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## The Role Of The Police In Completing The Practice Of Domino Card Gaming

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### ABSTRACT

The implementation of this research is to find out and analyze the role of the police in dealing with domino card gambling practices and to find out the factors that hinder the police in dealing with domino card gambling practices and the type of research is empirical research. The results show that the role of police in dealing with domino card gambling practices still has obstacles in the form of an approach to the community, one of which is the lack of socialization from the police even though it is carried out using pre-emptive and repressive measures. Meanwhile, the factors that hinder the police in dealing with the practice of domino card gambling are that the police are still difficult to track down the places where gambling practices occur. carried out by the community, the low level of public awareness is based on the consequences of unsupportive Economic, Knowledge, Entertainment and C,ultur,e and Community Environment factors.

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## 1. Introduction

As a state of law, of course, Indonesia has a character that tends to judge the actions taken by the community based on legal regulations. In addition, the nature of the rule of law can be shown if all elements of the law act according to and are bound to the previously determined rules. Likewise, the community, along with the progress experienced by the community in various fields, also increased legal regulations. The addition of legal regulations cannot be prevented because people hope that with the addition of these regulations, life and security will improve even though the number of violations of these regulations may increase.<sup>1</sup>

Law as a social norm or rule, cannot be separated from the values that apply in society and it can even be said that law is a reflection of the values that at one time apply to society, even certain cultural patterns can form certain legal patterns. The law must be used as a guardian of order, peace, and guidelines for behavior in people's lives. The law must be able to be used as a reformer in the life of the nation and state which must be formed with an orientation to the future, it must not be built with an orientation to the past. Therefore, the law must be used as a driving force and a pioneer to change people's lives for the better and benefit all parties. One of the legal issues that are of concern to the public and the government is gambling.<sup>2</sup>

In essence, gambling is very much against religion, decency and Pancasila morals and endangers the community, nation and state and is viewed from the national interest.<sup>3</sup>

Gambling has a negative impact in the form of moral and mental damage to society, especially the younger generation. Gambling crime has a negative effect where bettors will feel addicted or *addicted* because they find it easy to earn money. In gambling the loser will feel curious and will try to catch up with the amount of money lost by betting on gambling again with the same amount of money at stake or more to get a profit. Gambling in the community is very difficult to eradicate, because the dealers make gambling a daily activity. a day of misery. The cause of misery is because gambling only requires luck and chance to win, which in waiting for the victory, they don't realize that money continues to drain. Then the family is affected, because they no longer have the money to feed their wife and children, as a result of their money being eaten by gambling and after that it results in poverty. Ancient Javanese philosophy has classified gambling as one of the five diseases of society, although these five diseases are known by the name 5 M (MO LIMO), namely maling (stealing), madat (drug abuse), madon (free sex),

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<sup>1</sup>Leden Marpaung, *Principles-Theory-Practice of Criminal Law*, ( Jakarta: Sinar Graphic, 2014), page 1

<sup>2</sup>Lanka Asmar, *The Role of Parents in the Trial Process for the Crime of Gambling Perpetrated by Children*, (Bandung: CV. Mandar Maju, 2017), page 1

<sup>3</sup> *Ibid* page 1

drunkenness ( liquor), and playing (gambling).<sup>4</sup>

According to article 303 paragraph (3) of the Criminal Code, what is called a gambling game is any game, where in general the possibility of making a profit depends on sheer luck, also because the players are more trained or more proficient. It includes all bets on the decisions of competitions or other games that are not held between those participating in the competition or playing, as well as all other bets.<sup>5</sup>

Based on observations made, card gambling cases have developed in the community, especially the Gorontalo Regency area by looking at the following table:<sup>6</sup>

NO	YEAR	GAMBLING CASE	CHAPTER
1	2018	8 CASE	303 of the Criminal Code
2	2019	9 CASE	303 of the Criminal Code
3	2020	11 CASE	303 of the Criminal Code

Based on the initial observations in table 1 made by the author, gambling cases received and processed from 2018 to 2020 have increased and do not include cases that are not processed by the Gorontalo Police and in 2020 are still in the process of being investigated.

**Table 2**  
**Domino Card Gambling Data**

NO	YEAR	GAMBLING CASE	CHAPTER
1	2018	2 CASE	303 of the Criminal Code
2	2019	3 CASE	303 of the Criminal Code
3	2020	5 CASE	303 of the Criminal Code

<sup>4</sup> *Ibid* page 2

<sup>5</sup> Article 303 paragraph (3) of the Criminal Code

<sup>6</sup> Gorontalo Police Criminal Investigation Data Source

Seeing the results of domino card gambling cases that were received and processed at the Gorontalo Police Station from 2018 to 2020, there was an increase. From these cases, the lack of enforcement from the police so that card gambling cases are increasing from year to year due to a lack of public awareness to provide information to the police and the place is often kept secret by people whose areas are in remote areas so that enforcement of card gambling has not been effectively implemented.

## **2. Research Methods**

This research belongs to the type of empirical research. Meanwhile, judging from the nature of the approach, it is a qualitative approach. Qualitative approach is a way of analyzing research results that produce descriptive analysis data, namely data stated by respondents in writing or verbally as well as real behavior, which is researched and studied as a whole.<sup>7</sup>

## **3. Analysis and Discussion**

### **3.1 The Role of the Police in Overcoming the Practice of Domino Card Gambling in the Legal Area of Gorontalo Regency**

According to Soejono Soekanto, a role is a dynamic aspect of a position or status. If a person performs the rights and obligations according to his position, then he carries out a role.<sup>8</sup>

The role itself refers more to function, adjustment, and as a process. So precisely is that a person occupies a position or place in society and carries out a role<sup>9</sup>

According to Suhardono, a role according to social science means a function that is carried out by a person when occupying a position in a certain social structure.<sup>10</sup>

Law enforcement, maintaining security and public order (Kamtibmas) as well as serving and protecting the community are the main tasks of the police as a noble profession, the application of which must be based on applicable laws and human rights. Or in other words, they must act strictly and harshly, so as not to fall into behavior that is hated by society. The community and the police are two activities that cannot be separated.

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<sup>7</sup>Blasius Sudarsono. 2017. *Understanding Documentation*. Journal of Acarya Pustaka Volume 3 Number . p. 53

<sup>8</sup>Mohamad Rezky Saktiawan Zees, *The Role of the Police in Dealing with Delinquency Against Children as Illegal Race Actors in Gorontalo City*, 2016, Gorontalo State University, page 9

<sup>9</sup>Widya Fan Getika Maabu, *The Role of Policing in Overcoming the Crime of Persecution Due to Debt Collectors (case study of Kabila Bone Police)* , 2016, page 6

<sup>10</sup> <http://eprints.stainkudus.ac.id> accessed on July 1, 2020

Without the community, there will be no police and without the police, processes in society will not run smoothly and productively.

The above fact, according to Barda Nawawi Arief, is that the National Police in carrying out their duties have a dual role both as to law enforcers and as *social workers* in social and community aspects (service and dedication). According to Soerjono Soekanto, the behavior of the community and law enforcers thinks that:

"One of the functions of law, both as a rule and as an attitude of action or regular behavior, is to guide human behavior. The problem of legal influence is not only limited to the emergence of obedience or obedience to the law but includes the total effect of the law on attitudes or behavior, both positive and negative.

Renewal of the Indonesian Police Law, Law no. 2 of 2002 is intended to further strengthen the position and role of the National Police as a government function, including maintaining security and public order, law enforcement, protection and protection, and services to the community that upholds human rights, must be free from the influence of the power of any party, which is carried out independently. regardless of the influence of government power and the influence of other powers. Therefore, the most important thing is how the police carry out their roles and functions properly so that they can be accepted by the community and can maintain security and order by obtaining maximum support from the community.<sup>11</sup>

So far, the role of the police as law enforcers in enforcing criminal law (*integrated criminal justice system*) is: *first*, preventing criminal acts by upholding legal norms, to protect the community; *second*, socializing criminal offenders by guiding them so that they become good and useful people, *third*, resolving conflicts caused by criminal acts, restoring balance and bringing a sense of peace in society.

*Restorative justice* has become a very popular discourse in a pluralistic society that sees formal law as being dominated by the positivist school of thought and cannot optimally accommodate a sense of community justice because it prioritizes legal certainty (*rechtssicherheit*). formal, but it can be done using mediation between the perpetrator and the victim, reparations (perpetrators repair everything that was damaged), victim-perpetrator conferences (involving the families of both parties and prominent figures in the community), and victim- *awareness work* (an attempt by the perpetrator to be more concerned about the impact of his actions). In addition, the existing criminal justice system is considered no longer able to provide protection for human rights (Human

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<sup>11</sup>Kasman Tasaripa, 2013, " *The Duties and Functions of the Police in Its Role as Law Enforcers According to Law Number 2 Year 20002 Concerning the Police* ", Journal of Legal Studies Legal Opinion Vol. 1 No. 2, page 2

Rights) and transparency of the public interest is increasingly being felt. The fact shows that many people prefer to resolve criminal cases that are experienced outside the system.<sup>12</sup>

Law enforcement carried out by the police which consists of investigations and investigations is a structured pattern of controlling violations and crimes that come to fostering a criminal so that he is within tolerance limits that can be accepted by the community and do not harm himself, let alone the community.<sup>13</sup>

The role of the police must also be accompanied by the role of the community so that the mechanism of checks and balances in life in a democratic state is a natural thing, even indispensable. This is to avoid the abuse of power by a person or an interested party, or also to avoid the concentration of power on a person or an institution, because, with a mechanism like this, the police and the community will control or supervise each other, and can even complement each other.<sup>14</sup>

Gambling in Indonesia is not a new problem. The development of gambling in Indonesia has been carried out for a long time. Therefore, every development of gambling in Indonesia needs to be handled seriously by law enforcement officials to implement and establish a social life that supports better development. The enforcement of criminal law in dealing with gambling problems in Indonesia has taken a lot of responses among the public regarding the difficulty of law enforcement officers in enforcing criminal law.<sup>15</sup>

The crime of gambling is still being practiced in the community, especially in the jurisdiction of the Gorontalo Police, namely Gorontalo Regency. looking for places where domino card gambling practices exist by utilizing facilities and infrastructure as well as reports or complaints from the public who are disturbed by the practice of domino card gambling. The Gorontalo Resort Police has tried as much as possible to prevent the crime of domino card gambling, this is done by the Police for the sake of creating security and justice in the community, especially the people in Gorontalo Regency.

Interview with the Criminal Investigation Division of the Gorontalo Police Headquarters 3, Mr. Aibtu Juharto Kasem SE, on July 12 at 09.50 WITA that "Our role for the Gorontalo

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<sup>12</sup>Ibnu Suka et al, March 2018, " *The Role and Responsibilities of the Police as Law Enforcers in Implementing Restorative Justice for Justice and Community Benefit* ", Khaira Ummah Legal Journal Vol. 13 No. 1, p. 111

<sup>13</sup>Irianto Tiranda, Fenti Puluwulawa, Johan Jasin. 2019. *The Ideal Concept of Handling Cases of Criminal Acts of Illegal Charges Based on Judicial Principles*. Jumbara Law Review. Volume 1 Issue 02. Pages 12-13

<sup>14</sup>Ahmad A., & Nggilu NM (2020). The pulse of the Fifth Amendment of the 1945 Constitution through the Involvement of the Constitutional Court as a Principle of The Guardian off the Constitution. *Journal of the Constitution*, 16 (4), p 799

<sup>15</sup>Messiah JP Sagala, 2017," *Juridical Review of the Crime of the Jackpot Gambling Game*" , Journal of Rules of Law Vol.18 No.3, p. 89

Police in dealing with this domino gambling case is to take immediate action. If there is information about gambling games, of course, we as the police must follow up by conducting an investigation, when the results of the investigation are correct, action or arrest will be carried out. And we from the Gorontalo Police are still committed and continue to eradicate the practice of domino card gambling to bring order to the community from the crime of domino gambling."<sup>16</sup>

In law enforcement, the Gorontalo Police as the main and closest element to crime is required to have deterrence and real efforts from law enforcement officials who are truly competent in preventing the crime of Domino Card gambling.

Seeing the results of domino card gambling cases that were received and processed at the Gorontalo Police Station from 2018 to 2020, there was an increase. From these cases, the lack of enforcement from the police so that card gambling cases are increasing from year to year due to a lack of public awareness to provide information to the police and the place is often kept secret by people whose areas are in remote areas so that enforcement of card gambling has not been effectively implemented.

The latest case of prosecution and arrest by the Gorontalo Police is in the Kayumerah sub-district, Limboto sub-district. The results of the arrest and prosecution in Kayumerah village, Limboto sub-district, armed with information from the local community on Monday at 23:00 WITA, there was evidence of confiscation in the form of:

1. 71,000 rupiah (seventy one thousand rupiah)
2. Domino cards as many as 53 sheets

Based on the findings of the Gorontalo Police Precinct, the case above proves that the police are serious in enforcing the crime of domino card gambling. So that the stage of prosecution and arrest carried out by the police is a form of responsibility for what are the duties and authorities of the Gorontalo Police.<sup>17</sup>

### **3.2. Factors That Inhibit the Role of the Police in Tackling Domino Card Gambling Practices in District Legal Areas**

Several obstacles hinder the performance of the police in preventing the crime of domino gambling. Based on an interview with Investigator Juharto Kasem Gorontalo Police, the constraining factors faced by the Police in preventing the crime of domino card gambling in the Gorontalo Regency area, among others, are:

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<sup>16</sup>Interview with the Criminal Investigation Division of Gorontalo Police Headquarters 3, Mr. Aibtu Juharto Kasem

<sup>17</sup>Gorontalo Police Data Source

## 1. Citizen's awareness

The process of enforcing the crime of domino card gambling in the jurisdiction of the Gorontalo District Police, Gorontalo Regency is still constrained by the behavior of people who hide domino card gambling games, not even a few people who do domino card gambling in remote areas that are very difficult to access by the Gorontalo Resort police. Even more concerning, the existence of the criminal act of domino gambling is kept a secret by the surrounding community on the grounds of good relations with fellow community members in the area so that the surrounding community allows these criminal acts.

### a. Economy

One of the most important factors and is often used as an excuse for criminals, is the economic factor. Economic factors greatly influence the desire to gamble, by imagining greater profits. Economic factors are factors that play an important role in human daily life, this is because humans have needs (clothing, housing, and food) that must be met every day. Fulfilling these needs costs money, if the daily needs are more and more, the costs needed are also increasing.<sup>18</sup>

Interview with Kanit 3 Investigator Juharto Kasem that on July 12 at 09.50 WITA "every time there is an arrest of perpetrators of domino card gambling, the perpetrators often reason that they depend on domino gambling to fulfill their family's life and economy because they make gambling. dominoes as daily income. However, in reality, after we investigated, it turned out that domino card gambling players, in general, have their jobs and incomes, not even a few of them have their nesses, so if it leads to economic reasons it is very inappropriate, although there are also perpetrators who have a weak economic background. However, economic factors cannot be used as an excuse to commit criminal acts of gambling, even more so to depend on living on dominoes."<sup>19</sup>

Based on the results of these interviews, it can be concluded that the Gorontalo Resort police in every arrest of domino card gambling perpetrators often say that the cause of the practice of domino card gambling is due to financial or economic limitations that force them to commit a domino card gambling crime. in the results of the analysis and police findings, the perpetrators have income from their main job which is done every day and it can be concluded that domino card gambling is only used as additional income which sometimes can also harm the players themselves. Domino card gambling has its work and business that can support

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<sup>18</sup>Meiana Wahyu Retno Mutia. 2017. *A Criminological Review of the Crime of Cockfighting Gambling in the Community in the Magetan Regency Legal Area*. Muhammadiyah Surakarta university. page 5

<sup>19</sup>Interview with Investigator Section 3, Mr. Juharto Kasem



daily life, so it cannot be used as an excuse if the economy is the trigger for the occurrence of domino card gambling crimes, and for whatever reason, the domino card gambling crime should not be can't be done.

Interview with Kanit 3 Investigator Juharto Kasem on July 12 at 09.50 WITA that "the difficulty of the police in accessing locations that are often used as domino card gambling practices lies in the communication built by the community to the police so that it is difficult to track places that are often used as a practice of domino card gambling, so the method that we take is to carry out patrols with the support of cooperation between the investigators and the OPS section of the Gorontalo Resort Police. The latest case that became our findings in collaboration with the OPS section who carried out patrols was in the Kayumerah sub-district, Limboto sub-district. However, there have also been arrests of domino card gambling cases based on information provided by people who feel disadvantaged by the practice of domino card gambling."<sup>20</sup>

#### b. Knowledge

The cause of the lack of public awareness of the law can be caused by a lack of public understanding of the law itself. To overcome this, legal counseling is the best and most effective way to instill legal awareness in the community. With this legal counseling, the public will know what is prohibited by law and what are the sanctions if the prohibition is violated. Legal counseling, especially for gambling crimes, can be carried out by the police or other community organizations.

In this legal counseling, the police inform the public that gambling is prohibited by law, then inform what types of games can be classified as gambling games that cannot be played and the sanctions for committing the crime of gambling.

The lack of coordination between the community and the police is also an obstacle factor in preventing the crime of domino gambling. Therefore, the public must be sensitive and active to the surrounding conditions if there is a possibility of domino card gambling occurring. Ironically, sometimes on the one hand people are worried about the existence of domino card gambling, but on the other hand, some people support gambling.

#### c. Entertainment

Domino card gambling games are done to fill spare time when there is no activity or busyness. This reason is usually conveyed by players who do not have jobs or income such as students and unemployed. People who play domino card gambling for this reason only take advantage of gambling games dominoes for fun. By

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<sup>20</sup>Interview with Investigator Section 3, Mr. Juharto Kasem

playing domino card gambling games, domino players can be entertained.

Interview with Kanit 3 Investigator Juharto Kasem on July 12 at 09.50 WITA that "the people who are involved in the domino card gambling game that we found apart from economic reasons, there are reasons for eliminating boredom or boredom, therefore they turn to domino card game<sup>21</sup>

## 2. Environment and Habits

Criminal law is often considered as *the Ultimum Remedium* and also *residues* from other legal fields, after the legal field is considered unable to resolve conflicts that arise in society, that is where criminal law begins to function. It is not an exaggeration if there are many laws and *regulations* which are not actually in the field of criminal law including sanctions in the form of a criminal in one of the sanctions that can be imposed. Criminal sanctions can only be imposed when sanctions in the form of administrative sanctions and civil sanctions are deemed ineffective or have never been implemented at all. A clear example of this is in Environmental Law.<sup>22</sup>

One of the factors that determine personality and establish a legal order in society depends on the environment and habits of the surrounding community, the community whose environment is surrounded by people who are accustomed to conditions that depend on gambling activities, especially domino card gambling. In general, they are people who have minimal knowledge and understanding of the rules of law, so that in implementation within the scope of society, they cannot distinguish which ones are included in criminal acts. The perpetrators of gambling games do not know the background of work, age, and education, not even a few children who should still receive formal education and parental guidance must be entangled in cases of gambling crimes due to lack of parental supervision who ignores every activity.

An interview with the Criminal Investigation Division of the Gorontalo Police Headquarters 4 Mr. Sumami Dale that "In the community environment where the practice of domino card gambling was found, many people were interested in various kinds of people, ranging from people with business backgrounds, unemployment or those who did not have Jobs, adults, and even children were found in the field caught playing dominoes. In addition, the absence of supervision and reprimand by parents and those around them has added to the widespread practice of domino card gambling in the community and then it becomes a culture or habit that is kept secret by the public because of the emergence of domino card gambling practices is often hidden so that difficult to track down by the police. This is where community environmental relations can affect

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<sup>21</sup>Interview with Investigator Section 3, Mr. Juharto Kasem

<sup>22</sup>Erdianto Effendi. 2014. *Indonesian Criminal Law*. Bandung: PT Refika Aditama. page 140

their environment, if the majority of people have made domino card gambling a source of income, then this crime is difficult to stop, but if the community wants to work together with the police and the community to protect their environment from the practice of domino card gambling, then the practice Domino card gambling can be eradicated.”<sup>23</sup>

Based on the above statement, the need for socialization carried out by the police to the community and the need for support from the surrounding community plays an important role in enforcing the crime of domino card gambling. Cooperation between the community and the police is needed in eradicating the practice of domino card gambling so that communication between the community and the police is very important in realizing the enforcement of the crime of domino card gambling. Therefore, the enforcement of the crime of domino card gambling is also needed for public openness and this is where the importance of knowledge, especially knowledge of the legal rules that have been regulated and are coercive for everyone in controlling their environmental life.

#### 4. Conclusion

Based on the results of the study and the discussion discussed, the researchers drew the following conclusions:

The Role of the Police in Overcoming the Practice of Domino Card Gambling in the Gorontalo Regency Legal Territory still has obstacles in the form of an approach to the community, one of which is the lack of socialization from the police to the community even though it is carried out using *Pre-emptive Actions* (Anticipation) and *Repressive Actions*. Pre-emptive action is one of the actions taken by the police to create conducive conditions by observing or early detecting factors that have the potential to be the cause, driver, and opportunity for the occurrence of a domino card gambling crime. Early detection is carried out to identify symptoms of problems that are expected to arise and develop into disturbances in public security and order. Meanwhile, the Repressive Action is the final step taken by the Gorontalo Resort Police to eradicate the practice of domino card gambling in the Gorontalo Regency.

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<sup>23</sup>Interview with the Criminal Investigation Division of the Gorontalo Police Headquarters 4 Mr. Sumami Dale

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