

# Online Gambling Law Enforcement and Criminalization Dynamics in Besilam Village, Langkat

Chairuni Nasution, Abdurrahman H. Ketaren, Nana Kartika, M. Ridwan Alfa Reza

## Abstract

Online gambling has become one of the forms of digital crime that is growing rapidly in Indonesia, including in rural areas such as Besilam Village, Langkat Regency. This study aims to analyze how law enforcement against online gambling is carried out in the village, as well as how the dynamics of criminalization policies are applied in the local context. The approach used is empirical juridical with analytical descriptive methods, through interviews with law enforcement officers and local communities as well as literature studies. The results of the study show that law enforcement at the village level still faces various obstacles such as limited technology, minimal public legal awareness, and non-specific regulations on forms of online gambling. Criminalization of perpetrators is still needed, but it needs to be balanced with an educational, preventive, and restorative approach to be more effective at the grassroots level.

**Keywords:** Law Enforcement; Online Gambling; Criminalization; Criminal Law; Rural Communities.

Chairuni Nasution

Law Study Program, Universitas Pembangunan Panca Budi, Indonesia

e-mail: [chairuni@dosen.pancabudi.ac.id](mailto:chairuni@dosen.pancabudi.ac.id)

Abdurrahman H. Ketaren, Nana Kartika, M. Ridwan Alfa Reza

Law Study Program, Universitas Pembangunan Panca Budi, Indonesia

e-mail: [abdurrahmanketaren@dosen.pancabudi.ac.id](mailto:abdurrahmanketaren@dosen.pancabudi.ac.id), [nana@dosen.pancabudi.ac.id](mailto:nana@dosen.pancabudi.ac.id), [ridwanalfareza@gmail.com](mailto:ridwanalfareza@gmail.com)

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## Introduction

Gambling is a form of crime that has long been prohibited in the Indonesian criminal law system. The prohibition is not only based on positive legal norms, but also on moral, social, and religious values that exist in society. In national law, gambling is categorized as a criminal act based on Article 303 of the Criminal Code (KUHP), which states that anyone who provides an opportunity to gamble to the public, either as a profit seeker or as a habit, can be subject to criminal sanctions. However, along with the development of information and communication technology, the form of gambling has undergone a significant shift. One new form that is now widely found is online gambling, which operates through digital applications and internet-based sites.

The phenomenon of online gambling has become a serious concern because it reaches almost all levels of society, including rural communities. One area that has begun to be affected by the rise of digital gambling is Besilam Village, Langkat Regency. The village, which has long been known as a religious and spiritual area, has not escaped the negative impacts of technological advances, especially in cybercrime. Online gambling in this village targets teenagers to young adults, who generally have access to mobile devices and internet connections. Gambling activities are carried out in secret, but their impact on the social order is very real, ranging from increasing unemployment, domestic conflicts, to crime stemming from urgent economic needs due to gambling addiction.

According to Lawrence M. Friedman (1975), the effectiveness of law in society is influenced by three main elements, namely legal substance, legal structure, and legal culture. In enforcing online gambling laws in villages, the legal substance is often adequate, but the legal structure and culture have not been able to support its implementation effectively. Police and village officials often lack the technical equipment to detect and prove digital gambling practices, while many people themselves still do not understand that online gambling is a crime that is equivalent to conventional gambling.

Furthermore, criminal law enforcement against online gambling cannot be separated from the concept of criminalization. Criminalization is the process of determining an act as a criminal act by lawmakers, based on the consideration that the act is dangerous or detrimental to society and the legal values to be protected. According to Muladi and Barda Nawawi Arief (2010), criminalization must consider three important aspects: protection of legal interests, social rationality, and effectiveness of enforcement. In practice, the policy of criminalization of online gambling still faces serious problems, especially when society does not view gambling as a serious problem or even considers it as ordinary entertainment.

In Besilam Village, criminalization of online gambling perpetrators is still normative and has not been fully implemented consistently. Law enforcement is more reactive than preventive, where officers only act when there is a public report or when the perpetrator is caught red-handed. In many cases, legal action is hampered by the difficulty of obtaining electronic evidence and identifying the perpetrator, considering that digital gambling transactions are carried out online

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and using anonymous identities. This is exacerbated by the low legal awareness of the community regarding the dangers and social impacts of online gambling. Some residents even still consider online gambling as a "fun" or "side" activity that is not dangerous.

In facing this reality, the approach to criminal law enforcement needs to consider the social dynamics and local values that are developing. Criminalization alone without education and a cultural approach will only create resistance, and even potentially trigger conflict between law enforcement officers and the community. Therefore, a law enforcement strategy is needed that is not only repressive, but also educative and preventive. According to Satjipto Rahardjo (2006), the law should not only be seen as a rigid norm, but as a tool to create social justice and social transformation. In this case, overcoming online gambling in the village can be directed at moral development, legal education, and strengthening religious values that have become the hallmark of Besilam Village.

This study is important to describe in detail how online gambling practices take place in Besilam Village, how law enforcement officers deal with and overcome them, and how criminalization policies can be adjusted to the social dynamics of village communities. This study is expected to contribute to the formulation of more effective and contextual policies in eradicating online gambling, especially in rural areas that have different social and cultural characteristics than urban areas. It is hoped that law enforcement will not only be of a law enforcement nature, but also be able to foster and empower the community to avoid the destructive trap of online gambling.

### **Literature review**

#### **Gambling in Indonesian Criminal Law**

Gambling has long been considered a form of crime in the Indonesian criminal law system. Legal provisions regarding the prohibition of gambling are explicitly regulated in Article 303 and Article 303 bis of the Criminal Code (KUHP), which states that anyone who intentionally offers or provides an opportunity to gamble, or participates in gambling, can be subject to criminal sanctions. The prohibition is intended to maintain public order and public morals from destructive activities. Along with the development of the times, the form of gambling has changed, from being conventional to digital. Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE) which has been updated by Law No. 19 of 2016, also regulates the prohibition on the distribution or access of electronic information containing gambling. This means that Indonesian criminal law has anticipated modern forms of gambling including online gambling.

In practice, gambling not only causes individual losses, but also significant social impacts. This is reinforced by the view of Arief Gosita (2004) who stated that crimes such as gambling contain complex social and moral dimensions because they involve economic, cultural, and institutional aspects. Therefore, the regulation and enforcement of gambling laws must consider all accompanying aspects in order to run effectively. On the other hand, criminal sanctions against gambling aim to create a deterrent effect for both perpetrators and the general public.

## **Criminalization as Criminal Policy**

Criminalization is a process in which an act that was previously not qualified as a crime is then determined as a prohibited act and subject to criminal sanctions by the state. In modern criminal law, criminalization cannot be carried out carelessly. Muladi and Barda Nawawi Arief (2010) stated that the criminalization process must consider the principles of legality, protection of important legal interests, and a balance between protecting society and individual freedom. Thus, the criminalization policy against online gambling must be based on the need to protect social order, public peace, and public morality.

In the case of online gambling, the criminalization process must also consider its effectiveness in dealing with technological developments. Prasetyo (2014) emphasized that the criminalization of an act must have a strong sociological and legal basis, and be able to answer the needs of society that continue to develop. Without a strong basis and the right implementation strategy, criminalization can actually create legal uncertainty. In addition, the concept of *ultimum remedium* must also be considered, namely that criminal law should be the last resort in resolving a problem, if other methods are no longer effective. Therefore, in the case of online gambling, preventive and administrative efforts need to be considered as part of the penal policy.

## **Law Enforcement Approach**

Law enforcement is an important part of the criminal justice system that aims to realize justice and legal certainty in society. According to Lawrence M. Friedman (1975), the success of law enforcement is determined by three main elements: legal substance (legal rules or norms), legal structure (law enforcement institutions and officers), and legal culture (behavior and legal awareness of the community). In the context of overcoming online gambling in rural areas, such as in Besilam Village, all three must work synergistically. The legal substance that has regulated the prohibition of gambling will be in vain if the legal structure does not have the ability, means, or willingness to enforce it, or if the legal culture of the community is still permissive towards gambling practices.

According to Satjipto Rahardjo (2006), law enforcement should not only be oriented towards legal texts, but must also understand the society in which the law applies. In a society with a low level of education or economic dependence on illegal activities such as gambling, a repressive approach often fails. Therefore, law enforcement must combine preventive, educational, and repressive approaches. Legal education for the community, moral development, and strengthening of religious values are important parts of building a healthy legal culture.

In practice, the success of law enforcement against online gambling also depends on the availability of digital forensic technology and the competence of law enforcement officers. Online gambling does not leave easily identifiable physical traces, thus requiring officers to have data analysis capabilities, digital tracking, and an understanding of electronic payment systems. Simanjuntak (2019) emphasized that law enforcement strategies in the digital era must be based

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on technology and collaboration between institutions. Without this, efforts to combat online gambling will only be symbolic and will not touch the root of the problem.

### **Research methods**

This study uses an empirical legal method, namely an approach that examines how the law applies in reality in society, especially in the context of law enforcement against online gambling crimes. This method combines a normative approach that examines laws and legal doctrines, with an empirical approach that observes legal practices as applied by law enforcement officers and the community's response to them. This approach is considered relevant because it is able to comprehensively explain the relationship between written legal norms and law enforcement practices in the field. As stated by Soerjono Soekanto (2020), empirical legal research is research that examines law as a social phenomenon that can be observed, so as to better understand how law actually functions in society.

Data collection techniques were carried out in two ways, namely library research and field interviews. Library research was used to collect secondary data in the form of relevant laws and regulations such as the Criminal Code, the ITE Law, as well as scientific literature and the latest legal journals related to online gambling and criminalization. While primary data was obtained through in-depth interviews with local police officers, village officials, religious leaders, and residents of Besilam Village who were involved or affected by online gambling practices. Interviews were conducted in a semi-structured manner so that respondents remained directed but were also free to convey their personal experiences and views.

The data analysis in this study is qualitative descriptive, where the data obtained is systematically arranged and analyzed based on legal theories and field observation results, to produce a complete picture of the dynamics of online gambling law enforcement at the local level. According to Creswell & Poth (2018), a qualitative approach allows researchers to explore the deep meaning of social and legal experiences experienced by individuals or groups in a particular context. Therefore, this study not only explains how the law is applied formally, but also reveals the structural, cultural, and technical barriers faced in law enforcement efforts.

The selection of the research location in Besilam Village, Langkat Regency, was based on the consideration that this area has strong socio-religious characteristics but has actually experienced an increase in online gambling cases in recent years. This is interesting because it reflects the gap between socio-religious norms and digital realities that facilitate illegal activities. By using an empirical legal approach and qualitative analysis methods, this study is expected to provide academic and practical contributions to the formation of criminal policies that are more adaptive to social and technological changes at the local level.

## **Results and Discussion**

### **Online Gambling Practices in Besilam Village**

The results of the field study show that online gambling practices in Besilam Village have developed in a hidden but significant way. Residents, especially those of productive age, are involved in various forms of gambling based on illegal applications and sites such as online slots, digital lottery, to betting-based games via social media. This activity has increased rapidly along with the expansion of internet access, smartphone use, and low supervision of digital financial transactions at the village level. Several respondents even admitted that these activities were considered as an "alternative income" amidst difficult economic conditions, especially after the pandemic. Online gambling in this area does not only occur in private spaces, but also in coffee shops that have Wi-Fi connections. This shows that gambling is no longer physically hidden, but digitally hidden. This is in line with the findings of Simanjuntak (2019) who stated that online gambling has a hidden, cross-border nature, and is difficult to track without adequate technological capabilities.

### **Law Enforcement by Police**

Law enforcement against online gambling in Besilam Village is still relatively weak. Local police officers admit that perpetrators are difficult to prosecute because their transactions and activities do not leave any real physical traces. In addition, limited resources, both in terms of cyber technology and officer training, are major obstacles. The enforcement process is generally only successful if the perpetrators are caught red-handed or there is a specific public report accompanied by concrete evidence.

From interviews conducted with Polsek officers, it was stated that although perpetrators can be identified through digital accounts or IP addresses, the process requires cooperation with other institutions such as OJK, Kominfo, or internet service providers, which are not always responsive. Enforcement is still limited to incidental operations. This shows a weakness in the legal structure as stated by Lawrence M. Friedman (1975) that a weak legal structure will make the substance of the law ineffective.

### **Community Response and Local Legal Culture**

The legal culture of the Besilam Village community shows contradictions. On the one hand, the community has a strong religious background, this village is known as one of the bases of the tarekat in Langkat, but on the other hand there is a high tolerance for online gambling practices, especially because it is considered not "visible" and does not interfere directly physically. Some community leaders even consider online gambling to be a personal problem, not a social crime, as long as it does not disturb public order.

This condition indicates weak legal awareness and the existence of new social norms that are permissive towards digital crime. As stated by Satjipto Rahardjo (2006), the law will not be effective if it is not accompanied by a supportive legal culture. Therefore, repressive law

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enforcement will not solve the problem if it is not accompanied by an educational and preventive approach that touches the roots of local values.

### **Dynamics of Online Gambling Criminalization**

The dynamics of criminalization of online gambling in this village are greatly influenced by social realities and local values. Although normatively online gambling is a criminal act, in practice the criminalization process does not run optimally due to the ambiguity between legal norms and social norms. A number of community leaders feel that the criminal threat is too severe for perpetrators who are considered "victims of economic conditions", not as pure criminals. This shows that social acceptance of legal norms is still a challenge in the implementation of criminal policies.

Based on Barda Nawawi Arief's theory (2010), the success of criminalization depends on the existence of a moral and social consensus that an act is indeed worthy of being punished. In the case of online gambling in the village, this consensus has not been formed, mainly due to economic factors, access to technology, and minimal legal education. Therefore, the criminalization process needs to be accompanied by a humanistic approach that takes into account local conditions, such as coaching, social recovery, and digital literacy.

### **Conclusion**

This study concludes that online gambling practices in Besilam Village have developed significantly and hidden through digital media. Although legal norms expressly criminalize gambling activities, the implementation of law enforcement still faces various obstacles, especially from the technological aspect, limited human resources, and low public legal awareness. Law enforcement against online gambling has not been optimal because it is still reactive, while the legal culture of the community tends to be permissive and views this activity as a form of entertainment or economic escape. The dynamics of criminalization show a gap between positive legal norms and social reality, so that a repressive approach alone is not enough to solve this problem.

### **Suggestion**

In this study, it is necessary to strengthen the capacity of law enforcement officers in the cyber sector, including digital investigation training and increasing cooperation between institutions such as the Ministry of Communication and Information and the OJK. In addition, preventive and educational approaches must be the main strategy through legal counseling, digital literacy, and the active role of community and religious leaders in shaping legal awareness of citizens. Local governments also need to formulate derivative regulations that are contextual to the local situation and provide alternative productive economic activities so that people do not depend on illegal activities such as online gambling. Law enforcement that synergizes with social and

educational approaches will be more effective in forming sustainable legal order at the village level.

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