

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

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### **ABSTRACT**

The purpose of this research is to try and make people aware of the dangers posed by gambling. The research method uses normative juridical, based on the literature and case studies in the field related to the causes of the crime of gambling. The results of the development of Indonesian people's lives (Das Sein) can change legal arrangements regarding gambling from illegal to legal (Das Sollen) with certain conditions, namely that society must compare the impacts that will be caused by gambling and also prevent society from bad traits and will harm society itself. In order to reach crimes obtained from gambling, it seems that law enforcers 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.

**Keywords:** Law, Morale, Gambling, Criminal, Constitution

### **1. INTRODUCTION**

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 (Lakoro et al., 2020).

And this act can also change and cause people to be hostile and hate each other, even though in reality gambling and alcohol can be seen in the eyes of the community and is a profitable field, but the actions done by the people involved in it do not think the impacts that will occur in the future as well as the greater harm (Munawar, 2019).

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 caused by habits and hobbies alone (Waney , 2016).



The era of globalization has had a very big impact on expanding or developing in gambling in society. So it is not surprising that students or young people as the nation's successors can also commit acts of sin that are prohibited by religion or by the positive law of the Indonesian people. Our society, which in fact has a weak economy, is very likely to be able to carry out gambling which is very profitable in finding lucrative business fields, so that often our people do not pay attention or listen that the actions they are committing are acts that are prohibited by religion and law (Rodiyah et al., 2022).

And also from the socio-economic structure, it can also include the impact that gave this gambling act. With the development of industrialization and various uncertain fluctuations of government policies in the economic and financial fields, especially the 2nd Pelita and followed by the development of increasingly sophisticated crimes, especially in the economic field, so far our society still has many life problems which, from the price staples on the market are not sufficient to meet the economic needs of the community due to rising staples and prices that cannot reach sufficient daily needs so that actions prohibited by religious law and positive law are used as an alternative in overcoming life's poverty (Kurniawan et al., 2022).

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 work that violates this law (Satrya et al., 2022).

The problem of gambling is a social disease which until now has not been able to be resolved and if it is studied further about this gambling, the scope is very wide and in this case the family is an alternative to provide moral support for relatives and public relations as the closest party. in 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

This research method uses normative juridical, based on literature and case studies in the field related to environmental criminal law enforcement related to environmental pollution due to electronic waste, the cause of gambling crimes.

### **3. RESULTS AND DISCUSSION**

#### **Factors Causing Gambling**

##### **1. Social Factors**

In society, people have innumerable relationships with each other. These people have their own interests. And society allows these interests to meet in a close contact that distances one another, that is, when these interests collide, or allows colliding, contacts that draw each other closer, when the interests are mutually beneficial. It is easy to understand that people who live in society, on the one hand, try to protect their own interests against the dangers of society itself, while on the other hand, they always try to help each other in pursuing common interests.

Efforts to protect and develop the interests of the citizens can be achieved, because previously the city has established regulations that can be a deterrent to fraudulent behavior. These rules require people to act in society in such a way, that common interests can be developed. Citu rules are usually called catau rules with the word casing which comes from Yonic, norm.norma

The definition of gambling according to the Criminal Code is any game, where in general the possibility of making a profit depends on sheer luck, also because the game is more skilled or more proficient. It includes all bets on race decisions or other games, which are not held between those who are competing or playing, as well as all other bets (Huda, 2015).

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 luck alone for their fate (Moeljatno, 2021).

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.

In the 1950s, we encountered tekpol games, which used two sides of a coin with marbles or rubber bands at stake. In lower class society, we often see people like pedicab drivers while resting huddled under a tree playing dominoes, with a small bet of Rp. ).

In the villages, when there is a celebration, such as circumcision, jajang bayen, lek-lekan manten, a game of cards or chess is played to prevent sleepiness. To make the game more lively, there



are small bets, just to add excitement. Apart from that, cockfighting gambling is a bet that has its own fans.

At a higher level, gambling is also favored by certain groups, for example the Chinese ethnicity. They gamble with Chinese cards in a closed place, which is only known by their own circle, with tight security. Often, we read, in the raids carried out by officers, there are people who become backers.

When gambling in our homeland received legality from the government in the seventies, gambling was really popular. The government, through the Prize Social Fund Contribution (SDSB), which is used to finance humanitarian and sports projects, every week opens the main prizes to official buyers. As a result of that, tail bets arose, namely several numbers (behind) the same numbers as the main prizes from the dark dealers. Then came the thousands of Bandar. In everyone's offices, every day buying tails. Likewise in the villages people sell and buy oxtail. The situation is truly sad for those who are moral, but joyful for those who like to gamble and who earn from it (Keintjem, 2021).

The field of sports is a field that is often used as a means to hold gambling. Guessing on sports games is a very easy way to make a betting arena, any sport. Boxing, soccer, tennis, horse races, car races are gambling facilities that are easy to carry out.

At the top level, gambling is carried out by enthusiasts abroad. In America, Las Vegas is the name of a place that is famous for world-class gamblers. It is said that one of the president's sons once lost a bet there. Monaco is the name of a country in Europe whose only income is from gambling. Meanwhile, several gambling places are also located in neighboring countries such as Singapore, Kuala Lumpur and Macau.

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 also includes all betting agreements regarding the decisions of competitions or other games, which are not held by those who participate in the competition or play, as well as all other bets (Astuti, 2022).

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 era of globalization has a significant role, in terms of gambling, especially for teenagers who are still not familiar with the effects of gambling. The influence of gambling in our society has been noticed. Recently there was a gambling game that was held in open places and was quite risky in disturbing public order (Bachtiar, 2017).

The gambling game in the form of marbles has experienced rapid progress, the average viewing public is also affected by this gambling game, the large profits and payments that can be reached by low-income people provide a new field in the form of a unique gambling format.

This game focuses on the object being contested so that from adults to children can take part in this game, to get the prize being contested each participant must pay an advance to get a number, then it is adjusted to the other players. The influence of an environment in society gives a distinctive impression to form a social order where the majority are fond of gambling. Often from children to adults can not be separated from the game of gambling.

Factor trial and error here is the impression given from gambling games that have an effect so that from just playing steps you can get addicted, gambling has done many propaganda methods from its form to its packaging. So if the order of society at the bottom, especially the low economy, is big



enough to be able to propagate and get involved in it, then it is not surprising that children as the younger generation experience a dilemma that changes their nature and character so that they can fall into this game. 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.

In gambling the impact is very large and quite affects the lives of the younger generation and children as the successor of the nation, in this case trying to find luck in gambling games is not right because it is seen from the side of religion and decency regulated in the law. the law is very focused on behavior that is not in accordance with the norms mentioned above. The life of the Indonesian people, whose income is very low, is very risky to try their luck in gambling games. It is enough to give a place of its own in taking on challenges in this era of globalization (Sihombing, 2021).

Over time, gambling games, especially in rural communities (villages), have done many tricks to avoid being raided by law enforcement agencies, especially the police, so that styles in gambling games vary widely and develop very rapidly. Bookies provide many alternative ways to form a coordinated organization.

Besides that, every game must have an advantage for the winner who gets the prize, whether in the form of money, objects and so on. In everyday life humans are often faced with an urgent need, the need for self-satisfaction and sometimes because of the desire or pressure to maintain one's status. In general, the needs of every human being will be met, although not entirely. In circumstances that do not require pressure from within or from others. For needs that are urgent and must be fulfilled immediately, they are often carried out without long or mature thought that can harm the environment or other humans.

To return to a more lively atmosphere, gambling games are sometimes interspersed with musical entertainment or other types of games that are not boring. The profits from gambling game prizes are quite large because the sweepstakes or competitions that are held will be of particular interest, even though in reality the results of playing gambling will not enrich someone with those results.

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 result in dilemmas among the community and families, whether carried out in a clandestine manner or with open games such as dominoes.



And every time a person plays a gambling game he will always be bound and it is difficult to change character if there is no will and he really won't get involved in this game, the prizes provided by the organizing committee will increase people's motivation to always put in and take advantage of what they get. Everything a gambling player does is fatal if he loses and he is not controlled so that it has an effect on other people and will also spread to brutal behavior and take other people's property. As for the benefits that come from the results of this game, there are lots of incidents that are misused and give disease to the community because religious norms and decency are not carried out. In line with this transitional era, the cities that deal with the problem of gambling give a lot of input to the community in marketing this trade and gambling game, so that when in the community we experience bad behavior due to this game it is not surprising and to cover up the mask done by these townspeople.

We often know that in a gambling game if one party loses, the losing player can automatically place the bet back to get the game back, from the description it is clear that gambling does not experience ups and downs because everyone who loses can make up for the loss. Such treatment provides flexibility and makes it easier so that the time allotted will always be available and the profits will be greater.

People who experience luck in gambling give their own satisfaction and gamblers do a lot to get it, to the point that we hear asking for the help of shamans to get lucky. So gambling even by the government and especially by the clergy is generally prohibited. Gambling is still victorious in our society, we don't know when this game will end with quite large impacts even though our legal system does not fully regulate both the abstract and the real. And that arises in society.

Especially for law enforcement officials who feel they have contributed to eradicating gambling, in my opinion, they must really carry out their duties properly so that people's perceptions of officers are better, because the effects that arise and the assumptions that are circulating corner law enforcement officials. Also, in this case, law enforcement officials must always be consistent so they don't fall into the game of gambling. The public assumes that law enforcers always support the existing ports.

### 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.
- e. 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 very quickly generates hostility and anger, and not infrequently leads to murder. The danger has been proven since long ago until now. If gambling has been infected in a place, there will always be disputes, hostilities and killings in that place. Reckless work often happens to gambling players, such as killing themselves, robbing and others, especially when they experience defeat.

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 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.

The factors that influence 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.

Gambling as a social phenomenon that grows and develops, especially in urban and rural communities, the events that result from this gambling game are sometimes difficult for the public and law enforcement officials to know. 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. He will be stronger in facing threats to his interests, thus his protection will be guaranteed more if he lives in society, which is a shared life whose members hold patterns of behavior whose meaning is understood by fellow members (Ma'u, 2016).

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

The development of Indonesian people's lives (Das Sein) can change legal arrangements regarding gambling from illegal to legal (Das Sollen) with certain conditions, namely that society must compare the impacts that will be caused by gambling and also prevent society from bad traits and will harm society itself. In order to reach crimes obtained from gambling, it seems that law enforcers 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.

Where possible, the maximum fine shall be imposed cumulatively with the conviction of the gambling crime. 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. For this reason, investigators must be given training in the skills of investigating gambling problems, which are especially found in rural communities.

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