

The Task of Legal Protection for Indonesian Citizens from Online Gambling Exploitation in the Perspective of Law Enforcement in the Digital Era

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Abstract: The legal protection of Indonesian citizens from online gambling exploitation is a very relevant issue along with the rapid development of digital technology that provides easy access to various forms of illegal gambling. Online gambling not only has a negative impact on an individual's economy, but can also trigger wider social and psychological problems, such as dependency and significant financial losses. This research was conducted in response to the need to evaluate the extent of prevention, enforcement and protection from online gambling exploitation in a legal perspective in the digital era in Indonesia along with its obstacles and challenges. This research is carried out with a descriptive-analytical approach, which describes the data obtained from observations, interviews, documents, and field notes, then analyzed in the form of scientific work to explain the issues raised in the predetermined juduI, namely legal protection, using a qualitative approach. The results of this study provide a clear picture of how the state's efforts to protect the public and the challenges faced in law enforcement against online gambling in Indonesia, and formulate policy recommendations that can optimize legal protection for Indonesian citizens. These recommendations include improvements in regulation, increased capacity of law enforcement in cyberspace, and prevention strategies that are more adaptive to the development of information and communication technology. The government must carry out integrated law enforcement by increasing mastery of sophisticated technology and conducting international cooperation to be able to catch online gambling actors abroad.

Keyword: Legal Protection, Online Gambling, Law Enforcement.

INTRODUCTION

Along with the rapid advancement of information technology in recent decades, significant changes have occurred in various sectors of human life, including in the world of

entertainment and gambling. In the past, entertainment and gambling activities could only be found in certain physical places that required people to come in person. However, with the internet, entertainment and gambling can now be accessed easily anytime and anywhere without being limited by distance.

The digital revolution has enabled almost everyone to access various online entertainment platforms, including online gambling, which was previously limited to a small number of people. Today, online gambling has evolved into a global phenomenon that has captured the public's attention. Users can now gamble from the comfort of their homes without having to go to a physical gambling venue. By simply using a device connected to the internet, they can access a variety of gambling games, from sports betting to digital casino games, anytime they want. With no physical boundaries, this phenomenon is becoming more and more widespread.

As one of the most populous countries in the world, Indonesia cannot avoid the impact of global information technology development. Online gambling has penetrated almost all parts of Indonesia even though gambling itself has been banned in the country for a long time. Based on Law No. 1 of 1946 concerning the Criminal Code (KUHP), gambling is prohibited and regulated in Article 303 and Article 303 Bis, which states that gambling is an illegal act that violates applicable laws and social norms (Imam Gunawan, 2004). Gambling is understood as a type of game that depends on the factor of fate, where players bet on their fate, and those who are unlucky have to bear the loss by losing the money they have bet. While the rules regarding online gambling practices are contained in article 27 paragraph 2 of the ITE Law which reads "every person intentionally and without the right to distribute, transmit, and/or make accessible electronic information and/or electronic documents that have gambling content" (Imam Gunawan, 2004).

Lately, the Indonesian people have been shocked by the news of the case of a Polwan member with the initials Briptu FN who serves at the Mojokerto Police, East Java Regional Police who burned her own husband, the incident occurred on Saturday, June 8, 2024 at the Mojokerto Police dormitory, this happened because the wife found out that the 13th salary of Rp. 2,800,000, - was used by her husband Briptu RDW for online gambling and only left Rp. 800,000, -. More than that, according to the Head of Public Relations of the East Java Police, Kombespol Dirwanto explained that Briptu RDW also often spends shopping money for the benefit of online gambling (Imam Gunawan, 2004)

The rapidly growing phenomenon of online gambling in Indonesia shows the resistance between the existing law and the social behavior of society which continues to adapt to technological developments. Although Indonesian law clearly prohibits gambling practices, the reality is that online gambling is increasingly found with easy access and more hidden management. This shows the gap between the existing legal principles and the social reality faced by society in cyberspace. Online gambling brings a variety of negative impacts, especially on the mental health and social well-being of its users. The financial downturn experienced by individuals entangled in online gambling often triggers stress, anxiety, and depression. The social impact of gambling addiction also includes the breakdown of family relationships and social interactions within the community. This is further exacerbated by the lack of public knowledge about the dangers of online gambling and its long-term consequences (Annisa Laras, 2024).

The presence of online gambling has not only changed the behavior of Indonesian society, but also introduced a new style in terms of social interaction and economic implications, online gambling allows anonymity and easy access and has the potential to increase the prevalence of gambling addiction and related mental health problems among users, this online gambling knows no age. According to data released by the Kemenkopolhukam, there are more than eight million people recorded playing online gambling throughout 2024, the majority of players are the lower class and young people, besides the Financial Transaction

Reports and Analysis (PPATK) also released data on money turnover related to online gambling during the second semester of 2024 reaching Rp283 trillion (Aprillio Akbar, 2024). The various types of benefits offered by online gambling sites can attract the attention of many people, from adults to children, to participate in gambling in the hope of obtaining as much profit as possible. However, without realizing it, online gambling can foster a sense of continued curiosity, which in turn can lead to dependence on its players. An increase in poverty and the rise of indebtedness can contribute to an increase in the level of crime committed by online gamblers, and have the greatest direct and indirect negative impact (Siti Fatimah, 2023).

Seeing this increasingly widespread phenomenon, the Indonesian government has worked hard to tackle online gambling with various policies and technical measures. One of the main steps taken is to block online gambling sites as an effort to protect the law for citizens, this was conveyed in the press release of the Ministry of Digital and Information No. 57/HM-KKD/11/2024, dated November 21, 2024, the Government set three priorities in eradicating online gambling.

The priority steps were carried out as a follow-up to the ministerial coordination meeting in coordination with the Coordinating Ministry for Political and Security Affairs, the first step is collaboration with technology platforms and internet service providers to carry out structured blocking. Second, the implementation of law enforcement and tracking of online gambling fund flows, including legal coordination between countries with a focus on money laundering prevention efforts to facilitate legal action. Third, expanding campaigns and educational programs to the public regarding the risks posed by online gambling ((Public Relations Bureau of the Ministry of Communication and Information, 2024). In addition, the government's three priority measures also reflect the importance of collaboration between the public and private sectors in creating a safer and more ethical digital ecosystem. working with technology services and internet service providers is key in blocking access to the growing number of online gambling sites. However, even though gambling sites can be blocked, the practice of online gambling continues to grow. One factor in the failure of blocking is the use of technologies such as Virtual Private Networks (VPNs) that allow users to access blocked gambling sites.

On the other hand, law enforcement efforts also continue to be carried out by the Police, from the data of anev posko Presisi Ditressiber Polda Jabar, throughout 2024 the Police have revealed as many as 1,611 online gambling cases with the number of suspects who have been secured as many as 1,918 suspects, who act as bookie, admin, operator, telemarketing, endorse, collectors, to players (Robinops Bareskrim Polri, 2024). The police, in this case, are law enforcement officers who continue to strive to eradicate online gambling practices by enforcing the law in accordance with existing norms in Indonesia in order to provide a deterrent effect to the perpetrators, apart from that the Police as protectors and protectors of society who function as guardians of order and application of law in society have an important role to overcome and minimize the negative impact of online gambling, which often involves victims with vulnerable socio-economic backgrounds.

Law enforcement efforts related to online gambling are not without obstacles, gambling sites operating from abroad also make law enforcement more difficult because they are not bound by Indonesian law. In addition, there is an abuse of authority from state officials who deliberately support online gambling practices such as cases involving Komdigi employees, the case was successfully revealed by the general criminal investigators of Polda Metro Jaya. Kapolda Metro Jaya Irjenpol Karyoto in a press conference on Monday (24/11) said that Polda Metro Jaya had named twenty-four (24) people as suspects and named four (4) people as DPOs in the alleged abuse of authority in blocking online gambling sites involving employees of the Ministry of Communication and Digital (Komdigi) (Patricia Diah Ayu Saraswati,2024). These practices of abuse of authority are also one of the challenges in efforts to eradicate and enforce online gambling laws.

Some previous studies that have been conducted related to online gambling have not discussed legal protection efforts for citizens against the rampant practice of online gambling in Indonesia and its obstacles. Hasibuan ES (2023) (Edi Saputra Hasibuan,2023), explores the legal status of online gambling in Indonesia and reveals the role of the police in enforcing the law against online gambling cases, and analyzes the challenges faced in regulating digital gambling practices within the Indonesian legal framework, while Ramdani H at al. (2020) (Hernanda Ramdhani, Muhammad Fauzi, and Alexandro Martin Tiga, 2020) and Hasan Z at al. (2023) (Zainudin Hasan et al, 2023) in their research highlighted law enforcement against online gambling sites in Indonesia and punishment of online gambling dealers based on the Indonesian criminal law system. Other researchers, namely Sitanggang at al. (2023) (Andri Sahata Sitanggang, Ridho Sabta, and Hasiolan Fani Yuli, 2023) focuses on the problem of the negative impact of online gambling on society, especially with regard to individual welfare, social relations, and family economic stability.

Thus, it is interesting to study the study of: 1. how is legal protection for Indonesian citizens from online gambling exploitation in the perspective of law enforcement in the digital era? and 2. what are the obstacles faced in efforts to protect the law for citizens in the midst of online gambling exploitation in Indonesia ?.

METHOD

To be able to understand and examine a problem, an approach is needed using certain techniques that are objective. The methods used by the author in this study are as follows:

- Type of Research: this research uses normative legal research, namely legal research conducted by examining library materials or secondary data (Sri Mamudji Soerjono, Soekanto,2014). This research aims to analyze and explore applicable legal norms related to online gambling in Indonesia, including legal protection for Indonesian citizens in the context of law enforcement.
- Research Typology: Descriptive-analytical type of research, which describes the data obtained through observations, interviews, documents, and field notes, then analyzed and presented in the form of scientific journals to describe the problems (Tjutju Soendari, 2010) in accordance with the chosen title, namely "Legal protection for Indonesian citizens from online gambling exploitation in the perspective of law enforcement in the digital era".
- Method of approach: This research uses a qualitative approach, a research procedure that produces descriptive data in the form of written words from people and observed behavior, qualitative research focuses on social phenomena (Feny, 2022) In this case the researcher observes the phenomenon of online gambling in the community and then analyzes it to obtain descriptive data which is poured into a scientific journal according to the title "Legal protection for Indonesian citizens from online gambling exploitation in the perspective of law enforcement in the digital era".
- Data Collection Techniques:
- i. Data sources: obtained from secondary data sources, secondary data is data obtained indirectly from various reading sources that are relevant to the problem under study.
- ii. Type of data: The type of data used is qualitative data. This data contains information obtained from legal documents, laws and regulations, interview results, and analysis of legal theories and data related to the phenomenon of online gambling in Indonesia.
- iii.Legal Materials:
 - Primary Legal Materials, in the form of :
 - a) Criminal Code
 - b) Law of the Republic of Indonesia Number 9 of 1999 calm Consumer Protection
 - c) Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia
 - d) Law No. 8 of 2010 on the Prevention and Eradication of the Crime of Laundering
 - e) Law No. 1 of 2024 on Electronic Information and Transactions

Secondary Legal Materials: namely legal materials that provide explanations of primary legal materials such as research results, scientific journals from legal circles (Dirah Nurmila SIliwadi and Muhammad Fachrurrazy, 2023).

Tertiary Legal Materials: namely legal materials that provide instructions or explanations for tertiary legal materials and secondary legal materials. The tertiary legal materials used in this research are legal dictionaries, and news in conventional media and online media (SIIiwadi and Fachrurrazy).

iv. Data Collection Tools:

This research was carried out by utilizing data collection methods in the form of literature review, or documentary study, to collect secondary information relevant to the issues discussed, by studying books, legal journal articles, research reports, and legislative documents (Asri Wijayanti, 2004).

v. Data Analysis:

In analyzing the data, the author uses four stages, namely :

- 1. Collection, which is the process of gathering information obtained from relevant sources such as laws and regulations, books, scientific works, and other literature.
- 2. Reduction, which is the selection and organization of data that is relevant and important for research, so that the purpose and focus of the discussion become clearer.
- 3. Display, which is putting the results of data filtering into certain patterns arranged in the form of concise descriptions. After the pattern is found, it will become the main guideline which will then be presented at the end of the research.
- 4. Conclusion, which is the process of drawing temporary conclusions that can change if during writing additional data is found that can strengthen the research results.

vi. Research location:

- 1. Law Faculty Library of Universitas Islam Nusantara, Jalan Soekarno Hattan No. 530 Bandung.
- 2. West Java Police Library, Soekarno Hatta Street No. 748, Bandung City.
- 3. Directorate of Cyber Detection of West Java Police, Jl. Soekarno Hatta No. 748, Bandung City.

RESULTS AND DISCUSSION

Legal Protection for Indonesian Citizens from Online Gambling Exploitation in the Perspective of Law Enforcement in the Digital Era.

Legal protection of Indonesian citizens from online gambling exploitation must be carried out with a comprehensive approach, which includes legislation, law enforcement and preventive measures. Efforts to protect one's interests by providing human rights are known as legal protection (Adji Prasetyo et al, 2022). Meanwhile, according to Setiono, legal protection refers to actions or efforts to protect citizens from arbitrary efforts made by the authorities, which are contrary to legal regulations, in order to realize order and peace so that each individual can feel his dignity as a creature of God. Legal protection is an activity that aims to defend individual rights by harmonizing the relationship of values or norms that are reflected in attitudes and behavior, in order to create order in human interactions (Satjipto Raharjo, 2000).

Legal protection is a mechanism that protects legal subjects through applicable laws and regulations, the implementation of which is regulated by the application of certain sanctions. (Asri Wijayanti, 2009) Legal protection can be divided into two, namely : (Satjipto Raharjo) a. Preventive Legal Protection:

Protection provided by the government with the aim of preventing violations before they occur. This is contained in legislation with the intention of preventing a violation and providing signs or limits in performing an obligation.

b. Repressive Legal Protection:

Repressive Legal Protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties given if a dispute has occurred or a violation has been committed.

Legal protection is accompanied by law enforcement. Law enforcement is essentially the enforcement of ideas or concepts about justice, truth, social benefit, and so on. However, in relation public law, it is the government that must be responsible (Satjipto Rahardjo, 2009). Law enforcement can be divided into two, namely (Wicipto Setiadi, 2018):

a. Preventive Law Enforcement:

Government efforts to prevent violations, as demonstrated by regulations that limit or prevent violations.

b. Repressive Law Enforcement:

Reactive measures, which include sanctions such as fines, imprisonment, or additional penalties imposed after a violation has occurred.

However, law enforcement will run properly if it fulfills several legal sub-systems as Lawrence Meir Friedman argues "The legal system, which consists of three parts or subsystems: the structure of the law, the content of the law, and the legal culture, determines how successful law enforcement is" (Lawrence Meir Friedman,1998) Which in Indonesian can be interpreted "The effectiveness of law enforcement depends on the legal system, which includes three components or sub-systems: legal structure, legal substance, and legal culture". The prohibition of online gambling practices in Indonesia has been prohibited as stated in article 27 paragraph 2 of Law No. 1 of 2024 concerning the second amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions which reads "every person intentionally and without the right to distribute, transmit, and / or make accessible electronic information and / or electronic documents that have gambling content (R S Grafika, 2024)

Police efforts in eradicating online gambling practices with repressive law enforcement also continue to be carried out, throughout 2024 the Police have revealed as many as 1,611 online gambling cases and have named more than a thousand suspects, who act as bookie, admin, operator, telemarketing, endorse, collector, to players, this is one of the government's serious efforts in dealing with online gambling practices in order to protect citizens from online gambling traps that can affect people's social life. In addition, preventive efforts are also continuously carried out by the government through Komdigi by cutting and blocking online gambling sites, throughout 2024 Komdigi has blocked 5.5 million online gambling sites (Agustinus Mario Damar, 2024).

The government's efforts that have been made in law enforcement of online gambling practices are a form of state responsibility in protecting its citizens from online gambling exploitation. However, in fact, the practice of online gambling is still rampant and threatens millions of Indonesians. Thus, government efforts must be further enhanced to ensure the survival of the Indonesian people because according to John Rawls in his book entitled A Theory of Justice argues "The state's responsibility in protecting its citizens, according to Rawls, not only encompasses legal protection and security but also protection of social and economic welfare.

The state has an obligation to create conditions that allow each individual to enjoy basic freedoms and equal opportunities in life. The state must balance individual interests with greater social justice to ensure that any inequalities that may exist benefit the most vulnerable parties.(John Rawls, 1971) " Which means the state's responsibility to protect its citizens, according to Rawls, includes not only legal protection and security, but also the protection of social and economic welfare. The state has an obligation to create conditions that enable every individual to enjoy basic freedoms and equal opportunities in life. The state must balance individual interests with greater social justice, to ensure that any inequalities that may exist still benefit the most vulnerable.

Obstacles in Legal Protection Efforts for Citizens amid Online Gambling Exploitation in Indonesia.

Since the early days of the internet as an independent entity, the slogan that has often been echoed is an environment without borders, without masters, free and independent of all kinds of rules (S.Kom, M.Kom Rusito, 2021). leap after leap of digital innovation has also led to the phenomenon of digital crime whose forms and methods continue to transform into more complicated and increasingly harmful. This phenomenon then forces countries using cyber and digital technology to form rules and regulations that protect the interests of every individual who uses the network while reducing the increasingly alarming number of cyber crimes (S.H., LL.M. Maskun, 2022).

Along with the rapid development of information technology, online gambling has become a serious problem facing many countries, including Indonesia (Rangga Adi Negara et al,2024). Online gambling provides easy access, is anonymous, and can be conducted without time and space constraints, which makes it very difficult for governments and law enforcement to control (S.Pd., M.Sc.ITE Hardika Dwi Hermawan, 2023). In this context, online gambling not only involves illegal gambling practices but also becomes an entry point for other crimes such as money laundering, fraud, theft, murder and even corruption. As online gambling takes place in cyberspace and utilizes technological advancements perceived by the global community, online gambling in Indonesia can be categorized as a form of cybercrime (Alda Satrya, Bastianto Nugroho, and Supolo Supolo, 2022).

The main challenge in the effort to protect citizens from online gambling exploitation is from the law enforcement factor that has not been maximized which is able to touch the main bookie, the online gambling bookie is very clever in utilizing technological developments and information globalization. Online gambling is often difficult to detect and handle for several reasons, namely:

- User Anonymity: Many online gambling sites provide services without requiring a clear user identity, thus allowing the perpetrators to hide behind pseudonyms or fake accounts. David T. Johnson in his book "The Impact of Technology on Crime" reveals that "the advancement of technology, which enables online anonymity, has a significant impact on the difficulties in law enforcement, including in the case of online gambling" (Emily Pica, David Ross, and Joanna Pozzulo, 2024) which in Indonesian means "technological changes that enable online anonymity have a major impact on the difficulties in law enforcement, including in the case of online gambling".
- 2. Use of Advanced Technology: Online gambling sites use various technologies such as VPNs and proxies to hide their identity and location (Julia Hörnle and Brigitte Zammit, 2010), so that the site can continue to operate even though it has been blocked by the government. based on the results of the researcher's interview with Brigpol Gilang Ridwan Arifin, SE, one of the investigators of the West Java Police Ditressiber, said that "even though the government has blocked online gambling sites, the easier use of VPN technology allows perpetrators to access and operate the site".
- 3. Jurisdiction: the handling of online gambling by law enforcement is often constrained by jurisdictional problems, the bookmakers and online gambling servers are mostly located outside the country that legalizes gambling, the Head of Hubinter Police, Inspector General Krishna Murti revealed that the practice of online gambling (judol) which is rampant in Indonesia is apparently controlled from the Mekong Region Countries. Countries such as China (China), Myanmar, Laos, and Cambodia, this makes it difficult for police efforts to eradicate online gambling (Riana Rizkia,2024).

This was also conveyed in an interview conducted by researchers to Brigpol Gilang Ridwan Arifin, SE, one of the West Java Police Ditressiber investigators, that several times he had disclosed online gambling practices, but it was very difficult to touch the bookie, because he was abroad. Crimes involving cyberspace often involve international actors operating outside of Indonesian jurisdiction. (Muh Nur Udpa,2023)

In addition to law enforcement factors that have not been maximized, there are also other factors that have weakened efforts to protect the public from the threat of online gambling which is increasingly rampant, namely the abuse of authority by unscrupulous state officials. One of the striking cases is the involvement of several unscrupulous employees at the Ministry of Communication, Digital and Information (Komdigi) who are suspected of deliberately supporting online gambling sites. Sites that should be blocked are actually passed so that they can still be accessed by the wider community.

This action shows a deviation of power that is carried out for personal gain, which ultimately injures the integrity and oath of office of the perpetrators. According to Prof. Dr. Andi Hamzah, "abuse of power by state officials is the most dangerous form of law violation, because it is committed by those who are supposed to be the enforcers and protectors of the law itself".(Andi Hamzah, 1991). This statement emphasizes that when unscrupulous officials become part of digital crime networks such as online gambling, public trust in state institutions will collapse, and the effectiveness of legal protection will become weaker.

CONCLUSION

Based on the discussion in this journal, there are several important points that can be concluded regarding the legal protection of Indonesian citizens from online gambling exploitation, the obstacles faced by law enforcement, and the effect of abuse of authority by state apparatus in the context of online gambling as follows:

1. Legal protection of Indonesian citizens in the face of online gambling exploitation must involve a comprehensive approach, including prevention and eradication through repressive law enforcement. Preventive efforts such as blocking online gambling sites and imposing strict sanctions on perpetrators of online gambling crimes are steps that have been taken by the government.

However, the effectiveness of these measures is still hampered by the rapid development of technology and easy access without clear identity.

2. That efforts to protect Indonesian citizens from online gambling exploitation still face various serious obstacles. This crime is not only cross-border and anonymous, but also utilizes advances in digital technology that are difficult to trace by law enforcement officials. Factors such as user anonymity, the use of advanced technologies such as VPNs, and the location of servers and bookmakers outside Indonesian jurisdiction complicate the prosecution process. In addition, weak law enforcement in the country is also exacerbated by the abuse of authority by unscrupulous state officials who actually play a role in perpetuating the existence of online gambling sites. This condition shows that the challenges in combating online gambling are not only technical and juridical, but also involve the integrity of the apparatus and the effectiveness of governance.

Based on the results of the analysis and conclusions regarding obstacles to legal protection of citizens in the face of online gambling exploitation in Indonesia, the author recommends the following strategic policies:

- 1. Improved Integrated Law Enforcement: Effective law enforcement against online gambling must involve collaboration between various parties, including the police, MOCI, and other relevant agencies. The government needs to continue to strengthen cooperation between state agencies as well as with other countries in an effort to tackle crimes involving international actors. This includes strengthening better monitoring and surveillance systems of online gambling sites and the technology used.
- 2. Strengthening Legislation Policy: Legislation efforts must be given more attention, by reviewing and updating existing regulations so that they can answer new challenges that

arise with the development of digital technology. Regulations regarding online gambling and cybercrime must be more assertive and in accordance with current dynamics.

- 3. Education and Socialization to the Community: The government must make preventive efforts by educating the public about the negative impact of online gambling and the importance of maintaining ethics and integrity in cyberspace. Counseling families, especially children and teenagers, to avoid the trap of online gambling is needed.
- 4. Enforcement of Accountability of State Apparatus: To prevent abuse of power by state officials, there needs to be a stricter system of supervision of law enforcement officials, as well as strict sanctions if violations are found. External supervision by independent institutions is also needed to maintain the integrity of state institutions in law enforcement.
- 5. Utilization of Technology for Law Enforcement: Utilization of more sophisticated technology to detect and block online gambling sites can be done by optimizing artificial intelligence (AI)-based monitoring systems and more effective blocking technologies. In addition, law enforcers need to be empowered with training on the use of the latest technology in handling online gambling cases.
- 6. International Cooperation: In dealing with jurisdictional issues involving online gambling offenders located abroad, there needs to be international cooperation between countries to deal with harmful online gambling. International treaties and cooperation between international police agencies (such as Interpol) can increase the effectiveness of law enforcement against cybercrime.

With more structured and comprehensive measures, it is hoped that Indonesia can improve legal protection for citizens against online gambling exploitation and overcome the challenges faced in law enforcement in the digital era as a form of citizen protection efforts.

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