues to develop, but the increase in the quality and quantity of Polri personnel is not in line with the complexity of the tasks they face. In addition, the large number of Polri personnel who retire each year is not balanced by adequate recruitment, resulting in a lack of regeneration, especially in the investigation and investigation division.
3. Lack of mastery of information technology: Investigators often lack mastery of information technology in uncovering perpetrators of online gambling crimes. The government has not specifically facilitated the Polri in developing information technology capabilities, especially in terms of training for investigators and assistant investigators in the Cyber Crime Sub-Directorate. Only at the level of Head of Sub Directorate and Head of Unit who have investigator certificates.

4. Lack of identity of perpetrators and witnesses: Identification of perpetrators and witnesses is often an obstacle in investigations, because perpetrators often use fake or anonymous identities.
5. Lack of evidence: In the filing process, there is often a lack of adequate evidence to support charges against perpetrators of online gambling crimes.
6. Lack of cooperation with providers and the community: Lack of cooperation between the Police and service providers and the community in obtaining information related to online gambling crimes is a significant obstacle in the law enforcement process.
7. Lack of cooperation between the Police and the Public Prosecutor: Less than optimal cooperation between the Police and the Public Prosecutor in the process of investigating online gambling crimes can slow down the legal process.
8. Lack of public concern: Public concern to cooperate with the police in uncovering online gambling crimes is still low, which is an additional challenge in law enforcement efforts.

As a member of the police who is tasked with handling cybercrime in the North Sumatra Regional Police area, I observe that there are still many cybercrime cases, including online gambling, that occur. However, many of these cases have not been able to be handled by the police. This is due to the large number of sites and networks used for online gambling, which often cannot be traced because the perpetrators use fake data and identities to avoid arrest by law enforcement. (Results of Interviews with the Police) Online gambling perpetrators in North Sumatra (Medan) the police take tough action against online gambling players with a maximum prison sentence of 6 years according to the judge's decision. The judge decided according to the behavior of the online gambling perpetrator. The punishment for online gambling perpetrators in Medan that the author found in the articles found was at least 3 months in prison and a maximum sentence of 2 years (Manalu, 2019).

## CONCLUSION

Based on the results of research related to legal analysis of children's rights towards victims of criminal acts of sexual abuse of minors in view of Law no. 35 of 2014 (Study Decision Number: 640/Pid. Sus/2023/PN Mdn) It can be concluded as follows: Law no. 35 of 2014 concerning Child Protection provides more humane legal protection for children who are victims of criminal acts of sexual violence. With this legal protection, child victims of sexual violence are treated humanely and with respect for their human dignity. Criminal sanctions against perpetrators of sexual violence are also implemented strictly, and law enforcement against criminal acts of sexual violence is carried out by providing protection for children who are victims.

Based on the discussion above, it was found that the police have tried to enforce the law in Medan. Online gambling is very rampant in the city of Medan. The police have also formed an arrest team for online gambling perpetrators, but with the obstacles that have been explained, the Medan police have not fully overcome what the perpetrators of Online Gambling do.

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