

THE ROLE OF THE POLICE IN COMBATING THE CRIME OF COCKFIGHTING GAMBLING

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ABSTRACT

Gambling practices that have various kinds and techniques are very easy to do, making this gambling very rapidly growing in countries around the world and one of them is Indonesia. Although gambling is prohibited and contrary to applicable law in Indonesia. Gambling is very detrimental to society and the nation's morals. Order, security, and peace in society are disrupted as a result of gambling. In addition, the impact of this gambling is that it can lead to crimes such as theft, molestation, murder, and even interference in a relationship in the household which results in domestic violence. The government's steps in taking action against gambling crimes are by issuing regulations such as Article 303 of the Criminal Code and in Law no. 7 of 1974 concerning the regulation of gambling. In addition to the issuance of regulations by the government, the police also take part in dealing with gambling crimes through preventive and repressive efforts. Preventive action is a way that the police do before a crime occurs. In this case, the efforts made by the police in uncovering the crime of gambling in the community include investigations, finding sources of information, spying, snooping, making arrests, and confiscating evidence and socialization. Repressive efforts are also one of the methods used by the police in dealing with cockfighting gambling during this activity. The police immediately raided the cockfighting gambling place and arrested everyone who was directly involved in the cockfighting gambling activity.

Keywords: Gambling; Police Action; Legislation



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INTRODUCTION

According to the 1945 Constitution of the Republic of Indonesia, it is explained that the Republic of Indonesia is a state of law. Law enforcement must be based on applicable laws and regulations. In law enforcement, it is hoped that law enforcement officers can enforce the law as fairly as possible because the law here has a very important meaning in aspects of life as a guide to human behavior toward other humans. Along with the development of society and the interests of

each individual increasing which allows the possibility of crime to increase, the law here is tasked with integrating and coordinating the interests of each individual in society. Although all behavior and actions have been regulated in laws and regulations, crimes are still rampant, one of which is the crime of gambling.

Gambling is a game played by some people who think they will get double the results if they win the game ([HARTINA, 2018](#)). In addition, gambling can be interpreted as a deliberate fight and usually fights something that is considered valuable which is of course aware of the risks and certain expectations in the event ([Ruslan, Badi'ah, & Listiana, 2021](#)). Gambling has many types, one of which is betting. It also happens a lot in Hawaii, even though gambling is an illegal activity there. Betting activities usually occur when a player enters the ring. The shouts started to get crowded because the enthusiasm of the people was enormous ([Young, 2017](#)). The same thing also happens in Indonesia, even gambling is always associated with negative things or various forms of social deviation in society ([Aryanata, 2017](#)). Gambling is becoming increasingly contested in the twenty-first century ([Markwell, Firth, & Hing, 2017](#)).

Gambling in Indonesia is a crime that is regulated in Article 303 of the Criminal Code and Law Number 7 of 1974. This law is a regulation on controlling gambling which also involves changes to criminal threats and fines. The law contains changes to the basic provisions contained in Article 542 of the Criminal Code regarding the type of offense (from violation to crime) as well as criminal threats from 1 (one) month to 4 (four) years (Article 542 paragraph (1)) and 3 (three) years. three) months to 6 (six) years (Article 542 paragraph (2)).

Gambling is very detrimental to society and the nation's morals. Order, security, and peace in society are disrupted as a result of gambling. In addition to being detrimental to the community, gambling can also poison the soul and minds of people who do gambling themselves, such as becoming addicted, wanting to get rich quickly, and being lazy at work. In addition, the impact of this gambling is that it can lead to crimes such as theft, molestation, murder, and even interference in a relationship in the household which results in domestic violence.

Gambling practices that have various kinds and techniques are very easy to do, making this gambling very rapidly growing in countries around the world and one of them is Indonesia. The practice of gambling or so-called luck of fate is increasingly widespread and is found at various levels of society. Gambling is carried out starting from the lower economic community and the upper economy. Although gambling is prohibited and contrary to applicable law in Indonesia. Gambling activities are usually carried out in secret. Gambling has various forms ranging from traditional to those that use technology. Cockfighting, face-to-face, card gambling, guessing numbers, or lottery are traditional games commonly played by the public. Forms of gambling in sports matches such as football, basketball, and tennis can be done using electronic media such as computers or mobile phones with an internet connection or commonly referred to as online gambling.

The police are one of the government institutions that have an important role in the rule of law. In a legal state, legal life is largely determined by structural factors or legal institutions, in addition to other factors, such as legal substance

factors and legal culture factors. Thus, the operational effectiveness of a legal structure or institution is largely determined by its position in state organizations.

Gambling is a disease for the community that needs to be handled by the police because its existence causes misery for the community. The success of the police in overcoming crime must be conditioned on the integralism of various approaches, which can be broadly divided into a penal approach, through the application of criminal law and non-penal measures, namely prevention policies without the application of criminal law, but with an emphasis on various social policies. It is motivated by the fact that crime is a social problem and a humanitarian problem.

The existing reality in today's society is that many people gamble in the community, both among the economically weak, middle class, and above. The types of gambling that are often done are lottery, cockfighting, and Cap Jie Kie gambling.

From observations made by many people who say that gambling is one option that is considered to promise a profit without having to work hard. People tend to make gambling a livelihood to make money. This view occurs because norms and values in life begin to fade and experience a shift in the modern era as it is today. Problems like that have a very big impact if they are not resolved quickly and thoroughly, therefore law enforcement officials, especially police officers, to immediately take firm and serious action in eradicating crime, especially gambling.

Cockfighting gambling needs to be tackled because, in Chapter XIV of the Criminal Code, gambling is categorized as a crime so the consequences of doing this have an impact on public order.

Article 303 of the Criminal Code and Article 303 bis of the Criminal Code Jo. UU no. 7 of 1974 concerning Gambling Control: [\(LAGA & FALDIANUS, 2021\)](#)

“that all forms of gambling are crimes. Regarding the regulation of gambling as referred to in Law Number 7 of 1974 concerning Control of Gambling (State Gazette of 1974 Number 54, Supplement to the State Gazette Number 3040) is intended to limit gambling to the smallest possible environment to eventually lead to the complete elimination of the entire Indonesian Territory”

All efforts in gambling practices that can disrupt public order, in general, are also regulated in Article 17 No. 11 of 2009 concerning Public Order, which reads:

Any person or entity is prohibited from:

1. conduct business, organize, and seek profit from all forms of gambling practices;
2. establish, provide, and rent out places/facilities/facilities for the implementation of all forms of gambling, including selling gambling coupons;
3. provide opportunities, assist, give permission for the implementation of all forms of gambling; and
4. protect and keep the place used to carry out gambling activities confidential.

The function of the police is to maintain public order and security. The police are born because there is a community, on the other hand, the community needs the presence of the police to maintain order, security, and the peace of the community itself. Thus, the theory of the birth of the Police (Politeia, Ancient Greece) [\(Kunarto, 1999\)](#).

RESEARCH METHOD

The sociological juridical approach, to examining and discussing the problems raised, is to link the law to efforts to achieve goals and meet concrete needs in society. This approach is carried out by looking for case data regarding gambling in the community and examining the efforts made by the police in tackling gambling. Based on the data that has been obtained, the implementation will be reviewed by applicable legal provisions. [\(Soemitro, 1990\)](#)

Sociological juridical research uses secondary data sources. Secondary data in this type of normative juridical research is data sourced from legal materials, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. [\(Marzuki, 2005\)](#)

Legal materials as secondary data used to analyze legal issues in this study are as follows.

- a. Primary Legal Materials, namely binding legal materials, in the form of laws and regulations, jurisprudence, treaties, civil agreements of the parties, and others related to the sale and purchase agreements. [\(Nasution, 2008\)](#) Primary legal materials include:
 - 1) The 1945 Constitution of the Republic of Indonesia
 - 2) Law Number 7 of 1974 concerning the Issuance of Gambling
 - 3) The Criminal Code Article 303 and Article 303 bis
 - 4) Law Number 2 of 2002 concerning the Police
 - 5) Government Regulation of the Republic of Indonesia Number 9 of 1981 concerning the Implementation of Gambling Issuance.
- b. Secondary Legal Materials, namely materials that explain primary legal materials, such as draft laws, research results, or legal expert opinions. [\(Asikin, 2016\)](#)
- c. Tertiary Legal Materials, namely legal materials that provide instructions and explanations of primary legal materials and secondary legal materials, for example, dictionaries (law, English, and Indonesian), encyclopedias, and others. [\(Soekanto, 1985\)](#)

RESULT AND DISCUSSION

Factors that cause people to do cockfighting

The cause of someone committing a crime, including the crime of cockfighting or gambling is an interesting problem to study. In general, criminologists state that the cause of a person committing a crime is influenced by internal factors, namely factors originating from within a person, and external factors, namely factors originating from outside a person.

The two factors above are interrelated with each other and certainly do not stand alone, the cause can be influenced by a variety of supporting conditions. The incident of cockfighting gambling has become a very worrying problem for the welfare of the community, so its existence must be eradicated. Some of the factors that arise in the community through cockfighting gambling, include:

Weak religious teachings in a person

One of the factors that cause cockfighting gambling in the community is the weakness of religious teachings by some people. Some cockfighting gamblers do not think about the causes and consequences of the prohibition of gambling both legally and religiously. It is very worrying because it can damage morals and behavior due to gambling. Socialization and recitation activities need to be carried out through collaboration between the police and religious leaders in overcoming this so that perpetrators are aware that gambling is prohibited in any form ([Pambudi, Nasution, & Muazzul, 2020](#)).

Environment and association

Environmental conditions also have a great influence on shaping a person's attitude and character, therefore the values contained around the residence will also affect the mental and mental development of a person.

Habit

Cockfighting gambling is an activity favored by the community. In addition, most assume that cockfighting gambling is a habit, pleasure, or hobby to relieve fatigue. Even so, actors with middle economic conditions who are actually able to meet their needs well, still gamble because of their habits and hobbies. Even the cockfighting gambling players are very enthusiastic and very happy because cockfighting gambling has become a local culture and is difficult to get rid of ([Ragone, 2016](#)).

Economy

Constraints in economic problems can affect a person's desire to gamble, by imagining large profits. Today the value of material things will appear clearer than norms, religion, and faith. Moreover, the main problem in society is the increasing need while the ability to fulfill it is limited. This imbalance causes a person to fulfill that need by doing various ways, including violating the rules of law and norms that exist in society, for example, cockfighting or gambling.

Weak Law Enforcement

Law enforcement that has not run optimally has led to various forms of crime in Ponorogo Regency. One of the crimes that are often encountered is cockfighting gambling, even in this gambling, there are police officers who are involved.

There is intention and opportunity

Another factor that is also the cause of this gambling is the intention and opportunity to gamble cockfighting from each individual involved. Findings related to the factors that influence gambling in this community were also found in many other areas. The results of Sulaiman's research, (2020) also state that the state of social control that is less than optimal, economic factors, low levels of society, and low response from the community to preventive efforts from the police make gambling continues to occur and is difficult to handle ([Sulaiman, 2020](#)).

The rules used by the police in tackling cockfighting gambling

Gambling is a game played by some people who think they will get double the results if they win the game ([HARTINA, 2018](#)). In addition, gambling can be interpreted as a deliberate fight and usually fights something that is considered valuable which is of course aware of the risks and certain expectations in the event ([Ruslan et al., 2021](#)). Gambling has many types, one of which is betting. This also happens a lot in Hawaii, even though gambling is an illegal activity. Betting activities usually occur when a player enters the ring. The shouts started to get crowded because the enthusiasm of the people was huge ([Young, 2017](#)). The same thing also happens in Indonesia, even gambling is always associated with negative things or various forms of social deviation in society ([Aryanata, 2017](#)). Gambling is becoming increasingly contested in the twenty-first century ([Markwell et al., 2017](#)).

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Gambling activities have actually been banned outright, but illegal gambling still occurs everywhere ([Ho, 2020](#)). Gambling can be categorized as a criminal act. According to Moeljatno, a criminal act is an act of violating the rule of law which is equipped with certain sanctions for anyone who violates it. Moeljatno also stated that an act can be said to be criminal if there are several elements including the existence of cause and effect; the presence of circumstances accompanying the act; other actions that increase the penalty; and is illegal (Moeljatno, 1993). In addition, there are various explanations regarding an act considered a criminal act, namely the existence of formal requirements and material requirements. The formal requirement is the existence of the legality principle listed in Article 1 of the Criminal Code (KUHP). A substantive requirement is one that is genuinely perceived by a community as an act that should or should not be performed because it contradicts or hinders the establishment of an effective and orderly order in society. It must be done. Gambling itself according to Article 1 of Law Number 7 of 1974 concerning Controlling Gambling is a crime. The threat of punishment for gamblers according to Law no. 7 of 1974 is an amendment to the threat of punishment in Article 303 paragraph (1) of the Criminal Code, namely maximum imprisonment of 10 years or a maximum fine of 25 million rupiahs.

The threats contained in the legislation related to gambling should be able to make the community submit to the rules and regulations that exist in society or the state. If the order in society is weak and easily shaken, there will be a decline in

welfare in the community.

Police Efforts in Combating the Crime of Cockfighting Gambling

The police as the authorities have made several countermeasures in overcoming popular gambling cultural practices in the community such as cockfighting. Broadly speaking, efforts to overcome a form of crime can be carried out in two ways, namely using channels outside the law such as preventive and repressive measures or using legal channels. Preventive actions (prevention) are carried out to tackle gambling crimes in the community. Preventive action is usually taken by the police before the incident occurs. Preventive control actions are generally carried out through guidance, socialization, or direction and also a form of invitation. Several factors can be used in using preventive measures to tackle the crime of cockfighting gambling, including:

Preventive Action

This preventive effort is an effort that is still at the level of prevention before the action takes place. In preventive efforts, it is emphasized that eliminating the opportunity to commit a crime, the following are preventive efforts in overcoming the crime of gambling, namely:

- 1) Conduct socialization or counseling to the community.

This legal counseling is carried out to increase public legal awareness. In this case, the Turikale Sector Police collaborate with local government agencies such as the village head to gather and invite residents to attend legal counseling that will be given by the Turikale Police. In the counseling, the police provided basic knowledge about the law to the public, especially regarding gambling which is regulated in the Criminal Code, what is regulated and what are the sanctions if the law is violated. Thus, the public will know the risks they will receive if they continue to gamble so that with this risk, they will not want to gamble. It means that legal counseling can give birth to a law-abiding society.

- 2) Carry out operations and supervision in crowded places

To prevent the emergence of gambling in the area and to protect crowded places that are prone to gambling crimes such as stalls, markets, weddings, circumcisions, and events held in areas far from the city.

- 3) Conduct regular patrols and surveillance and continue.

Regular and continuous patrols and supervision are carried out by the Turikale Police, especially in places that are prone to gambling such as stalls so that people will be afraid to gamble.

- 4) Doing recon

To uncover gambling cases, members of the Police conduct surveillance in areas where the area is suspected of being prone to gambling. the community because the police already know the perpetrators of gambling crimes.

Repressive Action

This effort is carried out when a crime/crime has occurred in the form of law

enforcement by imposing penalties. Repressive efforts are conceptual efforts to overcome crime that is taken after the crime has occurred. The repressive efforts carried out are as follows:

- 1) Conduct investigations and seek information.

In the Police's effort to tackle the crime of gambling, the Turikale Sector Police formed a Crime Investigation Unit in which each member-controlled one Village, the existence of these Bimmas forms an informal meeting with community leaders to avoid gambling, which in essence violates the laws and regulations. Cooperating with community leaders and youth leaders to obtain information.

- 2) Participate in gambling,

To uncover gambling cases, members of the Police disguised themselves by participating in gambling in this way, the perpetrators of gambling crimes could easily be arrested on the spot without any prior reporting from the public because the Police already knew the perpetrators of gambling crimes.

- 3) Go Undercover

To uncover gambling cases, members of the Police disguise themselves as ordinary people and cooperate with community leaders, the perpetrators of gambling crimes can easily be arrested on the spot without any prior reporting from the public because the Police already know the perpetrators of gambling crimes.

- 4) Arrest suspects and confiscate evidence

In carrying out operations to prevent and eradicate gambling, the Sector Police arrested the perpetrators and confiscated evidence found at the crime scene as well as items suspected of being a tool for gambling or winning gambling results.

CONCLUSION

Based on the description that has been found, the authors conclude that the factors that cause cockfighting are a) habitual factors, b) educational factors, c) environmental factors, d) economic factors, and e) weak law enforcement factors. Efforts to overcome the crime of cockfighting gambling in the jurisdiction of the Bone Police, based on the results of the study, are as follows: a) Through preventive actions that must be carried out by each element, including individuals, communities, and the police, and b) Through repressive actions taken by law enforcement officers, namely the police.

The government's steps in taking action against gambling crimes are by issuing regulations such as Article 303 of the Criminal Code and in Law no. 7 of 1974 concerning the regulation of gambling. In addition to the issuance of regulations by the government, the police also take part in dealing with gambling crimes through preventive and repressive efforts. Preventive action is a way that the police do before a crime occurs. In this case, the efforts made by the police in uncovering the crime of gambling in the community include investigations, finding sources of information, spying, snooping, making arrests, and confiscating evidence and socialization. Repressive efforts are also one of the methods used by the police

in dealing with cockfighting gambling during this activity. The police immediately raided the cockfighting gambling place and arrested everyone who was directly involved in the cockfighting gambling activity.

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