
**CRIMINAL ACTS FOR EVENT ORGANIZERS ONLINE GAME TOURNAMENT
ORGANIZERS WHO RECEIVE SPONSORSHIP FROM ONLINE GAMBLING SITES
BASED ON INDONESIAN CRIMINAL LAW**

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Abstract

Gambling is currently rife in the world of internet media, utilizing social media as a means of promoting gambling-laden content. However, in terms of strengthening the law on betting crimes in Indonesia, law enforcement seems to be selective logging. This can be proven by the existence of event organizers who install gambling sponsors, which are then held directly at offline venues. They are also covered and broadcast live on the YouTube platform and in posts on Instagram social media. Even though gambling is a criminal offence, its distribution is included in the criminal acts regulated in Article 27, paragraph (2) of Law No. 11 of 2008 concerning Electronic Information and Transactions. The formulation of the problem in this study is how to place criminal law for event organizers who promote gambling and what sanctions are received if there is a violation. This research is normative legal research with a legal approach.

Keywords: *Online Gambling, Online Game, Criminal Law.*

Introduction

Gambling is rife in cyberspace or internet media, utilizing various social media as a means of promoting gambling-laden content. Since the beginning of being known to the broader community, gambling has always been considered very interesting because the bets are money ranging from small amounts to luxury goods

or properties such as houses, cars, and others. This continues to attract public interest because gambling causes dependence for the players involved.¹

Gambling is an action that harms many people in Indonesia. The impact of gambling is not just losing money, but this also has an impact on the mentality and productivity of citizens. Many cases of criminal violations are caused by the motives of the perpetrators who are addicted to gambling, often even ending in suicide because they are trapped in large debts

The rapid development of technology today has resulted in various changes, both changes that have a positive impact and at the same time have a negative impact. Therefore, gambling is growing, which is a negative impact change. In this modern era, gambling has spread to the Internet world, which is now known as online gambling. Online gambling is gambling that utilizes the Internet network, so players in gambling can do this game anywhere, anytime, as long as there is an Internet network, then they can play online gambling².

Indonesia's positive law contains two rules that form the legal basis for gambling acts: the Code of Law Criminal Law and Law Number 19 of 2016 concerning Electronic Information and Transactions. Regarding gambling carried out online using information technology media, the authorities seem to be selective in implementing the law on gambling crimes in Indonesia. The existence of several event organizers in Indonesia can prove this.

Event planners provide logistical support for the conduct of official and informal meetings. An Event Organizer, also known as an event planner, wants to simplify and improve the logistics of planning your next event. The presence of a team helps this with extensive experience managing various events that are usually sponsored by online gambling sites, which are broadcast live on YouTube, and

¹ Chandra Munif Pratama, "Sanksi Pidana Bagi Pendistribusian Judi Online Menurut Perundang-Undangan Di Bidang Informasi Dan Transaksi Elektronik", *Jurnal Lex Administratum*, Vol 11 No. 1 (2023), 1.

² Hermon N Hutasoit, "Upaya Penanggulangan Tindak Pidana Judi Online Di Wilayah Hukum Polresta Denpasar", *Jurnal Kertha Wicara*, Vol 8 No 11 (2019), 7.

offline tournament venues, which, in fact, offline events can be watched live by all ages.

The event organizers include PT. Art Republik cooperates with Zodiac E-Sports starting from the beginning of 2020 until now, Pt.Art Republic still installs sponsorship poker88 which is an online news portal that refers to poker88 which is an online gambling site. In addition to poker88, Pt.Art Republik also cooperates with dewacash.com sites, Not only that, Pt.Art Republik cooperates with Zodiac E-Sports also uploads photos of the winning participants' jerseys at online game events held on social media Instagram and YouTube Which proudly introduces that poker88 and dewacash.com Which is a gambling site become official sponsors of , PT. Art Republic and Zodiac E-Sports. Dewacash.com and poker88 is one of the gambling sites on the internet that can easily be accessed by anyone, even everyone can immediately register for free and start gambling games.

The dewacash.com and poker88 sites have various gambling games such as sports betting, virtual sports, live casino, Keno and many others. By placing gambling sponsorships on jerseys and held live at offline venues as well as being covered and broadcast live on the YouTube platform as well as in posts on social media Instagram Pt. Art Republic and Zodiac E-Sports, Does the act meet the elements in all regulations regarding gambling? Considering that activities in the field of Indonesian e-sports have now become one of the sports parts that are very popular with various groups, especially children, and by broadcasting it live in offline venues and YouTube that can be watched by all age ranges, which means introducing gambling to all ages. But to date no one has been held accountable under criminal law. This event organizer adds to the list of bad law enforcement sponsors of gambling in Indonesia.

In fact, if examined further, gambling is a criminal act that is very, very detrimental to someone because online gambling players try to find money by any method to be used as gambling capital, listed by carrying out mistakes, such as robbery, lying and the like.

By considering the problems described above, it is felt that there is an urgency to write a study with the title of criminal offense for event organizers Online game tournament organizers who receive sponsorship from online gambling sites with the formulation of the problem whether the criminal act of gambling organizing online game tournaments that receive sponsorship from online gambling sites is a criminal act of gambling? And what are the criminal sanctions for offline tournament organizers who receive sponsorship from online gambling sites?

Methods

Researchers in this study used normative research procedures to eradicate gambling throughout Indonesia. Discussion of the peculiarities of the principles and doctrines of legal science is found in the field of normative juridical research. A statutory approach is tried by looking at all laws and regulations relevant to the legal problems being handled. The abstract approach (conceptual approach) is derived from thoughts and teachings or opinions that develop in legal science, and the case approach (case approach), is carried out by constructing legal arguments in the perspective of concrete cases that are intertwined in the field, these cases are strongly related to legal problems or incidents³.

This research relies on legal material obtained through a combination of laws and regulations and legal material obtained from the findings of the literature investigation; these materials are further compiled for further analysis under Indonesian law. The main focus of this research is on the new provisions and revisions of the Electronic Information and Transaction Law (No. 19 of 2016) which is an update of the Electronic Information and Transaction Law (No. 11 of 2008).

³ Peter Mahmud Marzuki, *Penelitian Hukum*, (Surabaya : Prena Meda Group, 2016), 137.

Discussion

Criminal Acts of Gambling Organizing Online Game Tournaments that Receive Sponsorship from Online Gambling Sites

According to Pope, sponsorship is the provision of resources (money, people, equipment) directly by an organization (sponsor) to an individual, an authorized body to participate in an activity that will be carried out to obtain an advantage referred to in the sponsor's promotional strategy and which can also be expressed in the objectives of the company, marketing or media. Rossiter and Perey sponsorship is a company's financial assistance to media, social, sporting or cultural events in order to open or introduce and enhance the image or brand of that company.⁴

An E-sports club from Malang, East Java originally started gambling sponsorship. Zodiac Esports is one of the Esports clubs and doubles as an event organizer organizing online game tournament events in Indonesia. In 2020, Zodiac Esports installed a dewacash.com sponsor, which is an Online news portal that refers to dewacash.com, which is an Online Gambling Site. Although deewacash.com is a news portal, but still in it some attributes and logos are identical to dewacash.com site is an online gambling site that anyone can easily access and can register for free in which there are various games including sports betting, poker, slots, casino and Esports.

However, it would be a different thing if an Indonesian Esports club blatantly installed the main sponsor of a gambling site, which, incidentally, is a criminal offence in Indonesia. The club that installed the gambling sponsor was Art Republic. The club based in Malang City blatantly installed their main sponsor, a large gambling site called DewaBet Asia.

Not only that but online gambling-sponsored uniforms were also found in offline tournament matches held on June 27, 2021, at the Jambuluwuk-Batu Hotel,

⁴Berri Brilliant Albart, 2012, *Pengaruh Sponsorship pada Lomba Perahu Naga Internasional Terhadap Citra Merek DJI SAM SOE*. Jurnal Manajemen dan Kewirausahaan, Vol 2 No. 1 (2012), 24.

where all participants who participated in online game tournaments received jerseys sponsored by gambling. Not only that, the match was also broadcast live on the YouTube channel and can be watched by all people in Indonesia. This is of course dangerous and contrary to criminal law in Indonesia considering that gambling is an act prohibited under the Criminal Law in Indonesia.

After that, the definition of crime in essence every crime consists of elements inside.⁵ Article 303 of the Penal Code defines gambling as an illegal activity and defines a gambling game as any game in which the player's chances of winning depend on chance rather than ability or finesse. Because there is no element of negligence or intentional gambling, and because the one who gambles consciously and knows clearly and clearly that he is gambling, gambling is classified as a *dolus* crime, that is, a crime committed intentionally.

The crimes referred to above are formulated in Article 303 of the Criminal Code, which in total are as follows:

- 1) Shall be punished with imprisonment for a maximum of ten years or a maximum fine of twenty-five million rupiahs, whoever without obtaining permission:
 - a. Intentionally offering or providing opportunities for gambling games and making them a living, or knowingly participating in a business activity.
 - b. Intentionally offering or allowing the public to play gambling or knowingly participating in business activities, regardless of whether to use the opportunity of a condition or the fulfilment of an ordinance.
 - c. Make participating in gambling games a living.
- 2) If the person is guilty of committing the crime in the course of carrying out his livelihood, then he can be deprived of the right to carry out that livelihood.

⁵ Moeljatno, *Asas-Asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2007), 54.

3) The so-called gambling game is each game, where in general the possibility of making a profit depends on sheer luck, also because the player is better trained or more proficient. It includes all bets on the decision of a race or other game not held between those participating in the race or play, as well as any other betting

According to Article 303 of the Criminal Code, the following constitutes illegal gambling:

- a. There Are Acts
- b. Profit
- c. By Risking money or goods
- d. Unlawful

In Indonesia's positive law, online gambling is treated differently from offline gambling. Ordinary gambling is regulated in the usual way with determination regulated in Article 303 of the Criminal Code paragraph (1), while online gambling is regulated by Article 45 paragraph (2) of Law No. 19 of 2016 concerning Electronic Information and Transactions.

The criminal act of online gambling is only subject to existing legal provisions in this case article 303 of the Criminal Code, even though currently there are provisions governing online gambling in article 27 paragraph (2) and article 45 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions. Therefore, policies will complement each other regarding which regulations can be applied to online gambling crimes.⁶

The application of article 303 of the Criminal Code for online gambling crimes makes the process difficult to prove because the Criminal Code does not regulate the existence of elements containing information technology, while in the case of online gambling everything is done through internet (cyber) media. Meanwhile, the non-application of article 27 paragraph (2) and article 45 paragraph (1) of Law Number

⁶ Jembar Wirawan, "Kebijakan Penegakan Hukum Pidana Dalam Rangka Penanggulangan Perjudian Online", *Jurnal Evidence Of Law*, Vol 1 No. 3 (2022), 15.

11 of 2008, Due to the investigation procedure in article 43 paragraph (6) of Law Number 11 of 2008 which is difficult to implement, namely the provision of investigators in making arrests and detentions through the public prosecutor requesting the determination of the local Chief Justice within one time twenty-four hours. and this is not possible, so the National Police of the Republic of Indonesia as an investigator is forced to stipulate the provisions of article 303 of the Criminal Code to handle the online gambling case.

During gambling, both conventional gambling and online gambling has always been charged with Article 303 of the Criminal Code and Article 303 of the Criminal Code. According to Saptana Setia Budi, the use of Article 303 is considered more flexible in evidence compared to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. When using Article 303, investigators only need to show physical evidence without conducting 204 forensic tests of evidence. In addition, the costs incurred are also relatively small. Conversely, when using articles in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, forensic tests must be carried out on evidence by IT experts and so on so that the costs incurred are more.⁷

The crime of gambling has been regulated in the Criminal Code, but this provision is ordinary (*lex generalis*), while Law No. 19 of 2016 concerning the amendment of Law No. 11 of 2008 also regulates the crime of online gambling, which has such special elements listed in Article 45 paragraph (2) j.o Article 27 paragraph (2) namely: channelling, transmitting, as well as making accessible. Because Law No. 19 of 2016 amends Law No. 11 of 2008, it can be considered a special arrangement (*Lex Specialis*) of the Criminal Code. So from this condition, event organizers of online game tournament organizers who receive sponsorship

⁷ Adib Mukhtar Fanani, "Langkah Hukum Dalam Pencegahan Tindak Pidana Perjudian Online, Jurnal Reformasi Hukum": *Cogito Ergo Sum*, Vol 5 No. 1 (2022), 4.

from online gambling sites can be subject to this article because factors are spreading, transmitting, and factors making online gambling accessible.

Criminal sanctions for offline tournament organizers who receive sponsorship from online gambling sites

Criminal sanctions are a form of causal punishment where the cause is the cause and the sanction, such as detention or other judicial action, is the consequence. Threatening or imposing criminal sanctions on an action or perpetrator of a crime or action that can disturb or harm legal needs means severe punishment. However, it is not uncommon for crime rewards to be imposed as a threat to the person's independence when, in essence, the sanction guarantees the rehabilitation of the perpetrators of the crime.⁸

In Chapter VII Article 27, paragraph 2 concerning Prohibited Acts of Law, Since Law Number 19 of 2016 was amended by Law Number 11 of 2008, now officially Law Number 11 of 2008 concerning Information and Electronic Transactions is repealed: *“Everyone does so intentionally and without permission: they disseminate, transmit and/or make gambling-related electronic information and documents available”*.

What is meant by electronic information and transactions is defined in Article 13 of Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions *“Electronic Documents include but are not limited to text, audio, film, painting, floor plan, atlas, drawing, or the like; letters, characteristics, values, Access Cues, icons, or perforations; and any other form of Electronic Data that can be created, transmitted, sent, obtained, or placed in analogue, digital, electromagnetic, optical, or similar forms”*.

As stated in Article 45 paragraph 2 of Law No. 19 of 2016, amending Law No. 11 of 2008 concerning Electronic Information and Transactions, criminal sanctions

⁸ Ishaq, Dasar-dasar Ilmu Hukum, (Jakarta:Sinar Grafika, 2008), 244.

have been established for violations of the provisions of Article 27 paragraph 2: *“Whoever intentionally and unlawfully disseminates, transmits, or in any other way provides electronic data or electronic documents that have gambling content as also interpreted in Article 27 paragraph 2 shall be punished with a crime of imprisonment for a very long time of 6 (six) years and or a crime of compensation not exceeding Rp. 1,000,000,000.00 (one billion rupiah)”*

From this, zodiac e-sports can be subject to Article 45 paragraph 2 because it has fulfilled the factors in Article 27 paragraph 2 of Law Number. 19 of 2016 regarding Amendments to Law Number. 11 Year 2008 Regarding Electronic Information and Transactions. In this case of online gambling, the countermeasures we take are preventive and repressive countermeasures. This is what the police do, namely giving an appeal to the public about the dangers of gambling and providing supervision in cyberspace through internet media, hereby the appeal is to go directly to the community by providing warnings and counseling. Counseling in this case is that the Police approach by providing understanding about online gambling and providing knowledge of the dangers and losses obtained when doing online gambling. The police also gave a warning by emphasizing that gambling and online gambling are criminal offenses and will get criminal sanctions for those who do so as stipulated in Article 303 of the Criminal Code⁹.

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⁹ Muhammad Yulianto, “Penegakan Hukum Terhadap Tindak Pidana Perjudian Online Ditinjau dari Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik”, Jurnal Kewarganegaraan, Vol 6, No 2 (2022), 285.

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The police in this case are by patrolling cyberspace using Internet media to monitor the activities of each person who is indicated to be carrying out online gambling activities and track and collect a number of links and sites suspected of containing elements of gambling. The links and sites that have been collected are submitted to Kominfo for processing and selection, Then sites that are proven to contain elements of gambling will be blocked so that these sites cannot be accessed by the public.¹⁰

The repressive countermeasures are one of the law enforcement efforts that focus more on eradication after a crime committed under criminal law, namely criminal sanctions that are a threat to the perpetrators. Investigations, follow-up investigations, prosecutions and so on are all parts of the politics of criminal law.

For its own supervision the government has not been able to do much, the government's efforts are constrained by the movement of online gambling that occurs in cyberspace. So far what can be done by the government is only limited to blocking online gambling sites that occur in cyberspace. So far what can be done by the government is only limited to blocking online gambling sites periodically to reduce online gambling activities by the public and further monitoring of suspicious account activity, which makes transfers with a certain intensity and a certain amount of transfer.¹¹

¹⁰ Ilham Saputra, "Upaya Kepolisian Dalam Penanggulangan Perkara Tindak Pidana Judi Online Di Media Internet Studi Cyber Polda Sumatera Utara", *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora*, Vol 9, No 7 (2017), 1542.

¹¹ William Dwi K. P. Marbun, 2017, "Tinjauan Yuridis Terhadap Aktifitas Perjudian Online Di Indonesia Serta Pengawasan Dan Penerapan Sanksi", *Jurnal Kertha Wicara*, Vol 6 No. 3 (2017), 213.

Conclusion

Based on the results and discussion, it can be concluded that the installation of online gambling site sponsors on Event Organizers and Indonesian Esports clubs carried out by Zodiac Esports and Art Republic is part of the criminal act of gambling because these acts fulfil all elements contained in Indonesian criminal law. Although in Indonesia there is no specific regulation or regulation governing gambling sponsorship, the act of sponsoring online gambling sites has fulfilled Article 303 paragraph (1) which focuses more on the element of making offers and providing opportunities for other people and / or the public to do gambling even though there is an element that is not fulfilled, namely making it a livelihood. Thus, anyone involved in such acts can be threatened with imprisonment for a very long time of 10 years or a crime of compensation of twenty-five million rupiah. In addition to these provisions, the act of gambling sponsorship is also carried out through social media Instagram of the Zodiac Esports and Art Republik clubs so that it meets the elements in article 27 paragraph (2) of the ITE Law with a maximum penalty of imprisonment of 6 (six) years and/or a maximum fine of Rp.1,000,000,000.00 (one billion rupiah).

In addition, it can also be punished for anyone who participates in broadcasting an Online Game tournament matches with the content of sponsorship of the struggle regulated in the provisions of article 36 paragraph (5) letter c of the broadcasting law with criminal threats in article 57 and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah) for transmission via television. In addition, if they meet the criteria stipulated in Article 303 paragraph (1) of the Criminal Code, supporters of clubs wearing sponsored gambling jerseys can be threatened with imprisonment for a maximum of ten years and a maximum fine of twenty-five million rupiah.

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