

JURIDICAL REVIEW OF ONLINE GAMBLING CRIME IN NORTH SUMATERA

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Abstract

Law enforcement is carried out by law enforcers. In addition to depending on the legal awareness of the community, the implementation of law in society is also very much determined by law enforcement officials. Law enforcement by the National Police against perpetrators of online gambling crimes at the North Sumatra Regional Police is carried out based on the provisions of Law No. 19 of 2016 on amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions. Law enforcement against perpetrators of online gambling crimes in the police. The increasing mode of online gambling crime is not accompanied by an increase in the quality and quantity of Polri personnel. Lack of mastery of information technology by investigators in uncovering perpetrators of online gambling crimes. Lack of identity of the perpetrators and lack of witnesses. Lack of evidence in the filing process. The lack of cooperation that exists between the Police and providers and the public to obtain information related to online gambling crimes. The lack of cooperation that exists between the Police and the Public Prosecutor in the process of investigating criminal acts of online gambling. This research has a formulation of the problem of how the efforts of the North Sumatra Regional Police in eradicating online gambling crimes in North Sumatra and how legal sanctions for perpetrators of online gambling crimes also have normative and juridical research methods that are linked to laws and all opinions of legal experts. The lack of cooperation that exists between the Police and the Public Prosecutor in the process of investigating criminal acts of online gambling. This research has a formulation of the problem of how the efforts of the North Sumatra Regional Police in eradicating online gambling crimes in North Sumatra and how legal sanctions for perpetrators of online gambling crimes also have normative and juridical research methods that are linked to laws and all opinions of legal experts. The lack of cooperation that exists between the Police and the Public Prosecutor in the process of investigating criminal acts of online gambling. This research has a formulation of the problem of how the efforts of the North Sumatra Regional Police in eradicating online gambling crimes in North Sumatra and how legal sanctions for perpetrators of online gambling crimes also have normative and juridical research methods that are linked to laws and all opinions of legal experts.

Keywords: *Law Enforcement, Crime, Online Gambling*

A. INTRODUCTION

History This gambling game has been known and played for a long time, namely when Indonesia still consisted of kingdoms around the fifth century AD. At that time the most popular gambling games were animal fights/fights such as cockfights/fights, crickets, sheep, buffalo, horse races, dog races and other animal complaints. Along with the development of civilization and the times, gambling games also experienced significant developments in terms of their types, so that more modern types of gambling emerged such as lottery games, cards, agility using machine media such as dingdong, pinball, jackpot, roulette and others. other. Along with all activities and technology from time to time growing rapidly and up to this time in the era of globalization, community activities are increasing and there is progress in sophistication in the field of information technology so that the wider community is facilitated in carrying out all activities

through social media and media on the internet. All types of information can be accessed through cyberspace via the internet network. There have been many changes caused by the progress caused by cyberspace, from positive or negative¹. One of the positive changes that seem so fast is the ease of communication where previously you had to do it by telephone, send letters to each other or chat via a computer and so on, but now it's enough to use a mobile phone using internet quota to communicate with all colleagues even in remote places. The negative changes brought about by the development of cyberspace include the emergence of crimes that were previously conventional in nature to become cyber crimes. One of the crimes that are conventional into a class of cyber crimes is the crime of online gambling².

Before parsing the meaning of online gambling, the author will first explain the "mother" of online gambling, namely cyber crime and cyber space. The development of global computer network technology or the internet has created a new world called cyber space. Cyber space is a world of computer-based communication that offers a new reality, namely virtual reality.³. In capturing reality, humans may not be in two or more different places, but cyber space has covered various aspects of modern life and allows relationships to occur regardless of distance, time and place/space. The development of cyber space changes about society, community, communication, social interaction and culture. The definition of cyber space is not limited to the world that is created when there is a connection via the internet. According to John Perry Barlow, cyber space is broader than just a relationship through the internet. Cyber space is a space that appears when you are on a telephone call or reading a book, there is space that appears, but the space created is impossible to interact in real-time. Cyberspace is in fact formed through a computer network that connects between countries or between continents based on transmission control protocol/internet protocol. In its working system, it can be said that cyber space (internet) has changed distance and time to be unlimited. The internet is described as a collection of computer networks consisting of a number of smaller networks that have different network systems. In subsequent developments, the presence of advanced computer technology with an internet network has brought great benefits to humans. Its use is not only in government, the private sector/company, but has reached every sector of life including all household (personal) needs. In its working system, it can be said that cyber space (internet) has changed distance and time to be unlimited.

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¹Yasmirah Mandasari Saragih, et al, Introduction to Criminal Law, (Medan: CV. Tungga Esti, 2021), p. 145

²Law Number 19 of 2016, Concerning Amendments to Law No.11 of 2008 Concerning Information and Electronic Transactions, Article 27 paragraph 2.

³Agus Rahajo, Understanding Cybercrime and Technology Crime Prevention Efforts, (Bandung: PT.Citra Aditya Bakti, 2002), p. 91

networks consisting of a number of smaller networks that have different network systems. In subsequent developments, the presence of advanced computer technology with an internet network has brought great benefits to humans. Its use is not only in government, the private sector/company, but has reached every sector of life including all household (personal) needs.

Cyber crime is defined as a computer crime, but the use of the term crime for computer crime in English is still not uniform. Some scholars use the terms "computer misuse", "computer abuse", "computer fraud", "computer-related crime", "computer-assisted crime", or "computer crime". However, scholars at that time generally accepted the use of the term "computer crime" because it was considered broader and commonly used in international relations⁴. From various previous terms of cyber crime, it can be formulated that cyber crime is an act of resistance that is carried out by using a computer as a means or tool or a computer as an object, whether to gain profit or not, to the detriment of other parties. From this formulation it can be said that the form of crime committed by using a computer as a means/tool can be said to be a crime in cyberspace, including online gambling crimes or what is commonly referred to as online gambling.

Broadly speaking, the internet is defined as a computer network that is connected to one another for communication and information purposes. In the above definition it appears that the internet also includes networks commonly referred to as LAN (Local Area Network) and WAN (Wide Area Network). The Internet was born from a combination of developments in computer technology and developments in communication technology. In essence, the internet is a network of computers connected to each other through communication media such as telephone cables, fiber optics, satellites or frequency waves. In its development, the internet turned out to have a negative impact in addition to a positive impact on people's lives in Indonesia. The negative side is in the form of anti-social actions that have so far been deemed impossible or unthinkable to occur. There is one opinion that says, "Crime is a product of society itself", which means that society itself produces crime.

Crimes that are born as a negative impact of the development of internet applications are often referred to as cybercrimes which we have previously seen at the beginning of the paragraph which includes all types of crimes and their modus operandi which are carried out as a negative impact of internet applications.⁵ According to the British police, cyber crime is, "All kinds of use of computer networks for high-tech criminal and/or criminal purposes by misusing the convenience of digital technology" and cyber crime, especially online gambling, requires law enforcement efforts to prevent and eradicate this crime so that it does not become more prevalent. Conceptually, law enforcement is an activity to harmonize the relationship of a value that is expressed in good and manifest principles and is also an attitude of action as a series of final stage value translations, in order to create, maintain and maintain peace of life. As for the opinion of Onno W. Purbo, who stated that online gambling or gambling via the internet (online gambling) usually occurs because of placing bets on sports activities or casinos via the internet. Online games are actually the whole process, be it betting, playing or collecting money via the internet. Gamblers will be required to make an upfront deposit before they can gamble online. This means that you have to transfer an amount of money to the gambling website admin as an initial deposit. After the bettor sends money, he will get a number of coins for gambling games. If you win, the money from the bet will be sent via bank transfer and if you lose, the coins will decrease⁶.

So if we dig deeper into the meaning of online gambling, it is the same as the meaning of online gambling, which is gambling carried out using electronic technology that can be used to access electronic documents and electronic information. In cyberspace, gambling is one of the largest commercial communities. In general, the gambling methods used tend to be classic, namely

⁴Internet Crime Academic Paper (CyberCrimes), Center for Legal and Judicial Research and Development of the Supreme Court of the Republic of Indonesia, 2004, p. 4

⁵Agus Rahajo, Ibid., p. 101

⁶Onno W Purbo, 2007, 2nd Information Technology-Based National Awakening, Computer Network Research Group, ITB, p.22

by betting or just trying their luck by following the instructions of a predetermined gambling model. There are tens of thousands of more sites on the internet that provide gambling facilities from the classic model which only plays the function of the keyboard keys to the very sophisticated ones that require careful thought and calculations to try their luck. This mode promises many advantages for the owner. There is no longer any need for special licenses to set up a gambling business via the internet. Simply by capitalizing on a website with attractive gambling facilities, everyone can have a gambling house on the internet.

The history of the emergence of online gambling crimes originally occurred in 1994, the country of Antigua and Barbuda in the Caribbean, which passed the Freedom of Trade and Processing Act. Which then makes licensing organizations to open online casinos easy. Before online casinos, the first fully functional gambling software. Produced by a software company from Mann Island called Microgaming. The use of the software is then guaranteed by a software security company called Cryptologic. With this step, gambling transactions via the internet can be carried out safely and became the forerunner of the first online casino in 1994. Gambling crimes have entered a very worrying stage among students, especially online gambling through sites that are easy to access on the internet. This stems from sports matches, especially football, which has an added betting element. In Indonesia gambling is a crime or a criminal offense so that everyone involved in it will be subject to criminal sanctions. The article that regulates gambling is Article 303 paragraph (1) of the Criminal Code (KUHP), which reads: "Threatened with imprisonment for a maximum of four years or a fine of up to ten million rupiah:

1st, whoever uses the opportunity to play gambling, which is held in violation of these provisions, article 303. Second, whoever takes part in a gambling game that is held on a public road or on the side of it, has permission from the competent authorities. Furthermore, if someone commits or is involved in online gambling, the article imposed does not refer to the Criminal Code but refers to Article 27 of Law No. 19 of 2016 concerning Amendments to Law no. 11 of 2008 concerning Information and Electronic Transactions, reads: "everyone intentionally and without rights distributes, transmits, or makes accessible Electronic Information or Documents that have gambling content." Online gambling in Indonesia has been revealed several times where the value of income derived from online gambling crimes is quite large, as in the case of 2 online bookies who were suspects, namely FR and EW, FR and EW turnover can reach 30 billion a month, because once a week they open online gambling business with the sbobet.com site four times⁷.

In principle, all conventional online or gambling games are games of chance using bets in the form of money or other valuable property with the aim of doubling the number of bets placed and the one who gets the specified profit, both conventional and online, is the manager. if the gambler is successful then he succeeds in winning the game. On the other hand, if the gambler fails to win the game, then he will suffer a big loss because he has to lose the bet. Online gambling games in cyberspace can be done easily by opening the gambling game sites that we want, such as Sbobeth for soccer gambling games, QQ 99 for domino card gambling games, Poker agents for joker card gambling, jackpot 88 for fighting gambling games. dexterity and others.

Gambling games in essence damage the mentality of the perpetrators, and also damage the family's economy. Gambling games can make the perpetrators addicted to playing them, and if the gamblers lose the bet, then in general they are curious to play it again until all their money and assets are used up because of the gambling game. In the end, these gambling actors will try to find capital to make bets in these gambling games by means of unlawful acts such as stealing, robbing, cheating, embezzling other people's property and other illegal acts. In addition, the family economy has also declined sharply, so that the gamblers are no longer able to meet their daily needs.

⁷Anonymous, Events of Two Online Gambling Bookies with a turnover of 30 billion per month, <https://www.merdeka.com/events/two-bookies-online-turnover-rp-30-billion-per-month-caught.html>, accessed June 13, 2023.

The negative impact of gambling games was so great both for the perpetrators and for the perpetrators' families, and also for other parties related to the perpetrators, gambling games were eventually banned by the state, and the perpetrators were subject to criminal sanctions as stipulated in the Criminal Code (Book of the Criminal Code). The Criminal Code that applies in Indonesia comes from Wetboek Van Strafrecht (WvS) made by the Dutch colonial government, and its ratification was carried out from Staatblads Number 732 of 1915 and came into effect on January 1, 1918. After Indonesian independence, the Criminal Code (KUHP) the heritage of the Dutch colonial government is still enforced by the Indonesian government, based on Article II of the transitional rules of the 1945 Constitution which reads, "All existing state agencies and regulations are immediately enforced, as long as nothing new is done according to this basic law" on February 26, 1946 the Indonesian government issued Law Number 1 of 1946, which became the legal basis for confirming the application of WvS (KUHP) with several adjustments, which also became the legal basis for changing the name of WvS become the Criminal Code⁸.

B. FORMULATION OF THE PROBLEM

1. What is the Juridical Review of Online Gambling Crimes in North Sumatra?
2. What are the North Sumatra Regional Police's Efforts to Eradicate Online Gambling Crime?
3. What are the legal sanctions for perpetrators of online gambling crimes?

C. RESEARCH METHODS

The type of legal research is normative juridical, namely research that finds the truth of coherence, namely whether there are legal rules according to norms and whether norms in the form of orders or prohibitions are in accordance with legal principles, and whether a person's actions are in accordance with legal norms or legal principles.

This type of research is normative juridical research, namely research conducted by examining library materials (secondary data) or research on library law. The secondary data used are:

Primary legal material is data obtained directly from informants or the public. The primary data in this study are:

- 1) The Criminal Procedure Code
- 2) The Criminal Code
- 3) Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police.
- 4) Law of the Republic of Indonesia Number 19 of 2016 regarding amendments to Law no. 11 of 2008 concerning information and electronic transactions.

Secondary legal materials are data obtained by researchers from library research and documents, which are the result of research and processing by other people, which are already available in the form of books or documents which are usually provided in libraries or privately owned. Documentation summary of the results of interviews with officials who are experts in electronic information and transactions (ITE) at the Directorate of Special Criminal Investigation of the North Sumatra Regional Police, especially those dealing with cyber crime issues, where the officials interviewed have the capacity as informants and resource persons.

Tertiary legal materials, namely legal materials that provide additional explanations or data support that already exists in primary legal materials and secondary materials. The tertiary legal materials used are searches on the internet, and legal dictionaries.

The nature of this research will be descriptive analytical, that is, to provide data that is as precise as possible, namely to describe the results of the data received based on the data source and also by analyzing related cases, namely to find out the total legal facts.

The data collection techniques are carried out in the following way:

⁸Sugeng Tiyarto, Law Enforcement Against Gambling Crime, (Yogyakarta: Genta Press, 2015), p.

- a. Library research (Library Research). This method involves conducting research on various written reading sources from scholars, namely theoretical books on law, legal magazines, legal journals as well as lecture materials and regulations regarding online gambling crimes.
- b. Field research (Field Research) namely by doing the field in this case the author directly conducts studies on the North Sumatra Regional Police Jl. Tanjung Morawa Km.10.5 Timbang Deli, Medan Amplas, Medan City, North Sumatra, Telephone Number (061) 7869000, Postal Code: 20362 to take case samples and conduct interviews regarding the online gambling crime that occurred.

Data analysis is the next step to process research results into a report. Data analysis is the process of organizing and sorting data into patterns, categories and basic descriptions, so that themes can be found and working hypotheses can be formulated as suggested by the data. Research that uses a deductive approach that aims to test hypotheses is research that uses traditional, positive, experimental or empirical paradigms. Then qualitatively, which emphasizes understanding of problems in social life based on the conditions of reality or natural settings that are holistic, complex and detailed. Data analysis in this study is qualitative data which is obtained systematically and then the substance is analyzed to obtain answers about the main issues that will be discussed in writing this thesis qualitatively to obtain definite answers and accurate results.⁹

D. DISCUSSION

1. Juridical Review of Online Gambling Crimes in North Sumatra

Punishment in gambling cases has been regulated in Article 303 of the Criminal Code and Article 303 bis of the Criminal Code. in the elucidation of Law Number 7 of 1974 article 1 states that there is a classification of all kinds of criminal acts of gambling as crimes and burdensome punishments. the previous threats were no longer appropriate and did not deter the perpetrators.

One of the provisions that formulate threats against criminal acts of gambling is in articles 303 and 303 bis of the Criminal Code which have been amended in Article 2 paragraphs (1), (2) and (3) of Law Number 7 of 1974. in the article stated:

- a. Changing the threat of punishment in Article 303 paragraph (1) of the Criminal Code, from a maximum imprisonment of two years and eight months or a maximum fine of ninety thousand rupiahs to a maximum imprisonment of ten years or a maximum fine of two twenty five million rupiah.
- b. Changing the threat of punishment in Article 303 bis paragraph (1) of the Indonesian Criminal Code, from imprisonment for a maximum of one month or a fine of up to four thousand five hundred rupiahs to a maximum imprisonment of four years or a fine of up to ten million rupiahs.

Changing the threat of punishment in Article 303bis paragraph (2) of the Criminal Code, from imprisonment for a maximum of three

- c. months or a maximum fine of seven thousand five hundred rupiahs to a maximum imprisonment of six years or a maximum fine of fifteen million rupiahs¹⁰.

One of the provisions that formulates threats to the crime of gambling is article 303 paragraph (1) which contains elements without a permit, thus gambling can be classified into two types, namely

- a. Gambling which is not a crime if its implementation has received prior permission from the competent authority
- b. Gambling which is a criminal act, if it is carried out without obtaining prior permission

⁹Bambang Sunggono. 2010. Legal Research Methods. Jakarta: Rajawali Press, p.114

¹⁰ Sugeng Tiyarto, Ibid., p. 28

from an authorized official. In Article 303 bis of the Criminal Code, the elements are as follows:

- a. Using the opportunity to gamble
- b. By violating the provisions of article 303 of the Criminal Code

The Criminal Code specifically regulates the crime of gambling and classifies gambling in book II chapter XIV as a crime of decency. Gambling prohibitions have been formulated as criminal threats and their explanations in Article 303 of the Criminal Code are as follows:

- a. By a maximum imprisonment of ten years or a maximum fine of twenty five million rupiahs shall be punished any person without obtaining a permit
 - 1) Deliberately offering or providing opportunities for gambling games and making a living, or deliberately participating in an enterprise for that purpose
 - 2) Deliberately offering or giving the general public the opportunity to play gambling or deliberately participating in companies for that, regardless of whether to use the opportunity for the existence of a condition or the fulfillment of a certain procedure
 - 3) Make participating in gambling games a hobby.
- b. If the person who is guilty of committing the crime in carrying out his livelihood, then his right to carry out that livelihood can be revoked.
- c. What is called a gambling game is each game, where in general the possibility of getting a profit depends on sheer luck, also because the players are more trained or more proficient. It includes all bets on race decisions or other games that are not held between those competing or playing. Likewise all other bets. Gambling games are only for entertainment.

Whereas Article 303 bis of the Criminal Code also regulates gambling which states:

- a. Shall be punished with imprisonment for a maximum of four years or a fine of up to ten million rupiahs
 - 1) Whoever uses the opportunity to play gambling, which is held in violation of the provisions of article 303
 - 2) Whosoever participates in gambling on public roads or on the side of public roads or in places that can be visited by the public, unless there is permission from the competent authority who has given permission to hold said gambling.
- b. If at the time of committing the violation it has not been two years since the conviction has become fixed because of one of these violations, a maximum imprisonment of six years or a maximum fine of fifteen million rupiahs can be imposed.

Seeing the formulation of the criminal law regulations means that it is clear that gambling is prohibited by criminal law norms because it fulfills the formulation as explained. Since the enactment of Government Regulation Number 9 of 1981, the government has prohibited the granting of permits for gambling, which means that all types and forms of gambling are illegal activities, so they can be subject to criminal sanctions whose implementation is processed in accordance with criminal procedure law.

2. North Sumatra Police Efforts to Eradicate Online Gambling Crime

The police have a very important task in realizing security and comfort in social life, the police are institutions that protect the community in all chaotic social conditions. Police as one of the functions of the state government in the field of maintenance of security and public order. In minimizing the occurrence of gambling crimes, the police always adhere to the guidelines/management of criminal investigations based on the Chief of Police Regulation No. 14 of 2012 concerning Criminal Investigation Management¹¹. The purpose of establishing Perkap No. 14 of 2012 is to provide a guideline for the police institution, especially those related to Polri's

¹¹Muladi, Anthology of Criminal Law Policies, (Bandung: Citra Aditya Bakti, 2011), p. 100

duties, Perkap no 14 of 2012 regulates the principles of Polri's duties, therefore it is necessary to immediately understand all members of the Polri, especially those related to the process of investigating criminal acts gambling using internet facilities in North Sumatra Region.

The birth of Perkap No. 14 of 2012 concerning management of criminal investigations is also intended to create orderly administration in the field of investigations and create legal certainty, so that a comprehensive investigation management is carried out including planning, organizing, supervising and controlling effectively. Investigation Management Perkap No. 14 of 2012 concerning Criminal Investigation Management explains that Investigation Management is a series of investigative activities which include planning, organizing, implementing, supervising and controlling. In this regard, gambling using internet facilities is a form of gambling that is increasingly gaining popularity, such as internet poker, bingo and internet casino which greatly affect society. In recent years the development of online gambling opportunities has reached children and youth. Internet gambling sites have started targeting a lot of the youth from the society, as it is easier to entice them with freebies and discounts.

Children and youth are the group most affected by internet gambling. Lack of regulation leads to the spread of illegal practices and unfair use of resources. Unregulated gambling practices can result in unreasonable spending of money and a waste of time. In addition, Internet gambling involves the transfer of funds online which requires the exchange of information via the internet. Pathological gambling disorder has symptoms similar to addiction. This illustrates where a person is related to gambling so that his behavior hinders his social life. Victims of pathological gambling disorder remain preoccupied with gambling thoughts. They feel the need to gamble with high amounts of money. They tend to take large amounts of risk and fail to resist the temptation of gambling. The disadvantage of internet gambling is that it wastes valuable time and money¹².

3. Legal Sanctions for Online Gambling Offenders

Criminal acts are very important and fundamental in criminal law. Moeljatno often uses the word deed rather than action. According to him "A criminal act is an act that is prohibited by a rule of law which prohibits it accompanied by a threat (sanction) in the form of a certain crime, for whoever violates the prohibition"¹³.

The elements or elements of a criminal act according to Moeljatno are:

1. Conduct and consequences (actions)
2. Circumstances or circumstances that accompany the action
3. Additional aggravating circumstances of the crime
4. An objective unlawful element
5. Subjective elements against the law.

The definition of a game that is classified as gambling is regulated in Article 303 paragraph (3) of the Criminal Code, which 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 are competing or playing, as well as all other bets. "From the provisions of the Criminal Code we can see that in gambling games, there is an element of profit depending on luck (chance) or the skill / intelligence of the player. Apart from that, gambling also involves betting. In accordance with the provisions of Article 303 of the Criminal Code, sanctions will be applied in the form of: punishment in accordance with the provisions of Law Number 19 of

¹²Kartini Kartono, *Social Pathology*, (Jakarta: Raja Grafindo Persada, 2005), p. 61

¹³Moeljatno, *Principles of Criminal Law*, (Jakarta: Rineka Cipta, 2002), page 6

2016 concerning Information and Electronic Transactions (“UU ITE”). Article 303 bis paragraph (1) of the Criminal Code, reads: “(1) Shall be punished with imprisonment for a maximum of four years or a fine of up to ten million rupiah. And for online bookies it is imposed. Article 45 of the ITE Law carries a maximum prison sentence of 6 years / a maximum fine of 1 billion.”

E. CLOSING

1. Conclusion

Based on the results of the discussion in the previous chapters, the writer can conclude:

- a. Whereas juridically the legal arrangements for the crime of gambling have been regulated in Article 303 of the Criminal Code and Article 303 bis of the Criminal Code, while the criminal sanctions are aggravated according to Article 2 paragraph (1), (2), (3) of Law Number 7 of 1974 concerning Controlling Gambling. One of the provisions that formulates threats to the criminal act of gambling in Article 303 paragraph (1) namely the existence of an element without a permit, thus gambling can be classified into 2, namely gambling which is not a crime if its implementation has obtained permission from the competent authority and gambling which constitutes a criminal act by violating the provisions in Article 303 paragraph (1) namely without obtaining a permit. If it has been proven to have done so, it can be processed according to the applicable procedural law.
- b. In seeking to eradicate criminal acts of online gambling, the North Sumatra Regional Police always carry out according to procedures in following up on this crime while still referring to the guidelines/management of criminal investigations based on Chief of Police Regulation No. 14 of 2012 concerning Criminal Investigation Management.
- c. The sanctions imposed for suspects in online gambling crimes are as regulated in Article 303 of the Criminal Code and Article 303 bis of the Criminal Code, as for the elements that must be determined as evidence that the suspect has indeed committed the crime by taking into account these five elements, namely
 1. Conduct and consequences (actions)
 2. Circumstances or circumstances that accompany the action
 3. Additional aggravating circumstances of the crime
 4. An objective unlawful element
 5. Subjective elements against the law.

2. Suggestion

The suggestions that can be given by the author in making this journal are as follows:

- a. The legal regulation of the crime of gambling should be determined by looking at the elements of the object, meaning that the punishment of the perpetrators of the crime of gambling is determined because indeed their actions in gambling are prohibited and are against the law.
- b. The police's strategy in trying to eradicate online gambling crimes has followed the procedural rules, but in reality online gambling is still considered a trivial case and the police are not alert in further investigating the case only limited to mediation, the police should prioritize their performance as the main duties and functions of the police within the authorities.
- c. Police strategy in trying to eradicate criminal acts of online gambling, especially in North Sumatra Province, must pay more attention because many people are making efforts to prevent things from happening again related to online gambling.

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