



Cirebon City Police Law Enforcement Against Online Gambling Affiliators

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ABSTRACT

This study aims to examine and analyze the form of law enforcement carried out by Cirebon City Police against online gambling affiliators that are increasingly widespread in the digital era. The method used in this research is an empirical juridical approach, with data obtained through literature studies and direct interviews with law enforcement officials. The results show that law enforcement against online gambling affiliators faces various challenges, including limited regulations that specifically regulate affliator activities, tracking difficulties due to the use of sophisticated digital technology, and lack of public awareness of the legal impact of these activities. Nevertheless, Cirebon City Police has taken various preventive and repressive measures, including digital forensic-based investigations and cooperation with related institutions. These law enforcement efforts need to be supported by updating legal policies that are adaptive to the dynamics of cybercrime and increasing the capacity of the apparatus in dealing with technology-based crimes.

INTRODUCTION

Online gambling is a form of game that arises due to the development of information technology, this activity is carried out via the internet by betting money in the form of digital balances, gambling is prohibited from being distributed and accessed freely in Indonesia, this is stated in Law Number 11 of 2008 Article 27 paragraph (2) concerning Information and Electronic Transactions. According to Kartini Kartono in his book entitled "Social Pathology" gambling is a deliberate bet, namely risking a value or something that is considered valuable by realizing certain risks and expectations in the events of games, matches, competitions and events that are not or have uncertain results (Kartono, 2009), where a player only bets on one correct choice and becomes the winner in a game. Law is part of the aspects of human life that grow and develop along with the development of society, then the pace of community development will be supported by modern science and technology which will always require legal reform efforts, so that the applicable legal provisions will always be able to meet the needs that exist in society, especially in the aspect of law enforcement that is always consistent and consistent. (Permana & Sanusi, 2021)

The technicalities of the online gambling game in question are when before playing the rules and the amount of the bet have been determined, the rules in this online gambling are purely speculative luck where the concept contains more or less an element of trust or guessing based on chance against luck. Players bet an amount of money by depositing through e-money or e-banking with the aim of getting an amount of money that is much greater than the original amount of money. Basically, gambling is a form of societal disease or social pathology. The disease of society or social pathology is all human behavior that is considered inappropriate, violates general norms and customs, or is not integrated with general behavior. Gambling is one of the diseases of society combined with crime, which in the historical process from generation to generation has not been easy to eradicate (Bassar, 1984).

The Financial Transaction Analysis Reporting Center (PPATK) recorded the number of online gambling transactions reaching Rp.327 trillion by the end of 2023. The Online Gambling Eradication Task Force also noted that as many as 2.37 million people were trapped in online gambling, of which 80 percent were middle and lower economic groups, including among students, so that currently a total of 960,000 students and students are involved in online gambling cases. Of the many cases of online gambling, 60% of these are millennials. Studies prove that 82% of people who access the internet see online gambling promotion advertisements through social media and websites (Tiefany & Gusti, 2024).

Online gambling has a negative impact, which can harm the mentality and morals of someone who falls into playing online gambling frequently, especially for the younger generation. Likewise, with the emergence of problems due to gambling, namely a person causes long-term continuous addiction and it is difficult to stop controlling himself so that he does not feel that he has lost a lot of money and property so that it is clear that gambling can harm yourself and society, in addition to losing money and health, gambling can encourage a person's soul to become a lazy person in the end it is very easy to commit criminal

crimes such as corruption, stealing and even the worst to commit criminal acts of murder.

With the convenience obtained, cybercrime will arise with the term cybercrime and is very rampant on the internet at this time regarding influencers who promote online gambling under the guise of online games by promising victory through social media such as Facebook, Instagram, Twitter, this is the object of the author's research. That way the influencers who carry out this crime scheme are called affiliators, the modus operandi carried out by influencers is only social media promotion armed with electronic devices through internet access after distributing information about online gambling under the guise of online games by promising victory to attract new consumers (Indra, 2023) in (Mutabar, 2024).

Law Enforcement Theory and Aspects of Effectiveness

Soerjono Soekanto suggested that law enforcement is the activity of harmonizing the relationship of values outlined in stable rules and attitudes of action as a series of final stage value elaboration to create, maintain and maintain peaceful living relationships (Sukanto, 2011) in (Hasan et al., 2023). Meanwhile, according to Barda Nawawi Arief, law enforcement is an effort to overcome crime rationally, fulfill a sense of justice and be effective. In order to tackle crime against various means as a reaction that can be given to criminals, in the form of criminal and non-criminal means, which can be integrated with one another. If criminal means are called to tackle crime, it means that criminal law politics will be carried out, namely making elections to achieve the results of criminal legislation that are in accordance with the circumstances and situations at a time and for the future (Arief, 2004) in (Wirawan & Wahyudi, 2022).

Based on the understanding of these experts, it can be concluded that law enforcement is an activity carried out intentionally in an effort to harmonize the values reflected in the behavior of society to create, maintain and maintain peaceful living relationships. Law Enforcement Theory examines the extent to which law enforcement efforts can achieve their goals effectively, taking into account the contribution of various supporting factors such as technological advances, availability of resources, and synergy between law enforcement agencies. The effectiveness of law enforcement in dealing with criminal acts, including online gambling, is highly dependent on the appropriate use of technology and the ability of the legal system to adapt responsively to the dynamics and developments in the legal situation that occur.

Based on the description that has been described in the background above, the problem formulation can be identified as follows: How is law enforcement carried out by the resort police against online gambling affiliators in the Cirebon City area.

LITERATURE REVIEW

Law Enforcement

Law enforcement is a process to realize legal norms in real life in order to achieve justice, certainty, and legal benefits. According to Soerjono Soekanto

(2008) (Soekanto, 2008), law enforcement does not only include actions against law violations, but also preventive efforts and fostering public legal awareness. (Friedman, 1975) in (Halim et al., 2023) states that the effectiveness of the legal system is determined by three main elements, namely the legal structure (law enforcement agencies), legal substance (applicable rules), and legal culture (public attitudes towards law). Furthermore, the success of law enforcement is influenced by five important factors: the law itself, law enforcement officials, facilities and infrastructure, society, and legal culture. In Indonesia, law enforcement still faces various obstacles, such as the low integrity of the apparatus and the weak legal awareness of the community, which requires reforming the legal system and improving the quality of law enforcement officials so that legal objectives can be achieved optimally.

Online Gambling

Online gambling is a form of criminal offense that utilizes information technology as the main means of conducting gambling activities, such as betting money through websites, applications, or other digital platforms. In the context of Indonesian law, online gambling is regulated in Article 303 of the Criminal Code (KUHP) and Law Number 11/2008 on Electronic Information and Transactions (ITE), which states that every form of gambling, including those conducted online, is prohibited and subject to criminal sanctions. The characteristics of online gambling, which are cross-regional, anonymous, and use electronic payment systems, make its enforcement more complex than conventional gambling. This crime not only has an impact on economic and social aspects, but also poses serious challenges in law enforcement, especially in tracking perpetrators and blocking site access. Therefore, the eradication of online gambling requires a comprehensive approach, including preventive strategies such as education and supervision of digital content, as well as repressive actions through legal proceedings against perpetrators, operators, and those who act as promoters or affiliators.

Cybercrime

Cybercrime is a modern form of crime committed through or against computer systems, internet networks, or other digital devices, and includes various illegal actions such as hacking, online fraud, malware distribution, data theft, and online gambling. According to (Arief, 2007) in (Situmeang, 2020), cybercrime is included in the category of contemporary crimes (modern crimes) that arise as a result of the development of information and communication technology. These crimes are transnational, difficult to detect, and often involve perpetrators who are not in the same jurisdiction as the victim, thus complicating the law enforcement process. In the Indonesian legal system, cybercrime is regulated through Law Number 11/2008 on Electronic Information and Transactions (ITE) which was later updated with Law Number 19/2016. Combating cybercrime requires collaboration between law enforcement officials, technology watchdog institutions, as well as increasing the capacity of human resources in the field of digital forensics. With the complexity of its modus

operandi and scope, cybercrime demands an adaptive, responsive, and technology-based legal approach so that legal protection of the public in the digital era can be optimally guaranteed.

METHODOLOGY

This type of research is empirical juridical, with a qualitative approach through primary data collection techniques (through interviews) as the main data and secondary data (journals, books, and the internet) as supporting data. Our research location is in Cirebon City, which focuses on collecting data and conducting interviews with Cirebon City Police. The data that has been obtained from interviews and literature studies will be collected and then analyzed using descriptive methods through a qualitative approach to describe primary data as a data source, then processed systematically in order to get conclusions that are relevant to the research we are doing.

RESEARCH RESULTS AND DISCUSSION

Legal Efforts Made by Resort Police Against Online Gambling Affiliators in Cirebon City Area

Preventive efforts are a form of social control that aims to prevent crime and reduce the level of criminality in society, in order to create a safe and orderly environment. This prevention strategy is more focused on actions before a crime occurs. Unlike criminal law enforcement, the preventive approach is carried out through direct interaction with the community, for example through counseling, socialization, or appeals. The aim is to invite the community to be actively involved in efforts to prevent and eradicate online gambling practices (Nura Damayanti Ariningsih et al., 2023).

One way to overcome gambling crime is through the provision of moral education to improve the integrity and quality of law enforcement officials, especially the police, as well as by encouraging public awareness, concern and active involvement in providing information to the authorities. Online gambling countermeasures can be divided into several approaches, one of which is:

Penal Approach

Crime prevention through the penal approach, or the use of criminal law, emphasizes more on repressive action, namely action after a crime occurs. This approach is an integral part of the law enforcement process, so that criminal law policy is an important component in law enforcement strategies. In eradicating online gambling practices in society, an appropriate criminal law policy is needed. This policy must be applicable, which is able to effectively regulate the implementation of applicable criminal law provisions in accordance with current conditions. The implementation of laws and regulations is the main responsibility of the Police (Hutapea et al., 2022).

Repressive actions taken by the Cirebon City Police in handling cases of online gambling affiliators are carried out systematically and continuously, one of the steps taken is to carry out daily monitoring and blocking of links that are indicated to contain gambling content, information related to these links is then

reported in stages to the Polda, Police Headquarters, and then forwarded to the Ministry of Communication and Information Technology (Kominfo) for the official blocking process. In addition, investigation efforts are also carried out with a cyber approach, namely through the use of fake accounts by police officers to interact directly with suspected online gambling affiliates. In this scheme, officers pretend to be parties interested in working together in the form of endorsements, with the aim of arranging direct meetings. The results of the interview with Brigadier Rajasa Wahyu Abadi, SH., M.Si Through this meeting, it was stated that the process of identification and collection of evidence could be carried out more effectively to support law enforcement efforts.

Non-Penal Approach

The non-penal approach is one of the most strategic crime prevention strategies, because its main focus is on prevention before a crime occurs. This step aims to overcome and eliminate various factors that can trigger crime. Given that this approach is preventive, the main target is the conditions or situations that support the emergence of criminal acts, including in the case of online gambling (Kadek Setiawan et al., 2023).

Crime prevention policies through the non-penal approach basically focus on the utilization of social instruments to improve certain social conditions that are factors that cause criminal acts to occur. Although this approach is not directly related to the law enforcement process, its influence remains significant in creating an environment conducive to crime prevention. To ensure the effectiveness of a comprehensive legal system, there needs to be an integration between three main elements, namely legal substance, legal structure, and legal culture. Legal substance refers to the rules, norms, and patterns of human behavior that live in the legal system, both in the form of decisions produced, regulations formulated, but unwritten laws that grow and develop in society (living law). Thus, the substance of law is not limited to the provisions contained in laws and regulations (law in the books), but also includes legal practices that live in society.

In this Non Penal effort, the police are trying to tackle this gambling crime specifically as an affiator where the role of the police is as an instructor whose work program is made by the Cirebon City police, among others:

Cirebon City Police as a legal counselor to schools where the target of the Cirebon City Police work program is students who are very vulnerable to committing online gambling crimes, especially in the realm of affiliators. this activity is carried out in order to increase legal awareness of students in schools. In this case the Cirebon City Police collaborated with the schools to invite and gather their students to attend the legal counseling that would be given by the Cirebon City Police. In this legal counseling, the police provide some basic knowledge about the law to students. especially regarding the criminal act of online gambling affiliators, what is the legal basis, then what is regulated and prohibited along with the sanctions if they violate these rules. Thus, students understand and know the risks they will receive if they continue to do online

gambling, so that with the risks mentioned, students will think twice and no longer do online gambling.

Differences in Legal Basis

There are differences in the legal basis and criminal sanctions between affiliators and online gambling perpetrators. Affiliators are generally charged with article 27 paragraph (2) of the Electronic Information and Transaction Law (ITE Law) because of their role in distributing, transmitting or making accessible content containing gambling, especially through promotion or invitation to gamble online. Meanwhile, the main perpetrators of online gambling are still subject to article 303 of the Criminal Code (KUHP), which although formulated for conventional gambling, is still used because there is no special regulation regarding digital-based gambling. According to (Ari Nurhaqi, 2022) there is a principle of legality which states that a person cannot be punished or subject to criminal sanctions except for acts that have been regulated as criminal offenses in the prevailing laws and regulations, because the main purpose of the principle of legality has 2 functions, namely:

1. Protect function (meaning to protect the people from the exercise of unlimited power)
2. Instrumental function (meaning that it is still within the limits set by the law, so the exercise of power by the government is expressly permitted).

This shows that the regulation of online gambling still relies on the expansion of interpretation of existing legal provisions.

Online gambling cases that occurred in the Cirebon City Police jurisdiction from 2020 to the current April 2025 as many as 4 cases that already have a verdict. Among them, most of the perpetrators are female aged 16-22 years old due to economic factors and family harmony as a trigger for the suspects to become Online Gambling Affiliators. With domicile in Cirebon Regency, because the City knows more about the impact and risks when committing these criminal acts.

The results of research that has been carried out in the Specific Crime Unit (Tipidter) of Cirebon City Police, namely making law enforcement efforts including:

1. Conduct cyber patrols to capture link sites that lead to online gambling and this patrol is carried out every day 1x24 hours.
2. Blocking links that have gambling content which is then forwarded to the West Java Regional Police to maintain security and protection and then will be forwarded back to the National Police Headquarters to coordinate and manage data and then will be forwarded to the Indonesian Communications and Digital (KOMDIGI) for blocking.
3. Providing education and appeals to the dangers of online gambling to the public, especially students who have become the majority of online gambling affiliators.

The Specified Crime Unit (Tipidter) has carried out educational programs and appeals to schools, especially in the Cirebon City area, namely: SMPN 5

Cirebon City, SMAN 2 Cirebon City and Vocational Schools that have majority male students. The reason most education and appeals are carried out in high schools is because students are considered to understand even though they are not yet mature. Furthermore, the Specified Crime Unit (TIPIDTER) appealed to the public and educated about the prohibition of promoting online gambling through social media and verbal invitations and the dangers of online gambling. It is hoped that after giving appeals and educating the public, it can eliminate or minimize cases of online gambling crimes, especially in the form of online gambling affiliators and can save Indonesia's young generation to reach the golden generation in 2045.

Law enforcement carried out by the Cirebon City Police against online gambling affliator cases is still not running effectively. Because from 2020 to April 2025, there were only four cases that had received court decisions, even though cyber patrols have been carried out every day, there are still many online gambling affiliators in the Cirebon Police jurisdiction. One of the main obstacles in this law enforcement is the ineffectiveness of blocking links to online gambling sites. The perpetrators can easily recreate sites that have been blocked using a new domain, even though the name and appearance of the site are different. This causes gambling activities to remain accessible to the public. In addition, the process of proving the involvement of affiliators also experienced obstacles, especially in terms of collecting evidence in the form of honorarium transfers from the employer (online gambling site organizer) to affiliates. This transfer evidence should be one of the important indicators in revealing the flow of cooperation between the perpetrator and the online gambling organizer. However, data related to financial transactions is included in the category of customer personal information protected by Bank Indonesia Regulation Number 3 of 2003 concerning Bank Indonesia Consumer Protection. Based on this regulation, banks have no obligation to provide customer transaction data to investigators, even though the customer is suspected of being involved in a criminal offense, unless there is a legal provision or official request from the Police Chief. This obstacle makes it difficult for law enforcement officials to thoroughly uncover the flow of financing and the relationship between affiliators and online gambling site organizers.

Then what becomes an inhibiting factor in online gambling cases in Indonesia is a complicated task and requires a mature and directed strategy considering that there are definitely obstacles that need to be faced in the process. The handling of criminal acts of online gambling cases by the police has several inhibiting factors which result in limited effectiveness in handling. One of the obstacles that the police have in handling cases that have not been fully effective, namely this online gambling case, is due to the transformation of conventional forms of gambling which were originally carried out and practiced in special places such as casinos, changing to digital and modern gambling which can be done and practiced anywhere and anytime. With this convenience, several obstacles arise in the process of overcoming criminal acts in the Specified Crime Unit (TIPIDTER), including:

1. Limitations in the field of information technology (IT). So that the application of the law is more focused on article 303 of the Criminal Code which regulates gambling in general. Furthermore, the obstacles to overcoming online gambling cases are more complex. First, overcoming online gambling crimes from the investigation process to case resolution takes a long time because the scale of online gambling is very broad which requires extra work in collecting relevant and strong evidence.
2. Large costs. In the case of online gambling crime, it requires a large allocation of funds, especially for technological purposes and for the human resources involved. In addition, in the current era of leadership, many budgets have been cut, limiting the ability of law enforcement officials to handle online gambling cases.
3. Complicated procedures that are not always easy to deal with, due to the complexity of online gambling crimes, increase the difficulty in uncovering and handling cases.
4. Limited time to carry out education and socialization at school due to the tight schedule of class hours.
5. In practice, the digital proof process cannot be separated from the role of IT experts, such as from the Ministry of Communication and Information Technology (KOMINFO) or academic institutions, for example Telkom University, which has been involved in several online gambling cases in the Cirebon City Police Legal Area. Why is it inseparable from the role of IT experts in digital evidence, because digital evidence is technical, fragile, and can be manipulated. IT experts have the knowledge and specific skills to collect, analyze, and present digital evidence accurately, legally, and acceptably in court.

Thus, from these inhibiting factors such as limitations in the IT field, high costs and complicated procedures, which hinder the effectiveness of the police in handling online gambling cases.

CONCLUSIONS AND RECOMMENDATIONS

Based on the results of the research, it can be concluded that law enforcement carried out by Cirebon City Police against online gambling affiliators has been running but is still less effective because it encounters technical and juridical obstacles, such as limited socialization time, limited Information Technology (IT), large cost requirements, complex legal procedures, difficult proof due to privacy reasons from the bank, and the need for IT expert involvement in the digital proof process. Efforts that have been made include non-penal (preventive) measures through socialization and education to the community, especially students to prevent their involvement as affiliators and penal (repressive) measures in the form of investigations and actions against perpetrators, such as cyber patrols and blocking online gambling sites. The limitations of regulations and the complexity of the technology used by affiliators are the main obstacles in the law enforcement process. In addition, the absence of specific regulations regarding online gambling causes law enforcement to rely on the expansion of interpretations of existing regulations. Therefore, it is

necessary to update regulations that strictly regulate the roles and responsibilities of affiliators in the practice of online gambling, as well as synergy between agencies in handling this case comprehensively. By strengthening legal and technical aspects such as increasing cyber patrols, digital forensics, optimizing information and electronic transaction laws, and conducting cross-sector cooperation, it is hoped that law enforcement against online gambling crimes, especially the role of affiliators, can be more optimal in the future.

ADVANCED RESEARCH

This writing still faces various limitations, both in terms of regulation, technology, information availability, as well as the complexity of legal procedures and challenges in digital evidence used. Therefore, it is recommended that future research include more and diverse field research samples to strengthen the findings, deepen the formulation of specific regulations, and expand the scope of the research results.

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Law Number 11/2008 on Electronic Information and Transactions

Criminal Code Article 303 on Gambling

Interview on April 23, 2025 with the Specific Crime Unit (Tipidter) of Cirebon
City Police Brigadier Rajasa Wahyu Abadi, SH, M.Si at 12.30 WIB.