

Law Enforcement Against Online Gambling Criminal Acts at the Riau Regional Police Criminal Directorate

Dessy Sri Rahmadani^{1*}

¹*Law Study Program, Universitas Islam Riau, Indonesia*

**Corresponding Email:*

dsriramadhani@gmail.com

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ABSTRACT

One of the new crimes brought about by technological advancements is online gambling. With the advancement of information technology, online gambling no longer requires a physical location or arena, unlike conventional gambling, which requires a gathering place to gamble. In online gambling, players simply need to visit a gambling site, which can be easily found on the internet and accessed by anyone.

The main formulation of this research is how law enforcement is implemented against perpetrators of online gambling crimes at the Riau Regional Police's Criminal Investigation Directorate and what obstacles are encountered in implementing law enforcement against perpetrators of online gambling crimes at the Riau Regional Police's Criminal Investigation Directorate. The research method used is observational research using a survey, namely interviews as a data collection tool. This research is descriptive and analytical in nature, providing a clear and detailed description of an incident.

The results of the research and discussion can be concluded that the Riau Regional Police's Directorate of Special Criminal Investigation has developed a special mechanism to handle the increasingly rampant online gambling cases in its jurisdiction. A special team consisting of investigators trained in information technology and digital forensics was formed to intensively handle these cases. During the investigation phase, investigators conduct a thorough digital evidence analysis using forensic tools to uncover the perpetrators' digital footprints. The data collected includes financial transaction histories, electronic communication logs, and activity records on online gambling platforms. Law enforcement against online gambling still faces significant obstacles, ranging from technical to legal aspects.

Keywords: *Law Enforcement; Online Gambling; Special Criminal Investigation*

1. Introduction

Indonesia is a state based on the rule of law according to the provisions of the 1945 Constitution of the Republic of Indonesia.¹ This explains that every established rule must be obeyed, and violations will result in sanctions. The law will always evolve according to the needs and social conditions of Indonesian society. Technological developments also influence the need for legal development. The increasingly advanced technology that simplifies everything has also led to the development of various new crimes, one of which is online gambling.

Gambling is a legal issue that is often categorized as a social ill. Indonesia states that gambling is illegal, unlike several countries that have legalized gambling. This

¹ *Undang-Undang Dasar Negara Kesatuan Republik Indonesia Tahun 1945.*

violation has also been realized in the form of a police work program to eradicate gambling as one of the main priority targets. The crime of gambling is regulated in Article 303 paragraph (3) of the Criminal Code (KUHP), which explains that what is meant by gambling is any game that depends solely on luck. This includes all bets on the results of competitions or other games. This article was then amended based on Law Number 7 of 1974 concerning the Regulation of Gambling which was then also supplemented by its implementing regulations, namely Government Regulation No. 9 of 1981 concerning the Implementation of Law No. 7 of 1974 concerning the Regulation of Gambling. This legislation is a positive law that regulates, prohibits and threatens criminal penalties for gambling in Indonesia in the sense of conventional gambling.

The phenomenon of gambling still persists in society, with advances in technology leading to the development of online gambling. Although gambling is a criminal offense, the rise of illegal online gambling in Indonesia has become a serious problem affecting society. Major gambling cases within the jurisdiction of the Riau Regional Police demonstrate that this practice has penetrated various levels of society with sophisticated methods. The impact is not only financially detrimental but also creates social and psychological problems.

The punishment given to perpetrators in cases of regular gambling with online gambling is very different, this is because online gambling is carried out using a sophisticated system via the internet. The punishment for online gambling perpetrators can be seen in Law Number 19 of 2016, Article 45 paragraph (2) which states that the punishment for online gambling can be punished with a maximum of six (6) years in prison and/or a maximum fine of one billion rupiah. In this regard, the legal basis for online gambling is also contained in Article 27 paragraph (2) of the Information and Electronic Transactions Law which explains that anyone who intentionally and without the right to distribute, transmit and make access to information or electronic documents containing gambling content can be threatened with a maximum prison sentence of 10 years and/or a maximum fine of IDR 10 billion.²

The online gambling accountability system itself uses a system of joint liability and a corporate liability system. Therefore, anyone who commits a gambling crime can be held criminally responsible. The Criminal Code (KUHP) and other regulations state that those who rely on gambling for their livelihood can be subject to criminal penalties. Therefore, if someone gambles for a non-revenue purpose, there can be a legal loophole to avoid criminal penalties. Dwi Handoko³, also explained that there is no minimum criminal pattern for perpetrators of gambling crimes, either regulated in the Criminal Code (KUHP) or the ITE Law. Online gambling is currently a serious problem, with its impacts being felt in society and the nation. Strict sanctions from law

² Sultan Syah Deni Remi, *Kejahatan Dan Tindak Pidana Komputer* (Jakarta: Pustaka Utama, 2009).

³ Suawari Akhmaddhian, 'Penegakan Hukum Lingkungan Dan Pengaruhnya Terhadap Pertumbuhan Ekonomi Di Indonesia (Studi Kebakaran Hutan 2015)', *Journal Uniku*, 03.1 (2016), 13.

enforcement are needed to eradicate online gambling perpetrators and individuals. In reality, the public's hopes for law enforcement to eradicate online gambling have not been fully realized, as perpetrators are difficult to prosecute due to the weakness of legal instruments to provide a deterrent effect.⁴

Law enforcement against gambling crimes is regulated through several laws, both in the Criminal Code (KUHP) and special laws and regional regulations. The formulation of gambling law in Indonesia encompasses various layers of regulations, ranging from the Criminal Code, Law No. 7 of 1974, the Electronic Information and Transactions Law, to regional regulations. However, the main challenge lies in the effectiveness of law implementation and enforcement, particularly in the face of technological developments and increasingly sophisticated gambling modus operandi. Overall, evaluating the effectiveness of gambling law enforcement is not only about assessing the extent to which existing laws have succeeded in reducing gambling practices, but also about creating a legal system that is more adaptive, fair, and responsive to the challenges of the times. Without in-depth evaluation, law enforcement and prevention efforts for illegal gambling may be merely reactive measures that fail to fully address the problem.

2. Research Method

The research method used is deductive. This is a method of thinking that begins with a general statement and then draws specific conclusions. In a deductive approach, we start from a general theory or principle that is already accepted as true and then use it to explain specific cases.⁵ In this empirical sociological legal research using interview techniques with sources, the author obtains data from library materials commonly referred to as secondary data, which include primary, secondary and tertiary legal materials which the author then studies and explores these legal materials and quotes theories or concepts from a number of literatures, including books, papers, newspapers or other written works related to the problem being studied, then the author collects these legal materials in the sheets provided. After the primary, secondary and tertiary legal materials are collected and deemed complete enough, they are then processed qualitatively. Qualitative analysis techniques are carried out by analyzing legal materials based on concepts, theories, laws and regulations, expert views or the author himself, then interpretations are made to draw conclusions about this research problem. The thinking method used in drawing conclusions, the author uses the deductive method, namely an expansion which is a specific problem to a general problem.

⁴ A. Lakoro, Badu., and N. Achir, 'Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel OnlineNo Title', *Jurnal Legalitas*, 13.01 (2020), 32.

⁵ Peter Mahmud Marzuki., *Penelitian Hukum* (Jakarta: Prenadamedia Group, 2010).

3. Result and Discussion

3.1. Law Enforcement Against Online Gambling Perpetrators at the Riau Regional Police's Criminal Investigation Directorate

Law enforcement can be implemented by taking action against an act that constitutes a violation of the law, on the one hand by imposing sanctions on violators and on the other hand educating and re-educating those who commit crimes so that they become useful members of society. The police are a law enforcement institution that has a very close functional relationship within the criminal justice system. In terms of combating crime or controlling the occurrence of crime to keep it within the limits of tolerance that is acceptable to society, each institution should be able to work together and coordinate well to achieve the goals of this system. Thus, against criminal acts, investigators can take law enforcement efforts.⁶

In the law enforcement process, investigation is the first step. The investigation stage requires careful attention to detail throughout the entire process, as it is the stage where a crime is identified. Crime in society is generally caused by different factors, as each society has its own types of crimes and categorizations of criminals based on culture, morality, beliefs, and the circumstances of each individual, including economic, social, legal, and structural conditions.

A criminal act is an act that is prohibited by a legal rule and is punishable by a criminal act, provided that it is remembered that the prohibition is directed at the act (i.e. a condition and incident caused by a person's behavior), while the criminal threat is directed at the person who caused the incident. The police as an element that has a large role in the success of law enforcement in the work of the criminal justice system.

Online gambling has become a common issue in society, and players are not limited to adults. The police, as law enforcers, have a responsibility to regulate and prosecute gambling activities. The police's function is regulated in Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, which explains that their function is to maintain security, order, law enforcement, protection, and service to the community.⁷

In relation to the eradication of online gambling, the Indonesian National Police (Polri) has taken massive legal action against gambling practices. The eradication efforts were carried out after the Chief of Police instructed all police at all levels to take firm action against gambling practices. After that, the eradication of gambling was intensively carried out by the regional police (Polda). Suspects of gambling are threatened with Article 303 of the Criminal Code concerning gambling, with a maximum sentence of 10 years in prison or a maximum fine of IDR 25 million. Meanwhile, online gambling bookies will be subject to additional penalties in the form of Article 27 paragraph (2) in conjunction with Article 45 paragraph (2) of the Law on Information and Electronic

⁶ Yudi Krismen., *Antisipasi Praperadilan* (Jakarta: Adhi Sarana Nusantara, 2019).

⁷ *Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Republik Indonesia*.

Transactions (ITE) with a maximum prison sentence of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

Based on the interview conducted by the author with Briptu Refandi Prayoga.S.H as investigator of Subdit V Ditreskrimsus Polda Riau, he explained that⁸:

"In enforcing the law against online gambling perpetrators, investigations are conducted comprehensively, guided by applicable laws and regulations, particularly Article 303 paragraph (1) of the Criminal Code in conjunction with Article 303 bis of the Criminal Code and Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE), which regulates gambling crimes, including those conducted through electronic means. The investigation process begins with gathering information and intelligence related to online gambling activities, through public complaints, cyber monitoring, and collaboration with internet service providers and banks to trace the flow of funds. After obtaining sufficient preliminary evidence, the investigative team develops the case using cyber patrol, undercover account analysis, or financial transaction analysis to identify the perpetrators, whether they are bookies, agents, or players. After gathering sufficient evidence, investigators name suspects and search locations suspected of being used for online gambling operations. During the searches, evidence such as electronic devices (laptops, smartphones, modems), transaction documents, bank transfer records, and digital data stored in the cloud or on servers is confiscated. The forensic team Digital is also involved in securing and analyzing encrypted or deleted data to uncover the perpetrators' modus operandi and network."

In the interview conducted by the author with Briptu Refandi Prayoga.S.H. as investigator of Subdit V Ditreskrimsus Polda Riau, he explained that⁹:

"In law enforcement efforts against online gambling crimes, the Riau Regional Police are utilizing the development of digital technology as a primary instrument to detect, track, and uncover perpetrator networks. This technology's role is crucial given that online gambling's modus operandi is dynamic, cross-regional, and utilizes complex electronic systems. The detection process begins with active monitoring in cyberspace using cyber patrols and big data analytics to identify websites, applications, or social media accounts suspected of being used as a means of gambling transactions. The Riau Regional Police Cyber Team collaborates with the Ministry of Communication and Information Technology and internet service providers (ISPs) to block suspicious domains and track the perpetrators' digital footprints, including IP addresses, login history, and communication patterns through closed platforms or forums. In addition, artificial intelligence (AI) and machine learning technologies are used to analyze suspicious financial transaction patterns. Data from the Financial Transaction Reports and Analysis Center (PPATK) is processed to map the flow of funds, particularly those related to virtual accounts (e-wallets) or inter-bank transfers characterized by fast and repeated transactions (micropayments). Certain algorithms also help identify betting patterns, typical gambling amounts, and referral networks involving multiple parties. At the disclosure stage, digital forensics forms the backbone of the investigation. A dedicated team from the Riau Regional Police Cyber Unit conducts data extraction from confiscated electronic devices, such

⁸ Refandi Prayoga., 'Hasil Wawancara Bersama Penyidik Subdit V Ditreskrimsus Polda Riau'.

⁹ Refandi Prayoga.

as smartphones, laptops, or servers. Decryption and data recovery techniques are applied to access information that has been intentionally deleted or protected by encryption. Digital evidence such as chat logs, browser history, transaction screenshots, and backup files (e.g., from Google Drive) are often key to linking suspects to crimes. Furthermore, the Riau Regional Police utilize geolocation tracking and metadata analysis to determine the physical location of perpetrators, particularly bookies or admins who attempt to conceal their identities using VPNs or proxies. Collaboration with digital platforms (such as mobile providers or cloud service providers) allows for more accurate tracking, even for anonymous accounts. In court, this digital evidence is presented in accordance with Article 184 of the Criminal Procedure Code in conjunction with Article 5 of the ITE Law, including forensic reports, electronic communication recordings, and transaction data visualizations. Technology also enables the presentation of evidence in real time through a digital dashboard, making it easier for judges and prosecutors to understand the flow of crime. The successful disclosure of several online gambling cases by the Riau Regional Police, such as the dismantling of a football bookie and a virtual casino, proves that a technology-based approach not only expedites investigations but also improves the accuracy of perpetrator identification. Going forward, innovations such as blockchain analysis to track cryptocurrency and predictive policing will continue to be developed to anticipate the evolution of cybercrime methods.

If all elements of the crime of gambling are not proven even though there is an online element, the gambling crime can be declared unproven so that the purpose of punishment based on the absolute theory in the article in the ITE Law cannot be applied because one of the weaknesses in the application of punishment based on this theory rests on the completeness of the evidence. The process of proving online gambling cases at the investigation level by the Riau Regional Police's Special Criminal Investigation Directorate involves a series of complex technical and legal steps, considering the nature of this crime which is technology-based and often involves hidden networks. This evidentiary mechanism is designed to meet legal standards according to the Criminal Procedure Code, the ITE Law, and the Criminal Code, while ensuring that the evidence collected can be accounted for in court.

1. Collection of Digital Evidence

Investigators begin by collecting digital evidence from various sources, including electronic devices confiscated from suspects, such as smartphones, laptops, tablets, or servers. In addition, investigators also secure data from internet service providers (ISPs), social media platforms, messaging apps (WhatsApp, Telegram), and financial transaction accounts. The collected data includes chat histories, transaction logs, screenshots of betting evidence, payment documents, and login activity records.

2. Digital Forensic Analysis

The Riau Police's digital forensics team conducted an in-depth examination of the seized devices to extract data that may have been deleted or hidden. Techniques such as data recovery, decryption, and metadata analysis were used to uncover critical information, including:

- a. Browser history showing access to online gambling sites.
- b. Hidden files or folders containing transaction records or member lists.
- c. Application logs proving use of specific gambling platforms.
- d. Proof of fund transfers via e-wallet or bank account.

3. Financial Transaction Tracking

Investigators are working with the Financial Transaction Reports and Analysis Center (PPATK) to track suspicious fund flows. Any transactions that exhibit typical gambling patterns, such as repeated transfers of a certain amount, rapid deposits, or withdrawals through dummy accounts, are further analyzed. Data from banks and fintech companies is also being used to map the online gambling funding network.

4. Mapping of the Perpetrator Network

By utilizing big data and link analysis, investigators identify the relationships between bookies, agents, and players. Technologies such as social network analysis (SNA) help visualize the structure of gambling organizations, including the hierarchy of actors and the communication methods used.

5. Use of Electronic Evidence

Based on Article 184 of the Criminal Procedure Code in conjunction with Article 5 of the ITE Law, electronic evidence such as:

- a. Digital conversation recordings (chats, emails, voice messages).
- b. Electronic transaction data (transfer receipts, virtual invoices).
- c. Digital forensic results (device analysis reports). can be used as valid evidence in court. Investigators ensure that all evidence is collected using procedures that do not violate the chain of custody to maintain its authenticity and integrity.

6. Examination of Witnesses and Expert Statements

In addition to digital evidence, investigators also gathered statements from witnesses, including the victim (if any), the suspect's family, or related parties such as online gambling group administrators. Expert testimony in IT and digital forensics was also provided to strengthen the analysis of the electronic evidence.

7. Preparation of Investigation Files

After all the evidence has been collected, the investigator prepares a case file (P-21) which contains:

- a. A complete statement of the investigation results, including a chronology of events.
- b. Analysis of digital evidence and a forensic report

c. Recommendations for charges based on findings during the investigation. The files are then submitted to the Prosecutor's Office to prepare for prosecution.

8. Collaboration with Related Institutions

To strengthen the evidence, the Riau Regional Police's Special Criminal Investigation Directorate coordinates with the Ministry of Communication and Information (site blocking), the Ministry of Law and Human Rights (legal aspects), and Interpol (if it involves transnational perpetrators). This multidisciplinary approach ensures that online gambling cases can be comprehensively investigated.

3.2. Obstacles in Law Enforcement Against Online Gambling Perpetrators at the Riau Regional Police's Criminal Investigation Directorate

The police as law enforcers have the authority to enforce the law as stipulated in Law No. 2 of 2002 concerning the Indonesian National Police. Article 13 of Law No. 2 of 2002 states that the police have the primary duty to maintain public order and security, provide services, protection and guidance to the community and enforce the law. In addition, the police also have the authority to act as investigators as stipulated in Article 15 and Article 16 of Law No. 2 of 2002 and in the Criminal Procedure Code regulated in Articles 5 to 7 of the Criminal Procedure Code. The role of the police in overcoming gambling crimes explains that criminal law enforcement is not only about how to make the law itself, but also about what is done. The role of the police in anticipating and overcoming problems in overcoming criminal acts that occur in society can be done through penal (criminal law) and non-penal (without using criminal law).¹⁰

In the interview the author conducted with Brigadier Ratu Canny, S.H., as an investigator at Subdit V Ditreskrimsus Polda Riau, he explained that¹¹:

"The Riau Police's Special Criminal Investigation Directorate's strategy for enhancing online gambling eradication efforts going forward is to optimize online gambling eradication efforts through a more structured, innovative, and collaborative approach. One key focus is strengthening investigative capacity by utilizing the latest digital technology developments. The team will increase the use of artificial intelligence and machine learning for predictive policing, analyzing online gambling patterns and trends to prevent cases from escalating. Furthermore, a real-time monitoring system integrated with digital platforms will be developed to detect suspicious activity more quickly and accurately. Collaboration with various parties will also be enhanced, including closer cooperation with the Ministry of Communication and Information Technology (Kominfo) in blocking gambling sites and applications, as well as intensive coordination with the Financial Transaction Reports and Analysis Center (PPATK)

¹⁰ Kitab Undang-Undang Hukum Pidana.

¹¹ Ratu Canny., 'Wawancara Penyidik Subdit V Ditreskrimsus Polda Riau'.

and banks to disrupt the flow of illegal funds. The Riau Police's Special Criminal Investigation Directorate will also build partnerships with technology companies and internet service providers to gain more comprehensive data access to track perpetrators hiding behind encryption technology or VPNs. At the operational level, a special team will be formed consisting of investigators trained in cybercrime and digital forensics. This team will not only be tasked with conducting investigations but also... "Proactively conducting cyber patrols and undercover operations to infiltrate online gambling networks. Community involvement is also a priority, by promoting educational campaigns about the dangers of online gambling and opening reporting channels that are easily accessible to the public. To ensure a deterrent effect, case handling will be strengthened from a legal perspective, by encouraging the application of maximum penalties and confiscation of assets obtained from crime. In addition, the Riau Regional Police's Directorate of Special Criminal Investigation will coordinate with the Prosecutor's Office and the Court to ensure effective legal proceedings, including the use of stronger digital evidence in court. With this strategy, it is hoped that efforts to eradicate online gambling in Riau will be more effective, not only in enforcement but also in prevention, thereby significantly reducing the number of these crimes in the future."

Furthermore, several factors make it difficult to completely eradicate this gambling activity from society. The ever-evolving modus operandi requires investigators to constantly adapt to new techniques employed by perpetrators, such as the use of VPNs, data encryption, and difficult-to-trace communication platforms.

- a. The limited human resources with specialized expertise in information technology and digital forensics is a significant obstacle. The investigation process is often hampered by a shortage of investigators with in-depth digital investigation techniques. On the other hand, perpetrators are becoming increasingly professional at concealing their digital footprints. The limited availability of supporting tools and technology, such as adequate forensic tools, also impacts the quality and speed of electronic evidence collection.
- b. The legal aspect also presents a challenge, as existing regulations sometimes fail to fully keep pace with the development of cybercrime methods. The complex and stringent evidentiary process in criminal procedure often complicates law enforcement, particularly when dealing with digital evidence that requires special standards. Coordination between law enforcement agencies and related institutions such as the Ministry of Communication and Information, the Financial Transaction Reports and Analysis Center (PPATK), and internet service providers is also not always optimal, resulting in slower investigations.
- c. Sociocultural factors in Riau, where gambling is still considered commonplace in some circles, complicate law enforcement. Low public awareness of the dangers of online gambling leads to a lack of public reporting, while a culture of turning a blind eye to gambling activity in close quarters allows gambling networks to persist for long periods before authorities detect them. Perpetrators often exploit kinship ties and group loyalties to complicate investigations.
- d. Another technical obstacle is the complex digital financial system, where perpetrators use various methods to disguise the flow of funds, from accounts

in other people's names, payments via e-wallets, to the use of hard-to-trace cryptocurrencies. The process of blocking online gambling sites and applications is also like a game of cat and mouse, because once one site is blocked, perpetrators quickly create a new one with a different domain.

- e. External challenges arise from technological developments, which consistently outpace law enforcement's ability to adapt. Perpetrators often have a better grasp of the latest technology than officers, while ongoing training and education for investigators is time-consuming and expensive. Furthermore, well-organized online gambling networks with clearly defined roles make uncovering crimes down to the main bookies extremely difficult.
- f. Riau's geographical location, which comprises many remote and border areas, is also exploited by perpetrators to establish hidden servers. The lack of information technology infrastructure in certain areas creates loopholes exploited by online gambling perpetrators to operate. Classic problems such as limited operational budgets and the already high workload of investigators also impact the optimal handling of these online gambling cases.

4. Conclusion

Law enforcement against online gambling faces complex challenges due to technological developments and the ever-evolving modus operandi of perpetrators. Although law enforcement officials have made efforts through digital investigative approaches, inter-agency collaboration, and human resource capacity building, various obstacles such as technological limitations, suboptimal regulations, and socio-cultural factors remain obstacles. Moving forward, a more comprehensive strategy is needed that combines the use of advanced technology, regulatory improvements, public education, and strengthened cross-sector synergies to create a deterrent effect and sustainably break the chain of online gambling.

Obstacles to law enforcement against online gambling perpetrators at the Riau Regional Police's Special Criminal Investigation Directorate can be explained in depth through several aspects, ranging from technical to legal. The cross-border and technology-based nature of the crime complicates tracking perpetrators, exacerbated by limited digital forensic expertise and adequate equipment. Regulations that have not fully kept pace with the development of cybercrime methods also complicate the evidence-gathering process.

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