



OPTIMIZATION OF POLICE AUTHORITY AS GATEKEEPERS IN THE PREVENTION AND ERADICATION OF GAMBLING CRIMES

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ABSTRACT

This study explores the optimization of police authority as gatekeepers in preventing and eradicating gambling crimes in Indonesia. Using a normative legal research method, it examines legal frameworks, administrative challenges, and social dynamics affecting law enforcement efforts. A legislative approach reviews relevant legal provisions, while a conceptual approach analyzes the police's role in crime prevention. Findings reveal that limited resources, insufficient community cooperation, rapid technological advancements in online gambling, and complex legal constraints hinder police effectiveness. Key recommendations include enhancing community partnerships, conducting regular police training, fostering inter-agency collaboration, and leveraging information technology to strengthen law enforcement capacity. These measures aim to improve crime prevention and eradication strategies while fostering public trust and promoting legal compliance. The proposed reforms offer a roadmap for developing more effective policing strategies and creating safer communities through proactive and responsive law enforcement practices.

Keywords: gatekeepers, gambling crimes, police

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INTRODUCTION

Gambling can be defined as an activity that involves wagering money or other values on an uncertain outcome, where the result depends on chance or luck and cannot be predicted accurately (Free et al., 2024; Lombardi et al., 2024). In many legal contexts, gambling is considered a violation of social and legal norms, especially when it involves unregulated betting. Key characteristics of gambling include the element of risk, where participants may lose or gain value based on an unpredictable outcome, as well as the predominance of chance in determining the results of such activities (Grant et al., 2024; Lind et al., 2024; Wu & Clark, 2024). In gambling, individuals often become trapped in a cycle of compulsive behavior, which can lead to significant financial losses, severe psychological impacts, and social conflicts within their environment (Chopin et al., 2024; Lei et al., 2023; Nichols & Tosun, 2017; van der Maas et al., 2024).

Gambling crimes have wide-ranging and complex impacts on society, the economy, and the legal system. Socially, gambling can lead to fractures in family and community relationships, with individuals getting caught in debt and dependency that affect their social interactions and quality of life. Economically, while gambling can generate revenue through taxes and job creation, it can also impose significant costs on society, such as increased crime rates, healthcare costs for those affected by gambling problems, and productivity losses due to work disruptions (Lin & Shih, 2024; Nichols & Tosun, 2017; Vepsäläinen et al., 2024). Legally, unregulated gambling often serves as fertile ground for other criminal activities, such as fraud, money laundering, and violence. Law enforcement against

illegal gambling poses a unique challenge for the police, given the hidden nature of many gambling operations and the need to adapt to new technologies used in online gambling (Alharbi et al., 2022; Arscott, 2022; Hu et al., 2024; Sheng et al., 2023).

Several serious issues arise from gambling practices, where many individuals become trapped in addiction and find themselves unable to stop. As a result, they experience significant financial losses, even losing their belongings. This phenomenon not only harms individuals directly but also has widespread effects on society. Gambling not only poisons a person's soul but also has the potential to disrupt the economy as a whole. The losses experienced are not limited to financial aspects; they also encompass mental health issues. This condition can cause gamblers to become lethargic and lose motivation, ultimately making them more vulnerable to committing criminal acts, such as theft, corruption, or even engaging in violent behavior (Gössling et al., 2022; Lei et al., 2023; Shapiro et al., 2020).

Recognizing the negative impacts of gambling, many countries have taken firm steps to prohibit this practice and impose heavy sanctions. Gambling is considered a crime that must be addressed collectively by society and the government. This is in line with existing legislation, including the Criminal Code (KUHP), which prohibits gambling. However, the inadequacy of the KUHP in effectively combating gambling has led to the emergence of Law No. 7 of 1974, introduced during the New Order era as an alternative to address gambling issues. This law emphasizes that the penalties contained in the KUHP are no longer appropriate and need to be increased.

In Law No. 7 of 1974, penalties for gambling have significantly increased. For example, the punishment for gambling offenses in Article 542, paragraph 1 has been raised from one month to four years and from three months to six years for Article 542, paragraph 2. Despite the strengthening of penalties and the shift in the status of gambling offenses from mere violations to crimes, the issue of gambling in society has not been effectively resolved. This indicates that existing law enforcement efforts are insufficient to address the root problems of gambling. Here, the role of the police as one of the subsystems in the criminal justice system becomes crucial.

Recent studies have delved into the multifaceted challenges law enforcement faces in combating gambling-related crimes, particularly with the advent of online platforms. Banks (2016) examines the intersection of online gambling and criminal activities, highlighting the complexities in regulation and enforcement due to the digital nature of these operations. Gainsbury (2015) explores the relationship between internet gambling and disordered gambling behaviors, emphasizing the need for specialized law enforcement strategies to address the unique challenges posed by online gambling environments. Marionneau and Egerer (2019) discuss the socio-cultural contexts of gambling, suggesting that effective policing requires an understanding of the cultural dimensions influencing gambling behaviors. These studies collectively underscore the necessity for law enforcement agencies to adapt to technological advancements and cultural factors in their efforts to mitigate gambling-related crimes.

The novelty of the current research lies in its comprehensive analysis of the Indonesian context, focusing on the specific challenges faced by the police in eradicating gambling crimes within the country's unique legal and cultural framework. By integrating normative legal research with empirical data from police reports and case studies, this study provides actionable recommendations tailored to Indonesia's specific circumstances. This approach not only contributes to the existing body of knowledge but also offers practical insights for policymakers and law enforcement agencies aiming to enhance the effectiveness of gambling crime prevention and enforcement efforts in Indonesia.

Within the criminal justice system, the police function as gatekeepers who have a vital responsibility in preventing and combating gambling crimes. They play a central role in law enforcement and oversight of gambling practices (Fadhli, 2024; Munawar, 2019). The urgency of optimizing the police's role in the prevention and eradication of gambling crimes becomes increasingly apparent, given the negative impacts that this activity has on individuals, society, and the economy as a whole. With the increasing accessibility of gambling, both conventional and online, the challenges for the police have also become more complex. The inability of existing law enforcement to effectively tackle illegal gambling highlights the need for a more systematic and innovative approach to eradicate this practice. Optimizing police authority is not merely an enforcement effort but also a crucial preventive step to prevent the widespread impact of gambling in society.

These issues result in financial losses, social instability, and increased criminal activity. This study aims to explore the challenges faced by the police as gatekeepers in the criminal justice system, focusing on the complexities of combating gambling crimes. It seeks to identify effective strategies for strengthening law enforcement through enhanced community engagement, inter-agency collaboration, and the use of advanced technological tools. The findings are expected to inform policy reforms, improve law enforcement practices, and promote safer communities through more effective crime prevention and legal compliance measures.

METHOD

This study employs a combination of normative legal research and conceptual analysis to explore the role of the police in eradicating gambling crimes. The normative legal research approach examines legal norms outlined in key legislation, including Indonesia's Criminal Code (KUHP) and Law No. 7 of 1974 on Gambling Control. Through this legislative review, the study evaluates the effectiveness and consistency of existing legal frameworks governing gambling offenses. The conceptual approach provides an analytical foundation for understanding the theoretical aspects of law enforcement and the role of the police as gatekeepers in the criminal justice system. This includes an examination of legal principles, policing strategies, and social responses to gambling-related crimes.

To contextualize the analysis, the study incorporates data from official police reports on gambling-related arrests, court case records involving major gambling syndicates, and relevant case studies from Indonesian provinces known for high gambling activity, such as North Sumatra, West Java, and Jakarta. These real-world examples illustrate how legal provisions are enforced, the practical challenges encountered, and the innovative strategies law enforcement agencies adopt. By integrating these empirical data sources, the study comprehensively evaluates the police's role and proposes actionable recommendations for optimizing gambling crime prevention and enforcement efforts.

RESULT AND DISCUSSION

Effectiveness of Police Authority in Addressing Gambling Crimes in Indonesia

Gambling is not a new phenomenon in Indonesia; this activity has existed for a long time and has evolved alongside changes in society. In a societal context, gambling is viewed as a form of social disease that is difficult to eradicate despite various efforts made from generation to generation. The term "social disease" refers to human behavior that is considered contrary to the prevailing norms within society and existing customs or that does not align with standard behavior. In Indonesian

culture, various forms of gambling have emerged and developed, reflecting the diversity of ways people seek profit through games that do not emphasize aspects of luck relatively.

Some popular forms of gambling among Indonesians include Roulette, where players bet money on one of the 36 numbers plus two additional numbers. If their guess is correct, they receive a prize of 36 times the amount wagered. Additionally, there is Blackjack (or selikutan), where a dealer serves multiple players; if the dealer's cards total higher, all players lose their bets. Conversely, if the dealer's cards are of lower value, the dealer must pay the winning players. Usually, the dealer only loses against one or two players.

Another example is the Lottery Buntut Nalo, which involves betting on the last two digits of a drawn number; if a player accurately guesses a number from 0 to 99, they receive a payment of 65 times their initial bet. Furthermore, Tekpo is a game that uses domino cards, where participants bet on who has the highest number. This game is often played during celebrations such as weddings or circumcisions and generally involves small bets.

Another form of gambling is Dadu or Glodog, which uses dice as a playing tool. Players must guess the number of circles that appear on the dice, and if their guess is correct, they are declared the winner. Dokding is a dice game that uses dice featuring animal pictures, where players place bets on the images shown on a sheet of paper. The dice are then rolled to determine the winner. There is also Adu Dara, which involves two pigeons released in a designated area; the pigeon that arrives first at the agreed point is declared the winner. Oke' is a game involving the tossing of two coins; if the result shows images of a bird, it is deemed dead, while if it shows a rupiah, it is considered alive.

On the other hand, Sabung Ayam involves two fighting cocks, where bettors will choose one rooster, and if that rooster wins, the bettor wins. Togel or toto gelap is a popular form of gambling where players bet money by guessing which numbers will be drawn. These various forms of gambling not only reflect local traditions and culture but also highlight the challenges faced by society in addressing the negative impacts of gambling, such as addiction and other social consequences. The existence of gambling ingrained in the cultural fabric makes this issue increasingly complex to handle and requires serious attention from authorities.

Based on the various types of gambling described, these activities can be categorized as criminal offenses as they meet the elements regulated in Article 303 paragraph (3) of the Criminal Code (KUHP). This article governs any game that relies on luck and player skill. Additionally, Article 303 bis of the KUHP states that individuals who engage in gambling as a livelihood may be subject to criminal sanctions. This indicates that gambling is not only considered an illegal activity but also a behavior that can undermine the social and moral order of society.

Enforcement of criminal law against gambling must be carried out continuously and consistently. This is crucial because gambling is viewed as a real threat to the existing social norms in society. Gambling activities can create tension at the individual level as well as cause broader social tensions. Gambling can have negative impacts that permeate various aspects of community life, including mental health, economic stability, and social relationships among individuals. Therefore, addressing gambling is not merely a matter of law enforcement but also an effort to maintain social order and harmony within society. If someone is involved in gambling crimes, they will face criminal sanctions according to the applicable provisions within the criminal justice system in Indonesia. This law enforcement consists of a process of investigation, prosecution, and court proceedings to uphold justice for the violations committed. Thus, taking firm action against gambling is essential to enforce the law and deter offenders while preventing society from being drawn into detrimental practices.

In gambling crimes, the criminal justice system in Indonesia begins with interactions with the police subsystem (Egerer & Marionneau, 2019). Members of the community who recognize their social responsibility should report gambling practices to the police. Victims of crimes who have successfully incapacitated the perpetrators should not take matters into their own hands but should instead hand over the case to the police. Thus, every individual involved in gambling, whether as a community member, a victim, or a perpetrator, will confront the police subsystem at the beginning of the law enforcement process. The procedures outlined in the Criminal Procedure Code (KUHAP) stipulate that the continuity of a case in the criminal justice system depends heavily on the role and function of the police. This underscores the importance of the duties, authority, and responsibilities of the police in investigating and following up on gambling cases.

The investigation is a crucial initial step in the criminal law enforcement process that determines the success of subsequent legal processes. This process involves the search and collection of factual evidence through actions such as arrests and searches. Investigations must be conducted with strict and focused procedures to ensure that every legal action taken has a firm basis. In Dutch, the term investigation (*opsparing*) refers to the initial examination by designated officials to investigate legal violations following credible information. The investigation also includes efforts to identify and determine whether an act constitutes a criminal offense and who the perpetrator is. [8]

In performing their role as gatekeepers in the criminal justice system, the police have the responsibility to handle crimes, including gambling, through two essential steps: first, identifying and determining whether an action constitutes a criminal offense; second, processing the act and the perpetrator to be forwarded to the prosecution subsystem. The speed and effectiveness of the police in uncovering crimes significantly influence the performance of that subsystem. Moreover, the police are increasingly expected to fulfill a preventive function in crime prevention, following the principle that prevention is better than cure. If crime prevention is to be prioritized, it should become a primary goal within the criminal justice system, where every subsystem in that system must collaborate to achieve a common objective.

The police are called upon not only to carry out their traditional duties as investigators but also to participate actively in crime prevention. This requires the police to engage in a broader policy approach to addressing crime. The concept of crime prevention has been recognized as one of the essential functions of the police, which includes training police members to become experts in crime prevention. Additionally, the involvement of organizations outside the police has also been introduced to strengthen these prevention efforts. By placing the police not only as investigators but also as protectors of the community, they are expected to take proactive measures to control crime.

In handling gambling offenses, the police carry out various steps, which are divided into repressive and preventive efforts. Repressive efforts aim to take action against individuals who have committed crimes through law enforcement by imposing sanctions. This involves a structured investigation process, starting from complaints, investigations, and arrests to the submission of case files to public prosecutors. In practice, the handling of gambling offenses also faces various obstacles, including the lack of community participation in uncovering those crimes. In fact, community involvement is crucial in creating security and order, especially in the context of gambling, which often has direct effects on families and communities. Preventive efforts, on the other hand, aim to prevent the emergence of gambling in society before the crime occurs. The police can undertake prevention by providing legal education to the community, forming monitoring teams in areas prone to gambling, reinforcing religious values that prohibit gambling, and conducting active patrols and surveillance.

Challenges and Strategies for the Police as Gatekeepers in the Criminal Justice System Related to Eradicating Gambling Offenses

In the eradication of gambling offenses, the police play a vital role as gatekeepers in the criminal justice system. As law enforcement agencies, the police are responsible for preventing, detecting, and prosecuting all forms of illegal gambling that can harm society. However, these efforts only proceed with challenges. Various factors, such as a lack of cooperation from the public, limited resources, and the rapid development of gambling technology, pose significant obstacles for the police. Therefore, effective strategies are needed to address these challenges.

In the efforts to combat gambling offenses, the police face several significant challenges. One of the main challenges is the lack of cooperation from the community. Many individuals are reluctant to report gambling activities, often due to the social stigma attached to such practices. The community tends to feel isolated and uncomfortable dealing with authorities, especially if they have close relationships with gambling offenders. Distrust toward the police also plays a significant role; many people feel that their reports will not be followed up or that the police lack the capability to address the issue effectively. Additionally, fear of retaliation from gambling offenders, who often have strong networks and influence, adds uncertainty for the community when reporting these illegal activities.

Another challenge faced by the police is limited resources. With a restricted number of personnel and inadequate budgets, the police often need help to fulfill their duties effectively. Law enforcement in the context of gambling requires in-depth and ongoing investigations, but without sufficient support, these efforts become inefficient. The insufficiency of resources not only hampers the police's ability to detect and apprehend gambling offenders but also affects the morale and motivation of police personnel in carrying out their duties.

Technological advancements also pose complex challenges for the police. With the emergence of online gambling and various digital platforms, gambling offenders can now operate more anonymously and are more challenging to trace. Cyber fraud often involves rapid and complex transactions, making it difficult for the police to identify and act against offenders in a timely manner. This requires the police to enhance their technical skills and knowledge about new technologies to compete with the methods used by gambling offenders. Legal constraints also become a barrier in the enforcement process concerning gambling. Complicated and slow legal procedures often obstruct investigations and prosecutions. When collected evidence must go through convoluted legal stages, the police may lose momentum and efficiency in handling gambling cases. This lengthy and complex process not only slows down law enforcement but may also diminish public trust in the justice system. Given the various challenges faced, it is clear that the police need to implement more effective strategies to address these issues and improve cooperation with the community in the fight against gambling.

When facing challenges in eradicating gambling offenses, the police can implement several effective strategies to enhance law enforcement efforts and build trust with the community. One important strategy is to increase cooperation with the public. Building community trust is a key step that can be achieved through educational programs informing the public about the dangers of gambling. Through seminars, information campaigns, and outreach, the police can explain the negative impacts of gambling, both socially and economically. This effort also includes encouraging the community to participate actively in the prevention and reporting of gambling offenses. By raising

public awareness of the importance of their role in maintaining security and order, it is hoped that more reports will emerge regarding harmful gambling activities.

Another strategy that can be implemented is training and capacity building for police personnel. Conducting routine training is essential to ensure that police officers have up-to-date skills and knowledge in handling gambling cases. In the context of increasingly complex gambling, including online gambling, the police need to be equipped with a deep understanding of using the latest technology that can aid in investigations. This training will not only enhance the effectiveness of police operations but also motivate members to be more proactive in addressing challenges.

Collaboration with other agencies is also a crucial strategy. Partnering with various institutions, including social organizations, government agencies, and non-governmental organizations, can create a strong synergy in the prevention and eradication of gambling. This collaboration can involve social intervention programs that provide support for individuals involved in gambling, as well as disseminate broader information about the risks and consequences of such activities. Furthermore, international cooperation in combating transnational gambling is becoming increasingly relevant, given that many gambling offenders operate within global networks. By engaging in cross-border collaboration, the police can share information and strategies to address the challenges faced in the context of international gambling.

Equally important is the utilization of technology in law enforcement efforts. With the rapid development of information and communication technology, the police can leverage modern tools to monitor and detect illegal gambling activities. Efficient and effective data collection systems can assist the police in analyzing gambling trends and identifying gambling hotspots in specific areas. Additionally, using digital platforms to facilitate reports from the public can simplify information gathering and provide broader access for the community to report gambling activities. By integrating technology into their law enforcement strategies, the police can enhance their responsiveness and effectiveness in combating gambling, thereby creating a safer environment for the community.

CONCLUSION

The findings of this study highlight the critical role of the police as gatekeepers in the criminal justice system in combating gambling crimes. Key challenges such as limited community cooperation, inadequate resources, evolving online gambling technologies, and complex legal constraints hinder effective law enforcement. To address these issues, this research proposes strengthening community engagement, conducting specialized police training, fostering inter-agency collaboration, and utilizing advanced technological tools.

From a practical perspective, policymakers should consider revising existing legal frameworks to enhance the police's authority in handling online gambling cases. Law enforcement agencies are encouraged to adopt modern surveillance systems and establish community-based monitoring networks. Social organizations and community leaders should collaborate with the police to raise public awareness about the negative impacts of gambling. Furthermore, developing cross-border cooperation with international law enforcement bodies would help address transnational gambling crimes effectively. By integrating these recommendations, stakeholders can create a more responsive and efficient criminal justice system, fostering safer and more law-abiding communities.

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