



Criminal Law Enforcement Against Ding Dong Gambling and Fishing in Hamlet II, Sumberingin Village, Namo Bintang Village, Pancur Batu District, Deli Serdang Regency, North Sumatra Province (Analysis of Decision Number 1311/Pid.B/2020/PN.Mdn)

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Abstract - Criminal Law Enforcement Against Gambling and Fishing in Hamlet II, Sumberingin Village, Namo Bintang Village, Pancur Batu District, Deli Serdang Regency, North Sumatra Province (Analysis of Decision Number 1311/Pid.B/2020/PN.Mdn). Gambling is a harmful activity that many people engage in. This is one of the crimes that is classified as forbidden by law or religion. Nonetheless, the community as a whole engages in this behavior frequently because they believe that winning this gambling game will double their earnings. Numerous prohibited behaviors exist, ranging in size from little to vast, deliberate or inadvertent, and motivated by genuine whims or practical pranks. Regardless of age, gambling is becoming more and more commonplace. This researcher applies a particular kind of normative legislation. The study methodology known as the normative legal research technique is centered on the examination of primary and secondary sources as well as literature. Both a conceptual approach and a legislative approach are employed in this study. Scholars' perspectives provided the key data for this investigation. Secondary data on this study topic was gathered in the interim from relevant books, papers, journals, and laws. The Medan District Court stressed in its ruling that gambling activities, including fish shooting and ding dong gaming, were illegal based on its review of judgment Number 1311/Pid.B/2020/PN.Mdn. This ruling is a reflection of the rigorous efforts made by law enforcement to implement the rules against gambling-related offenses, which are forbidden under the Law of the Republic of Indonesia. Gambling criminals may face jail time or fines as part of their criminal penalties.

Keywords: Criminal Law Enforcement, Ding-dong Gambling Game, Fish Shooting

I. INTRODUCTION

Gambling is fundamentally an act that violates moral, religious, and legal standards and endangers the lives and means of subsistence of the populace of the state and country. Gambling has a detrimental effect on a community's morals and mindset, particularly among the younger generation. For this reason, efforts must be made to keep the community's life away from activities that might endanger both itself and other people. Additionally, gambling impedes the growth of a country in tangible ways as it fosters a lazy mentality and fails to teach people how to earn a livelihood or manage money. While it's under development, it needs individuals who can work hard and have a strong mind. Given that gambling has been shown to be a social problem that can impede society's ability to operate socially, it makes perfect sense to find a logical strategy to address it. (Hanum, 2022)

Gambling is a harmful activity that many people engage in. This is one of the crimes that is classified as forbidden by law or religion. Nonetheless, the community as a whole engages in this behavior frequently because they believe that winning this gambling game will double

their earnings. Numerous prohibited behaviors exist, ranging in size from little to vast, deliberate or inadvertent, and motivated by genuine whims or practical pranks. Regardless of age, gambling is becoming more and more commonplace. The young and the old are affected by this conduct. Various sorts of gambling crimes are on the rise as technology advances at a rapid pace. Technological advancements that facilitate play, enabling players to play this game anywhere and even without face-to-face interaction. Gamers are spared from dealing with the real bookmaker. Consequently, despite the fact that gambling is often a conditional game, laws and regulations regard it as a criminal offense. (Ma'u, 2007)

Even though the laws are extremely explicit, it is evident that law enforcement has not been able to completely eradicate this criminal crime in the gaming industry. Despite the fact that gambling is clearly forbidden and haram in Indonesia, a country where Muslims make up the majority of the population, the practice is still widespread and expanding quickly. Because there are more negative effects of gambling than positive ones, or mudharata, the Islamic faith strictly forbids it and places a high priority on it. Consequently, Islamic law forbids gambling of any type. According to Article 303 of the Criminal Code and Article 2 of Law No. 7 of 1974, anyone who gamble may be punished with a minimum 4-year jail sentence under the Criminal Code, a maximum 10-year sentence, or a fine of up to Rp 25,000,000.

On the other side, Islam classifies gambling as a hudud offense, which is defined as a crime that is severely punished by anahad. In order to ensure that a conduct is unrestricted by anything, Allah has predetermined the penalty of limitations for its particular quality. The Qisas penalty is a threat for the offense of Qisas Diyat. Qisas is a penalty that is equivalent to the offense that was committed.

Similar to gambling, it has been explained that gambling is prohibited by the Qur'an. One verse that specifically addresses this is Q.s. Al-Maidah 90/91.

إِنَّمَا يُرِيدُ بِآيَاتِهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ
الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ

Meaning : (5:90) Believers! Intoxicants, games of chance, idolatrous sacrifices at altars, and divining arrows¹⁰⁸ are all abominations, the handiwork of Satan. So turn wholly away from it that you may attain to true success.¹⁰⁹ (5:91) By intoxicants and games of chance Satan only desires to create enmity and hatred between you, and to turn you away from the remembrance of Allah and from Prayer. Will you, then, desist?

The verse above attests to Satan's intention to sow discord and animosity among people. Satan entices people to gamble and drink khamr in order to sow discord, discourage people from remembering Allah and offering prayers, and confuse, dull, and filthy people's minds, hearts, and souls. (nuonline, 2024). Because there is a mismatch between the cultural components ingrained in society and gambling, social groupings may be threatened, perhaps leading to the dissolution of the social relationships that hold society together. If gambling is not stopped very away, it is seen to be a virus that might endanger public order. The community may endure instability and unrest as a result of this conduct. As a result, gambling is evaluated or classified as a social or societal disorder.

The definition of social disease is a behavior or deed that is substantially contrary to societal standards and norms. Initially played as a mindless diversion from reality, gambling games gradually incorporated additional aspects that heightened players' anxiety and excitement while also instilling unrealistic expectations of winning. In this gambling game, bets can even be made with real money or even other valuable goods. A person's motivation for gambling may stem from their interests or enjoyment. Because gamblers are highly optimistic and place false hopes to double their money when playing games, more and more individuals are considering gambling as a source of income. People take these actions because of the state of the economy, which includes things like low family incomes, unstable living situations, a community-suffocating economic depression, hopelessness, and a general lack of knowledge and apathy about how to raise one's own and one's family's standard of living

during difficult times. People are motivated to gamble by the numerous motivations stated because they believe that by gambling, they may quickly or directly obtain money or material possessions.

A land mafia illegally opened a gambling establishment for ding dong and shooting fish in the Namo Bintang Village area. The establishment was operational for about a year and a half. This was the problem that occurred in Hamlet II Sumberingin Namo Bintang Village, Pancur Batu District, Deli Serdang Regency, North Sumatra Province. Due to the fact that there was only one gambling operator/guard, the community quickly started playing ding dong gambling and shooting fish. This included everyone from parents to teenagers. After one year and six months of operation, there was unrest against the local community, which caused many young people to be careless about criminal acts, such as stealing, and increased community anxiety. Ultimately, one of the surrounding community's reporters reported the gambling scene to the police. then detained three additional witnesses to the event along with one gaming operator/guard. When the author saw these issues, she became interested in researching them. The result was a journal article titled "Criminal Law Enforcement Against Ding Dong Gambling and Fish Shooting in Hamlet II, Sumberingin Village, Namo Bintang Village, Pancur Batu District, Deli Serdang Regency, North Sumatra Province (Analysis of Decision Number 1311/Pid.B/2020/PN.Mdn)" that will be published in the journal.

II. METHOD

This scholar employs a particular kind of normative legislation. The examination of literature resources, or secondary and primary sources, is the main emphasis of the normative law research process. This study also employs a conceptual approach and a legislative method. The views of scholars were the study's major source of data. In the meanwhile, secondary data on this study topic was gathered from books, papers, journals, and laws. Through data collection, the approach seeks to provide the most detailed description of the phenomena. Deductive and inductive legal logic arguments are also used in the interpretation process.

III. RESULT AND DISCUSSION

1. Application of Islamic and Criminal Laws Against Fish Shooting and Ding-Dong Gambling

Fish shooting and ding-dong are rather common phenomena in several spheres of society. By examining gambling-related offenses from the viewpoints of Islamic and national (positive) criminal law, we are able to pinpoint different facets of the legislation, penalties, and difficulties facing law enforcement.

1) Ding-Dong Gambling and Fish Shooting

a. Ding-Dong

Ding-dong gambling is a type of gambling that takes place in public spaces like cafés and entertainment venues and involves the use of electronic gaming devices. In order to play the machine and potentially win prizes in the form of cash or merchandise, players must deposit money.

2) Fish Shooting

In the arcade game Fish Shooting Gambling, users use computer-based weaponry to shoot fish in a virtual pool. To play and try to get a high score in order to win rewards, players purchase coins or tokens.

1. National Criminal Law

a. Rulers in KUHP

1. Articlcr 303 KUHP

governs gaming in general, encompassing arcade games like fish shooting and gaming devices like ding-dong. All illicit gambling activities are discussed in this article, either directly or indirectly. (Kitab Undang-Undang Hukum Pidana (KUHP), 2021) .

2. Articler 303 bis KUHP

Includes gaming that uses a certain system or technique that carries a harsher punishment. Fish shooting and ding-dong gaming fall under this category if they make use of specialized equipment or intricate systems.

b. Application of ther National Criminal Law

- 1) Criminal Threrats . Violators of gambling laws may face jail time or penalties, depending on the relevant laws. If gambling is conducted on an industrial basis or involves big enterprises, the sanctions may be harsher.
- 2) Several challenges await law enforcement in their efforts to combat fish shooting and ding-dong gaming, including (Kusuma, 2016)
 - a. Secrecy Gambling is frequently done in places that are hard for police to get to.
 - b. Technology Modification It is possible to modify gambling gadgets so they are undetected.
 - c. The Uncertainty of Enforcement and Corruption Law enforcement issues might arise from resource scarcity or the possibility of corruption.

2. Islamic Criminal Law

a. Maysir's Concept

- 1) Larangan Maysir, According to Islamic criminal law, gambling is classified as "maysir," which is clearly forbidden by the Qur'an and Hadith. Because Maysir involves aspects of exploitation and uncertainty, it is seen harmful to both people and society at large.
- 2) Penalty, Islamic law sanctions for maysir can take the shape of ta'zir or hudud punishment: (Zuhri, 2021).
- 3) Hudud, Islamic law specifies punishment in detail. Hudud punishment for gambling often takes the form of physical punishment or whipping, however the specifics of its implementation range throughout nations.
- 4) Ta'zir, The court bases its decision about the sentence on contextual factors. This might involve prison time, fines, or rehabilitation, based on the rules established by the sharia court.

b. Implementation of Islamic criminal law

- 1) Practice in Sharia Areas, It is possible for ding-dong gambling and fish shooting to be approved in regions that adhere firmly to sharia law, like Aceh in Indonesia. However, in areas where sharia law is not completely implemented, implementation could be different. (Yusmalinda, 2022).
- 2) Implentation Challenges, Obstacles to the incorporation of Islamic law into communities governed by national law sometimes include: (Yanti, 2022)
 - a) Differences in interpreatation, Variations in how sharia is interpreted and applied might impact the coherence of the law.
 - b) Culture and Social, The adoption and application of Islamic criminal law are influenced by social and cultural variables.

Gambling-themed games are prohibited. Gambling is an activity or game where participants can win or lose. This is referred to as maisir in the Qur'an, which also discusses idols, azlam, and alcohol. The legislation is haram in places where gambling is practiced. In Surah Al-Maidah verses 90–91 of the Qur'an, Allah Subhanahu Wata'ala said:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلُمُ رَجِسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

It says this: "To those who believe! To be sure, drunkenness, gambling, idolatry, and using arrows to predict one's future are wicked practices that include the actions of Satan. Thus, avoid them in order to increase your chances of luck."

إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ

It means: "With the liquor and gambling, Satan only intends to cause enmity and hatred among you, and to prevent you from remembering Allah and performing prayers, so do you not want to stop?".

Qisas law refers to punishment that is deemed to be comparable to the offense committed. As is well known, religion, morality, and Pancasila values that endanger society, the country, and the State all forbid gambling. The following explanation is provided for those who engage in gambling in the Qur'an Surah Al-Baqarah verse 219:

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْغَفْوَةُ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَتَّقُونَ

Meaning: "They inquire about gambling and khamar, or alcohol. Say, "In both there is great sin and some benefit to man, but the sin of both is greater than the benefit." (Al-Baqarah TQS: 219)

The Qur'anic passage mentioned above forbids both gambling and khamr. This is part of the main dosage. Thus, it may be said that Ding-Dong and Shooting Fish are prohibited games. If gambling were illegal, there would be no human division as the winner of a game of chance would immediately and directly get the money or item that the loser of the wager had wagered. Another hadith mentioning it is from Abu Hurairah Radhiyallahu 'Anhu, who stated: Rasûlullâh Shallallahu 'Alaihi Wa Sallam said:

"For the sake of Latta and Uzza, let him say, "Lâ ilâha illa Allâh,"" says the one who swears. Whoever tells his companion, "Let me invite you to gamble," should be allowed to do shadaqah. (Al-Bukhari, HR)

This examination of fish shooting and ding-dong gambling from the perspectives of Islamic and national criminal law highlights significant obstacles for law enforcement. National criminal law uses threats of crime and laws to cope with this gambling, but its execution frequently runs into problems. Gambling is specifically forbidden under Islamic criminal law as a maysir, and depending on the situation and area, there are penalties ranging from hudud to ta'zir penalty. Although the two legal systems take different paths, they both aim to lessen the detrimental effects of gambling on society. A more equitable and efficient way to enforce this gambling issue can be achieved by cooperation and integration between sharia law and national law.

2. Evaluation of the Ding-dong Gambling and Fish Shooting Criminal Verdict in Decision Number 1311/Pid.B/2020/PN.Mdn.

The defendant in this case is Feriandi, who knowingly provided a chance for gambling and made a living off of it, or knowingly joined a business that did so. The defendant engaged in these activities in the following ways: The witnesses Yudi Pranata, M. Syahrozi Kusuma, and Moch appeared after the defendant, who was working as a guard or operator of a fish shooting type of gambling, was at his stall in Hamlet II Sumberingin, Namo Bintang Village, Pancur Batu District, Deli Serdang Regency on Wednesday, January 29, 2020, at about 16.00 WIB. Witnesses Yudi Pranata, M. Syahrozi Kusuma, and Moch were among the three North Sumatra Police officers, Adnan Syarif Pulungan, who had earlier learned that the defendant's booth had offered a location for gambling activities including digital machines. Adnan Syarif Pulungan discovered a digital device used for a gambling game similar to fish shooting in the defendant's booth.

The defendant was subsequently placed under custody and evidence was seized, consisting of one (1) chip used to fill up the coins for the gambling game. One (1) digital fishing and gaming machine One (1) piece of debt paper for the installation of a digital gambling machine with a fish shooting theme, One (1) Samsung mobile phone model SM-Z200F with

the following imei numbers: 352707084084085582 and 3572080840880, as well as an 083856206404 sim card thirty thousand rupiah (Rp. thirty thousand), in cash In gambling game activities, the defendant knowingly engages in the activity of offering or providing opportunities for gambling games and makes a living off of it, or knowingly works for a company that engages in fishing gambling game activities. The defendant's role in the fishing gambling game is that of a guard or operator. (RI, 2020)

That in order to play the fish shooting type of gambling game, the player must first give the defendant money to play with. The defendant then uses a digital chip that the player gives to the defendant to fill in the appropriate number of coins by pressing a button to add or subtract coins. If a player wants to play fish shooting, they must give Rp 10,000 (ten thousand rupiah) to exchange or purchase coins. Then, using the digital machine's monitor screen, the Defendant deposits coins in multiples of Rp. 1,000 (one thousand) coins, and so on. Once the coins are in place, the player can select how many pairs to place or how much to wager. For instance, if the player chooses to place the lowest wager, which is 10 (ten) coins per shot, and is fortunate enough to get one fish shot where the value is the lowest possible, they will receive a coin prize of Rp. 20 (twenty) coins. In the fish shooting game with the digital machine, there are several kinds of fish with varying amounts of prizes or nominals. The lowest reward or nominal fish is worth 20 coins, while the biggest is worth 100 coins.

That the gambling game similar to fishing is merely a game of chance rather than skill, and that the defendant intentionally engages in a business for the purpose of offering gambling opportunities and earning a living without the consent of the relevant authorities. The Public Prosecutor charged the defendant with the following primary indictment for violating Article 303 paragraph (1) 1 of the Criminal Code and a subsidiary for violating Article 303 paragraph (1) 2 of the Criminal Code based on the above case chronology. The elements of the primary indictment are as follows: it is regulated and criminally threatened under Article 303 paragraph (1) 1 of the Criminal Code.

1. Whose property;
2. Willfully presenting or facilitating the chance to gamble and turning it into a source of income, or knowingly joining a business for that purpose.

Observing the Criminal Procedure Law (Law Number 8 of 1981), Article 303, paragraph (1) 2 of the Criminal Code, and other pertinent laws and regulations;

1. Stating that, according to the Primair indictment, Defendant Feriandi has not been lawfully and clearly proven guilty of committing a criminal conduct;
2. Exonerating the accused party from the Primair allegation;
3. Stating that the Subsidaire's indictment of Defendant Feriandi, as previously noted, has been legally and conclusively established to be guilty of the crime of "gambling";
4. Consequently, the Defendant will receive a criminal punishment that includes a two-year jail sentence;
5. Provide that the whole amount of the defendant's punishment be subtracted from the time they were arrested and detained;
6. requiring the Defendant to stay under arrest;
7. Selecting proof in the shape of:

To load fishing gaming coins into a digital machine, use one (1) piece of chip.

One (1) digital device for gaming and fishing

One (1) debt sheet for the installation of a computerized gaming machine akin to fishing

One (1) Samsung mobile phone type SM-Z200F, with imei numbers 352707084084085582 and 3572080840880, together with an 083856206404 sim card. They were all destroyed;

Thirty thousand rupiah (RPP 30,000) is cash that has been confiscated for the state;

1. Demanding the Rp5,000.00 (five thousand rupiah) lawsuit fee from the defendant;

Regarding Fish Shooting Gambling, the court decision 1311/Pid.B/2020/PN.Mdn concerns the defendant Friandi, who operated a fish shooting gambling game using a digital machine at the defendant's stall in Hamlet II, Sumberingin Village, Namo Bintang Village,

Pancur Batu District, Deli Serdang Regency, North Sumatra Province. Herianto, Rafiuddin, Abdullah Bakri, and Yudi Ismanto were among the witnesses and knew that the defendant ran or operated a fish shooting gambling game with a digital machine. The money that was at stake was money that was converted into coins using a digital chip and used as a balance to place a fish shooting bet with a digital machine. The balance was displayed on the monitor screen at the player's table. The defendant used a digital fish shooting machine as their tool for the gambling. That the defendant served as a guard or operator of the digital fish shooting machine in the defendant's owned stall during the fish shooting gambling game.

The defendant Feriandi has been legally and convincingly proven guilty of committing the crime of "gambling," as charged, namely violating Article 303 paragraph (1) 2 of the Criminal Code, according to the decision of the Medan District Court Number 1311/Pid.B/2020/PN.Mdn in the Subsidiary Indictment. stating that the defendant Feriandi received a sentence of three (three) years in prison, which was to be lowered while the defendant was under detention and on the defendant's request to stay under custody. Declaring Proof in the Assemblage of:

To load fishing gaming coins into a digital machine, use one (1) piece of chip.

One (1) digital device for gaming and fishing One (1) debt sheet for the installation of a computerized gaming machine akin to fishing

One (1) Samsung mobile phone type SM-Z200F, with imei numbers 352707084084085582 and 3572080840880, together with an 083856206404 sim card. They were all seized and set to destruction.

thirty thousand rupiah (Rp. thirty thousand) in cash held in trust for the state

Based on the Analysis of Decision Number 1311/Pid.B/2020/PN.Mdn, the legal system in Indonesia's handling of instances involving unlawful gambling is made evident. The courts work to punish those who engage in gambling and lessen their detrimental effects on society by enforcing the appropriate law rules and taking pertinent circumstances into account. Both people and society frequently suffer financial losses as a result of gambling. People who could be having financial difficulties are the target audience for gambling machines like fish shooting and ding-dong. (RI, 2020)

IV. CONCLUSION

Conclusion on the Criminal Enforcement Against Ding Dong and Fish Shooting Gambling in Dusun II Sumberingin, Desa Namo Bintang, Pancur Batu District, Deli Serdang Regency, North Sumatra Province, Based on Verdict Number 1311/Pid.B/2020/PN.Mdn The Medan District Court, in its verdict, affirmed that gambling activities, both ding dong and fish shooting, are illegal. This verdict reflects a firm enforcement effort against gambling-related legal violations prohibited by Indonesian law. There are criminal penalties for those involved in gambling, which include fines or imprisonment. According to Article 303 of the Indonesian Penal Code (KUHP) (1) Anyone who operates or provides a place for gambling games shall be punished with a maximum imprisonment of 10 years and/or a fine of up to Rp25,000,000.. (3) Anyone who deliberately participates in gambling games shall be punished with a maximum imprisonment of 6 months and/or a fine of up to Rp10,000,000. Article 303 bis KUHP (if applicable), Anyone who operates gambling games using slot machines, bingo, or similar games shall be punished with a maximum imprisonment of 10 years and/or a fine of up to Rp50,000,000. The verdict imposes penalties on gambling offenders in accordance with applicable legal provisions, demonstrating the commitment of law enforcement to address gambling violations. This decision also reflects the government's and law enforcement's efforts to mitigate the negative impacts of gambling on society, including potential increases in crime and economic losses for local communities. It is hoped that this enforcement action will be a starting point in a broader effort to educate the public about the dangers of gambling and raise awareness of existing legal regulations. Furthermore, it is expected to prevent future illegal gambling activities. Thus, this decision underscores the commitment of law enforcement to apply the law fairly and firmly, and to protect the community from the negative consequences of gambling.

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