

ANALYSIS OF THE MODUS OPERANDI OF ONLINE GAMBLING PLAYERS IN BESILAM VILLAGE, LANGKAT REGENCY

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Abstract: As the development of telecommunications and information technology has progressed to such an extent that today it is very different from ten years ago. The use of this technology has encouraged rapid business growth because various information can be presented in a sophisticated and easy to obtain way and through long distance connections by utilizing telecommunications technology it can be used as material for taking the next business steps. The parties involved in the transaction do not need to meet face to face, only through computer and telecommunications equipment. This condition is a sign of the start of the cyber era. Even in gambling itself, with the rapid development of telecommunications and communication systems, it is often known today as online gambling. This research aims to identify and analyze the law enforcement process in eradicating criminal acts of online gambling in Besilam Village, Langkat Regency. The research method used is field research with a qualitative approach. Data was collected through interviews with respondents and participatory observation in the local community.

Keywords: Law Enforcement, Online Gambling, Criminalization.

Introduction

Article 1 paragraph (3) of the 1945 Constitution states that the State of Indonesia is a legal state (*rechtstaat*). So ideally the legal position must be placed above everything else and every person and action must comply with the rules of law without exception. Advances in technology and communication have changed the order of society from a local one to a global society. This change is caused by the presence of technology and information. The development of information technology combines with electronic media to give birth to a new tool called the internet. The internet has brought a new reality of life to humanity. The internet has changed distance and time to be unlimited. The internet creates various new opportunities in people's lives. The internet also creates new opportunities for crime.

The internet is developing so rapidly as a culture of modern society. It is called culture because it can express various activities of cyber society such as thinking, creating

and acting anytime and anywhere via the internet. Its presence creates another world known as cyberspace. Of course, advances in science and technology, apart from having a positive impact, also have a negative impact on human life, especially among teenagers who have so far been unable to filter out all forms of globalization, such as internet use. The internet is expected to promote all kinds of activities and jobs but it is misused by adults, teenagers and children.

This can be seen from the many arcades that have sprung up and the customers who are often found are teenagers. With the development of increasingly sophisticated technology, online games, which initially only took the form of games, have developed into gaming media that can make money or what is often called online gambling. Internet users can access websites that offer games of chance. The existence of online gambling as a negative technological development in the electronics sector needs to be addressed from a different perspective because its impact on users is reduced. How the impact of using online gambling occurs becomes real when they realize that the losses they experience are very large.¹

In the virtual world, people commit various crimes that cannot be committed in the real world. The crime was committed using a computer as a means of committing the crime. Crimes committed in the virtual world using computers are called "computer crimes" or "cyber crimes". Judhariksawan believes that cyber crime is an activity that uses computers as a medium which is supported by a good telecommunications system, namely a dial up system, using telephone lines, or a wireless system, namely using special antennas such as wireless. Computer crimes have created new problems for law enforcement's work of inquiry, investigation and prosecution. One of the things that is currently popular in society is gambling carried out using the internet or better known as online gambling.²

One indicator of a rule of law is success in law enforcement. It is said to be successful because the laws that have been regulated are supposed to be implemented and obeyed by all elements of society. The absence and lack of maximum law enforcement can affect the credibility of the rule makers and the communities affected by the rules themselves, so that all elements will be affected. Thus, it is important to know what law enforcement really is. Law enforcement is the process of making efforts to uphold or function legal norms that apply and have been regulated as guidelines for behavior in traffic or legal relations in human life in society and the state. Satjipto Rahardjo is of the opinion that "Law enforcement is a series of processes for describing fairly abstract values, ideas and ideals which are the objectives of the law". This aims to create law enforcement and legal objectives

¹ Didik Endro Purwoleksono, 2015, *Tindak Pidana di Bidang Media Sosial*, Unair, Surabaya, hlm 15

² Anang Sugeng Cahyono, *Pengaruh Media Sosial Terhadap Perubahan Sosial Masyarakat di Indonesia*, Jurnal, hlm. 1, Dikutip Melalui <http://www.jurnal.unita.org/index.php/publiciana/article/viewFile/79/73>, diakses pada 4 maret 2022, Pukul 10.00 WIB

Literature Review

Understanding Online Gambling

Online gambling is a game of chance that is played using a computer or smartphone with a connection to the internet network and the game uses bets in the game. Currently, online gambling is played a lot by the public because people consider online gambling to be a profitable game and make money easily, safely and quickly compared to playing gambling as usual. Online gambling is an illegal act regulated in Article 27 paragraph 2 of Law of the Republic of Indonesia Number 19 of 2016, amendment to Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions.³

Crimes that use complex technological systems are classified as personal computer crimes or commonly referred to as cyber crimes. Cyber crime is a crime committed using a personal computer as the main criminal tool. Online gambling crimes are committed using a personal computer equipped with an internet connection which can usually be found in internet/cyber cafes or using a personal laptop using a wireless fidelity (wifi) internet connection from the internet cafe/hotspot that provides it. Then the betting item is money that has been previously saved in a bank account. The money in the account will become the cash balance on the online gambling site. Then the perpetrator only needs to register on the desired gambling site & automatically their money/savings balance will move so they can then play the desired online gambling on it.⁴

In handling cyber problems in Indonesia, there are several institutions that have authority over this crime, including the Ministry of Communication and Information, the National Cyber and Crypto Agency, the National Police's Cyber Crime Directorate. The Ministry of Communication and Information has the main task and function, namely formulating national policies, technical policies and technical policies in the field of communications and informatics in the form of telecommunications, post, broadcasting, information and communication technology.⁵

The National Cyber and Crypto Agency (BSSN) is a strengthening of the National Crypto Agency. BSSN carries out tasks and functions in the coding sector in the fields of information security, securing the use of telecommunications networks, and security of telecommunications networks and infrastructure. The Cybercrime Directorate of Bareskrim Polri is tasked with implementing regulations regarding existing arrangements and as a unit in law enforcement itself. In terms of the Directorate of Cyber Crime and the

³ Hery Sulisyanto, Lindu Ardjayeng, 2018, *Tinjauan Yuridis tentang Perjudian Online Ditinjau dari Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*, Dinamika Hukum dan Masyarakat, volume 1, Nomor 1, hlm. 1-19.

⁴ Muhammad Ikhsan, 2022, *Faktor-Faktor penyebab Terjadinya Perjudian Online Melalui Media Internet yang Dillakukan oleh Mahasiswa di Kota Pontianak ditinjau dari Sudut Kriminologi*, hlm. 1.

⁵ Antoni, 2017. *Kejahatan Dunia Maya (Cybercrime) Dalam simak Online*, Nurani Vol.17, No.2, Desember

National Cyber and Crypto Agency, they will not overlap because each has its own duties and authorities. The National Cyber and Crypto Agency has the task of regulating and supervising internet users in Indonesia. Meanwhile, the Cyber Crime Directorate formed by the National Police is tasked with enforcing the laws of existing regulations.

Understanding Criminalization

"The process that shows behavior that was not initially considered a criminal event, but is then classified as a criminal event by society." "Criminalization is one of the central issues of criminal law policy, namely regarding criminalization policy (formulating what actions should be made into criminal acts) and penalization policies (what threat of criminal sanctions should be imposed on the perpetrator of the violation)." "Criminalization according to Sudarto is the determination of an act that was not initially a criminal act to become a criminal act"

Criminalization is an object of study in material criminal law which discusses the determination of an act as a criminal act which is threatened with certain criminal sanctions. Disgraceful acts that were not previously qualified as prohibited acts are justified as criminal acts that are punishable by criminal sanctions. According to Soerjono Soekanto, "Criminalization is an action or determination by the authorities regarding certain acts which are considered by society or groups of society as acts that can be punished as criminal acts or make an act into a criminal act and therefore can be punished by the government by means of in his name".⁶

Soetandyo Wignjosoebroto stated that "criminalization is a statement that certain acts must be assessed as criminal acts which are the result of normative considerations whose final form is a decision". "Criminalization can also be interpreted as the process of determining a person's actions as punishable. This process ended with the formation of a law in which the act was threatened with sanctions in the form of a crime."⁷

Result and Discussion

Analysis of the Modus Operandi of Online Gambling Crime

The definition of modus operandi is the operating techniques used by criminals.⁸ There are various types of modus operandi. Some are still done conventionally or systematically.

The activity of offering gambling games is carried out in several ways, such as banners or pop-up gambling advertisements on websites, offered via Short Message Service (SMS). Another method that is also widely used is endorsement through celebgrams on Instagram. Endorsement is an act of supporting someone/something, in terms of advertising it is an act carried out by someone who is famous or influential with

⁶ Soerjono, Soekanto, 1993, *Kriminologi: Suatu Pengantar*, Cetakan Pertama, Ghalia Indonesia, Jakarta, hlm 62.

⁷ Wignjosoebroto, Soetandyo, 1993, *Kriminalisasi Dan Dekriminalisasi: Apa Yang Dibicarakan Sosiologi Hukum Tentang Hal Ini, disampaikan dalam Seminar Kriminalisasi Dan Dekriminalisasi Dalam Pebaruan Hukum Pidana Indonesia*, Fakultas Hukum UII, Yogyakarta, 15 Juli 1993, hlm 1

⁸ R. Soesilo, *Taktik dan Teknik Penyidikan Perkara Kriminil*, PT. Karya Nusantara, Bandung, 1980, hlm 98.

the aim of promoting a particular product so that other people are interested and will buy it. The modus operandi of online gambling can be classified into 2 main lines, namely.⁹

1. Online gambling with a direct transaction system

The modus operandi of this direct transaction is online gambling carried out by gamblers using game applications in cyberspace which are of the same nature as gambling usually carried out in the real world. The application on the internet used by gamblers certainly cannot be closed by the authorities because it is only an application used to entertain themselves without any gambling elements in it. But it is not a crime if you do not take advantage of the weaknesses that exist in this law enforcement system. Games that should only be for entertaining oneself are misused for gambling. There are various applications used to play gambling, but the author will only take one of them, namely the Poker Site. This application uses the same system as poker gambling in general, but in this application there are no bets between player and player. The currency used in rat games is usually called "chips". These chips are obtained in various ways, either from daily bonuses, playing like a poker game, or buying chips directly from the game application administrator (hereinafter referred to as admin).

To have a lot of chips, of course betting using the daily bonus which is usually small requires a lot of time, so to increase the value of the player's bet, there are only two ways, namely by buying chips from the game application administrator or by buying directly from players who have a lot. Chips are definitely cheaper than buying directly from the game admin, even though buying chips from other players is a violation of the rules of the game. This is where online gambling started.

This type of gambling began to become widespread at the beginning of 2008. At first online gambling was only a game for a few people, but over time it grew to become bigger because of the large number of people's interest in this type of game and the expected profits. It has even grown bigger so that there are several individuals who become gambling bookies in this type of gambling. This type of gambling developed along with the development of information technology.

2. Online gambling with a deposit system

This type of online gambling developed starting in 2010, this gambling does not use money that circulates in the real world, but circulates in cyberspace. These online gambling players send funds to the admin account and the funds sent will be converted into in-game currency. This type of online gambling is more popular because it is aimed at gambling. This type of gambling is very systematic because they use methods that are developed in such a way that players feel safer when playing this type of online gambling. The stages of gambling consist of several stages, namely:

a. Account registration At this stage, this type of online gambling player registers on the registration menu that has been prepared. Usually players have to fill in some data

⁹ Dian Eka Pratiwi. "Penegakan Hukum Terhadap Pelaku Perjudian Online Di Kota Makassar". Jurnal Magister Hukum Argumentum. Vol, 7 No, 1. (2020). hal 12

that can be falsified, but there is some data that must be valid such as account number, username and other identities.

b. Deposit funds At this stage players are required to send funds to the admin account number listed on the online gambling site. The funds sent can be sent via an ATM machine or sent directly using the seller's services to the admin's bank account. Once sent, the gambling player will open the website and fill in the deposit data which usually contains the deposit time, bank and delivery serial number or can chat directly with the game seller.

c. Gambling At this stage players play according to the online gambling they are interested in, the two types of gambling that are most popular are poker gambling and soccer gambling. In poker gambling, the dealer usually takes a two percent profit from each win. Meanwhile, in soccer betting, bookies take advantage of placing bets on players whose predictions are wrong.

d. Withdrawing funds. Withdrawing funds by players can be done anytime and anywhere. Players who win their bets can chat with the game seller and instruct them to convert the funds they have in cyberspace to the real world by sending funds to the relevant account.

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