

## **Causes of the Occurrence of Crime Gambling**

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### **ABSTRACT**

The aim of the research is to avoid criminal acts of gambling and to make people aware of how dangerous gambling is and the impact it has on the family. The method used is the problem approach that the authors use is a normative juridical approach. Which means the problems in the field are juxtaposed with the existing legal aspects. Law is conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as rules or norms which are standards for human behavior that are considered appropriate. result b. If viewed from a juridical aspect, the matter of gambling is regulated in the Criminal Code, namely Article 303 and Article 303 bis and strengthened by Law no. 7 of 1974 concerning Controlling Gambling. Until now, the exact rules regarding the prohibition of gambling are still unclear. Judging from this provision, there is actually no prohibition for the public to gamble. In this article, what is prohibited is the holding of gambling without obtaining a permit. While Law no. 7 of 1974 is not a Law on the Prohibition of Gambling, because its contents are regulations for the implementation of gambling (bookies), so that they seek permission to organize gambling. In another sense, gambling is permitted under the law if it has complete permits. Because it is very possible that the maximum fine is imposed cumulatively. Because the burden of proof is placed on law enforcers. In Indonesia, it is indeed not easy to investigate assets resulting from a crime or those that have been laundered. In fact, in various kinds of news lately, many law enforcement officials have played a role, were involved or "backed up" big-name bookies at the national level.

**Keywords:** Gambling, Gambling Crime

### **1. INTRODUCTION**

One of the actions that is contrary to religious, moral, moral and legal norms is gambling. This is because the negative effects of gambling are very dangerous for the life of society, nation and state. Gambling is not a new thing for the people of Indonesia because gambling games have actually been around for a long time and are thriving in line with the times. Today around our environment we often find various forms of gambling carried out by the community, both carried out secretly and openly. Because most of our society now considers gambling to be a normal thing. From a legal perspective, gambling is a crime (*offense*) which is very disturbing to the community (Adolphe et al., 2019). *Encyclopedia Britannica* noted that gambling was found since primitive times, for example the bushmen in South Africa, Aborigines in Australia, and Indians in America, where they were familiar with the game of dice (Banks, 2016)

In the teachings of all religions, gambling is a very despicable act, gambling is very close to other despicable behaviors such as drunkenness, prostitution, which in the end can drag humans to more serious crimes such as theft, fraud, embezzlement, corruption, and even murder. and



others. In the teachings of Islam, the prohibition of gambling is found in the holy book of the Qur'an, in which it is explained that gambling and drinks containing alcohol content are considered grave sins, and are acts of lust committed by Satan to change the character of human behavior in committing crimes. these despicable acts. Problems that clearly violate legal actions often cannot be resolved easily because there are always two different views (pros and cons), on the one hand many people associate gambling with religious prohibitions, educators, but on the other hand it is a the fact that many people like the act of gambling as an entertainment and livelihood that can generate lucrative amounts of money in an easy way, so that people who have a low economic life and do not rule out people who have a lot of money are due to habits and hobbies alone (MARIANI & Fil, 2023).

The moral decline of society in its own nation creates a criticism and symptoms of destruction caused by actions that clearly violate this law. So in order to address the problems above, preventing or eradicating gambling requires some cooperation between the government authorities and community leaders who are competent in terms of family relations with the community as the closest party in tolerance so that to provide guidance both the family and the community itself can be limited in doing this unlawful work. The problem of gambling is a social disease that until now has not been resolved and if it is studied further about this gambling, then the scope is very broad (Arthur et al., 2014). The family is an alternative to provide moral encouragement to relatives and public relations as the party closest to tolerance as well as the government as the director in regulating and fostering relations with competent figures in it. In order to provide a way to avoid and make people aware of how dangerous gambling is and the impact it has on the family.

## **2. RESEARCH METHOD**

The problem approach that the author uses is a normative juridical approach. Which means the problems in the field are juxtaposed with the existing legal aspects. Law is conceptualized as what is written in statutory regulations (*law in books*) or law is conceptualized as a rule or norm which is a standard of human behavior that is considered appropriate.

The data included in this thesis are:

### **a. Data Primer.**

Data were obtained directly from the field, both from respondents, informants and related parties. In this case, the writer goes directly to the research object to do the writing using interview techniques, documentation techniques, and questionnaire techniques.



**b. Data Seconds**

Namely data obtained through the writing of literature which is done by searching and collecting data contained in literature books, legal regulations, documents and archives relevant to research. The procedure for collecting legal materials used by the author in this thesis is a literature study, which aims as a rationale for analyzing data obtained from research in the field. Data analysis in writing this thesis uses qualitative analysis techniques using qualitative and comparative deductive thinking approaches. Qualitative analysis techniques with a logical deduction thinking approach are used if the problem at hand requires an explanation. Meanwhile, the comparative approach is used if the problem faced requires a comparison.

**3. RESULTS AND DISCUSSION****Juridical Aspects of Gambling****a. Basic Legal Gambling**

Regarding the legal basis for gambling, this is regulated in the Criminal Code which has two articles, namely Article 303 and Article 303 bis and is strengthened by Law no. 7 of 1974 concerning Controlling Gambling (Banks & Waugh, 2019).

**b. Efforts to Prevent Gambling**

In terms of preventing gambling, it is necessary to apply some rules or norms to minimize the motion of the gambling process, so that the efforts taken will provide as much as possible to prevent gambling from occurring. According to the author, it is necessary to provide an effort to minimize the existence of gambling itself. Among these efforts are as follows:

1. First, the religious rules, where the religious rules here focus on the basis of the words of God contained in the holy book Al-Qur'an. In the past, religion was once the biggest motivator that regulated people's behavior, this is no longer the case for today, but even now religion still plays a very important role not only in the realm of moral relationships and people's thoughts, but also in determine behavior in society, namely in relation to the maintenance and protection of the interests of others and efforts to develop common interests.
2. Second, the rules of decency, which arise from human morals. These regulations are recognized and obeyed by most of them, who do not want to

recognize God's commandments or the regulatory and regulated relationship between God and man, which requires them to perform certain actions.

3. Third, the rule of decency, is a rule that is found in large and small social circles that often intersect where almost everyone lives.

c. The Role of Family, Scholars, and Society

The development of public perceptions of social order which particularly highlights the problem of gambling in Indonesian society. In scientific terms *social process* where it is called social control or social control, it can be seen that the influence of the family in this case is to overcome gambling problems and prevent it from spreading to other families (Binde, 2016).

There are societies where gambling problems tend to be resolved peacefully, but there are societies where people like to argue. A process can be identified here, namely a process that starts with teaching social norms, by appealing to society so that values or norms are accepted or internalized, so that they become part of personality and from behavior that conforms to (conformity with norms) expected by society or by groups (Podgornik & Kovačič, 2013).

However, it turns out that not all processes run smoothly, because minor denial and those that are considered to be at an early stage may still be tried to be overcome with appeals to reason, through persuasion and through convincing examples. However, if the denial concerns values that are considered very basic in culture, then obedience will be enforced through harsh punishments. In fact, if it is considered that the preservation of values can only be maintained through the extermination of the offenders, then it can be maintained through the extermination of the offenders, in this case, the gambling players. Then it can be done and the law allows it.

The scholars in this case were quite influential in giving fatwas relating to the problem of people's behavior in changing the order of life for the better, the impact given by the scholars made a deep impression on people who are aware of their existence on this earth.

d. The Role of Government Apparatuses, Particularly the Police and the Courts

Difficulties in enforcing the law on gambling are caused by:

1. Widespread differences in views in society, where one party is against gambling, while many other groups including the authorities want gambling as a

source of government income. This difference causes law enforcement to fall apart, due to a lack of support.

2. Regulations regarding gambling contained in Article 303 of the Criminal Code in conjunction with Law no. 7 of 1974 concerning Controlling Gambling, it is still unclear the exact rules regarding the prohibition for people who gamble. Judging from this provision, there is actually no prohibition for the public to gamble. In this article, what is prohibited is the holding of gambling without obtaining a permit. While Law no. 7 of 1974 is not a Law on the Prohibition of Gambling, because its contents are regulations for the implementation of gambling (bookies), so that they seek permission to organize gambling.

### **Factors Causing Gambling**

1. Social Factors

In society, people have relationships with each other that are infinite in number and nature. Those people have their own interests. And society makes it possible for those interests to meet in a close contact that pushes each other away, that is, when those interests collide, or makes it possible to collide, a contact that brings each other closer, when those interests are mutually beneficial. It is easy to understand that people living in society, on the one hand try to protect their respective interests against the dangers of the society itself, while on the other hand always try to help each other in the pursuit of common interests. Efforts to protect and develop those interests can be achieved, because previously there have been regulations that can be a measure for people's behavior. These rules require people to act in society in such a way, that common interests can be developed. The rules are commonly called rules or with a foreign word that comes from Greek, norms.

Gambling, in reality often changes faces and changes names and/or changes names and faces, but it is still gambling. Once upon a time he was named Gajah Gemblek, which had spread in the fifties and sixties. Maybe at one time it was called tail gambling, maybe at one time it was called totalizer in the sixties, then prize donations or porkas. Maybe he uses a name that is very sweet, like a game of dexterity. But in essence gambling is a mere game of chance (gambling). The bettors depend on their fate solely on luck.

Because humans are so close to gambling, it can be seen that thousands of types of gambling are carried out by humans, from the lower level to the top, from children to

adults. Environmental factors contribute quite a lot in giving bad experiences in childhood, each of which is at a low economic and social level .

From the description above, it is very clear that the community is very close to the problem of gambling and officials are eager to organize gambling to raise funds for various purposes, such as sports coaching, to overcome social inequality and natural disasters.

## 2. The Trial Factor In Gambling Games

Playing gambling means every game, where the chances of winning generally depend on luck, even if the chances of winning are greater because the player is smarter or more competent. Playing gambling includes all betting agreements regarding the results of competitions or other games, which are not held by those who participate in the competition or playing, as well as all other bets (Grall-Bronnec et al., 2012).

From the contents of the articles mentioned above, it can be concluded that it is not prohibited for a gambling game to be carried out in a house, not seen from public roads, by people who are specifically invited to do so.

If the invitation can be obtained very easily, for example by paying a certain amount of money, then giving the opportunity to gamble is prohibited. There are times when gambling is carried out by people who are members of a certain association. Even now, it can be considered prohibited if, for example, you can say that everyone can become a member.

In fact, the problem of gambling, which has its source in the country, is actually not that difficult for us to overcome, because with the formation and authority given by the Presidential Instruction, we can coordinate with other agencies to deal with gambling problems. And about the causes and factors driving trial and error in gambling, namely:

- a. Seeking pleasure and joy.
- b. Seek with inspiration with profit.
- c. The desire to get a big prize.
- d. Available and easy to get big profits.

The causes caused by a game in the form of gambling are seen from the perspective of the victim who is addicted to the game. While the city side (organizer). Cannot be disclosed, maybe it lies in purely economic motivation or other reasons.

The trial and error factor here is the impression given from gambling games that have an effect so that from just playing you can become addicted, gambling has done

many propaganda methods from its form to its packaging. Of the many gambling games, people can pick and choose what they want while at the same time looking for prizes that can benefit themselves (Ainslie, 2010).

From gambling practices that exist in Indonesia as well as the benefits provided by bookies to attract public interest and fall into this game, one of the games that we often hear about is TOGEL (dark toto), this game gives its own impression in society besides being an easy place. reachable and to get this game is easy just by ordering from roadside people, as well as pedicab drivers and others. In essence, gambling games do not always provide large profits, on the contrary, they will cause dilemmas among the community and families, whether carried out in a clandestine manner or with open games (Rickwood et al., 2010).

### 3. Negative Impact in Gambling

As stated in the Al-Qur'an that gambling games and drinking khamr do more harm than good, is that true? We can see it, but it would be better if we look deeper. We have to admit that in organizing gambling there are benefits as stated by I.S. Susanto, among others, as follows:

- a. social function. Through the gambling business, especially gambling that obtains legality from the government, sizable funds can be collected, which can be used to finance development projects, improve villages, roads, schools, recreational areas, and so on.
- b. economic function. With legalized gambling, there will be needs for services such as transportation services, restaurants, brothels, hotels and so on.
- c. Employment. With the emergence of gambling businesses and their supporters, a large number of workers were needed, for example, billiard waiters, staff from hotels, restaurants and other businesses.
- d. Social status. It turns out that gambling has also created pride in social status for those who can afford to gamble in prestigious places.

It is. Psychological. Gambling according to the perpetrator's view also gives hope, so that for the winner it will cause pleasure, happiness, and pride in one's own abilities. Besides that, gambling for fans is an arena for creativity, eliminating fatigue and burdensome thoughts.

But besides these benefits, of course there are also negative effects, which according to the Qur'an are greater than the benefits. Below are carried out the consequences of gambling as described in the interpretation of the verse.

Gambling is a dangerous act, because as a result of gambling a good person will become evil, an obedient person will become ignorant, lazy to do worship, far away from remembering Allah. He became a lazy, angry person, his eyes were red, his body was weak and lethargic. By itself his morals will be corrupted, he does not want to work to earn sustenance in a good way, he always hopes that he will win.

In history, no one got rich because of gambling. Instead the opposite happened. Many rich people suddenly became poor and destitute because of gambling. Many households that were securely happy suddenly fell apart because of gambling.

#### 4. Psychological Impact

Records have shown us how he had never imagined his passion for gambling games, so when he tried it for the first time he suddenly became addicted because what he got from the game benefited him greatly.

In the 20th century, it is known as the modern century, where the sophistication of science and technology dominates all areas of people's lives, it is difficult to accept the act of gambling and with all the consequences it affects our psychological processes. a scientific attitude, which always wants to know the level of truth that can be measured by reason.

For those who are already addicted to gambling games, to the extent that in achieving their goals and personal interests they sacrifice family and children. In fact, it is considered disturbing if one of the family members gives advice not to get involved in a game that can harm him.

Factors that affect the psychology of gambling games are as follows:

1. The nature of greed caused by the desire to get a big profit.
2. As a means of livelihood to support the economy.
3. Give pleasure, happiness, and pride in your own abilities.
4. It is an arena for being creative, eliminating fatigue and burdensome thoughts.

Humans in their lives are surrounded by various kinds of dangers that threaten their interests, so that their interests or desires are often not achieved. Humans want their interests to be protected from the dangers that threaten them. For that he needs the help of other humans. By cooperating with other human beings, it will be easier for their desires

to be achieved or their interests protected. Moreover, considering that humans are creatures that are weak in facing the threat of danger to themselves or their interests, their position will be stronger in facing danger if they work together with other humans in groups or living together.

Society is a shared life that is organized to achieve and realize common goals. Society is a group or collection of people. Society is a psychological social order, the existence of fellow human beings in an atmosphere of individual consciousness takes into account the existence of society. Humans will try and will feel happy if they can adjust to society. If he can't adjust, he will feel disappointed and sad because he is someone he doesn't want. Souls who have been possessed by gambling games are very risky to take actions that are outside the limits of religious and moral norms. This is the soul is a determining factor of good and bad behavior in a person in society. Humans who do not escape mistakes and oversights provide weaknesses in good behavior, especially in receiving stimuli that arise from around their environment.

Often a person's psyche can withstand the temptations that arise and some cannot handle the impact. One example is gambling, the strong desire of society to get material benefits that closes the soul a lot to take actions that cannot be avoided from legal problems.

#### **4. CONCLUSION**

Many factors influence the growing crime of gambling in Indonesia. Starting from the social influence of the people in the surrounding environment, this is due to the factor of too lax social norms and the betting factor that expects big profits in an instant, the factor of trial and error or speculation so that they hope to get fantastic results by gambling. In the development of Indonesian people's lives (Das Sein) can change legal arrangements regarding gambling from illegal to legal (*That should*) with certain requirements, namely that society must compare the impacts that will be caused by gambling and also prevent society from bad behavior and will harm society itself. In order to reach crimes obtained from gambling, it seems that law enforcement in Indonesia must be brave in carrying out raids on gambling locations, so that objects obtained from crimes from gambling are either in the form of objects or valuables. In addition, law enforcers must order the payment of a sum of money to the perpetrators and players and bandits involved in gambling in terms of property previously confiscated. The amount of money that must be paid is balanced with the value of the object that should be seized.



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