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# [Review] Criminology review of the crime of gambling case in Batam City

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**Funding:** No specific funding was received for this work.

**Potential competing interests:** No potential competing interests to declare.

## Abstract

Along with the development of technology has an impact on all aspects of life. Technological developments also have an impact on gambling crimes, one of which is Gelper gambling or an electronic game arena located in Batam City. Although many gambling places have been closed by the police, until now there are still some spots. Gambling is an activity that is prohibited and regulated in Law no. 303 of the Criminal Code. Gambling is a game of luck or chance. Because in gambling cases, players don't need certain abilities to play. Therefore, if there are players who experience victory it is a factor of luck and not of ability. This study discusses the Criminological Review of gambling in the Batam City Police Legal area. The purpose of this study is to find out what factors are the causes of the spread of gambling on the game arena and what efforts are being made to overcome it. This research uses a qualitative descriptive method with a sociological juridical approach. With the aim of obtaining accurate information in accordance with the gambling phenomenon that occurs in society in Batam City. And also explained about the laws that apply to players and owners of gambling in Batam City. With the aim of obtaining accurate information in accordance with the gambling phenomenon that occurs in society in Batam City.

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**Keywords:** Criminology, Criminal, Gambling, Batam.

## I. Introduction

The State of Indonesia is a country based on law (*rechtsstaat*), this is explicitly stated in the 1945 Constitution Article 1 paragraph 3<sup>1</sup>. The state of law is not a state of power, because the legal position must be positioned above everything, so that every action taken must be based on the rule of law in force.

The problem of crime is a phenomenon and social reality that often occurs in social life<sup>2</sup>. The crime rate, both in urban and rural areas, is increasing every year, both in terms of quantity and quality<sup>3</sup>. This increase was due to the acceleration in development in various sectors, there was a significant increase in the population, and the rapid development of science and technology.

Efforts in legal reform are reviving the law in a society that seems to have been turned off by colonial law<sup>4</sup>, needs to be implemented in an integrated and directed manner, so that it requires unification and codification in the fields of law as well as the preparation of new legislation<sup>5</sup>. Legal instruments in the form of legislation are very necessary in order to support development in every field based on development demands, level of legal awareness, and public views on behavior assessment.

Advances in science and technology, can affect how a person thinks, acts, and behaves. A change in the views, attitudes, and orientation of the community, can have an influence on legal awareness and assessment of behavior, related to something that is considered general or vice versa, namely a threat that can disrupt social order. The act of disturbing and even threatening social order is classified as a crime or criminal act.

Social problems become something that is common in social life. This problem can become a social problem when it has a

negative influence on social life in the community. This influence can disturb the surrounding community, which makes interactions within the community very disrupted, and will have a very large effect if it is not immediately addressed. In this case, law enforcement must immediately act decisively and seriously to deal with crime in the community, especially the crime of gambling because it has spread to all circles. Thus, the police must protect public reports from threats and crimes that can disrupt and harm community life<sup>6</sup>.

The urgency in law enforcement related to gambling is indeed very reasonable, considering that gambling is a potential threat that is contrary to social norms, so that it can disrupt social order and cause individual or social tensions.<sup>7</sup> Thus, gambling has a negative effect because it is an inhibiting factor for national development, viewed from material spiritual aspects<sup>8</sup>. In this case, gambling has educated a person to seek sustenance through inappropriate actions, as well as forming a "lazy" character. This is different from national development which requires individuals with a strong mental character and diligently working hard.

Gambling is a phenomenon of social problems that occur in the community with a negative influence that interferes with social functions.<sup>9</sup> Therefore, preventive and rational solutions are needed so that gambling can be stopped or eliminated. Gambling is of various types and has spread to all circles in everyday life, either openly or secretly, so that some people are less concerned and think that gambling is something natural.

Gambling can drain a person's finances in a large amount of society. On the other hand, there is an impression aimed at law enforcement officers who are considered less serious in dealing with a gambling problem<sup>10</sup>. In terms of national interests, the implementation of gambling can give negative excesses and harm the mental and moral of the community, especially the younger generation. Indicators of increasing the mode of gambling crime can be seen from the increasing number of types of gambling, including horse racing, soccer gambling, cockfighting, gelper gambling, boxing matches, and white coupon gambling.

Gambling in practice even uses modern technology facilities, including using the internet, telephone, SMS or so on<sup>11</sup>. Gambling is classified as a social disease and is a crime, so the public is advised not to do and stay away from gambling. Gambling is a crime in which players voluntarily agree to hand over valuables between them, depending on the outcome of a game<sup>12</sup>. In this game, each party who plays will try to get an advantage in the hope that the other side will experience defeat. The rise of gambling in the community cannot be separated from the morals of humans in that environment. The following are several factors that can motivate someone to gamble, including: 1) social and economic factors, namely people who have low social and economic status, will assume that gambling is a means to improve their standard of living.<sup>13</sup> 2) situational factors, namely the influence of friends, the environment, or groups who invite them to participate in gambling with the marketing method implemented by the gambling manager<sup>14</sup>. 3) the perception factor about victory, which is an individual's perception in evaluating the chances of winning the game that will be obtained if gambling. Gamblers usually have a tendency to speculate about something wrong with regards to the chances of winning if gambling<sup>15</sup>, and 4) the skill perception factor, namely the gambler feels that he is so skilled in several types of gambling, so he tends to assume that winning in the game is on the basis of his skills<sup>16</sup>.

In fact, gambling has become part of the habit in society<sup>17</sup>. In this case, the existence of a gambling crime in the

community, for those who do not participate in gambling but are aware of it, should play an active role in eradicating gambling in the neighborhood through reports to the authorities so that gamblers can be arrested and the elimination of gambling crimes so that the community can be healthy and care about the law.

Gambling is not allowed in any religion<sup>18</sup>. From this statement, it is known that gambling actually does not bring a benefit but adds to the misery and suffering becomes more severe. Gambling can be found in various locations that, if safe, are not known to the authorities, some are even near residential areas. One form of gambling that is still rife in the community is *gelper* gambling. *Gelper* is one of the places used for entertainment or playing games as entertainment for the surrounding community<sup>19</sup>. In this case, *Gelper* is regulated in a Batam City regional regulation No. 3 of 2003 concerning changes to Batam City regional regulations No. 17 of 2001 concerning tourism in Batam City<sup>20</sup>.

Based on several types of tourism businesses that exist in the Batam City Perda, the author focuses on amusement arena games (*gelper*). *Gelper* actually has a positive purpose as a place of entertainment, it's just that in the process many people abuse it as a gambling game which is currently rife in Batam City. This of course shows that there is a lack of supervision from the local government of Batam City. Gambling can have a bad effect and is very detrimental to society and the nation's morale, this crime causes peace, order and public security to be disturbed. With this gambling, it is feared that it will influence children to participate in gambling which is usually seen in the Batam City game arena.

The crime of gambling as a state of law, it is regulated in the Criminal Code Law no. 303 of the Criminal Code 2 of Law no. 7 of 1974 concerning the regulation of gambling<sup>21</sup>. Thus, it is clear that the Indonesian state declared gambling prohibited and threatened with punishment. But even so, there are still some people who do gambling, because to add to the shortage and meet the needs of life and their families even though they already know the risks that will be faced.

Trijaya's research (2020) shows that the phenomenon of gambling is an actual issue, which has been going on for quite a long time and is still being practiced in the surrounding environment<sup>22</sup>. As for Latumaerissa et al in their research, the results show that the factors that cause people to be involved in online lottery gambling, namely: Economic factors; Environmental Factors Entertainment Factors.<sup>23</sup>

Based on the explanation and previous research above, the writer is interested in researching the "Criminological Review of the Crime of Gambling Case in Batam City". The novelty in this study is that this research raises the case of gambling that is rife in Batam City. The formulation of the problem in this study include: What are the factors that cause the occurrence of the Gambling Crime in the Batam City community? and How are the efforts made in tackling the crime of gambling that occurred in the people of Batam City?,

## II. Formulation of the problem

1. How is the criminological review of the crime of gambling in Batam City?
2. What are the obstacles for law enforcement officers in efforts to handle the crime of gambling in Law no. 303 of the Criminal Code regarding gambling?

## II. Research methods

This study uses qualitative methods, namely research with descriptive data results from various sources<sup>24</sup>. The research object selected is Batam City by using observation data collection techniques, documentation, and field notes.

The analysis in this study consists of several stages<sup>25</sup>, among others: stages of reducing data, stages of providing data presentation, and stages of validating data (verification).

## III. Discussion

### A. Gelper Gambling Crime Data in Batam City

Batam City is geographically located on international shipping lanes at around 0°.25'29" North Latitude- 1°15'00" North Latitude and between 103°.34'35" East Longitude- 104°26'04" East Longitude, which includes a land and an archipelago with an area of ± 3,990.00 km<sup>2</sup> and a sea area of 2,950 km<sup>2</sup> which includes more than 400 islands<sup>26</sup>, which is administratively adjacent to<sup>27</sup>:

- North: Singapore Strait
- West Side: Karimun and Moro Districts, Karimun Regency
- South Side: Senayang District
- East: North Bintan District

The area of Batam City is the same as the sub-districts in other areas in the Riau Islands Province, which is one part of the Continental Exposure. The islands scattered in this area are the remnants of erosion and shrinkage that occurred from the pre-tertiary land which has stretched from peninsular Malaysia or Singapore Island in the north to the islands of Moro, Kundur and Karimun in the south.

Tanjung Pinang City is the administrative center of the Riau Islands Province and Bintan Regency which is located in the east and has many emotional and cultural links with Batam City. The land surface in Batam City in general can be classified into plains with hilly surrounding variations with a maximum level of 160 meters above sea level. Here are many small rivers that flow through slow streams and are surrounded by dense forests and shrubs.

Based on the results of the data obtained by the author while carrying out the research, it is known that there are a number of reports to the police regarding the crime of gambling in Batam City. The following is the data that the author got from the Batam City police regarding reports of a case of gambling crime in Batam City, totaling 14 reports of gambling crime cases in the last four years starting from 2019 to 2022. The details can be seen through the table as follows<sup>28</sup>:

**Table I.** Number of Reports of Gambling Cases in Batam City, January 2019 – January 2022.

No	YEAR	Number of Reports/Cases
1	2019	3
2	2020	4
3	2021	2
4	2022	5
<b>Amount</b>		<b>14</b>

Based on the table above, it is known that there are reports related to the total number of cases recorded by the Batam City police starting from 2019 to 2022, namely as many as 10 cases. In 2019 to 2020 cases of gambling have increased, from 3 cases in 2019 to 4 cases in 2020. Then it decreased in 2021 with the number of cases as many as 2 reports, and in 2022 again experienced a fairly high increase with a total of 2 cases. 5 case reports of gambling<sup>29</sup>.

Referring to the figures in the table above, it is clear that the crime of gambling that occurred in the jurisdiction of the Batam City police experienced ups and downs. However, the figures contained in the table cannot be used as a benchmark in the assessment as an effort to overcome the crime of gambling in the area.

Based on the explanation above, it can be concluded that a crime of gambling in Batam City is very high and needs special attention from all parties, including the community and law enforcement officers in Batam City. The author obtained the results of field data related to the age of gamblers that occurred in Batam City<sup>30</sup>.

**Table II.** Age Data of Gambling Actors in Batam City in 2019-2022

No	2019	2020	2021	2022	Amount	%
< 17	-	2	-	3	5	14
18-20	-	-	-	3	3	9
21-30	2	3	2	2	9	26
> 31	3	5	6	4	18	51
<b>Amount</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>12</b>	<b>35</b>	<b>100</b>

The table above shows that the age of the perpetrators of the crime of gambling was mostly >31 years old, namely 18 perpetrators. The perpetrators of gambling are not only committed by adults, but have also occurred at a young age, namely at the age of <17 years, this is because underage actors often see gambling that occurs in their environment, causing curiosity and trying gambling, which at first just joined in and then culminated in a bad habit that continued<sup>31</sup>.

In addition to reviewing these data, the study also found facts related to gambling players, who are very prone to committing acts of violence and unpleasant treatment of other gamblers when they lose in gambling. In addition, other facts were found that the perpetrators of gambling were not only ordinary people, but there were also police officers who were involved in the gambling, so that gambling cases were widespread which were resolved at the crime scene.

## B. Factors Causing the Occurrence of Gambling in Batam City

Someone commits a crime, including that committed in the crime of gambling becomes an interesting problem to study, where criminologists generally agree that the reason someone commits a crime is because it is influenced by factors that come from within and factors that come from the surrounding environment.

These two factors are interrelated with each other, and cannot stand alone, which is influenced by various conditions. Based on the results of the analysis and observations made during the study, it shows that there are factors that make the crime of gambling occur, namely as follows:

### 1. Habit Factor

Some people commit the crime of gambling because of a passion or pleasure to gamble, and a desire to get rid of boredom. Like whatever their economic situation is, the people in Batam City still commit the crime of gambling because of their penchant for gambling. In line with the results of the interview which revealed that the reason this person did gambling was because he wanted to relieve boredom and fatigue after activities at the office, not to make gambling as a source of income and although it can be said to be economically well-established, gambling is a hobby that is done while relaxing. in the midst of busy work.

### 2. Weak Factors in the Implementation of Religious Teachings

Faith in God Almighty is often eroded and eroded. The reasoning and practice of religious values begins to fade, and often adherents of that religion commit acts that are detrimental to both themselves and others. The results of the study indicate that someone who does not explore and live up to a command or religious teaching will make the person's mentality weak and his faith easily shaken. Thus, they will easily slip, and only follow their passions, thus causing a negative influence in their every action.

The results of the interview revealed that someone who does not have an understanding of religion, his behavior cannot take into account the consequences that will result from the gelper gambling, so he only follows his lust to continue gambling. In this case, religion has a goal to achieve moral perfection or character by avoiding evil which means a prohibition in religion.

### 3. Environmental factor

This factor is no less influential to create a mental that wants to do evil. Humans as social beings only like to live in groups to live together, so that when someone associates with criminals, gradually, that person will commit crimes as well.

The results of the interview show that someone who at first often sees their friends gambling gelper, then gradually will appear a sense of desire to try it, which in the end can become a habit. People's lives that continue to develop in a complex manner often lead to an erosion of the values of faith and decency that can make them unable to carry out preventive and comprehensive moral improvement efforts. A person's mental spiritual decline, in his actions can cause a bad influence, vulnerable to negative things, and too easy to be persuaded in order to take an action that can lead to negative actions and activities.

#### 4. Economic Factor

Economic factors are one of the factors that have a very important role, and are often used as an excuse for perpetrators of gambling crimes in order to commit a gambling crime.

The results of the study indicate that economic factors have a very important role and can influence the occurrence of a desire for gambling criminal acts, with the assumption that by gambling, you will get a greater profit than what you currently have.

In the current era of globalization, the value of an object will appear more prominent and valuable than the values of culture, norms, and morals. The increasing need in this era of globalization creates an imbalance due to unfulfilled needs that often trigger a person's way of thinking, acting, and behaving to fulfill his life needs in any way, including doing things that can be against the law, one of which is the crime of gambling.

Gambling is considered as one of the most promising options and alternatives, where a person can benefit without having to work hard. Gambling is also considered as the right choice for the community, where it is easy to get money for people who have middle and upper economies, as well as weak economies. Some of the gamblers in Batam City come from those who have a weak economic background. In this case, they do not understand and realize that the consequences of this gelper gambling are far more dangerous and detrimental when compared to the benefits that will be obtained and very rarely can be won.

#### 5. Weak Law Enforcement Factors

The increase in the crime of gambling in Batam City cannot be separated from the weakness of law enforcement in the area. There are even law enforcement parties who are the perpetrators of the crime of gambling who deliberately organize gambling crimes.

Gambling is a form of activity that is prohibited by positive law, the implementation of gelper gambling in Batam City is something that violates criminal law as explained, that gelper gambling has violated the provisions of Law no. 303 of the Criminal Code. The provisions of Law no. 303 of the Criminal Code are explained, namely being threatened with a maximum imprisonment of ten years or a maximum fine of twenty-five million rupiah, whoever without obtaining permission: intentionally offers or provides an opportunity for gambling games to be carried out and makes a search, or knowingly participate in a company for that matter,



In addition to violating the provisions of Law no. 303 of the Criminal Code, the act of gambling gelper has also violated the provisions of Law no. 542 of the Criminal Code which is equated with the provisions of Law no. 303 of the Criminal Code in Law no. 7 of 1974 concerning Gambling Control. The provisions of the elements that are fulfilled so that it is said to be a crime, namely: anyone who participates in gambling on a public road or near a public road or in a place that can be visited by the public unless there is permission from the government or the competent authority to give permission to hold the gamble.

Based on the description above, it can be clearly seen that the implementation of the crime of gambling through gelper facilities as an act of violating the criminal law and in its implementation, the gambling did not obtain permission from the government and authorized officials.

### C. Efforts to Combat Gambling Crime in Batam City

Overcoming the crime of gelper gambling involving the legal interests of individuals, society and the state, is not as easy as imagined considering it is difficult to eliminate it. In an effort to overcome the crime of gambling, it is necessary to take non-legal channels that are preventive in nature and through legal channels or repressive measures.

Here the author describes a discussion related to the efforts made in overcoming the crime of gambling gelper in the jurisdiction of the Batam City Police, based on the results of the analysis that the authors got during the research, including:

#### 1. Preventive Action

The first attempt to tackle the crime of gelper gambling is through preventive actions or before the crime occurs. Prevention of crime from happening is something that is far more important than punishment for perpetrators of crime. This preventive measure is better than repressive measures. Prevention efforts are considered more economical than repressive and rehabilitation efforts.

Prevention efforts can be carried out individually and do not always require special skills such as repressive and rehabilitation efforts. This prevention effort can be started from taking care of yourself so you don't become a victim of crime, not being negligent in locking your house or vehicle, and so on. Efforts to prevent gambling crimes can strengthen the sense of unity, harmony and increase the sense of responsibility among members of the community. Thus, efforts to prevent the crime of gambling provide a very large advantage, and make the manager or owner of the gambling lose their job.

#### 2. Repressive Action

Repressive action is an action that needs to be taken after it is known that there is a gambling crime in the surrounding environment. Repressive measures are carried out by law enforcement officers, as is the case with punishment or the provision of criminal sanctions against perpetrators of crimes. The law enforcement officers in question include: the police,

the prosecutor's office and the courts.

The police can take preventive and repressive measures to tackle the crime of gambling gelper so that it can be handled immediately. In addition to the police, the prosecutor's office and judges also have an important role in preventing gambling crime in Batam City. In this case, the prosecutor's office must be committed to eradicating all forms of crime of gambling gelper in Batam City by continuing investigations from the police and carrying out prosecutions before the district court judges. As for the sentencing, it must be considered that the punishment serves as an education and a deterrent to change the attitude and mentality of the perpetrators of the crime of gambling so as not to repeat it again.

## IV. Conclusions

Based on the description above, conclusions can be drawn based on the subject matter, among others: The factors that cause the crime of gambling is habits, factors of weak appreciation of religion, environmental factors, economic factors, and weak law enforcement factors.

The efforts to overcome criminal acts of gambling cases which are in the jurisdiction of the Batam City Police, namely through preventive actions carried out by each element, both individuals, communities, and the police. and through special repressive actions carried out by law enforcement officers in Batam City, including: the police, prosecutors and courts.

Thus, Gambling in Batam City must be eradicated completely, no one will fall into the world of gambling anymore. The police must take an active role in eliminating community diseases. This is due to its very detrimental impact on the social, religious, social, economic and other structures. The community and religious leaders must also play an active role and cooperate with the authorities in order to create security and compliance with applicable regulations.

## V. Suggestion

The author realizes that this research still has many shortcomings from various aspects of discussion and writing. Therefore, writers who want to research can discuss different focuses or discussions in discussing various phenomena in the city of Batam. For further writers or researchers, they can deepen research related to gambling, with different perspectives and methodologies. Because there are still many aspects that must be discussed to complete the previous research.

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