

## Case in Batam City: The Crime of Electronic Gaming in The Industrial Revolution 4.0 Era

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### ABSTRACT

*Gambling presents several problems, including the possibility that some people will develop an addiction, an inability to stop gambling, and significant financial loss. Therefore, it is evident that gambling is detrimental to individuals and can harm society as a whole. It will also have the potential to reduce the community's economy. In the city of Batam, online gambling is commonplace and familiar. Online gambling has penetrated society from the upper classes to the lower classes. Several factors cause gambling, which is closely related to the factors that cause crime. The two main types of factors that can lead to criminal behaviour are those that come from outside the individual (external) and those that come from within the individual (internal), such as psychological, educational, and religious factors. Association and family environment. This type of research is Normative Juridical Research with a statute approach. Normative legal analysis is also known by another term, namely doctrinal legal research. This research shows that Indonesia's Law on Information and Electronic Transactions has not been fully effective. This is in line with the theory of Legal Effectiveness put forward by Soerjono Soekanto. Judging from the legal factors themselves, which are only limited by law, the government must pay more attention to aspects of legal certainty regarding gambling regulations so that they are by social values that view all forms of gambling as dangerous.*

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### PRELIMINARY

In Article 1 point 3 of the 1945 Constitution it is stated that Indonesia is a state based on law (*recht staat*). In Indonesia the position of law must be above all matters relating to every human being (person), and all actions must comply with legal regulations. Law, on the other hand, as the foundation of the state, needs to change with the times. The drafting of new laws and the coding and unification of the legal field is urgently needed. New legislation-based legal instruments are urgently needed at this time. In addition, new laws are needed to increase public awareness and perception of their behavior. The current era of globalization is an indication of technological progress. The era of advances in technology

and information has started due to globalization.<sup>1</sup> All aspects of human life have changed due to globalization, especially in developing countries like Indonesia. Because people's needs will shift both quantitatively and qualitatively as a result of these changes, the law also needs to change.

Laws and problems will continue to evolve along with social changes.<sup>2</sup> Human civilization has developed into an information society as a result of advances in Information and Communication Technology and its application in various fields.<sup>3</sup> The use of social media and the internet has both positive and negative impacts on human life. The pattern of community social interaction is influenced by the rapid development of technology and information, especially through the internet (social media). Through social media, distance is no longer a barrier; space and time are connected in various ways. According to a report by the British Research Institute, there were around 175.4 million people using the internet in Indonesia at the beginning of 2020, of which 160 million were actively using social media.<sup>4</sup>

Web advancement has both good and bad consequences, especially with regard to digital errors or breaches through web organizations, for example, programming, wiretapping transmission, information hacking or breaking, sexual entertainment, misrepresentation and defamation through virtual entertainment.<sup>5</sup> Website hijacking, wiretapping of other people's data transmissions, fraud, defamation, and online gambling are examples of cyber-crimes that are rife in Indonesia. Formal and material violations can be committed in cybercrime.<sup>6</sup> The behavior of accessing a computer without permission is a formal offense, while material offenses are those that cause harm to other people. The existence of cybercrime has developed into a threat to stability, thus challenging the government to balance between the methods used in crime and computer technology, especially internet networks.

Gambling (cybercrime) is one type of crime that is rife lately. It involves gambling with the help of information technology or online gambling. Gambling is clearly defined as a violation of norms, decency and law and endangers the life of society, nation and state in the Criminal Code. Nevertheless, gambling has become increasingly common in the modern era, and even more forms of gambling are practiced both publicly and privately. It is very clear from a legal perspective, that gambling is a crime (delict) that causes social unrest. According to Article 1 of Law Number 7 of 1974 concerning Control of Gambling, all actions related to gambling are considered as criminal acts.<sup>7</sup> Fraudulent acts in the form of betting or participating in betting were initially prevented in the provisions of Article 542 of the Criminal Code, but given the provisions stipulated in Article 2 paragraph 4 of Perpu Number 7 of 1974 concerning Gambling Supervision it was changed to a criminal provision contained

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<sup>1</sup> Suharyanto, B. (2013). *Tindak Pidana Teknologi Informasi (Cyber Crime) : Urgensi Pengaturan Dan Celah Hukumnya*, Jakarta: Rajawali Pres, p. 1

<sup>2</sup> Saputra, I. (2022). Upaya Kepolisian Dalam Penanggulangan Perkara Tindak Pidana Judi Online Di Media Internet Studi Cyber Polda Sumatera Utara. *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora*, 9(7), 3463-3472.

<sup>3</sup> Manalu, H. S. (2019). Penegakan hukum terhadap pelaku tindak pidana perjudian online. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 2(2), 428-539.

<sup>4</sup> Detik. (n.d). <https://inet.detik.com/cyberlife/d-4907674/riset-ada-1752-juta-pengguna-internet-di-indonesia>. Accessed 21 February 2022 at 14.00 WIB

<sup>5</sup> Detik. (n.d). *Ibid*.

<sup>6</sup> Theodore. (2003). *Media dan Perkembangan Masyarakat Modern*. Jakarta: Kencana, p. 56.

<sup>7</sup> Kansil, C.S.T. (2004). *Pokok-Pokok Hukum Pidana*, Jakarta: Pradnya Paramita, 2004, p. 157.

in Article 303 bis of the Criminal Code. According to Article 303 of the Criminal Code, any game in which only the player's luck determines the chances of winning is considered gambling. This definition applies even if the player is smarter or more skilled. All betting agreements regarding the results of competitions or all other bets, are considered as gambling. Online gambling is very popular because it is easily accessible and safer than regular or traditional gambling. The types of online gambling that are currently often played are ball games, poker cards, lottery, roulette, casino, sicbo, lottery and other games.

Gambling presents several problems, including the possibility that some people will develop an addiction, an inability to stop gambling, and significant financial loss.<sup>8</sup> Therefore, it is very clear that gambling is not only detrimental to individuals but can also harm society as a whole, it will also have the potential to reduce the community's economy. Apart from causing financial, mental and physical losses, it can also make a person lethargic, making it easier for him to commit crimes such as theft, corruption, and even murder.<sup>9</sup> Apart from these problems, the Ministry of Communication and Informatics (Kominfo) has blocked seven Private Electronic System Operators (PSE) or the only digital platform in Indonesia. The seven popular digital platforms that were blocked were Yahoo, PayPal, Epic Games, Steam, Dota, Counter Strike and Origin. Currently, PayPal's blocking is being normalized or opened temporarily, before it is enforced again on August 6, 2022. Meanwhile, the problem is why online gambling sites such as Topfun, Domino Qiu Qiu, and Naruto Slugfestx and others are registered with the Ministry of Religion. Communication and Information and Information and not blocked.<sup>10</sup>

Article 303 of the Criminal Code provides legal guidelines for gambling. According to article 303 of the Criminal Code, article 303 of the Criminal Code, gambling is any game where the profit is likely to depend on luck and the level of practice or skill of the players. It remembers all bets for different race or game selections not held between those competing or playing, as well as any remaining bets. Since profit is solely determined by luck, online gambling fits the definition of gambling given in the article. Even though there is a clear legal basis for discussing this topic, the discussion of articles that can impose sanctions on online gamblers faces many obstacles. Considering that online gambling is accessed online, the process of spreading and the actions of actors also experience difficulties in its implementation because the network that forms the online gambling system is very large and even covers the whole world.<sup>11</sup> The most well-known type of game in web-based lottery betting is the web bistro which is used as a place to bet. Compared to conventional gambling, it is not only simple but also safe from the reach of the apparatus (police). Therefore, online gambling is not good at dealing with it.

In the city of Batam online gambling has become commonplace and familiar. Online gambling has penetrated society from the upper class to the lower class. As reported by Batam News, members of the Criminal Investigation Unit of the Bareleng Police raided an

<sup>8</sup> Lakoro, A., Badu, L., & Achir, N. (2020). Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online. *Jurnal Legalitas*, 13(01), 31-50.

<sup>9</sup> Tabah, A. (1991). *Menatap melalui Mata Hati dari Polisi di Indonesia*, Jakarta: PT Gramedia Pustaka Utama, p. 182.

<sup>10</sup> Katadata. (n.d). <https://katadata.co.id/desysetyowati/digital/62e5106e6ae61/netizen-protos-judi-online-terdaftar-di-kominfo-paypal-malah-diblokir>, Accessed 25 February 2022 at 14.00 WIB

<sup>11</sup> Hutasoit, H. N., & Swardhana, G. M. (2019). Upaya Penanggulangan Tindak Pidana Judi Online di Wilayah Hukum Polresta Denpasar. *Kertha Wicara: Journal Ilmu Hukum*, 8(11), 1-15.

online gambling syndicate at the Taman Golf Residence 2 Housing Complex, Sukajadi, Batam, Riau Islands.<sup>12</sup> The next case was obtained from the Suara Serumpun media, Friday 19 August 2022, that online gambling in Batam and Tanjungpinang was raided by the Riau Islands Police. Online gambling is currently booming in a number of areas in Batam City. By using a short message service (whatsapp), marketing online gambling becomes easier. Online gambling in the Batam City area, choosing a place in a hotel, and in an elite residential area. In this regard, online gambling cases continue to increase, especially in the jurisdiction of the Barelang Police, Batam City. According to Kanit 1 Judisila, in 2021 there will be two cases and at the end of June 2022 there will be two cases, bringing a total of three cases. Barelang Police, Batam City, will continue to crack down on the rampant use of online gambling in Batam City.

One of the causes of the difficulty for the police in Batam to uncover online gambling practices is the lack of public information. However, the police will continue to work to eradicate online gambling, especially during the month of Ramadan. In this case, the police expect everyone to maintain tolerance by refraining from gambling and other illegal activities. In the jurisdiction of the Barelang Batam Police, gambling issues, both offline and online, have been circulating for a very long time. The quantity and quality of gambling crimes have also changed in line with changes in people's lives, science, technology, and globalization. Therefore, the Barelang Police will be aware of every online gambling incident in their area. so that it can reduce the number of gambling crimes committed through internet facilities in Batam City and prevent it from spreading to people who have not become victims or perpetrators of online gambling. Of course, the challenges faced by the Barelang Police in enforcing the law cannot be separated from the role and efforts of the Police.

Some of the factors that cause gambling can be said to be closely related to the factors that cause crime. The two main types of factors that can lead to criminal behavior are factors that come from outside the individual (external) and factors that come from within the individual (internal), such as psychological factors, education, and religion. association and family environment.<sup>13</sup> Therefore, this study aims to find strategies or ways of harmonization/harmonization of the implementation of the Information and Electronic Transactions (ITE) Law in handling gambling crimes using electronic media (online) in the era of the industrial revolution 4.0 in Batam City so that it can run smoothly. effective. and optimal. In this regard, there are 3 (three) research questions, namely 1. How is the settlement of criminal acts of gambling using electronic media (online) in Indonesia according to Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE) in the industrial revolution era 4.0 in Batam City?; 2. How effective is the implementation of the electronic information and transaction law in the Electronic Information and Transaction (ITE) Law in dealing with criminal acts of gambling using electronic media (online) in the era of the industrial revolution 4.0 in Batam City?; and 3. What are the solutions to the obstacles and ineffectiveness that occur in the application of the Information and Electronic Transactions (ITE) Law in gambling crimes using electronic media (online) in the Industrial Revolution 4.0 era in Batam City?

## METHOD

The type of research in this thesis is Normative Juridical Research, with a statutory approach. Normative legal research is also known by other terms, namely doctrinal legal

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<sup>12</sup> Kumparan. (n.d). <https://kumparan.com/batamnews/polisi-bongkar-sindikar-judi-online-di-batam-1wnjUc3CMWd>, Accessed 29 February 2022 at 14.00 WIB

<sup>13</sup> Abdulsyani. (1987). *Sosiologi Kriminalitas*, Bandung: Remadja Karya, p. 44-46.

research, dogmatic legal research, and theoretical legal research.<sup>14</sup> Normative legal research is research that focuses on written studies, namely using secondary data such as using laws and regulations, as primary legal material. While court decisions, legal theory, legal principles, and can be in the form of scientific works of scholars (doctrine) collected in books, journals and research results are secondary legal material.<sup>15</sup> Secondary data was collected through document studies and literature studies which were then analyzed using a qualitative juridical approach.

## RESULT AND DISCUSSION

### Settlement of Gambling Crimes Using Electronic Media (Online) in Indonesia According to Law 19 of 2016 concerning Information and Electronic Transactions in the Era of the Industrial Revolution 4.0 in Batam City

*Het recht denkt achter de feiten aan*, meaning that the law is always left behind from what happened.<sup>16</sup> The law is for humans. a civilized nation strives to uphold strong and fair legal norms in order to achieve legal certainty.<sup>17</sup> Laws that are made through political processes are the basis of order because the rules that are made are laws that become the order in people's lives.<sup>18</sup> Modern technology will bring great interests and benefits to a nation and state, resulting in a shift in people's habits towards a better direction based on world developments and law. Technology plays an important role in the development of a nation because it changes the culture and culture of society. In Batam City, the socio-cultural order of society has changed due to Industry 4.0, so self-preparation is needed to face the development of Industry 4.0 which encourages cultural transformation. Cloud computing, internet of things (IoT), artificial intelligence (AI), and big data are the real industrial revolution 4.0. In Industry 4.0, cybersecurity is the process of preventing malicious damage to existing technology, computer networks, and production and business information. It also protects against cyber-attacks that can damage network systems. so that cyber security and cybercrime are very closely related to the development of industry 4.0.<sup>19</sup>

Settlement of online gambling crimes are policies, security concepts, security protections, guarantees, and technologies that can be used to protect against cybercrimes that are included in this definition.<sup>20</sup> The Directorate of Special Criminal Investigation, Cyber Crime Sub-Directorate of the Riau Police which is a work unit under Bareskrim Polri tasked with law enforcement against cybercrime, was formed within the Police to carry out cyber security. Based on the information obtained from the Riau Islands Police regarding the perpetrators of online gambling crimes, the following table will be made:

<sup>14</sup> Disemadi, H. S. (2022). Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies. *Journal of Judicial Review*, 24(2), 289-304.

<sup>15</sup> Irwansyah. (2020). *Penelitian Hukum*, Yogyakarta: Mitra Buana Media.

<sup>16</sup> Sudrajat. (2021). *Relatif dalam Hukum*.

<sup>17</sup> Saragih, P. T., Kalo, S., Mulyadi, M., & Yunara, E. (n.d). Analisis Yuridis Pembuktian Tindak Pidana Judi Online Menurut Undang-Undang No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik. *Usu Law Journal*, 6(2), 18-43.

<sup>18</sup> Hadad. (2020). Penerapan Politik Hukum dalam UUI TE. *Khazanah Hukum*, 2(2), p. 70

<sup>19</sup> Craigen. (2014). Technology Innovation Management Review. *Defining Cybersecurity*, 4(10), p. 13-14.

<sup>20</sup> Ardiyanti. (2014). Cyber security di Indonesia. *Politica*, 5(1), p. 98.

No	Region	Cases	Year
1	Polda Kepulauan Riau (Kepri)	Tanjung Pinang area online gambling. An actor with the initials FS was secured in the disclosure made by Sub Directorate V Cybercrime Ditreskrimsus Polda Riau Islands.	2022
2	Polresta Barelang Kota Batam	Online gambling syndicate at Taman Golf Residence 2 Housing, Sukajadi, Batam, Riau Islands.	2021
3	Polda Kepulauan Riau (Kepri)	The practice of online gambling under the guise of the Tami Teluk Bakau shop, Batu Besar, Batam City. At that location five perpetrators were arrested with the initials SA, P, EP, AZ and M as stall owners.	2022

**Data Source:** Subdit Siber Ditreskrimsus Polda Kepri

If you look at the data that was collected from 2021 to 2020, it can be seen that during the previous two years, the Riau Islands Police had made a number of efforts to bring perpetrators of crimes related to online gambling for justice. According to the findings of an interview conducted on August 16, 2022, with Kompol Stefani, S.I.K, M.Si Kasubdit 3 Siber Ditreskrimsus Polda Riau Islands, the Cyber Subdit has taken preventive and repressive measures to fight cybercrime in the context of online gambling. This prevention effort was carried out with the intention of reducing the number of crimes committed in the people of Batam City. For this reason, as part of preventive law enforcement efforts, the Riau Islands Police's Cyber Ditreskrimsus Sub-Directorate has several prevention and surveillance initiatives.

First, by conducting cyber surveillance. The Cyber Crime Sub-Directorate uses a type of law enforcement measure known as cyber patrol to prevent and monitor online gambling activity. In carrying out its responsibilities, cyber patrol uses internet media as a supporting tool in conducting patrols in cyberspace. This is done to track websites that contain gambling content and monitor the activities of someone who is believed to be involved in online gambling activities or games. Second, Kasubdit 3 Siber Ditreskrimsus Polda Riau Islands explained, in an effort to prevent activities related to online gambling games, the Cyber Task Force is working with the Ministry of Communication and Information to block sites that, if true, are suspected of being involved in such activities. It has been proven that the website organizes online gambling activities. The Cyber Crime Sub-Directorate will immediately work with the Ministry of Communication and Information Technology to block the site. This will stop people from gambling online because gambling will ultimately hurt those who play it.

### **The Effectiveness of Implementation of Electronic Information and Transaction Laws in Information and Electronic Transaction Laws in Dealing with Gambling Crimes Using Electronic Media (Online) in the Era of the Industrial Revolution 4.0 in Batam City**

The effectiveness of the implementation of the Electronic Information and Transaction Law in dealing with online gambling crimes in the era of the industrial revolution 4.0 in Batam City is currently not fully effective. The ineffective implementation of the Electronic Information and Transaction Law (ITE) in Batam City is in line with the theory of Legal Effectiveness put forward by Soerjono Soekanto based on five factors which

include legal or statutory factors, law enforcement officials, facilities and infrastructure, society, and culture.

Based on legal factors, the laws governing gambling and online gambling have not been fully and effectively implemented due to legal considerations. Gambling law is considered to lack legal certainty because of the ambiguity of the applicable law, as contained in the Criminal Code and the Information and Electronic Transactions Law (ITE) and their amendments. There are differences between the two legal bases in terms of the qualifications of legal sanctions that can be imposed on violators. The Criminal Code provides for alternative sanctions, which allow perpetrators to choose between fines and prison terms. Meanwhile, the Information and Electronic Transactions (ITE) Law and its amended sanctions are a cumulative alternative where violators are only threatened with imprisonment, fines only, or confinement and fines all at once. Even though the act of deviating from the Information and Electronic Transactions (ITE) Law and its changes are essentially gambling, there are differences in the nature of the sanctions regulated in the Criminal Code and the Electronic Information and Transactions Law (ITE) and their amendments. towards the interpretation that the sanctions in the Criminal Code seem lighter than those stipulated in the Electronic Information and Transaction Law (UU ITE) and its amendments. In addition, there is legal ambiguity that can be seen from the legal substance of the Criminal Code regarding regulation of gambling. This ambiguity stems from the use of the phrase "without permission" which appears in paragraph (1) of Article 303 of the Criminal Code. The use of this term lends credence to the idea that gambling with prior authorization is actually legal. This goes against the Gambling Control Act, which is based on the Criminal Code, saying that gambling in any form is a crime.

From the law enforcement factor, the implementation of the Information and Electronic Transactions (ITE) Law in Batam City has not been effective in terms of law enforcement because law enforcers face challenges in carrying out their responsibilities, such as limited capabilities, lack of aspirations, and lack of innovation power, among others. In practice, the government blocks online gambling sites in addition to making and enforcing regulations related to online gambling to reduce the number of online gambling cases in society. Where the Ministry of Communication and Informatics (Kemenkominfo) did this blocking. Nonetheless, there are still ways for users to gain access to this website. Using a Virtual Private Network (VPN), users can easily access restricted websites, filling the aforementioned gaps. The government has a responsibility to spread awareness of applicable online gambling laws as part of its efforts to curb online gambling. Because there are still people who are not aware of the existence of statutory provisions for online gambling actions, this cannot be implemented optimally.

According to an interview with Bareskrim Polres Barelang, although online gambling is considered a special crime, police investigators in any unit can handle online gambling cases. who originally found the criminal. Therefore, the Special Crimes Investigation Unit is not the only entity responsible for investigating online gambling; The Directorate of General Criminal Investigation can also be held accountable if it finds an initial crime that is suspected to contain elements of gambling.<sup>21</sup>

The third factor includes the availability of human resources with good educational backgrounds and skills, good organization, adequate equipment, and adequate funding

<sup>21</sup> Results of Interview with Mr. Bripka Ronald Situmeang, S.H, as Barelang Police Investigator, on 26 October 2022

sources are examples of supporting facilities and infrastructure that support the effectiveness of the implementation of the Electronic Information and Transaction Law in Batam City. This is the third factor. However, not all have been fulfilled, so it does not effectively help Batam City implement the Information and Electronic Transactions Law.

The fourth factor, namely the influence of society on the successful implementation of the Electronic Information and Transaction Law, is the fourth factor. The level of public compliance with applicable law and legal awareness is a community factor. It was found from the interviews that there are still individuals who are not aware of the existence and enforceability of legal arrangements related to online gambling. This shows that the community needs more legal knowledge and awareness, which will lead to non-compliance with existing laws. As a result, it can be said that from a societal point of view, it is still not in accordance with its goal to reduce online gambling behaviour.

The final factor that will determine the success or failure of the Electronic Information and Transaction Law implemented in Batam City is the cultural factor. Prevailing social values are reflected in cultural aspects. These values indicate which behaviours are beneficial and which are detrimental. Because culture originates from the community and is carried out by the community, this cultural factor will always be related to community factors. The effectiveness of a law must reflect the harmony between these values and the applicable positive law. The public does not see online gambling as justified, and the existence of legal uncertainty, as previously explained, shows that Indonesian laws and regulations do not fully reflect the social values of society. As a result, even though there have been regulations governing online gambling, public compliance with these regulations has not yet developed into a culture of community due to other factors that are not fully aligned with the social values of society.

### **Solutions to the Obstacles and Ineffectiveness that Occur in the Implementation of the Electronic Information and Transaction Law in the Crime of Gambling Using Electronic Media (online) in the Industrial Revolution 4.0 era in Batam City**

Based on the results of an interview on 7 August 2022 with Kompol Stefani, S.I.K, M.Sc. Kasubdit 3 Siber Ditreskrimsus Polda Riau Islands faced several obstacles in conducting investigations into online gambling cases, including the following:

- a. **Legal Factor.** Obstacles to law originating from laws are caused by Legislation is not followed. There are no implementation guidelines needed to implement the law; and The wording of the law is ambiguous, which confuses its interpretation and application. The rule of law determines whether written law can function adequately in efforts to eradicate online gambling crimes. Romli Atmasasmita's theory, based on Soerjono Soekanto's theory of legal effectiveness, is relevant to Romli Atmasasmita's idea that the factors hindering the force of law enforcement are not only the mental attitude of law enforcement officers such as judges, prosecutors, police and law. Advisors but also on factors that are often overlooked, such as legal socialization.<sup>22</sup>
- b. **Law Enforcement Factors,** namely the parties that form and apply the law. An important factor in fighting online gambling crime is law enforcement involvement. Because online gambling is very dependent on internet facilities to carry out its criminal activities, personnel in the field of information technology who lack

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<sup>22</sup> Atmasasmita, R. (2001). *Reformasi Hukum, Hak Asasi Manusia & Penegakan Hukum*. Bandung. Mandar Maju, p. 55



knowledge and understanding can hinder the performance of the Riau Islands Police's Cyber Crime Sub-Directorate. According to information provided by the Riau Islands Police's Cyber Crime Sub-Directorate, few investigators at the Riau Islands Police's Cyber Crime Sub-Directorate have the necessary expertise to master the information technology industry. There are still many online gambling cases that the Riau Islands cyber police have not handled because of this. In this case, it is better to have reliable equipment to carry out its functions effectively. In this context, reliability includes professional skills and a positive mentality. The following factors will come into play in matters affecting the efficiency of the written law in terms of officials: In what proportion are officers required to follow existing regulations; In what proportion are officers allowed to exercise discretion; What kind of example should civil servants give to the community; and In what ways are the assignments given to officers synchronized to set strict limits on their authority.<sup>23</sup>

- c. **Facility Factors** or facilities that support law enforcement. Kasubdit 3 Siber Ditreskrimsus Polda Kepri explained searching for evidence in online gambling cases was one of the challenges because crimes were committed online and not in the real world. This makes it difficult for the Cyber Crime Unit to track dealers and players.
- d. **Community Factor.** According to information provided by the Head of Sub-Directorate 3 Siber Ditreskrimsus Polda Riau Islands, there are times when the general public is aware of someone suspected of carrying out online gambling and even knows the location where the activity was carried out. However, the general public does not want to be involved and does not want to report incidents involving perpetrators in online gambling. The elements mentioned above give the understanding that community discipline and obedience are determined by internal motivation. This factor is internalized in everyone who is the smallest social community member. Therefore, the most effective strategy for this disciplinary relationship is to foster individual motivation. In this case, the level of public compliance with the law is one of the criteria for determining whether the law is effective or not. Community compliance can be motivated by various factors, including internal and external circumstances.
- e. **Cultural Factors** result from work, creativity and taste based on the human initiative in social life. Based on the results of interviews conducted by Kompol Stefani, S.I.K, M.Sc related to online gambling crimes, the server is a website where one can play online gambling. Online gamblers from all over the world can gather to play games on this website. The servers created by online bookies are, in most cases, regulated in countries where betting is legal, such as Cambodia, Thailand, the Philippines and Singapore. Because these online gambling players use VPN applications to unblock online gambling sites blocked by the Ministry of Communication and Information Technology, efforts to stop online gambling sites often fail to prevent online gambling crimes from reoccurring. The ease of downloading this VPN application makes it difficult for the Criminal Investigation Unit of the Police Headquarters to handle and eradicate online gambling crimes.

The efforts or solutions made are as follows **First**, With the presence of the ITE Regulation, it will provide a scope of power for a business foundation to prevent and kill criminal acts of online gambling to ensure legal certainty. Therefore, Indonesia passed Law No. 19 of 2016 so that law enforcers take action against those who commit information technology (cyber) crimes (especially online gambling crimes); this law can function as an

<sup>23</sup> Soekanto, S. (1983). *Penegakan Hukum*. Bandung: Bina Cipta, p. 80

additional tool or even the primary tool; **Second**, there is a more specific handling of cybercrime with the construction and development of Computer Forensics, as well as human resources training to operate these tools and equipment. Law enforcement includes those who serve in the field of justice, prosecutors, police, lawyers and correctional. Means or facilities can be used to support the law enforcement process. **Third**, Means or facilities. Legal instruments and infrastructure must be adequate to move quickly and implement regulations. Insufficient infrastructure and facilities aim to achieve a balance between technological developments that affect crime rates. Law enforcement can only function efficiently with facilities and infrastructure. These infrastructure and facilities include talented and educated human resources, effective organization, adequate equipment, and so on. Law enforcement can only achieve its goals if these conditions are met; **Fourth**, it is hoped that the community cares about the surrounding environment, where residents are interpreted as human beings in the broadest possible sense and bound by a culture they consider the same. Citizens in the context of law enforcement are closely related to where the law applies or is applied; and **Fifth**, local cultural and social factors that are present today are the lack of public trust in the police, which makes individuals hesitate to manage the police. The process of investigating cybercrime cases requires a longer time compared to other crimes. As a result, the public believes that the police do not take cybercrime seriously. This online gambling crime must be eradicated, and the public must support it.

## CLOSING

The following are the results of the conclusions of this study: 1) Settlement by the Cyber Crime Sub-Directorate of the Riau Islands Police with the perpetrators of the gambling crime is a preventive law enforcement effort. For this reason, they cooperate with the Ministry of Communication and Informatics to prevent crime. Repressive by arresting criminals related to online gambling and imposing criminal sanctions on them. Restrictive and preventive; 2) The Law on Information and Electronic Transactions in Indonesia has not been fully effective. This is in line with the theory of Legal Effectiveness put forward by Soerjono Soekanto; judging from the legal factors themselves, which are only limited by law, the government must pay more attention to aspects of certainty laws on gambling regulations to comply with social values that view all forms of gambling as dangerous. This will increase the Effectiveness of law enforcement. In addition, the general public must participate in law enforcement to assist the government in eradicating online gambling violations and stopping the rampant cases of online gambling. Cultural factors, such as human initiative in social life, creativity and taste; 3) The Cyber Sub-Directorate for Ditreskrimsus Polda Riau Islands cannot eradicate online gambling crimes due to five factors, the first of which is the legal factor itself. These factors include non-compliance with the principles upon which the law was issued, the absence of implementing regulations urgently needed to apply the law, and the unclear meaning of the words in the law, which creates confusion in its interpretation and application. The second factor is law enforcement. It must be acknowledged that there are still law enforcement officers, for example, investigators, who are not professionals, so cases are often delayed. The third is facilities and infrastructure. Because these crimes were committed online rather than in person, it was difficult for the Cyber Crimes Sub-Directorate to follow dealers and players because it was hard to find evidence there. The fourth factor is the community factor. The community is less concerned and passive and does not dare to report that the community is playing online gambling and that the place is used for online gambling activities. The community's reluctance to interact with the police is exacerbated by cultural factors, which are the fifth factor. The issuance of special regulations is under existing legal requirements to eradicate criminal acts related to online gambling, particularly by establishing systematic, synchronous, hierarchical, and conflict-free statutory regulations. In addition, for these

officers to effectively carry out their responsibilities, law enforcement agencies must have reliable equipment. In this context, reliability includes professional skills and a positive mentality—the availability of infrastructure and facilities to assist officials in carrying out their responsibilities. The community pays attention to the surrounding environment and cultural factors regarding behaviour.

Based on the description of the conclusions above, the following suggestions can be put forward to prevent the opening of new ports to Indonesia, the National Police must work closely with the Ministry of Communication and Informatics to obtain sophisticated tools to detect activities related to online gambling. The Riau Islands Police's Cyber Ditreskrimsus Sub-Directorate also needs to inform the general public about the dangers of online gambling; and the Riau Islands Police must guide investigators at the Cyber Crime Sub-Directorate of the Riau Islands Police to eradicate online gambling in the Batam City area. This training should focus on developing the quality and expertise of investigators in handling cases involving online gambling, and recruiting experts in the field of information technology.

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