

## Law Enforcement Against Online Gambling Crimes in the Jurisdiction of the Pariaman District Court, West Sumatra

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**Abstract:** *The criminal act of conventional gambling is regulated in Article 303 of the Criminal Code and Article 303 of the Criminal Code bus and against the criminal act of gambling carried out using electronic media is regulated in Article 27 paragraph (2) of Law No. 19 of 2016 concerning changes to Law No. 11 of 2008 concerning Electronic Information and Transactions. Based on the principle of *lex specialis derogat legi generali*, ideally the law used by law enforcement officials to crack down on online gambling crimes is a special Law, namely Law No. 19 of 2016 concerning changes to Law No. 11 of 2008 concerning Electronic Information and Transactions, however, the application of this Law has not been effective in the Pariaman law area of West Sumatra Province.*

**Key Words:** *Law enforcement, criminal offenses, online gambling.*

### 1. INTRODUCTION:

Gambling is an option that is considered very profitable without having to work hard. Gambling is considered the right choice for small people to make money more easily. Along with the rapid development of technology and information, gambling activities have also experienced a transition to *online* which is more practical and safer to do. Application *Binary Option* gambling application *Online* because there is no buying or selling activity in the application, where the assets that are used as objects in the *Binary Option* do not transfer ownership to the user who deposits money as a deposit in the application, thus, *Binary Options* activity *trading* or

### 2. THEORITICAL FRAMEWORK:

#### a. Legal Certainty Theory

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[1]

#### b. Theory of Law Enforcement

According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are outlined in solid rules and embody attitudes as a series of final stages of value translation to create, maintain and maintain peaceful social life.[2]

### 3. LITERATURE REVIEW:

Wirjono Prodjodikoro stated that a criminal act is an act for which the perpetrator may be subject to a criminal penalty.[3]

The definition of gambling according to Kartini Kartono is betting on purpose, namely risking a value or something that is considered valuable by being aware of certain risks and expectations in events, games, competitions and events whose results are uncertain or uncertain.[4]

### 4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[5]

### 5. DISCUSSION:

Positive legal systems are often faced with the problem of conflicting norms, namely that there are two or more conflicting positive legal norms for the same object of regulation. In this situation, complying with one norm results in a violation of other norms so that in order to be able to carry out one of the norms it is necessary to have

what is called the derogation or nullification of the validity of other norms. Ideally, the nullification of the validity of a norm is stated in a separate positive legal norm, namely the derogation norm which explicitly determines which norm applies between two or more conflicting norms. However, norm conflict cases often occur without a derogation norm so that in practice the principle of norm conflict is commonly used, namely the principle of *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, or *lex posterior derogat legi priori*, as a means of reasoning and legal argumentation in determining which norm. priority.

## 6. ANALYSIS:

### A. Gambling Crimes *Online* in the Legal Area of the Pariaman District Court, West Sumatra

As the definition of law enforcement put forward by Satjipto Raharjo, which basically explains that law enforcement is a process to make legal wishes come true. In this case, what are referred to as legal desires are the thoughts of the legislature that are formulated in the legal regulations. it can be said that law enforcement officers in the Pariaman West Sumatra jurisdiction have not been maximal in enforcing the law, because law enforcement officers in the Pariaman West Sumatra jurisdiction have not been able to implement the legal regulations made by the law-making body regarding the crime of *online*. Gambling crimes *online* does not have a bad impact, in fact it can ease the task of law enforcement officers in finding evidence and proof in court. So that the application of the Criminal Code against the crime of gambling has an impact in the form of effectiveness and efficiency in law enforcement in the Pariaman jurisdiction of West Sumatra.

### B. Application of the *Lex Specialis Derogat Legi Generali* to the Crime of *Online* in the Pariaman Legal Area, West Sumatra

Gambling crimes *Online* contained in the jurisdiction of Pariaman, all apply conventional gambling regulations regulated in the Criminal Code. Meanwhile, with the principle of *lex specialis derogat legi generali* gambling crimes *online* is a special law, namely the Law of the Republic of Indonesia No. 19 of 2016 concerning amendments to Law no. 11 of 2008 concerning Information and Electronic Transactions.

## 7. CONCLUSION

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) Gambling crimes *online* in the jurisdiction of Pariaman, West Sumatra, still applies the Criminal Code in the settlement of criminal acts.
- 2) The application of *lex specialis derogat legi generali* gambling crimes *online* in the jurisdiction of the Pariaman District Court of West Sumatra has not been carried out by law enforcement officials due to the absence of supporting facilities.

## REFERENCES:

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5. Bambang Waluyo, 2002, *Penelitian Hukum Dalam Praktek*, Sinar Grafika, Jakarta, page 15.