

## *Law Enforcement Against Criminal Acts Of Cockfighting Gambling*

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### ABSTRACT

This study aims to determine law enforcement against perpetrators of cockfighting gambling as a crime in the Gorontalo Regency area. The method used in this research is empirical or sociological research methodology. This study uses a qualitative approach and sampling using purposive sampling. The results of this study indicate that the process of law enforcement by the police against perpetrators of criminal acts of cockfighting gambling in the Gorontalo Regency area is carried out in two ways, namely first, pre-emptive law enforcement where in law enforcement the police take a persuasive approach to the community and provide direction on legal awareness in the environment. the community and also carry out mapping so that every crime event can be detected as early as possible. While the second law enforcement is repressive enforcement which is the final step taken by the Gorontalo Resort police to eradicate the practice of cockfighting gambling in Gorontalo Regency. This process consists of several stages; accept fights, investigations, investigations, arrests, confiscation of evidence, and detention. It is better not only to use the applicable criminal law as the overall solution, but also to take an integral or systemic approach. So, the effort to overcome this cockfighting gambling process must also be taken with a socio-cultural approach, a moralist approach, and a flexible educational approach to the current developments of society.

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## 1. Introduction

The legal system in Indonesia is a system of rules that apply in Indonesia. A system of rules that can be said to be complex and broad and consists of legal elements, where the legal elements are interrelated with each other, influence each other and influence and complement each other. Therefore, when discussing an element or sub-system of the law that applies in Indonesia, it must be interrelated or cannot be separated from other elements. So it can resemble the human body. The element of law is like an organ whose existence cannot be separated from other organs.<sup>1</sup> Considering that Indonesia is also one of the countries that puts forward the constitution in every aspect of the life of the nation and state.<sup>2</sup> The form of the legal system also requires people to have a sense of love and affection, mutual respect, mutual respect, mutual help, loyalty, honesty, and integrity adequate physical and spiritual support, so that the implementation of the legal system can run in accordance with people's lives in general.<sup>3</sup>

Talking to law enforcement means talking to the legal system where all the legal rules are an organized unit. Apart from that, law enforcement is carried out by institutions that are authorized by the provisions of the applicable laws and regulations. One of them is the police who have the responsibility to maintain security and public order, enforce the law, provide protection, shelter, and service to the community. The purpose of the process is solely to protect and provide rights and obligations rather than the victims themselves.<sup>4</sup> Legal protection is very necessary because it is an effort to integrate various needs in associations so that there are no conflicts between needs and can enjoy all the rights granted by law.<sup>5</sup> So with that, social problems that arise in society are indirectly the duty of the police to secure and carry out the law enforcement process if the community's actions have violated the provisions of the applicable laws and regulations. Law enforcement is here to provide a sense of security and peace to the community in order to avoid things that can harm the community. In the process of law enforcement, it is hoped that it can provide a sense of justice and guarantee the rights and obligations of

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<sup>1</sup>Bisri's inspiration. Indonesian Legal System (Principles & Implementation of Law in Indonesia). (Depok: Rajawali pers, 2017). p. 39.

<sup>2</sup> Fakhri Lutfianto Hapsoro. (July, 2020). Interpretation of the Constitution in the Examination of Constitutionalities to Realize The Living Constitution. JALREV 2 (2), p. 145

<sup>3</sup>Dedi Sumanto, Titin Samsudin, Fikri Asnawi Amiruddin. The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence. JALREV 3(2) 2021, Pg 228

<sup>4</sup> Princess Handayani Nurdin. (2019). Political Law Regulation of Political Education by Political Parties. JALREV 1 (2) July, Pg 146

<sup>5</sup>Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata. Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata. Journal of Legal Reform, Vol. XXIV No. 2, July-December 2020, p. 197

the community, both victims and perpetrators of criminal acts, because every human being is protected by law which can be regarded as human rights.

Besides that The right to life must also be protected by the state, especially the rule of law, especially if it is related to criminal acts which basically have damaged the order of human rights in general.<sup>6</sup>The existence of human rights (HAM) will not have any meaning if it is not followed up with the law that regulates the relationship of these rights, meaning that it is the law that formalizes human rights into a set of rules to maintain and protect so that they do not become clashes in society. social and state life.<sup>7</sup>Indonesia is the highest agreement of the state-formers, even though it has experienced a constitutional test when the 1945 Constitution was changed to the Constitution of the Republic of the United States of Indonesia in 1949, even though the recognition of areas under the auspices of the Indonesian state is still recognized.<sup>8</sup>

There are social problems that arise from the community, even if they are only considered normal

things even though by law their actions have violated the provisions of the applicable laws and regulations. Not to mention that the era is increasingly modern, technology is increasingly advanced, so indirectly the behavior pattern of the community develops in accordance with the times. As time and technology develop, people can use it to develop the potential that exists in each of them. So according to the author's opinion that in an age where humans are required to develop themselves.<sup>9</sup>

As a result of these social problems are disturbing the lives of citizens, so that interaction in society is very disturbed. The negative consequences are very big if not addressed as soon as possible. Therefore, law enforcers, especially police officers, must act decisively and seriously in dealing with crime to ensure social welfare for the community.<sup>10</sup> This pressure is a little more likely to cause a significant reaction to the existence of the community, so the government through law enforcement must be careful in solving a

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<sup>6</sup> Lisnawaty Joins. (2012). Euthanasia and Human Rights. *Legality Journal*. 5 (1), Pg 1

<sup>7</sup> Tijow, Luciana. Protection of Human Rights to the Right to Life of Children in the womb outside of a legal marriage. *Journal of Legality* 3 (2), page 80

<sup>8</sup>Novendri M. Nggilu. Juridical Review of Criminal Sanction Arrangements in Gorontalo Provincial Regulations. *Lambung Mangkurat Law Journal* Vol 5 Issue 2, September (2020), Page 110

<sup>9</sup> Daffodil, Dolot Alhasni. (2020). Determination of Legal Protection of Neighboring Right Holders. *JALREV* 2 (1), p. 67

<sup>10</sup>Ariefulloh. (2019). The Dilemma of the Implementation of Traffic Violation Sanctions Against Children. *JALREV* 1 (2), p. 199

problem that has to do with the community.<sup>11</sup>The reason is that government policies as outlined in laws and regulations are always followed by criminal sanctions<sup>12</sup>and the involvement of the State which is also one of the characters of the conflict phenomenon.<sup>13</sup>

Law can be used as a reformer in the life of the nation and state which must be shaped with an orientation to the future (for word looking), not allowing it to be built with an orientation in the past (back word looking). Therefore, the law must be used as a driving force and a pioneer to change social life so that in the future it will be better and beneficial for all parties. One of the causes of legal problems that are often the attention of the public and the government is gambling.<sup>14</sup>

Gambling is contrary to religion, decency and Pancasila morals and endangers the community, nation and state and is viewed from the national interest. The impact of gambling is very detrimental to the morals and mentality of the community, especially the younger generation. On the one hand, gambling is a problem that is difficult to overcome and the emergence of gambling has existed since the century of human civilization. Gambling or games "gambling" or "gambling" according to the Big Indonesian Dictionary is "using money as a bet".<sup>15</sup>

Gambling has been regulated in article 303 paragraph 1 of the 2nd KUHP (Book of the Criminal Law Act) in conjunction with article 303 bis paragraph 1 of the 1st and 2nd of the Criminal Code in conjunction with article 2 paragraph 1 of law number 7 of 1974 concerning controlling gambling. In article 303 of the Criminal Code, the organizers will be subject to a threat of 10 years in prison while those who gamble or bet will be subject to Article 303 bis of the Criminal Code with a penalty of 4 years.<sup>16</sup>

At this time the existence of cockfighting gambling is increasingly common, as has happened in the Bakti village, Pulubala District, Gorontalo Regency which is a place for cockfighting gambling. and evidence to the police station. However, the perpetrators of

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<sup>11</sup>Fitriyadi, Ahmad Adi. (2020). Differentiation of Refugees and Asylum Seekers in International Refugee Law and Its Relation to the Principle of Non-Refoulement. JALREV 2 (2), p. 127

<sup>12</sup>Hwian Christianto, Michelle Kristina. Fulfilling the Right of Education during Covid-19 Pandemic Period: A Comparative Study. JALREV 4 (1) 2022, Pg 1

<sup>13</sup>Yudha Chandra Arowana. "Mediation Path in Land Dispute Settlement as an Encouragement for Fulfillment of Human Rights." JALREV 1 (2) 2019, Pg 216

<sup>14</sup>Lanka Asmar. The role of parents in the trial process for the crime of gambling committed by children (bandung: cv.mandar forward, 2017). page 1

<sup>15</sup>Poerwadarminta, Big Indonesian Dictionary. (Jakarta: Balai librarian, 1995). Pg 419

<sup>16</sup>KUHP articles 303 and 303 bis

cockfighting gambling who had previously escaped from the raids re-established the cockfighting gambling place by moving to another place. So indirectly the perpetrators must and must be processed legally.<sup>17</sup>

Based on observations made, cases of cockfighting gambling have developed in the community, especially in Gorontalo Regency, which refers to the table below.

**Table 1**

**Fighting Gambling Datachicken year 2017 s / d 2020 Gorontalo Police**

NO	YEAR	CHICKEN GAMBLING	ARTICLE BREACHED
1	2017	2 Case	303 of the Criminal Code
2	2018	3 Case	303 of the Criminal Code
3	2019	4 Case	303 of the Criminal Code

Gorontalo Police Criminal Investigation data source

From 2017 to 2019 it can be seen from the table above that a case regarding chicken gambling increases by one case. So indirectly, prospective researchers argue that law enforcement from the police is still not optimal even though the stages of enforcement procedures are in accordance with applicable regulations.

## **2. Problem Formulation**

After seeing the various statements that have been described in the background above, the researcher wants to focus on the study of law enforcement against cockfighting gamblers as a crime in the Gorontalo Regency area.

## **3. Method**

The type of research used is empirical legal research which examines law enforcement against cockfighting gamblers as a crime in the Gorontalo Regency area obtained through interviews and real actions obtained through direct observation. While the sampling used purposive sampling and data analysis using a qualitative research approach

## **4. Analysis or Discussion**

### **4.1 Law Enforcement Against Criminal Acts Of Cock Fight Gambling In The Jurisdiction Of Gorontalo Regency**

This cockfighting gambling game is usually accompanied by gambling that takes place simultaneously in the cockfighting arena. The Criminal Code explains that cockfighting

<sup>17</sup>Fence M. Wantu. (2011). Criminal Procedure Law. Reviva Cendekia, Yogyakarta. page 13

is an act that violates the law. The activity of fighting courage and fighting power is also the guts of the chickens who become gaco by fighting each other with other people's chicken gaco. Some of these cockfighting activities are also not necessarily accompanied by gambling, but the focus of the researchers is cockfighting activities by the community at the research location which are accompanied by gambling. Although gambling has been banned and is threatened with very severe penalties, as described in Article 303 paragraph (1) of the Criminal Code, it is punishable by imprisonment for 10 years or a maximum of 25 million rupiah. And also in Article 303 paragraph (1) of the Criminal Code it is described, shall be punished with a maximum imprisonment of 4 years or a maximum fine of 10 million rupiah. However, in the middle of many who carry out gambling, not to mention that these actions really injure the norms that exist in society, which should develop these norms in society and be flexible and encourage creativity in providing good public services.<sup>18</sup>

Based on the existing reality, efforts to overcome crime, especially cockfighting gambling, need to be taken with a policy approach, namely the existence of a link between the police and the local village government. Gorontalo is Gorontalo Regency. The crime of gambling, especially cockfighting gambling or what is known in the cockfighting community, is still often found by the Gorontalo resort police and has been very troubling to the public. In enforcement, The Gorontalo Resort Police continue to seek the existence of a place for cockfighting gambling practices by utilizing facilities and infrastructure as well as reports from the public who are very disturbed by the practice of cockfighting gambling. Gambling crime is still quite high, especially in Cockfighting gambling which was discovered by the Gorontalo Resort police. The police themselves have made maximum efforts to prevent the crime of cockfighting gambling, this is done for the sake of creating security and justice in the community, especially the people in Gorontalo Regency.

Based on the results of an interview with the Rextim section of the Gorontalo Police Headquarters 3, Mr. Aipu Juharo Kasem, SE. On October 30 at 09:45 WITA that

"The role of the Gorontalo Police in handling the cockfighting gambling case is to take immediate action. If there is information about the practice of cockfighting gambling, of course we as the police must follow up by conducting an investigation, when the results of the investigation are correct, we immediately take action or arrest. And we from the Gorontalo Police are still committed to funding and will continue to eradicate cockfighting gambling practices in order to bring order to society from the crime of

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18Norm LP Wemben. (2010). "Service Performance at the Gorontalo Regency National Land Agency Office." *Journal of Legality* 3 (2), p. 131

cockfighting gambling."<sup>19</sup>

There is also a process carried out by the Gorontalo Resort police in enforcing the criminal act of cockfighting gambling in the jurisdiction of the Gorontalo Resort Police, including:

### 1. Pre-emptive Action (Anticipate)

Pre-emptive action is one of the actions taken by the police to create conducive conditions by observing or early detecting factors that have the potential to be the causes, drivers, and opportunities for the occurrence of criminal acts of cockfighting gambling. Early detection is carried out to identify symptoms of problems that are expected to arise and develop into disturbances in public security and order. Pre-emptive actions taken by the Gorontalo Resort police include:

#### a) Socialization

Socialization to the community is an effort made by the Gorontalo Resort Police to carry out their roles and responsibilities in socializing or providing counseling and seminars on gambling. There was also socialization that was carried out, among others, by approaching the community through the Head of Bakti Village, Pulubala Sub-district so that the police could easily ask the community for a little time if the village government temporarily held meetings with the community. Socialization is not only done through meetings, but the police also conduct socialization directly to people who do not yet have an understanding of the rules and sanctions for the perpetrators of cockfighting gambling.

#### b) Mapping

The mapping is carried out in locations that are prone to cockfighting gambling crimes, this mapping is carried out to determine where these locations are with the aim of suppressing and even reducing gambling crimes. There is also a mapping carried out by the police which coincides in Bakti Village, Pulubala District, namely by conducting raids so that the place is no longer doing cockfighting gambling. However, there are several places in Pulubala District that are known to practice cockfighting gambling, but not all places have been visited by the police because they are still waiting for clear information from the local community.

### 2. Recessive Action

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<sup>19</sup>The results of an interview with the Rextim section of the Gorontalo Police Headquarters 3, Mr. Aipu Juharo Kasem, SE. On October 30 at 09:45 WITA



Repressive action is the final step taken by the Gorontalo Resort Police to eradicate the practice of cockfighting gambling in Gorontalo Regency. Interview with part 4 investigator, Mr. Sumarni Dale, at 10:50 WITA. "There are several stages in the process of repressive action in law enforcement, namely:<sup>20</sup>

a) Receiving Fighting

The implementation of the enforcement of the criminal act of cockfighting gambling begins with complaints from the public about the practice of the criminal act of cockfighting gambling, its application in the field based on the offense of cockfighting. The cockfighting practice was carried out by reporting the gambling practice to the village government because the practice of cockfighting gambling was very disturbing to the community, so the village government coordinated with the police (Polres Gorontalo).

b) Investigation

Investigation is the process of tracking, finding and looking for places that often practice the practice of cockfighting gambling. In conducting the investigation, the Gorontalo Police along with the OPS section carried out an investigation. Based on the findings in the field, with an investigation, the police can find out whether an event is a criminal event as in accordance with article 102 paragraph (1) of the Criminal Code that: "Investigators who know, receive reports, or link up about the occurrence of an event that should be suspected are mandatory criminal acts. immediately carry out investigative actions as needed."

There is also an investigation carried out by the police, namely by following up on the fights obtained from the village government by visiting the suspected place accompanied by disguises, if the place has been proven to have practiced cockfighting, the police will immediately arrest the perpetrators of cockfighting gambling. .

c) Investigation

The investigation carried out is a process of finding and collecting data and evidence that assists law enforcement so as to clarify the object and subject of the perpetrators of the criminal act of cockfighting gambling. There is also the discovery and data collection carried out by the police, namely by collecting all available evidence obtained from the investigation.

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20Results of an interview with investigator part 4, Gorontalo Resort Police, Mr. Sumarni Dale at 10:50 WITA.



#### d) Arrest

The arrests carried out by the police are a further effort in deepening the law enforcement process for cockfighting gambling. The perpetrators who became suspects were then arrested and secured as a form of the implementation process of legal action. Based on article 1 number 20 of the Criminal Code that arrest is an investigator's act in the form of temporary restraint of the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and trial according to the method regulated by law.

Based on the findings of the case in the field by the researcher, the arrests carried out by the police in Bakti Village were by visiting directly the places reported by the community and the village government so that the police could arrest all the perpetrators of cockfighting gambling, there were also perpetrators who escaped arrest, the police carry out sweeps or pursuits of perpetrators who previously escaped arrest so that many perpetrators were arrested in the homes of residents who were hiding and some were arrested in one of the gardens of residents who were pretending to work, but with the foresight of the police so that the perpetrators can't fool the police.

#### e) Confiscation of Evidence

The confiscation of evidence by the police is contained in Article 33 paragraph (1) of the Criminal Code. The confiscation must be carried out with permission from the chairman of the local District Court, the aim is to facilitate and speed up the law enforcement process by the police in handling cases of criminal acts of cockfighting gambling.

The confiscation of evidence by the police at the cockfighting practice based on the findings at the location, such as 5 roosters and an amount of 2,500,000.00 cash for betting, but there is also evidence not far from the practice of cockfighting gambling, namely motorbikes because the motorbikes used by the perpetrators are often left in people's homes so that they are not found by the police, but not a few are found by the police.

#### f) Detention

After going through the stages and processes, the police then detained the suspect in the crime of cockfighting gambling as in accordance with Article 21 paragraph (1) of the Criminal Code which is the basis for detention by investigators whose contents contain "the suspect or defendant is strongly suspected of being the perpetrator of the crime in question and the alleged perpetrator of the crime. it is based on sufficient evidence." However, based on the findings of cases in the field, there were also minors who were

only given guidance on the rules and sanctions for cockfighting gambling and were only detained for three days. If they are still caught or arrested in the same case, they will undergo a process of existing rules and sanctions.

Implementation in law enforcement, the Gorontalo Police as the main element and closest to crime is required to be able to have deterrence and real efforts from law enforcement officials who are truly competent in preventing the crime of cockfighting gambling. Looking at the results of cockfighting gambling cases received and processed at the Gorontalo Police Station from 2018 to 2020, there has been an increase. From these cases the lack of enforcement from the police so that the cases of cockfighting gambling from year to year are increasing this is due to a lack of public awareness to provide information to the police and the place is often kept secret by people whose territory is located in remote areas so that enforcement of fighting gambling chicken has not been effectively implemented.<sup>21</sup>As stated by Prof. Fenty Puluhawa in his writings that the Government through a law has provided a starting point for justice, which is carried out for the sake of justice based on the One Godhead.<sup>22</sup> To quote as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.<sup>23</sup>quoting as said by Suwitno Yutye Imran that Justice serves as a guide to distinguish between just and unfair actions. elements of the aspect of justice can be contained in the substance.<sup>24</sup>

The most recent case of prosecution and arrest was in Bakti Village, Pulubala District. The results of the prosecution and arrest were armed with information from the local community on Sunday at 15.30 WITA there were confiscated evidence in the form of:

1. Cash in the amount of Rp.2,500,000.00 (Two million five hundred thousand rupiah)
2. 5 roosters
3. 3 vehicles in the form of motorbikes

Based on the findings of the Gorontalo Police, the case above proves that the police are

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21 Mohamad Rivaldi Moha. (July, 2020). The Urgency of Registration of Electronic System Operators for E-Commerce Businesses. *JALREV* 2 (2), Pg 115

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

23 Fence M. Wantu. (June, 2013). Judge Constraints in Creating Legal Certainty, Justice, and Benefits in Civil Court. *Journal of the Legal Pulpit*, 25 (2), p. 206

24Suwitno Y. Imran. The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *JALREV* 3 (2) 2021, p. 398

serious in enforcing the crime of cockfighting gambling. Despite the various reasons expressed by the perpetrators of cockfighting gambling, it does not become a barrier in eradicating the crime of cockfighting gambling so that the stage of prosecution and arrest is carried out by the police as a form of responsibility for what are the duties and authorities of the police. Gorontalo Police.

#### **4. Closing**

The process of law enforcement by the police against perpetrators of cockfighting gambling in the Gorontalo Regency area is carried out in two ways, namely pre-emptive law enforcement where in law enforcement the police take a persuasive approach to the community and provide direction on legal awareness in the community and also carry out mapping so that every crime event can be detected as early as possible. While the second law enforcement is repressive enforcement which is the final step taken by the Gorontalo Resort police to eradicate the practice of cockfighting gambling in Gorontalo Regency. This process consists of several stages; accept fights, investigations, investigations, arrests, confiscation of evidence, and detention.

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