



Cockfighting Gambling Criminal Acts Commitment

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Abstract: This study aims to determine a form of tackling the crime of cockfighting gambling. The method used in this research is empirical or sociological research methodology. This study uses a qualitative approach and sampling using purposive sampling and using descriptive analysis techniques. The results of this study indicate that a form of countermeasure carried out to tackle the crime of cockfighting gambling by means of preventive and repressive measures. In the preventive action stage, basically, stakeholders try to take precautions before the crime occurs. However, the most important role in preventing the occurrence of a crime is the supervision of the local community who then cooperates with law enforcement so that the crime of cockfighting gambling is easily detected. The countermeasures carried out by the authorities should be carried out with good coordination and cooperation, so as to make countermeasures that are right on target.

Keywords: Countermeasures; Criminal; Cockfighting

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1. Introduction

Indonesia is a state of law, this is explicitly explained in the 1945 Constitution of the Republic of Indonesia in article 1 paragraph (3) which reads: "The state of Indonesia is a state of law".¹Quoting what was said by Lisnawaty Badu where it was said that the right to life must also be protected by the state, especially the rule of law.²The benefit is so that it does not become a clash in the life of society and the state.³So that every behavior, action, thought and decision of the government and its people must be based on law. In connection with the opinion of Novendri M. Nggilu that Indonesia is the highest agreement of the state-formers, even though it has experienced a constitutional test when the 1945 Constitution was changed to the Constitution of the Republic of the United States of Indonesia in 1949, however, the recognition of the regions under the auspices of the Indonesian State still recognized.⁴

The development of this information technology era, human activities are increasingly varied.⁵In this modern era, various forms of gambling crimes have spread among people's lives, both openly and covertly. Even some of the public do not seem to care about it, and view gambling as a natural thing, which does not need to be questioned or feared. This gambling can certainly drain the public's finances which is not small, while on the other hand there is an impression from law enforcement officials and the local government that they are not so serious in dealing with this gambling problem. One of the social problems that often occurs in people's lives is crime or criminal acts. Crime is often defined as the act or behavior of a person who violates the law as a result of which a person can be charged with punishment. Crime occurs when someone violates the law because it is caused by several factors that influence the person to commit a crime, several factors including biological factors, sociological factors, economic factors, psychological factors and others, which encourage a person to commit a crime. A common cause of couples struggling constantly is not just loyalty, economics, and parenting issues but also lack of communication. sociological factors, economic factors, psychological factors and others, which encourage a person to commit a crime. A common cause of couples struggling

¹Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

² Badu, Lisnawaty. (2012). Euthanasia and Human Rights. *Legality Journal*. 5(1), 1

³ Tijow, Luciana. Protection of Human Rights to the Right to Life of Children in the womb outside of a legal marriage. *Legality Journal*. 3 (2), 80

⁴Nggilu, Novendri M. (2020). Juridical Review of Criminal Sanction Arrangements in Gorontalo Provincial Regulations. *Lambung Mangkurat Law Journal*. 5(2), 110

⁵Harun, Rafni Suryaningsih., Dunga, Weny A., & Tome, Abdul Hamid. (2019). Implementation of the Principle of Good Faith in Online Purchase Transaction Agreements. *Journal of Law Review*. 12(2), 91

constantly is not just loyalty, economics, and parenting issues but also lack of communication. sociological factors, economic factors, psychological factors and others, which encourage a person to commit a crime. A common cause of couples struggling constantly is not just loyalty, economics, and parenting issues but also lack of communication.⁶A criminal act is an act which by a rule of law is prohibited and is punishable by a criminal offense, provided that at the same time it is remembered that the prohibition is shown to the act, (i.e. a situation and event caused by the behavior of a person), while the criminal threat is shown to the person who caused the incident.⁷The degree of legal compliance depends on the law-making process.⁸

Gambling according to article 303 paragraph (3) of the Criminal Code (KUHP) reads "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 decision of competitions or other games that are not held between those who participate in the competition or play, as well as all other bets."⁹

Gambling is not justified in any religion, because gambling can damage people's mentality, making people lazy in seeking their fate and only relying on luck from gambling activities carried out. Making money in an easy and fast way but by using the wrong way which can only bring misery and suffering. One form of gambling that has existed since the first until now is still rife in the midst of society is cockfighting gambling. Cockfighting gambling is a form of gambling activity involving roosters as objects of gambling which are competed by people known as fighters or players.

As explained above, this gambling game has a negative impact on people's lives, especially for families. Basically this action is a behavior that destroys the morals of the nation's children, because it is not good and not worthy to be seen or shown to children who should still need good scientific education, but with the behavior of this criminal act when seen by children will be used as a reflection and will be followed by them. So that in reality it is not only adults who play this cockfighting game, but it has spread to various levels of society and even children have fallen into this gambling game. However,

⁶Kamba, SN (2022). The Phenomenon Of Increasing Division During The Covid-19 Pandemic At Gorontalo Religious Court. *Legality Journal*. 15(1), 83

⁷Lakoro, Aniza., Badu, Lisnawaty W., & Achir, Nuvazria. (2020). Weak Police in Handling Crimes of Online Togel Gambling". *Legality Journal*. 13(1), 36

⁸Santiago, Faisal. (2017). Law Enforcement of Corruption Crimes by Law Enforcers for the Creation of Legal Order. *Pagaruyung Law Journal*. 1 (1), 23

⁹Article 303 of the Criminal Code, paragraph (3).

The orientation is that cockfighting gambling is risking a certain amount of money, so this can beIt drains people's finances which is not small and can be repeated because of the addiction of gamblers. There are many actions like this that should require serious action from the law enforcement authorities themselves. However, if you see in the field that law enforcementless serious in dealing with gambling problems, even more concerning, some gambling places are alleged to have backing from the security forces themselves.¹⁰ Gambling players will feel addicted if they win the gambling and make money, as well as the loser will stay and keep trying until he wins to benefit from his victory so that it has its own satisfaction.¹¹

Sometimes people who commit criminal acts of cockfighting aim to get profits in terms of meeting their daily needs, because if they rely on work they do not have qualified skills. To meet the needs of life, there are often crimes and violations committed by certain people and people who threaten some members of the community, these threatening actions are criminal acts.¹² So that society and every other person, including the government must heed it, by making laws on the basis of natural rights themselves.¹³ As said by Prof. Fenty Puluhulawa in his writings also stated that the Government through the law has provided a starting point for the judiciary, which is carried out for the sake of justice based on the One Godhead.¹⁴

On the other hand, environmental factors also have a considerable influence. Considering that humans are social creatures, which means that humans as members of society cannot escape from social interaction, because of the urge to relate to one another. Community groups will have an influence on a person's behavior. If the community environment is good, it will have a good influence on the surrounding community, on the contrary if the community environment is not good it will have a bad influence on aspects of community life, including also affecting people who behave well around them. The environment does not only include the place of residence, but also includes the social environment,

¹⁰Dhahri, Ershad & Karmila. (2017). Criminology Review on the Crime of Cockfighting Gambling in Bone Regency (Study on Bone Police). *Supremacy Journal*. 12(1), 10

¹¹Wardani, Aldila Rizky Widya & Khakim, Mufti. (2021). The Role of Legal Culture in Combating Criminal Acts of Cockfighting Gambling and Card Gambling in Adiwarno Village, Buayan District, Kebumen Regency. *Journal of Ahmad Dahlan Legal Perspective*. 1 (1), 5

¹²Ismail, Dian Ekawaty., & Sarson, Mohamad Taufiq Zulfikar. (2021). Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes. *Journal of Law Review*. 3(3), 58

¹³Daffodil, Dolot Alhasni. (2020). Determination of Legal Protection for Neighboring Right Holders. *Journal of Law Review*. 2(1), 67

¹⁴Puluhulawa, Fenty., Tujow, Lusiana M., & Sutrisno. (2020). Application of the Principles of Justice, Legal Certainty and Benefit in Judge's Decisions. *Journal of Gorontalo Law Review*. 3, (2), 184

work environment, and family environment. The environment has a great influence on the formation of a person's behavior. A person's personality is said to be weak if his stance or mentality is easy to be influenced by his environment, while the influence of the environment is said to be weak if the person is not easily influenced by his environment.

It is the same with gambling activities, if the environment is an environment of people who like to play gambling, then people who are not gamblers will be affected by people who like to play gambling and gradually, initially only seeing people who play gambling, will curious and try to do the activity. Over time, you will become addicted to gambling and lead to the habit of playing gambling, if you do not have a strong mentality.

As stated in Article 303 of the Criminal Code and Article 303 of the Criminal Code Jo. Law Number 7 of 1974 concerning Gambling Control, states that all forms of gambling are crimes, including cockfighting gambling. In addition, this statement is reinforced by the existence of Government Regulation No. 9 of 1981 concerning the Implementation of Law No. 7 of 1974 which is addressed to the Central Government and Regional Governments in order to prohibit and revoke gambling permits in any form and purpose. All of these regulations are considered as clear and directed legal instruments to prohibit all forms of gambling activities. Therefore, law enforcement needs to be done to tackle this crime in order to maintain public security and order. The police as a state apparatus that has the function of maintaining security and public order play an important role in tackling the crime of gambling. Therefore, crime is categorized as a major problem in people's lives.¹⁵ Therefore, the important point is to ensure that every competent person in the authorities conducts a prompt and impartial investigation of any indications of being persecuted such as acts of torture or severe discrimination that occur in their jurisdiction.¹⁶

To quote as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.¹⁷ Quoting as stated by Suwitno Yutye Imran that

¹⁵AS Alam and Amir Ilyas. *Criminology An Introduction*. (Jakarta: Prenadamedia Group, 2018), 29

¹⁶ Towadi, Melissa., Kasim, NM, Rumawi, R., & Tahir, SA (2021). An Indication of China's Policy towards Uighurs and its Implications by International Law Aspects. *Jambura Law Review*. 3(1), 66

¹⁷Wantu, Fence M. (2013). Judge's Obstacles in Creating Legal Certainty, Justice, and Benefits in Civil Courts. *Legal Pulpit Journal*, 25 (2), 206

Justice serves as a guideline to distinguish between fair and unfair actions, elements of the aspect of justice can be contained in the substance.¹⁸

Based on data obtained from the Bongomeme Police, the total number of cockfighting gambling cases recorded at the Bongomeme Police from 2019 to 2021 was 4 cases. In 2019 the case of cockfighting gambling recorded at the Bongomeme Police was 1 case, then it increased to 2 cases in 2020, then the following year in 2021 it decreased by 1 case.

If you refer to the figures above, it is clear that the crime of cockfighting gambling that occurred in the jurisdiction of the Bongomeme Police experienced ups and downs. However, these figures cannot be used as a benchmark in evaluating efforts to combat cockfighting gambling crimes in the region. That's just data recorded from the police, but if you look again at the community, the act of cockfighting gambling is still happening. Moreover, cockfighting gambling activities are carried out by moving from place to place in several different places to remove traces, but the people involved in cockfighting gambling activities are the same people. Which means these people do not have a deterrent effect even though they already know all the consequences when committing the crime of cockfighting gambling. This is the basis for problems related to what factors cause them to continue to carry out cockfighting gambling activities while on the other hand they already know the consequences they will receive when doing these actions.

2. Method

The type of research used by the researcher in this paper is empirical research. Based on what was stated by Mukhti Fajar that empirical research is an action to reveal facts that exist in the field that can affect human social life.¹⁹ This research was conducted through interviews and real actions obtained through direct observation. While the sampling using purposive sampling and using a qualitative approach and data analysis techniques using descriptive research.

3. Combating the Crime of Cockfighting Gambling

Efforts to overcome crime or commonly referred to as criminal politics in general can be carried out in 2 ways, namely through non-penal channels / outside the law or commonly referred to as preventive measures, namely prevention efforts before the occurrence of crime and through legal channels or commonly referred

¹⁸Imran, Suwitno Y. (2021). The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *Journal of Law Review*. 3(2), 398

¹⁹Fajar, Mukti & Achmad, Yulianto. *Dualism in Legal Research (Normative and Empirical)*, (Yogyakarta: Pustaka Pelajar, 2010), 153.

to as repressive measures, namely efforts to prevent crime. committed when a crime/crime has taken place in the form of law enforcement by imposing punishment. Considering that crime prevention efforts through non-penal channels are more of a preventive measure for the occurrence of crime, the main target is to deal with these conducive factors, including social conditions that can directly and indirectly lead to or foster crime.²⁰The application and enforcement of the law are elements of the legal system that must be continuously addressed in order to realize a legal position in a legal state that is beneficial to the interests of the community, nation and state.²¹The majority group in this country has great potential to participate in national development in order to improve the standard of living and welfare of the community.²²

Furthermore, to examine more specifically related to the stages of overcoming the crime of cockfighting, the researchers will study in one of the sub-districts in Gorontalo Regency, namely in Bongomeme District. Efforts to overcome the crime of cockfighting gambling that occurred in Bongomeme District are not as easy as imagined, this is because it is very difficult to eliminate this habit. As previously stated, the prevalence of cockfighting gambling in Bongomeme District is caused by various factors. Therefore, crime prevention efforts are basically a continuous and continuous effort. Nothing, not even a final attempt. Which means that every crime prevention effort cannot guarantee with certainty that the crime will not be repeated or will not give rise to new crimes. However, these efforts must still be made to better ensure the protection of security and public order. The existence of complete assistance and protection as a manifestation of the fulfillment of constitutional rights for every citizen in accordance with the objectives of the legal assistance.²³

Based on the previous statement that in an effort to tackle crime there are two stages carried out, including the preventive stage and the repressive stage. So according to what the researchers found in the field, those two things are a form of stages carried out by law enforcement in terms of tackling the crime of cockfighting gambling in Bongomeme District. Therefore pay attention to the following description:

1. Preventive Countermeasures

²⁰Kendi, John. (2017). Criminal Policy in the Indonesian Law State: Efforts to Welfare the Community (Social Welfare). *Journal of Islamic Government and Politics*. 2 (1), 19

²¹Soekanto, Soerjono. *Introduction to Legal Research*. (Jakarta: UI- Press, 2010), 11

²²Kasim, Moh. Nur. (2009). *Political Legal Aspects of Law Number 38 Tahtin 1999 concerning Zakat Management*. 2(1), 110

²³ Mandjo, J., & Sarson, MTZ (2021). *The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations*. *Jambura Law Review*. 3(2), 370

This stage is the beginning of law enforcement in tackling a crime, especially in terms of criminal acts of cockfighting gambling in Bongomeme District. The first effort that must be made in tackling the crime of cockfighting gambling is through preventive actions or methods or before the crime occurs. In preventive efforts, the emphasis is on eliminating opportunities for crime to be committed.²⁴

According to the Head of the Bongomeme District Police, there are several stakeholders who can play a role in taking preventive action against cockfighting gambling, namely law enforcement, in this case the police and the local government. For more details, here is the explanation:

a. Law enforcer

Based on what the Bongomeme District Police Chief said as a law enforcer in dealing with cockfighting gambling, among others by doing:²⁵

1. Provide socialization to the community related to the impact of cockfighting gambling activities
2. Provide advice and warnings to people who carry out cockfighting gambling activities
3. Conduct patrols in places that are indicated as places for cockfighting gambling games
4. Carry out raids
5. Provide guidance to Bhabinkamtibmas who are community police officers assigned to villages/kelurahan who are tasked with developing pre-emptive functions by partnering with the community. By carrying out visits to the community as an effort to approach the community with the aim of avoiding the emergence of potential crimes in the community.

According to the researcher, the Police is a state instrument that has roles and duties in maintaining public security and order,

²⁴Alamsyah, Andi., Renggong, Ruslan., & Siku, Abdul Salam. (2019). Implementation of Police Functions in Combating Gambling Crimes (Case Study of Maros Regency). *Journal of Indonesian Journal of Legality Of Law*. 1(2), 63

²⁵The results of the interview with Iskandar Hadji Ali as the Head of the Bongomeme District Police. Wednesday, June 15, 2022.

providing protection and protection, and providing services to the community. So it is appropriate for the police to make efforts and preventive and countermeasures to protect the community so that the community can avoid activities that can harm themselves such as cockfighting gambling activities that can have a negative impact on the perpetrators and the surrounding community. Because of the various ways that have been mentioned by law enforcement authorities above, it is hoped that they can make the public aware of the action of chicken gambling which in fact can harm themselves and can even harm others as well.

b. Government

As said by one of the government employees of Bongomeme District that there are several things that are done in terms of tackling the crime of cockfighting gambling, including these stages are:²⁶

1. Visiting a cockfighting gambling game. At first, they only carried out remote monitoring and then made calls to bookies or gambling leaders to conduct deliberations related to cockfighting gambling problems carried out by community members.
2. Moving the place of gambling activities in mountainous areas where road access is very difficult to pass. This method is considered quite effective because the players and visitors find it difficult to access the road to the gambling game because the terrain is very difficult to pass.
3. Doing documentation. Due to reports from the village government there were unscrupulous police officers who also participated in cockfighting gambling activities. So that the efforts made by the District Government, in this case the Head of Trantib, are calling for documentation if it is found that the community or individuals who are playing cockfighting gambling are found. This documentation will be used as evidence to minimize conflicts between the District Government and the police.

²⁶The results of the interview with Ridwan Kadir as the Head of Trantib Sub-district of Bongomeme. Monday, June 20, 2022

4. Make calls and give warning letters. If it is found that people are carrying out cockfighting gambling activities, a call will be made and a warning will be given through a warning letter up to the third warning letter. If it reaches the specified limit, which has been given a third warning letter but is still carrying out cockfighting gambling activities. Then the District Government will issue a follow-up recommendation letter to the Bongomeme Police, accompanied by a statement and an inspection report.

The researcher believes that as the organizer of peace and public order in the sub-district area, it is appropriate that the sub-district government also participates in efforts to prevent cockfighting gambling crimes that occur in the Bongomeme District. Because the actual activity of cockfighting gambling is an activity that disturbs the peace and order of society. These countermeasures must continue to be carried out in order to reduce the number of cockfighting gambling crimes that occur in Bongomeme District, given that this activity is an activity that has a negative impact and can harm various parties, so that people want this activity to stop or be eliminated, especially from the wives- wife of a cockfighting gambler.

In addition to the two stakeholders described by the researcher above, of course, in the author's opinion, there is one who has the most active role in preventing the crime of cockfighting gambling, namely the local community. Society in general is closest to the various kinds of criminal acts that occur in the community. Therefore, the active role of this community can be utilized by the two stakeholders above to be able to supervise the activities of cockfighting gambling in Bongomeme District. So by itself actions like this will be easy to find and easy to prevent.

2. Repressive Countermeasures

In general, this action is the final act to ensnare the perpetrators of criminal acts. At this stage, the perpetrators no longer apologize or are preventive in nature. However, it focuses more on the legal process as applicable. This action is the final action in crime prevention, namely by carrying out legal proceedings against cockfighting gambling actors in order to get a deterrent effect on what has been done.

The efforts made by the Bongomeme Police in tackling cockfighting gambling in Bongomeme District, include the following:²⁷

- a. Receive and take action on reports or complaints of cockfighting gambling crimes
- b. Conducting investigations as an action process against reports or complaints of cockfighting gambling crimes
- c. Conducting investigations, by examining witnesses who were at the location of the cockfighting gambling game
- d. Make an arrest.

Based on the discussion of efforts to overcome the crime of cockfighting gambling that occurred in Bongomeme District, both the efforts made through preventive actions by the Bongomeme Police and the Bongomeme District Government and the efforts made through repressive actions carried out by the police who are law enforcers. . What has been explained above, the researcher can conclude that the countermeasures carried out by the police and local government are in accordance with SOPs and applicable regulations. So indirectly the perpetrators must and must be processed legally.²⁸Legal protection is very necessary because it is an effort to integrate various needs in the association so that there is no conflict between needs and can enjoy all the rights granted by law.²⁹The existence of these regulations provides equal rights for every citizen.³⁰

Crime prevention is one way of enforcing the law to create a sense of comfort and order for society in general. The police as law enforcers and as protectors of the community can certainly provide guarantees to the community to be able to live safely and peacefully in their environment. Therefore, it is also in the enforcement of this law to provide a deterrent effect to the perpetrators who previously could not carry out the initial stages carried out, namely the preventive stage. So with that the consequence is in the legal process as the applicable laws and regulations. The researcher's note is that in any action to uphold justice, it is not appropriate for anyone to take actions that can harm the victim or even violate human rights. Why is that,

²⁷The results of the interview with Iskandar Hadji Ali as the Head of the Bongomeme District Police. Wednesday, June 15, 2022

²⁸Wantu, Fence M. Criminal Procedure Law. (Yogyakarta: Reviva Cendekia, 2011), 13

²⁹Puluhulawa, Jufryanto., Towadi, Mellisa., & Swarianata, Vifi. (2020). Leato / Japanese Cargo Wreck Underwater Site Legal Protection. Journal of Legal Reform, 24(2), 197

³⁰Wantu, Fence M., & Tome, Abdul Hamid. (2021). Dynamics of Village Head Election Arrangements. Jambura Law Review. 3 Special Issues, 101

4. Conclusion

The form of countermeasures carried out to overcome the crime of cockfighting gambling is by means of preventive and repressive measures. In the preventive action stage, basically, stakeholders try to take precautions before the crime occurs. However, the most important role in preventing the occurrence of a crime is the supervision of the local community who then cooperates with law enforcement so that the crime of cockfighting gambling is easily detected.

The countermeasures carried out by the authorities should be carried out with good coordination and cooperation, so as to make countermeasures that are right on target. NextLegal counseling or public discussion is needed regarding the negative impact of cockfighting gambling on the general public and students and the younger generation in particular. So that it can foster understanding of the community and the younger generation that can change deviant mindsets.

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