



Analysis of the Escalation of Village Fund Corruption Criminal Actions due to Online Gambling

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Abstract—Corruption is a grave issue that weakens nearly every part of life in Indonesia and globally. The Eradication of Corruption Crimes Act, enacted in 1999 and amended in 2001, known as UU Tipikor, governs several types and classifications of corruption, including the misappropriation of village money. This study focuses on corruption involving village finances used for online gambling. Specifically, it examines the examples of Lefra Oktomi and Muhamad Agil Iqbal, who misappropriated village monies to engage in online slot and roulette gaming activities. The research employed a qualitative methodology, using a descriptive-analytical approach to comprehend the phenomena of corruption and online gambling through social, legal, and cultural perspectives. The data was gathered by conducting case studies, interviewing law enforcement officers and perpetrators, and analyzing the background and norms around the subject. The research findings indicate a substantial rise in internet gambling in Indonesia, resulting in noteworthy financial consequences and severe societal ramifications. The instances of village authorities misappropriating local funds for online gambling highlight deficiencies in oversight and responsibility. According to Robert Klitgaard's theory of corruption, corruption actions are driven by a deficiency in supervision and responsibility. Hence, it is imperative to enhance the capability of law enforcement to confront technical obstacles, offer comprehensive education to village officials on village fund management, and foster collaboration across institutions to bolster endeavors in eradicating corruption. The findings of this study validate the necessity for heightened oversight, responsibility, and stringent enforcement of laws to tackle the corruption linked to online gambling. Enforcing these regulations can mitigate the proliferation of corruption and the detrimental effects of internet gambling on public finances while fostering a more open and responsible system of governance.

Keywords—Corruption Crimes; Online Gambling; Village Funds.

I. INTRODUCTION

Corruption, a menacing specter, haunts not only Indonesia but also the global community, corroding nearly every facet of life. It thrives and spreads among us, like ink in a glass of clear water, tainting everything it touches. The term 'corruption' stems from the Latin word '*corrumpere*'. [1] The criminal act of corruption is clearly delineated in 13 articles of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes (UU Tipikor). Among these articles, corruption is classified into 30 (thirty) forms of criminal acts, further grouped into 7 (seven) categories, one of which is state financial loss. [2]

According to Ibn Khaldun, those in power commit corruption because they lust for life and lifestyle and have a highly hedonistic spirit of luxury. [3] For instance, Lefra Oktomi, the leader of Sungai Lebu Village in Kerinci—Jambi Regency, was found guilty by the Panel of Judges after undergoing the trial process for misusing Village Funds to engage in online slot and roulette gambling. Therefore, the Panel imposed a term of five years imprisonment and a fine of IDR 200 million, with the alternative of serving three months in prison.

Muhamad Agil Iqbal, the Village Treasurer of one of the Regencies of East Lombok - West Nusa Tenggara, committed another criminal act of corruption. The Public Prosecutor has accused Agil of violating Specific Articles of Law No. 31 of 1999 and Law Number 20 of 2001, which pertain to the eradication of corruption crimes, in conjunction with Article 55 paragraph (1) 1 of the Criminal Code. Agil is charged with

misappropriating village funds totaling Rp. 224,000,000 (two hundred and twenty million rupiah) for the purpose of engaging in online slot and roulette gambling.[4]

The prevalence of online slot and roulette gambling in society has surged in recent times, mirroring the significant shift from conventional to online activities.[5] The proliferation of this digital network has made it increasingly difficult for law enforcement authorities to monitor individual actions. Online gambling, a profitable industry, relies on random outcomes. According to a study by the Head of PPATK, Ivan Yustiavandana, the estimated revenue for online gaming in 2023 is an astonishing Rp. 327 trillion.

The Eradication of Corruption Crimes Act, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, establishes a strong legal framework for combating corruption, including the misuse of village money for internet gaming. As law enforcement authorities, government officials, and individuals involved in managing public funds, you play a crucial role in upholding these laws. Article 2, paragraph (1), and Article 3, in conjunction with Article 18, explicitly state that the misuse of public funds for personal or illegitimate purposes constitutes a criminal act of corruption. Therefore, utilizing village finances for online gambling activities can be classified as a criminal act of corruption according to these regulations.

Furthermore, according to Article 55 paragraph (1) 1 of the Criminal Code, state officials, including village officials, who misuse village money for internet gaming may face criminal penalties as stipulated by the relevant laws and regulations.[6] Therefore, this legal provision provides legitimacy for law enforcement officials to follow up and enforce the law against such violations.[7] Thus, these two articles provide a solid legal foundation for the prosecution and law enforcement of criminal acts of corruption, including in cases of using village funds for online gambling.

Corruption, especially in online gambling on slots and roulette, has become an urgent issue that is causing concern.[8] However, criminal acts of corruption are included in the 30 forms of violations regulated in Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, cases like this highlight the imbalance in law enforcement against corruption in Indonesia. In addition, challenges in tracking online activity also complicate handling corruption cases involving using village funds for online gambling. Therefore, this research is based on the need to increase the capacity of law enforcement officials to face technological challenges and expand inter-institutional cooperation to increase the effectiveness of law enforcement against corruption in all its forms.

II. LITERATURE REVIEW

A. Corruption

The term corruption has its origins in Latin, more especially from the word *corrumpere*. The name used in English for this phenomenon is corruption or corrupt, while in Dutch it is referred to as *corruptive*, and in Indonesian it is known as *korupsi*. According to the KBBI (Big Indonesian Dictionary), *korupsi* is described as the act of appropriating, embezzling, or squandering state finances, including those of enterprises, organizations, foundations, etc., for personal or others' gain. Corruption, as defined by Syed Alatas, involves the act of fraudulently violating trust, which can be seen as a form of stealing. Corruption is the embodiment of unethical behavior characterized by a strong desire to acquire things quickly through actions of theft and deception.[9] Moreover, Robert Klitgard asserted that corruption encompasses various interpretations, but fundamentally, it denotes the utilization of authority or status for individual or collective benefit. According to Law Number 31 of 1999, in conjunction with Law no. 20 of 2001, which amends Law no. 31 of 1999, corruption is considered a criminal offense. This is stated in 13 articles of the law.

An in-depth examination of the causes of corruption is a crucial area of investigation within the field of criminology.[10] Barda Nawawi Arif suggests that individuals are more likely to engage in corruption when they lack moral principles, have pressing economic requirements, and are influenced by the social environment. Arif stressed the significance of comprehending the underlying factors of corruption as the initial measure in endeavors to prevent and surmount this situation. Dr. Alatas outlines the fundamental attributes of corruption, which encompass the breach of public trust, deceit, neglect of responsibilities, covert implementation, pursuit of personal benefits, and endeavors to conceal corrupt actions. This technique demonstrates the intricacy of corruption and the significance of comprehending the different circumstances in which corrupt actions occur. Muttaqin Mansur and his colleagues conducted research that identified three overarching manifestations of corruption in Indonesia: Firstly, "Material Benefits" explores an individual's motivations for seeking financial or material advantages. (b). "Abuse of power" refers to the misuse or exploitation of authority or position. The term "Betrayal of Trust" pertains to the betrayal of public trust.

B. Online Gambling

Gambling has been present in Indonesia from the time of Dutch colonization. Gambling is invariably linked to nocturnal activities and indulgence in pleasure. Gambling is rapidly increasing in Indonesia, with many forms being conducted both openly and covertly. As to Article 303 paragraph (3) of the Criminal Code, gambling

refers to any game where the chance of winning money is mostly based on luck, regardless of the players' level of training or talent. This encompasses all restrictions pertaining to decisions made in competitions or other games that do not involve the participants, as well as any other rules.

According to the author, online gambling refers to the act of playing gambling games through an application or website using an internet connection.[11] The user initially installs a Virtual Private Network (VPN) on their device (such as a cellphone, computer, laptop, tablet, etc.). Online gambling offers a wide range of different and many games, including slot gambling, roulette, sports betting, lottery, fish shooting, pay-to-play, and more. Online gambling is governed under Article 27, paragraph (2) of Law Number 11 of 2008, in conjunction with Law Number 19 of 2016, in conjunction with Law Number 1 of 2004 on Information and Electronic Transactions (UU ITE). The criminal provisions are specifically governed by Article 45, paragraph (3) of the ITE Law.

C. Developmental/Linear Theory

Developmental/Linear Theory describes social change that moves towards a particular point or clear direction. In this theory, society moves from traditional conditions to modern society and from things that are conventional to things that are more modern or use advanced technology. This theory has two main variants: the theory of evolution and the theory of revolution.[12] The Theory of Evolution describes social change as a gradual evolution from a primitive society to a more advanced society in stages. This evolution involves social, economic, political, and cultural transformation from early stages to more complex stages. An example is Auguste Comte's view of the stages of development of society from theological, metaphysical, to positive stages. Meanwhile, Revolution Theory emphasizes drastic and rapid social changes that occur suddenly. Revolutions are often triggered by significant events such as war, social conflict, or political revolution. An example is the Industrial Revolution in England in the 18th century, which changed an agrarian society into an industrial society.

D. Phenomenological Theory

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III. METHOD

This research uses a qualitative method with a descriptive-analytical approach. Qualitative methods were chosen to deeply understand the phenomenon of corruption and online gambling from social, legal, and cultural perspectives.[14] The descriptive-analytic approach allows researchers to describe and analyze the data obtained to understand the factors influencing corrupt behavior and how the law is applied in this context. A legal phenomenology approach is used in this research to understand individuals' subjective experiences in a legal context, especially in cases of corruption and online gambling. By understanding the perspectives of perpetrators, law enforcement, and society, this research provides a more comprehensive picture of how corruption and online gambling occur and how the legal system responds. Legal sources used in this research include Law no. 31 of 1999 jo. Law no. 20 of 2001 concerning the Eradication of Corruption Crimes, the Criminal Code (KUHP), and Law no. 11 of 2008 jo. Law no. 19 of 2016 concerning Information and Electronic Transactions (UU ITE). This research also examines government regulations and regulations related to law enforcement for criminal acts of corruption and online gambling, as well as academic literature and legal journals that discuss corruption theory, legal phenomenology, and social change. Normative analysis examines relevant legal provisions to understand the legal basis for cracking down on corruption and online gambling. Contextual analysis is carried out to examine the social, cultural, and economic context that influences the occurrence of corruption and online gambling, including analysis of lifestyle, economic needs, and social dynamics that encourage corrupt behavior. Case studies are also carried out to analyze concrete cases, such as the cases of Village Fund Corruption Criminal Actions due to Online Gambling to understand how the law is applied in practice. Interviews with law enforcers, perpetrators, legal experts, and observations of the judicial process were conducted to gain direct perspectives on their experiences and views regarding corruption and

online gambling. With this research method, it is hoped that a comprehensive and in-depth understanding of corruption, especially related to online gambling, is obtained, as well as the effectiveness of law enforcement in this context. This research also aims to provide recommendations for increasing the capacity of law enforcement in facing technological challenges and increasing cooperation between institutions to strengthen efforts to eradicate corruption in Indonesia.

IV. RESULT AND DISCUSSION

The issue of online gambling in Indonesia has become more intricate and intensifying in recent years. According to the available PPATK data, there was no particular information regarding internet gambling incidents in 2019.[8] Commencing in 2023, the government and the National Police initiated measures to tackle this issue. In 2023, a total of 1,196 instances of internet gambling were uncovered, suggesting a growing severity of this problem. By 2024, the number of instances continued to increase, reaching a total of 792 cases by April. During the recent months, a total of 115 instances of internet gambling have been detected, resulting in the apprehension of 142 individuals involved. The government and the National Police persist in their endeavors to address this issue of online gambling. They have implemented measures to surveil and halt illicit online gaming operations. The procedures involved in combating internet gambling include monitoring gambling websites, apprehending suspects, and raising public awareness about the hazards associated with online gambling.

The continuous fight against online gambling in Indonesia continues.[15] The government and the National Police are resolute in their dedication to tackle this issue and protect the population from the threat of internet gambling. The financial consequences of online gambling in Indonesia are immense. As per the report presented by Ivan Yustiavandana, the director of PPATK, the revenue generated from online gambling in 2023 amounted to an astonishing Rp. 327 trillion. This significant amount was contributed by about 3,295,310 individuals who engaged in these activities.

Online gambling in Indonesia is not solely a matter of finances; it is a societal dilemma with significant repercussions. Bima Yudhistira, the Director of the Center of Economics and Law Studies, characterizes it as a self-perpetuating loop.[16] Gamblers are initially enticed with wins, but these are often followed by continuous losses. The more they deposit, the more they lose, leading to a desperate need for quick money. This desperation often drives them to resort to illegal activities such as theft, robbery, drug dealing, and even corruption.

Recently, the Head of a Village and the Village Secretary in Kubu Raya were detained by the Mempawah District Attorney – West Kalimantan for misusing Rp—eight hundred million village funds to play online slot games.[15] The modus operandi involved the Village Head and Secretary requesting fund disbursements to the village account, transferring the money to their accounts, and then transferring it to the online gambling site, totaling Rp—800,000,000 in transfers. Robert Klitgaard, an academic from the United States, proposed the formula for corruption as $C = D + M - A$ (Corruption = Discretionary + Monopoly - Accountability). This formula shows that corruption occurs when there is unchecked authority (discretionary), monopoly of power (monopoly), and lack of accountability. In this case, the Village Head and Secretary had the authority to manage village funds, which were not tightly supervised, thus creating an opportunity for misuse.

The Village Head and Village Secretary of Kubu Raya were charged with Primary: Article 2 paragraph (1) in conjunction with Article 18 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption Crimes in conjunction with Article 55 paragraph (1) of the 1st Criminal Code. Subsidiary: Primary: Article 3 in conjunction with Article 18 of Law No. 31 of 1999 and Law No. 20 of 2001 concerning the Eradication of Corruption Crimes in conjunction with Article 55 paragraph (1) of the 1st Criminal Code.

Law No. 31 of 1999, in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption Crimes Article 2 paragraph (1) in conjunction with Article 18 stipulates that anyone who unlawfully enriches themselves or another person, or a corporation that can harm the state finances or the country's economy, can be punished with imprisonment and fines. In this case, the Village Head and Secretary misused village funds for online gambling, clearly harming state finances.[17] Article 55, paragraph (1) of the 1st Criminal Code regulates participation in a criminal act, which can be imposed on anyone who commits, orders to commit, or participates in a criminal act. In this case, the Village Head and Secretary collaborated to commit corruption by misusing village funds.

Based on the facts of the case, the Village Head and Village Secretary in Kubu Raya misused village funds by transferring them to their personal accounts and then to an online gambling site. This action meets the elements of corruption as stipulated in Article 2 paragraph (1) in conjunction with Article 18 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption Crimes, as well as Article 55 paragraph (1) of the 1st Criminal Code. This action also demonstrates the elements of misuse of authority (discretionary), monopoly of power, and lack of accountability, which are the roots of corruption.[18]

According to the development/linear theory, the transition from traditional to modern society with advanced technology facilitates access to online gambling, potentially increasing cases of public fund misuse.[19] This

change shows how technology can be negatively utilized, highlighting the importance of stricter supervision of public fund use to prevent corruption.[20] The development/linear theory explains social change from traditional to modern society. In gambling, this change is seen from conventional gambling to online gambling, which knows no time and place boundaries. This change reflects how advanced technology can ease access and increase the risk of public fund misuse for illegal purposes such as online gambling.

The village fund misuse by the Village Head and Secretary in Kubu Raya for online gambling illustrates how corruption can occur due to a lack of supervision and accountability. Robert Klitgaard's theory of corruption and the development/linear theory provide a framework for understanding how social and technological changes can affect corrupt behavior. Based on Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 and the Criminal Code, their actions constitute corruption that law enforcement must firmly address. Effective law enforcement and strict supervision are crucial to preventing future public fund misuse.

Online gambling remains a troubling issue in Indonesia, especially when the proceeds of village funds and APBDes corruption are used for these activities. Although many village heads and officials have been sentenced to prison by the Corruption Court for their corrupt actions, where the proceeds were used for online gambling, similar cases continue to occur. This case indicates that strict law enforcement alone cannot prevent village officials from falling into corrupt practices that harm the community.

The author believes that although Article 27 paragraph (2) and Article 45 paragraph (3) of the ITE Law prohibit online gambling and impose criminal sanctions, these regulations are not effective due to several key factors:

1. There is a lack of education about the benefits of village funds and APBDes and the dangers of online gambling. Many village officials may not fully understand the negative impacts of online gambling and the importance of adequately managing village funds for the community's welfare.
2. Government and law enforcement must provide more guidance on managing village funds and APBDes. Practical guidance is necessary to ensure that village funds are used appropriately and not misused for harmful activities.
3. The performance of the Ministry of Communication and Informatics (Kemenkominfo) in blocking online gambling sites is still not optimal.

Many online gambling sites are still easily accessible, tempting village officials to use corrupt funds for gambling. To address this problem, the author proposes several measures that need to be taken:

1. Increase education about the benefits of village funds and APBDes and the dangers of online gambling. The government needs to implement comprehensive educational programs for village officials so that they can understand the importance of wisely managing village funds and avoiding gambling practices.
2. Government and law enforcement must enhance guidance on managing village funds and APBDes. This guidance can include training, technical assistance, and strict monitoring of village fund use. With adequate guidance, village funds can be managed more transparently and accountably.
3. Optimize the Ministry of Communication and Informatics's performance in massively blocking online gambling sites. Kemenkominfo needs to work harder to track and block active online gambling sites.
4. Collaboration with other parties, such as internet service providers and cellular operators, also needs to be increased to ensure effective restriction of access to online gambling sites.

By taking these steps, the author is confident that the escalation of village fund and APBDes corruption due to losses at online gambling tables can be curbed, reduced, and even eliminated. These actions will protect village funds from misuse and help build a more prosperous village community free from harmful gambling practices.

V. CONCLUSION

The legal examination of the misappropriation of village finances for internet gaming in Indonesia exposes substantial concerns regarding oversight, responsibility, and implementation. The Kubu Raya case, in which village officials misappropriated Rp. Eight hundred million for online gambling exposes the deficiencies in oversight and management despite the explicit restrictions stated in the ITE Law and corruption eradication laws. Robert Klitgaard's corruption formula illustrates that unbridled power and inadequate oversight result in corrupt behaviors. Implementing extensive instructional programs for village officials regarding fund management and the risks associated with online gambling is essential. Government and law enforcement authorities must provide more guidance and supervision, including conducting frequent audits and implementing stringent monitoring, to effectively prevent misuse. The Ministry of Communication and Informatics (Kemenkominfo) should enhance its efforts to restrict online gambling sites by collaborating with internet service providers and cellular operators. Finally, it is imperative to rigorously implement current legislation to guarantee that individuals who misuse public monies are held accountable under the law. Enforcing these procedures can effectively mitigate the rise of corruption and the adverse effects of online gambling on public funds, fostering a governance system that is more transparent and accountable.

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