

CHAPTER I

INTRODUCTION

A. Background of Research

In 2021, online gambling has emerged as a prevalent societal phenomenon in Indonesia. According to the Ministry of Communication and Information (Kominfo), between 2018 and 2023, Kominfo has taken measures to restrict access to over 500,000 instances of online gambling content. Nevertheless, the quantity of online gambling sites and applications currently in existence remains substantial, with estimates reaching millions of sites.¹

Indonesia and Singapore, two Southeast Asian nations, have approached this urgent issue in various ways. A significant number of adolescents engage in gambling activities, both in physical establishments and on the internet, despite being below the minimum age requirement for legal gambling. The legal gambling age varies across countries and types of games, typically falling between the ages of 16 and 21.² In general, there is less gambling online than there is offline. Online gambling is growing in popularity, particularly among youth, due to its gradual legality, promotion, and technological advancements.³

¹ Harki Said Al Goni, Lina Wati and Mochammad Mirza, "Fenomena Perubahan Perilaku Menyimpang pada Permainan Judi Slot Online di Kota Tangerang", *Jurnal Ilmiah Wahana Pendidikan*, Vol. 10, No. 5, (Januari, 2024), p. 424.

² Morgane Guillou-Landreat, Karine Gallopel-Morvan, Delphine Lever, Delphine Le Goff and Jean-Yves Le Reste, "Gambling Marketing Strategies and The Internet: What Do We Know? A Systematic Review", *Frontiers in Psychiatry*, Vol. 12, No. 5, (February, 2021), p. 2.

³ Heather Wardle and David Zendle, "Loot Boxes, Gambling, And Problem Gambling Among Young People: Results from A Cross-Sectional Online Survey", *Cyberpsychology, Behavior, and Social Networking*, Vol. 24, No. 4, (April, 2021), p. 267.

In a time of rapid technology advancements and widespread internet usage, the problem of illegal online gambling has become a significant concern for governments worldwide.⁴ With the introduction of broadband and faster internet, gamblers may now quickly and swiftly access online gambling sites. Players will find virtual casino games more comfortable and realistic as a result.⁵ Online gambling expanded quickly in the 2000s. Online gambling companies now offer a wide range of games, including slots, poker, sports betting, bingo, and others. Online casinos are gaining popularity because they provide; live table games, more player engagement through chat and webcams, a gaming environment akin to traditional land-based casinos.⁶

Furthermore, Regulation and legal issues around online gambling quickly emerged. As the industry expands, numerous nations are attempting to address problems, including fraud, addiction, and player safety, concerning online gambling. Online gambling laws fluctuate from country to nation and take different forms based on the relevant jurisdiction. While some nations have created legal frameworks that tightly control online gambling, others have decided to forbid it outright. Numerous online gambling companies have been

⁴ Atonbara Ombu, "Role of Digital Forensics in Combating Financial Crimes in the Computer Era". *Journal of Forensic Accounting Profession*, Vol. 3, No. 1, (June, 2023), p. 57.

⁵ Jeffrey L. Derevensky and Mark D. Griffiths, "Convergence Between Gambling and Gaming: Does the Gambling and Gaming Industry Have a Responsibility in Protecting the Consumer?". *Gaming Law Review*, Vol. 23, No. 9, (November, 2019), p. 633.

⁶ Vega González Bueso, Juan Jose Santamaría, Daniel Fernández Martínez, and Elena Montero Alvarado, "Preferences on Online Gambling Activities Among Adolescents: A Review", *Journal of Psychiatry and Mental Disorders*, Vol. 6, No. 1, (June, 2021), p. 10.

housed in countries such as Malta, Gibraltar, and the Isle of Man, which grant them strict licenses allowing them to conduct business legally worldwide.⁷

Furthermore, online gambling is often sought after by gamers due to its perceived enhanced safety during gameplay. The online gambling sector is experiencing growth because of the COVID-19 pandemic. This growth is attributed to the adaptation of traditional gambling establishments, such as casinos, bingo halls, horse racing tracks, lotteries, and poker rooms, which have implemented online platforms to maintain their operations and offer gambling services. The surge in online gambling games is seen in the worldwide growth of total gambling earnings before, during, and projected after the epidemic, as indicated by a survey done by H2 Gambling Capital.⁸ Online gambling substantially increased revenue, with a growth rate of approximately 10.8% from its 2016 revenue of \$45.86 Billion. Projections suggest that 2024 worldwide online gambling revenue will reach \$96.89 Billion, effectively doubling its current value. Similarly, the surge in online gambling in Indonesia is evident when analyzing the Online Gambling Content Handling Data from 2018 to 2021, sourced from the Ministry of Communication and Information of the Republic of Indonesia (Kominfo).⁹ Lately, the widespread practice of social

⁷ John Connell and Robert Aldrich, 2020, *Economics: Niche Markets and Global Contexts*. In *The Ends of Empire*, Singapore, Palgrave Macmillan, p. 227.

⁸ Khansa Nur Aidah and Bambang Pratama, 2022, *The Comparative of Regulations About Online Gambling Between Indonesia, Malaysia, Singapore and United Kingdom*.” Johor Baru, Proceedings of the 3rd Asia Pacific International Conference on Industrial Engineering and Operations Management, p. 2177.

⁹ Helmika Suradi Amri, Risdalina Risdalina and Indra Kumalasari Munthe, “Legal Analysis of Online Gambling and Its Criminal Threats Reviewed from Article 45 Paragraph (2) of Law Number 19 of 2016 concerning Electronic Information and Transactions”, *Enrichment: Journal of Multidisciplinary Research and Development*, Vol. 1 No. 11, (Januari, 2024), p. 719.

media influencers actively promoting online gambling has become a prominent issue in Indonesia. Often, legal infractions associated with online gambling are categorized under Article 303 of the Criminal Code, which deals with gambling. This leads to significant attention being drawn to legal intricacies. Within the university setting, the prevalence of this phenomenon is growing, as evidenced by the participation of 2.2 million students in online gambling. The phenomenon of online gambling has sparked a debate among students, prompting concerns regarding its effects on the mental and financial welfare of the academic community.¹⁰

Illegal online gambling presents several legal and regulatory issues, because it is transnational, most authorities find it challenging to combat the problem of unlawful online gambling.¹¹ Because of this, it is difficult to uphold the law and end unlicensed Gambling businesses operating outside of their authority. Several nations have created legislative frameworks to combat illegal online gambling and impose harsh penalties on offenders. Penalties may include jail time and hefty fines. Despite this, many countries have different laws and regulations for illegal online gambling. It is difficult to enforce laws for online gambling offenses. It might be difficult for law enforcement to find and apprehend anonymous online operators engaged in unlawful gaming.

¹⁰ Jupalman Welly Simbolon, "Aplikasi Game Online Higgs Domino Island di Kalangan Mahasiswa Dalam Perspektif Patologi Sosial", *Jurnal Ilmiah Sosiologi Agama (JISA)*, Vol. 5, No. 1, (Juni, 2022), p. 69.

¹¹ Sally Gainsbury, 2012, *Internet Gambling: Current Research Findings And Implications*, New York, Springer, p. 63.

Indonesia and Singapore have different legal systems. Singapore is known to have very strict and effective law enforcement, including in terms of illegal gambling. By comparing it with Indonesia, we can understand what makes law enforcement in Singapore more effective and whether there are aspects that Indonesia can adopt to improve its law enforcement. Singapore has a comprehensive and well-structured regulatory framework for organizing gambling. This comparative study can help us understand how an effective regulatory framework can minimize illegal gambling practices. Therefore, the author is interested in highlighting research titled **“Law Enforcement Against Illegal Online Gambling in Indonesia and Singapore”**.

B. Problems Formulation

Based on the background above, the author proposed two questions for further:

1. How does law enforcement against illegal online gambling run in Indonesia and Singapore?
2. What challenges does the law enforcement agencies face in combating illegal online gambling in Indonesia and Singapore?

C. Objectives of Research

Considering the research issue that was previously detailed, the objectives of this study are as follows:

1. To understand the law enforcement against illegal online gambling in Indonesia and Singapore.
2. To analyze the challenges does the law enforcement agencies faces in combating illegal online gambling in Indonesia and Singapore.

D. Benefits of Research

There are several advantages to the research described above due to its objective, including:

1. Theoretical Benefit

The benefit of this research is to develop legal science in the field of Criminal Law and this research will provide benefits for a better understanding of law enforcement against illegal online gambling in Indonesia and Singapore.

2. Practical Benefit

This research will contribute to providing reference material for law faculty students of UMY, legal practitioners of criminal law, Indonesian law enforcement agencies, and the public, especially as an effort to increase a much deeper understanding of law enforcement against illegal online gambling in Indonesia and Singapore.

E. Research Method

1. Type of Research

The type of research is normative legal research that relies on secondary data, this normative legal employes a comparative approach in analyzing illegal online gambling and applicable laws.

2. Type of Data

The research uses secondary data, which consists of primary and secondary legal materials used by the author described below:

a. The primary legal material consists of several laws and regulations as follows:

1) Indonesia

- a) The 1945 Constitution of the Republic of Indonesia;
- b) Criminal Code Article 303 Law Number 40 of 2014;
- c) Electronic and Information Technology (EIT) Law.

2) Singapore

- a) Integrated Gambling Act (IR Act);
- b) Singapore's Gambling Control Act 2022; and
- c) Gambling Regulatory Authority of Singapore Act 2022.

b. Secondary material consists of legal facts, legal theories and principles, theories and principles of online gambling and eradication of online gambling, statutory science, state administrative law, and constitutional law, as well as legal opinions of experts related to the primary legal material such as:

1) Books.

- 2) Journals.
 - 3) Other documents related to the issue.
 - 4) Internet sites.
3. Method of Collecting Data

The data collection is carried out using literature media learning. The author collected the data related to the issue through library research.

4. Method of Data Analysis

The data that has been collected was analyzed using qualitative methods. The approaches used include a methodical and structured approach that incorporates national laws and other pertinent legislations. Consequently, the data may exhibit a systematic, qualitative, and comprehensive nature, presenting accurate and pertinent information about the law.¹²

F. Systematic of Undergraduate Thesis

This undergraduate thesis consists of five chapters as follows:

Chapter One is the introduction. This chapter describes the background of the research, the research problem, the objectives and benefits of the research, the research methods, and the systematics of the undergraduate thesis.

Chapter Two discusses The Law Enforcement. This chapter explains the meaning of law enforcement and the stages of criminal law enforcement.

¹² Ahmad Rifai, 2011, *Penemuan Hukum Oleh Hakim: Dalam Perspektif Hukum Progresif*, Jakarta, Grafiti, p. 31.

Chapter Three is about Online Gambling. This chapter contains the definition of online gambling and types of online gambling.

Chapter Four is finding and analysis. This chapter explains law enforcement and obstacles in eradicating criminal acts of illegal online gambling in Indonesia and Singapore. This chapter explains how the law enforcement against illegal online gambling and What obstacles in eradicating criminal acts of illegal online gambling in Indonesia and Singapore.

Chapter Five is the conclusion and recommendation. This chapter is the last section which contains conclusions and recommendations regarding the problems described above.