

CRIMINAL LIABILITY OF OPERATORS IN THE CRIME OF ELECTRONIC MACHINE GAMBLING (CASE STUDY AT LANGKAT POLICE)

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Abstract

This study examines legal issues involving criminal liability, gambling, Langkat Resort Police. It employs empirical juridical research and draws on interviews, statutory regulations, legal literature. The findings show that the applicable legal framework must be connected to the specific elements and facts of the case. Investigation or implementation also requires consistent documentary records, witness statements, relevant evidence, and procedural safeguards. The study highlights the need for accurate legal reasoning, coherent documentation, institutional coordination, and accountability. These findings support a more consistent application of Indonesian law concerning criminal liability, gambling,

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1. Introduction

The development of information and electronic technology has brought significant changes to the patterns and forms of criminal acts, including gambling. This phenomenon shows that the criminal law must be able to adapt to the dynamics of society and technological developments in order to remain effective in upholding justice. Electronic gambling is becoming a form of modern crime that has different characteristics from traditional gambling, mainly because it involves electronic systems as the primary means. This condition poses its own challenges in determining the construction of criminal liability for perpetrators involved in the operation of electronic gambling (Maskun, 2017; O, 2016).

The provisions regarding gambling are expressly regulated in Article 303 paragraph (1) of the Criminal Code which states that anyone who deliberately offers or provides opportunities for gambling games and makes it a livelihood can be punished. This provision shows that criminal law does not only ensnare players or gambling organizers, but also other parties who provide facilities or opportunities for such gambling to take place. The act of providing gambling facilities is included in the category of active acts that can give rise to criminal liability. This affirmation shows that criminal law has a wide scope in ensnaring all parties involved in gambling activities (Prasetyo, 2019).

Criminal liability is a fundamental concept in criminal law that relates to a person's ability to be held accountable for his or her actions. This concept is not only related to the actions committed, but also to the mistakes and responsible abilities of the perpetrator. The principle of *geen straf zonder schuld* or no crime without fault is the main basis in determining whether a person can be convicted or not. Mistakes are an important element that must be proven in every criminal case. Without fault, criminal liability cannot be imposed on a person (Huda, 2018).

Electronic gambling machine operators are one of the parties that have an important role in the ongoing criminal acts of electronic gambling. The operator is in charge of maintaining the machine, regulating the course of the game, and making money exchange transactions with chips or game credits. The involvement of operators in electronic gambling systems cannot be

viewed as a passive role, but rather as part of the operational mechanism of gambling itself. This condition raises legal questions about the extent to which operators can be held criminally liable (Ali, 2015).

The case of electronic machine gambling that occurred in the jurisdiction of the Langkat Police shows that there is a gambling practice involving operators as guards of fish-type gambling machines. Based on the results of the examination, the suspect is known to play the role of an operator who guards the machine, receives money from players, and provides chips for gambling games. This fact shows that the operator is not only at the gambling location, but also actively carrying out the operational functions of the gambling. This active role shows the direct involvement of operators in gambling crimes (Langkat Police, 2025).

The operator in the case is known to receive a daily wage of Rp. 170,000 in return for his duty to maintain gambling machines and serve players. This fact shows that operators derive economic benefits from such gambling activities. The receipt of rewards is an indicator that the operator has a working relationship or attachment to the gambling system being run. The element of intentionality is one of the important elements in determining a person's criminal liability (Langkat Police, 2025).

Operators are also known to exchange money with chips that players use to run electronic gambling machines. This activity shows that the operator acts as a liaison between the player and the gambling system. The role is not only administrative, but also operational in nature that allows gambling to take place. These actions are included in the category of providing opportunities to gamble as stipulated in Article 303 of the Criminal Code. This act fulfills the objective elements in the crime of gambling (Langkat Police, 2025).

The criminal liability of operators in electronic gambling is also related to the concept of participation (*deelneming*) in criminal law. Participation refers to the involvement of more than one person in a criminal act, either as the main perpetrator, assistant, or participating party. Operators who carry out gambling operational functions can be categorized as parties who participate in committing criminal acts. This involvement shows that there is a causal relationship between the operator's actions and the occurrence of gambling crimes. This strengthens the legal basis for demanding criminal liability of operators (O, 2018).

This study focuses on three issues: the criminal liability of operators in the crime of electronic machine gambling according to the Criminal Code and the applicable laws and regulations in police reports number: LP/A/05/V/2025/SPKT/Polres Langkat/Polda North Sumatra; qualification of the role of an electronic gambling machine operator as a perpetrator, participant (*medepleger*), or helper (*medeplichtige*) in a gambling crime; The application of criminal liability against electronic machine gambling operators in law enforcement practices at the Langkat Police.

2. Methodology

2.1. Research Methodology

The location of data collection in this study is at the Langkat Police, Jl. Proclamation No. 53, Kwala Bingai, Stabat, Langkat Regency, North Sumatra.

Empirical juridical research is used to examine the application of these legal norms in practice in the field. This combination of approaches allows for an analysis that focuses not only on written norms, but also on the implementation and construction of evidence in investigative practice. Thus, this study aims to assess the conformity between legal norms and their implementation in criminal law enforcement (Efendi, 2015; Arikunto, 2006).

Primary data in this study was obtained through direct interviews with investigators from the Langkat Resort Police who examined the suspect in the case of gambling in the case of electronic machine gambling of fish. The interviews were conducted to obtain more in-depth information about the investigation and investigation process, legal considerations in

determining the suspect's status as a gambling operator, and the investigator's analysis of the elements of criminal acts as stipulated in Article 303 paragraph (1) of the Criminal Code. Meanwhile, the secondary data in this study is sourced from those consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

The primary legal materials used in this study include laws and regulations relevant to the Criminal Code (KUHP). Some of the main regulations that this research focuses on are:

Law Number 25 of 2009 concerning Public Services, which regulates service standards that must be met by government agencies, including the police in providing services to the community.

The secondary legal materials used are obtained from various scientific sources that can support the analysis in this study, such as: Books, Scientific journals, legal doctrine

The tertiary legal materials used in this study include sources that provide further understanding of the legal terms used in police regulations, as well as sources that confirm the general understanding of police procedures.

The technique of designating a word is abstract and not embodied in objects, but can only be seen through interviews, observations, tests (tests), documentation, and others. Researchers can use one or a combination of techniques depending on the problem faced or researched (Marzuki, 2005).

2.2. Landasan Theoretis

According to Moeljatno, criminal liability is a situation in which a person who commits a criminal act can be blamed for his actions because there is an element of guilt in him (Moeljatno, 2018).

This shows that criminal liability is always related to two things, namely the existence of unlawful acts and the ability of the perpetrator to account for these acts (Saleh, 2017).

The assessment is based on the existence of elements of error, both in the form of intentionality and forgetfulness, and the absence of a forgiving reason that can abolish the crime (Sudarto, 2018).

Therefore, criminal liability is closely related to the ability to be responsible, mistakes, and the absence of justification or forgiveness reasons (Hamzah, 2019).

In criminal law, criminal liability is an important basis to ensure that crimes are only imposed on people who really deserve to be blamed (Prasetyo, 2019).

This liability arises when the perpetrator consciously wants and knows the consequences of his actions. Intentionality shows that there is a strong inner relationship between the perpetrator and the crime committed, so that the crimes imposed are generally heavier.

Criminal liability is directly imposed on the person who personally commits a criminal act. The perpetrator is considered the main subject who commits, orders to commit, or participates in committing criminal acts.

This liability is imposed on individuals who actually commit criminal acts. In classical criminal law, this form is the most important because the crime is basically personal.

In strict liability, a person can be held criminally liable without the need to prove that there is an element of fault. Usually this is applied to certain criminal acts that concern the public interest.

According to Pompe, a criminal act is a violation of norms that has been intentionally or unintentionally committed by the perpetrator, where the imposition of punishment against the perpetrator is necessary for the maintenance of law and order and the guarantee of the public interest.

According to E. Utrecht, a criminal act is a criminal event or act that is prohibited by the rules of criminal law and threatened with criminal punishment for anyone who violates it.

This definition focuses on the legal consequences of an act, namely that a new action can be called a criminal act if there is a criminal threat against it based on the applicable legal provisions (Prodjodikoro, 2017).

Therefore, criminal acts are always related to the principle of legality, namely an act can only be punished if it has been previously regulated in criminal laws and regulations (Chazawi, 2016).

2.3. Legal Arrangements and Key Concepts

The operator in the criminal act of electronic machine gambling is the party who runs and operates the gambling device so that the game can take place. The position of the operator cannot be seen as a passive party, because the operator has an active role in controlling the course of the game. Operators are usually in charge of accepting bets, exchanging money for chips, as well as ensuring that gambling machines are functioning as they should. Therefore, the position of the operator must be analyzed legally to determine its criminal liability (Efendi, 2015).

In practice, the operator is often not the owner of the gambling machine, but only the party that runs the gambling operation. However, criminal law does not only see ownership as the basis for accountability, but also sees the role and real contribution in the occurrence of criminal acts. Parties who actively run gambling facilities can be categorized as perpetrators if they meet the elements of gambling crimes. This analysis must be based on the concrete role played by the operator (Prodjodikoro, 2017).

Electronic gambling machine operators act as a liaison between players and gambling systems. The action shows that the operator provides opportunities and means for gambling to take place. In the context of Article 303 paragraph (1) of the Criminal Code, the act of providing opportunities or means to gamble can be subject to criminal sanctions. Thus, operators who perform these functions can be categorized as parties that provide opportunities to gamble (Indonesia, 2023).

The position of the operator can also be studied through the concept of participation in criminal law. If the operator cooperates with the owner or other parties in carrying out gambling, then the operator can be categorized as participating (*medepleger*). In this case, the operator not only helps, but also takes part in the implementation of the criminal act. Therefore, the position of operators must be analyzed based on their role and contribution to the crime of electronic machine gambling (Indonesia, 2023).

The determination of the position of the operator in the criminal act of electronic machine gambling must consider the elements of error and intentionality. Operators who knowingly operate gambling machines and know that their actions are unlawful can be held criminally liable. This awareness shows that there is an inner connection between the perpetrator and his actions. This analysis is the basis for determining the construction of criminal liability of operators (Maramis, 2016).

In this form, the operator plays the role of providing venues, game devices, and regulating the course of gambling activities so that they can take place in an organized manner.

A covert gambling operator is a party that organizes gambling by disguising its main activity behind other businesses, such as stalls, shops, entertainment venues, or certain associations.

A networked gambling operator is a gambling operator that works with a network system, that is, it involves several people with different tasks, such as bookmakers, bookmakers, recorders, and payers.

The operator as a bookmaker is the party that becomes the center of gambling and bears the running of the entire betting mechanism. The bookmaker usually determines the rules of the game, accepts bets, deposits bets, and pays out winnings to players.

This type is a party that is not always directly involved in receiving bets, but provides a place, tools, media, or facilities that allow gambling to take place.

He is usually in charge of collecting bets, conveying the numbers or betting selections, and then handing the results back to the player. While not always the main controller, the liaison role remains an important part of the gambling implementation process.

An electronic gambling operator is a party that uses electronic devices to run gambling, such as gambling machines, electronic terminals, or simple digital media. This form shows the evolution of the way gambling works from traditional patterns to more modern and difficult to supervise patterns.

Online gambling operators are gambling operators who use the internet or digital networks as the main medium. This form is considered more dangerous because it has a wide range, easy access, and difficult to detect directly.

2.4. Parameter Analysis Yuridis

Gambling is a form of criminal act that is specifically regulated in Indonesian criminal law because it is considered contrary to legal norms, morality, and public order. Gambling is understood as an act that involves an element of betting in the hope of making a profit based on the factor of chance. In gambling, there is a risk of loss that is proportional to the chance of making a profit. Therefore, gambling is categorized as an act that is prohibited in criminal law (R, 2016).

The juridical definition of gambling can be seen in the provisions of Article 303 paragraph (3) of the Criminal Code which states that gambling is any game in which the probability of winning generally depends on the factor of chance. These provisions indicate that gambling is not only limited to a specific game, but includes all forms of gaming that contain elements of betting and uncertainty. The factor of chance is a major element in determining whether an act can be categorized as gambling. This regulation aims to provide legal certainty in criminal law enforcement (Indonesia, 2023).

The regulation of gambling crimes in Indonesian criminal law is expressly regulated in the Criminal Code as a form of protection for public order. This arrangement aims to prevent and crack down on all forms of gambling that can harm society. Criminal law sanctions everyone involved in gambling, whether as a perpetrator, organizer, or party who provides the opportunity to gamble. This regulation is the legal basis in law enforcement against gambling crimes (P, 2016).

The provisions regarding the crime of gambling are regulated in Article 303 paragraph (1) of the Criminal Code which states that anyone who deliberately offers or provides the opportunity to gamble can be punished. This provision shows that criminal law does not only ensnare players, but also parties who provide gambling opportunities or means. This act is categorized as a criminal act because it can harm the community and disturb public order. This provision is one of the main bases in law enforcement against gambling crimes (Indonesia, 2023).

The criminal act of gambling has elements that must be met in order for an act to qualify as gambling according to criminal law. The first element is the act of offering, giving opportunities, or participating in a gambling game. The third element is the existence of the possibility of earning profits that depend on the factor of chance. These elements must be met cumulatively so that a person can be subject to criminal sanctions for gambling crimes (Indonesia, 2023).

The element of chance is a characteristic of the crime of gambling. Games whose outcome depends on luck or factors that cannot be ascertained beforehand fall into the category of gambling. In practice, the element of chance can appear in various forms of games, including

electronic machine-based games. The affirmation of this element of coincidence is contained in the provisions of the Criminal Code (Indonesia, 2023).

The subject of law in the criminal act of gambling is not only limited to the player, but also includes the party who organizes or provides gambling facilities. In this case, the organizer and the party providing the opportunity to gamble are included in the category of legal subjects who can be held criminally liable. This provision shows that the scope of the subject of the law in the crime of gambling is quite wide. Everyone who plays a role in the implementation of gambling can be subject to criminal sanctions according to their role (P, 2016).

The determination of the legal subject in a gambling crime must pay attention to the elements of guilt and the role of the perpetrator in the criminal act. Any party who knowingly and knowingly engages in gambling activities can be held criminally liable. This provision shows that criminal law pays attention to the active involvement of the perpetrator in the criminal act of gambling. Thus, analysis of legal elements and subjects is important in determining criminal liability in gambling crimes (Prodjodikoro, 2017).

The types of gambling can be differentiated based on the means used, namely conventional gambling and electronic gambling. Conventional gambling is done directly without the use of electronic devices, such as card games and craps. Electronic gambling machines are one of the modern forms of gambling that utilize digital technology. The use of technology in gambling shows a change in the pattern of gambling crimes (Efendi, 2015).

Gambling is a criminal act that not only involves players, but also other parties who provide opportunities, facilities, or facilities for gambling to take place. This provision shows that the criminal law ensnares not only the main perpetrator, but also other parties involved in gambling activities. Any party involved in gambling can be held criminally liable according to its role. Thus, gambling is a criminal offense that has a wide scope in criminal law (P, 2016).

3. Research Results

3.1. Criminal Liability of Operators in Electronic Gambling Crimes Machinery according to the Criminal Code and Applicable Laws and Regulations in Police Report Number: LP/A/05/V/2025/SPKT/Langkat Police/North Sumatra Police

The criminal liability of the operator in the criminal act of electronic machine gambling must be understood as liability to the person who consciously carries out the operational function in the gambling game. In the case of Police Report Number: LP/A/05/V/2025/SPKT/Langkat Police/North Sumatra Police, the suspect Zeny Zanubah Arifah alias Zeny was not only at the location, but allegedly ran the machine, guarded the game, received money, sold chips, and served players (Langkat Police, 2025).

Based on the reporting BAP, the arrest of Zeny was carried out on Monday, May 5, 2025 at around 21.30 WIB in Hamlet II Pondok Jangu, Gohor Lama Village, Wampu District, Langkat Regency. At the time of the arrest, the suspect was found to be running a business and maintaining a fish-type gambling machine game. The fact of being caught is an important basis because it shows a direct relationship between the existence of the suspect at the scene of the crime and the ongoing gambling activities (Langkat Police, 2025).

The police witness statement made it clear that Zeny acted as an operator and guard of the fish machine and received money exchanged for meters or chips. This role suggests that the suspect performs an important function in the electronic gambling mechanism, as players cannot run the game without first purchasing a meter or chips. Thus, the operator becomes the starting door for players to enter gambling games (Langkat Police, 2025).

According to Eddy O.S. Hiariej, criminal liability is built from the relationship between acts, mistakes, and legal reproach against the perpetrator. In the case of electronic machine gambling operators, legal reproach does not only arise because the suspect was at the scene, but because the suspect carried out the functions that allow gambling games to take place, namely

selling chips, receiving money, opening machines, and exchanging meters for money (Hiariej, 2020).

According to Barda Nawawi Arief, criminal law functions as a means of dealing with crimes that disturb public order. In the context of electronic machine gambling, the operator has a real contribution to the ongoing gambling practice because he serves players and manages gaming transactions. Therefore, criminal liability to operators is part of the gambling prevention policy at the practice level (Arief, 2017).

The results of interviews with investigators show that electronic gambling machine operators are seen as parties who have a vital function because players depend on operators to buy chips, fill meters, and exchange game results. Without an operator, the machine can be on-site, but not run as an active gambling venture. This strengthens the basis for criminal liability against operators (Langkat Police, 2025).

The criminal liability of the operator can also be analyzed from the element of "without rights" or "without permission". In the BAP, both police witnesses and community witnesses explained that gambling machines do not have a permit. Zeny himself also admitted that he did not get permission from any party. This fact reinforces the unlawful nature of the activities carried out by operators (Langkat Police, 2025).

From the aspect of law enforcement practice, Langkat Police investigators build criminal liability for operators through arrests, confiscation of evidence, examination of complainants, examination of police witnesses, examination of public witnesses, examination of suspects, and additional examinations. This stage shows that criminal accountability is not built alone, but through a series of evidence that corroborates each other (Langkat Police, 2025).

In the interview, investigators explained that additional examinations of the suspect were carried out to clarify the relationship between the operator and the machine owner, the party collecting the results, the chip sales system, and the flow of money deposits. This additional examination is important because the crime of electronic machine gambling does not only involve machines as objects, but also involves a network of people who run and take advantage of the machines (Langkat Police, 2025).

Thus, the criminal liability of operators in the crime of electronic machine gambling in the Police Report Number: LP/A/05/V/2025/SPKT/Langkat Police/North Sumatra Police can be built from active acts, mistakes, responsible ability, unlawful nature, lack of permits, and the suspect's functional relationship with the gambling business. Zeny's role as a guard, chip seller, meter exchanger, key holder, recap counter, sender of results to the Zone, and wage recipient shows that he can be held criminally liable as an electronic machine gambling operator (Langkat Police, 2025).

3.2. Qualification of the Role of Electronic Gambling Machine Operators as Perpetrators, Participants (Medepleger), or Helpers (Medeplichtige) in Gambling Crimes

The qualifications of the role of an electronic gambling machine operator must be analyzed based on the actual functions performed by the operator in a series of gambling crimes. In the case of Zeny Zanubah Arifah aka Zeny, the role of the operator cannot only be seen as a place keeper, but must be judged from the activities of receiving money, selling chips, serving players, opening machines, calculating recaps, and handing over or reporting the results of the game to other parties (Langkat Police, 2025).

Factually, the suspect's BAP showed that Zeny explained his role as a fish-machine gambling game guard and chip seller to players. This information shows that there is direct involvement in the implementation of gambling, because the operator is the party that serves the player in order to access the game. Thus, this role is not passive, but active in running the electronic machine gambling mechanism (Langkat Police, 2025).

In the BAP of the complainant Sunariyo, Zeny was said to have been caught while running a business and maintaining a fish-type gambling machine game. This information is important because it shows that at the time of the action, the suspect was in an operational position, not just at the location by chance. The fact of being caught is the initial basis for assessing that the operator can be qualified as a perpetrator in a gambling crime (Langkat Police, 2025).

Qualification as a perpetrator can be built if the operator commits an act that directly meets the elements of the gambling crime. In this case, Zeny receives money from the player, exchanges the money into meters or chips, and allows the player to use the machine to play. This act can be understood as an act of giving opportunities to others to gamble, as contained in Article 303 paragraph (1) 2 of the Criminal Code (Indonesia, 2023).

However, the role of the operator can also be analyzed as part of participation or participation (*medepleger*). This is because electronic machine gambling in this case does not only involve Zeny, but also other parties such as the owner of the machine called Trias and the collector of game results named Zona. The division of functions between operators, machine owners, and revenue collectors shows the possibility of cooperation in the gambling business (Langkat Police, 2025).

The role of the operator can also be compared to the category of auxiliary or *medeplichtige*. A helper in a criminal act is usually a party who provides assistance before or during the crime, but is not the core perpetrator. If the operator only guards the venue without serving players or managing transactions, then it may be debatable to be a helper. However, the facts in BAP show that Zeny's role is much more active than just helping (Prasetyo, 2019).

Qualifying as an assistant becomes less appropriate when you look at the fact that the operator holds the engine keys, calculates the recap, and sends the results report to the Zone. These actions are not light assistance, but part of the management of a gambling business. Therefore, in this case, the operator is more appropriately qualified as a perpetrator or at least participated, not just a helper (Langkat Police, 2025).

Qualification as a helper should be placed as a last resort if the role of the operator is proven to be only helping from the outside and not doing the core of the gambling act. However, the facts of BAP show that Zeny did the core of the act, namely selling chips, exchanging money, operating machines, and receiving results. Therefore, an assistant is not the most appropriate qualification for the operator in this case (Langkat Police, 2025).

Theoretically, the helper only provides assistance that is supportive, while the perpetrator or participates in carrying out a role that determines the implementation of the criminal act. The operator in this case performs the decisive function, namely receiving money, filling chips, operating the machine, and managing the results. Therefore, Zeny's position is not appropriate to be placed as an ordinary assistant (Langkat Police, 2025).

Thus, the role of electronic gambling machine operators in the case of Police Report Number: LP/A/05/V/2025/SPKT/Langkat Police/North Sumatra Police can be qualified mainly as direct perpetrators, and in relation to the Zone and Trias can also be analyzed as participating (*medepleger*) in the gambling business. The qualification as an assistant (*medeplichtige*) is not appropriate because the fact of the BAP shows that Zeny carries out the core function in gambling of fish machines, not just providing assistance from outside (Langkat Police, 2025).

3.3. Application of Criminal Liability for Electronic Machine Gambling Operators in Law Enforcement Practices at the Langkat Police Station

The application of criminal liability to electronic machine gambling operators in law enforcement practices in the Langkat Police is basically carried out by looking at the concrete role of operators in carrying out gambling activities. Based on the results of the interview, the investigator explained that the operator was not seen solely as the person who guarded the machine, but as the party who activated the gambling mechanism through receiving money,

filling chips or meters, exchanging winnings, and managing the results of the game (Langkat Police, 2025).

According to Moeljatno, criminal liability cannot be separated from two main elements, namely the existence of criminal acts and the existence of fault in the perpetrator. In the context of the case of a fish machine operator, criminal acts appear from the act of maintaining and running gambling machines, while mistakes appear from the perpetrator's awareness that gambling is a prohibited act. Therefore, the practice of the Langkat Police in assessing operators as subjects of criminal liability is in line with the basic theory of criminal liability which requires acts and mistakes (Moeljatno, 2018).

The Langkat Police investigator in an interview explained that the proof against the operator was not only directed at the ownership of the machine, but also at the operational functions carried out. This is important because in the practice of electronic machine gambling, the owner of the machine is often not on site, while the operator is the party who is in direct contact with the player. Therefore, even though the owner of the machine has not been fully revealed, the operator can still be held accountable for his own actions (Langkat Police, 2025).

In the interview, the investigator mentioned that the main obstacle in law enforcement practices against electronic machine gambling operators is the development of cases to parties above the operator. Operators usually know the nickname or intermediary, but do not always know the full identity of the machine owner. This condition causes the case development process to require further deepening through additional examinations, communication tracing, and other witness statements (Langkat Police, 2025).

According to M. Yahya Harahap, the purpose of the investigation is to shed light on the crime and find the suspect based on sufficient evidence. In the context of the case of electronic machine operators, the investigation does not only stop at the arrest of the operator, but must try to explain how the machine is used, who operates it, how the results of the game are managed, and whether there are other parties involved. Therefore, additional examinations are an important step in clarifying the construction of criminal liability (Huda, 2018).

The investigator also explained that in practice, criminal liability against the operator can still be applied even if the owner of the machine has not been found. This is because criminal responsibility is personal and inherent in the actions of each perpetrator. If the operator is proven to run the machine, serve players, receive money, and know that the activity is gambling, then the operator can still be processed based on the role he performs himself (Langkat Police, 2025).

According to Andi Hamzah, in the criminal procedure law, proof must be directed to find the material truth. That is, investigators do not sufficiently prove that a person was at the gambling location, but must prove his or her role in the criminal event. In the case of electronic machine operators, the material truth is obtained by proving that the operator actually runs the machine, receives money, serves players, and manages gambling results (Hamzah, 2019).

In law enforcement practice at the Langkat Police, criminal liability to operators is also applied as an effort to prevent electronic machine gambling from continuing to operate in the community. Investigators view that the operator is the party that makes the machine actively used by players. Therefore, processing operators not only aims to crack down on people who are caught, but also stop gambling operations at the location (Langkat Police, 2025).

The investigator must also prove the connection between the operator, the electronic machine, the player, and the profits made from the gambling. This proof can be done through witness statements, suspect statements, evidence in the form of game machines, betting money, transaction records, CCTV recordings, and other electronic devices related to gambling activities. With the relationship between evidence and the role of the operator, criminal liability is not only based on the presence of the operator at the location, but on his actions that support the ongoing gambling crime (Indonesia).

Thus, the application of criminal liability to electronic machine gambling operators at the Langkat Police is carried out through a combination of the results of field examinations, investigator interviews, evidence, and criminal liability theories. Operators are seen as accountable for fulfilling the elements of active acts, mistakes, responsible ability, and involvement in giving others the opportunity to gamble. Although the development of machine owners and product collectors is still a challenge, the role of operators is still strong enough to be used as a basis for criminal liability (Langkat Police, 2025).

4. Discussion

4.1. Analysis of Criminal Liability of Operators in the Crime of Electronic Machine Gambling according to the Criminal Code and Applicable Laws and Regulations in Police Report Number: LP/A/05/V/2025/SPKT/Langkat Police/North Sumatra Police

Criminal liability to the operator must be seen from the existence of active acts. The act of selling chips shows that the suspect not only maintains the existence of the machine, but is involved in transactions that allow players to use the machine as a means of gambling (Langkat Police, 2025).

Article 426 of the new Criminal Code maintains the idea that the crime of gambling is not only committed by players or bookmakers, but also parties who provide opportunities and participate in gambling businesses (Indonesia, 2023).

Zeny also explained that the owner of the fish machine as far as he knew was named Trias, but he did not know his full address and had never met him in person. However, the unclear identity of the machine owner does not remove the responsibility of the operator because the operator's own actions have fulfilled the operational function in gambling (Langkat Police, 2025).

The criminal liability of the operator needs to be distinguished from the liability of the owner of the machine. Even though the level of role is different, the operator can still be held accountable because his actions make gambling take place in real life in the field (Langkat Police, 2025).

According to Andi Hamzah, criminal liability is not only attached to the party who is the main actor, but also to the party who consciously takes part in the occurrence of criminal acts. Therefore, its role can be interpreted as part of the implementation of gambling crimes (Hamzah, 2019).

In criminal law, the act of providing opportunities to play gambling can be done in various forms, including providing facilities, receiving payments, or regulating the mechanism of the game. Therefore, the liability of the operator cannot be separated from the function of the machine as a gambling tool (Langkat Police, 2025).

According to P.A.F. Lamintang and Theo Lamintang, the crime of gambling must be seen from activities that provide opportunities for others to participate in games that contain bets. Thus, operators provide an avenue for players to engage in gambling games (P, 2016).

In this case, the facts of the arrest, evidence of the machine, chips, keys, money, witness statements, and the suspect's confession must be read as a series. The series shows that operators can be held criminally liable for carrying out their direct functions in gambling (Mulyadi, 2018).

According to M. Yahya Harahap, the investigation aims to shed light on a criminal act and find the suspect through the collection of evidence. The evidence collected not only shows the existence of machines, but also explains how the machines are used as a means of gambling (Huda, 2018).

4.2. Analysis of the Qualification of the Role of Electronic Gambling Machine Operators as Perpetrators, Participants (Medepleger), or Helpers (Medeplichtige) in Gambling Crimes

The machine key indicates the existence of factual access and authority to open the machine, view the recap, and calculate the game profit. The person who holds the keys to the machine is not only an ordinary guard, but has operational control over the main means of gambling (Langkat Police, 2025).

His qualification as a perpetrator is also supported by the fact that Zeny earns a wage of IDR 170,000 per 12 hours from the results of maintaining a fish machine gambling game. Thus, the role of the operator is not incidental, but is carried out continuously and profit-oriented (Langkat Police, 2025).

If this opinion is applied to Zeny's case, then his role as an operator can be qualified as a perpetrator because he directly committed an act that gave the player the opportunity to gamble through a fish machine (Chazawi, 2016).

According to Eddy O.S. Hiariej, medepleger is characterized by close cooperation and significant contributions to the realization of criminal acts. In the case of Zeny, the fish-machine game requires operators to sell chips and exchange meters for money, so the contribution is significant (Hiariej, 2020).

From the point of view of acts, electronic gambling machine operators meet the characteristics of the perpetrators because they master the game service process. Thus, operators have a position that determines whether or not gambling takes place at the field level (Langkat Police, 2025).

There are the owners of the machines, the party collecting the results, and the gambling venues used. Therefore, the most complete legal construction is to place operators as field actors who are also connected to participation in the gambling business (Langkat Police, 2025).

According to Andi Hamzah, participation can occur when several people consciously take part in a criminal act with different roles. These differences in roles do not eliminate the responsibility of each party if their actions support the occurrence of criminal acts (Hamzah, 2019).

According to Sudarto, the reason for the punishment is not only to look at the deeds, but also to pay attention to the interests of community protection. Therefore, operators who maintain the sustainability of the game can be held accountable so that gambling practices do not continue to develop (Sudarto, 2018).

Based on the overall facts, Zeny's role is more appropriately qualified as a direct perpetrator in the crime of electronic machine gambling, because he performs the core function of the game. Thus, the qualifications of perpetrators and participants are stronger than those of assistants (Langkat Police, 2025).

4.3. Analysis of the Application of Criminal Liability to Electronic Machine Gambling Operators in Law Enforcement Practices at the Langkat Police Station

Thus, an electronic gambling machine operator can be seen as a party that gives others the opportunity to gamble because it provides technical access for players to use the machines (P, 2016).

In the interview, the investigator also confirmed that the operator's position was different from that of a person who was only at the gambling location. However, in the case of fish machine operators, involvement can be seen from the act of selling chips, holding machine keys, receiving money, and managing game results, so that the role of the operator is active and direct (Langkat Police, 2025).

If it is associated with the results of the interview, the legal reproach against the operator arises because the operator knows that gambling is prohibited, but still performs the functions that make the game run. In this case, the operator is not just a tool of another party, but a subject who consciously takes part in criminal acts (Hiariej, 2020).

Based on the results of the interview, the investigator stated that the engine key is one of the important indicators to see the operator's mastery of the game. Therefore, keys are not understood only as ordinary goods, but as tools that show the existence of operator control over gambling facilities (Langkat Police, 2025).

According to Lilik Mulyadi, proving criminal cases must be carried out by systematically linking facts, evidence, and elements of crime. In this way, proof does not stop at the discovery of evidence, but is directed at explaining the function of evidence in criminal acts (Mulyadi, 2018).

According to Teguh Prasetyo, a person can only be convicted if his actions meet the elements of a criminal act and the perpetrator can be reproached for his actions. In the case of the operator of the fish machine, the reproach arose because the operator consciously took part in the prohibited activity, even though he was not the main owner of the machine (Prasetyo, 2019).

Based on the results of the interview, the investigator stated that the evidence in the operator's case was not only seen from the number, but also from its relevance. If all of the evidence shows that the operator runs the game and manages the transaction, then criminal liability can be applied more forcefully (Langkat Police, 2025).

In addition to the operator, investigators also need to trace other parties who have a relationship with the provision of the gambling electronic machine. This is important because the on-site operator is often only responsible for running the machine, receiving money from players, guarding the venue, or regulating the use of the machine. Therefore, the investigation should not stop at the operator alone, but should be directed to uncover the structure of the role in the criminal act of electronic machine gambling (Indonesia, 2023).

In the context of criminal liability, the operator can be seen as having an active role if he knows that the electronic machine is being used as a means of gambling and continues to carry out these activities. If the operator only runs the machine, exchanges player money, records the results of the game, or consciously manages the player's turn, then his actions can show involvement in providing opportunities or facilitating gambling (Moeljatno, 2018).

5. Conclusion

The criminal liability of operators in the crime of electronic machine gambling in the Police Report Number: LP/A/05/V/2025/SPKT/Langkat Police/North Sumatra Police can be built based on active acts, mistakes, responsible ability, and unlawful nature. In the case of Zeny Zanubah Arifah alias Zeny, the act of guarding the machine, selling chips/meter, receiving money, exchanging game results, holding the machine key, calculating the recap, and earning wages shows that the operator has a direct role in the course of gambling. Thus, operators can be held criminally liable because their actions meet the elements of providing opportunities or participating in gambling businesses as regulated in the Criminal Code. The role of an electronic gambling machine operator is more appropriately qualified as a direct perpetrator or at least as a party participating in a gambling crime. This is because the operator not only helps from the outside, but performs the core functions of gambling, which is serving players, selling chips, operating machines, exchanging meters, and managing the outcome of the game. The qualification as an assistant is not appropriate because Zeny's role is not an additional or passive role, but an operational role that makes the gambling of the fish machine possible. The application of criminal liability to electronic machine gambling operators at the Langkat Police is carried out through the association between the results of the arrest, evidence, witness statements, suspect confessions, additional examinations, and the results of investigator interviews. Operators are seen as field implementers who are in direct contact with the player and have control over chips, money, keys, and a recap of the game's results. Although the development of the machine owner and the party collecting the results is still an obstacle,

criminal liability to the operator can still be applied because the operator's own actions have met the elements of gambling crimes.

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References

- (1) Adami Chazawi. Pelajaran Hukum Pidana Bagian I. Jakarta: RajaGrafindo Persada, 2016.
- (2) Agus Rusianto. Tindak Pidana dan Pertanggungjawaban Pidana. Jakarta: Prenadamedia Group, 2016.
- (3) Arikunto, Suharsimi. Prosedur Penelitian Suatu Pendekatan Praktik. Jakarta: Rineka Cipta, 2006.
- (4) Barda Nawawi Arief. Masalah Penegakan Hukum dan Kebijakan Hukum Pidana. Jakarta: Kencana, 2017.
- (5) Chairul Huda. Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan. Jakarta: Kencana, 2018.
- (6) Eddy O.S. Hiariej. Asas-Asas Hukum Pidana. Yogyakarta: Cahaya Atma Pustaka, 2018.
- (7) Eddy O.S. Hiariej. Prinsip-Prinsip Hukum Pidana. Yogyakarta: Cahaya Atma Pustaka, 2016.
- (8) Hamzah, Andi. Hukum Acara Pidana Indonesia. Jakarta: Sinar Grafika, 2019.
- (9) Hiariej, Eddy O.S. Prinsip-Prinsip Hukum Pidana. Yogyakarta: Cahaya Atma Pustaka, 2020.
- (10) Ismu Gunadi dan Jonaedi Efendi. Cepat dan Mudah Memahami Hukum Pidana. Jakarta: Prenadamedia Group, 2015.
- (11) Kepolisian Negara Republik Indonesia, Daerah Sumatera Utara, Resort Langkat. Berita Acara Pemeriksaan Saksi dalam Perkara Tindak Pidana Perjudian Mesin Elektronik Jenis Ikan-ikan. Polres Langkat, 05 Mei 2025.
- (12) Kepolisian Negara Republik Indonesia, Daerah Sumatera Utara, Resort Langkat. Berita Acara Pemeriksaan Tersangka Zeny Zanubah Arifah dalam Perkara Tindak Pidana Perjudian Mesin Elektronik Jenis Ikan-ikan. Polres Langkat, 05 Mei 2025.
- (13) Kitab Undang-Undang Hukum Pidana (KUHP).
- (14) Mahrus Ali. Dasar-Dasar Hukum Pidana. Jakarta: Sinar Grafika, 2015.
- (15) Maramis, Frans. Hukum Pidana Umum dan Tertulis di Indonesia. Jakarta: Rajawali Pers, 2016.
- (16) Maskun. Kejahatan Siber (Cyber Crime): Suatu Pengantar. Jakarta: Kencana, 2017.
- (17) Moeljatno. Asas-Asas Hukum Pidana. Jakarta: Rineka Cipta, 2018.
- (18) Mulyadi, Lilik. Hukum Acara Pidana Indonesia. Bandung: Citra Aditya Bakti, 2018.
- (19) P.A.F. Lamintang dan Theo Lamintang. Kejahatan Terhadap Kepentingan Hukum Negara. Jakarta: Sinar Grafika, 2016.
- (20) Peter Mahmud Marzuki. Penelitian Hukum. Surabaya: Prenada Media Group, 2005.
- (21) R. Sugandhi. Kitab Undang-Undang Hukum Pidana dan Penjelasannya. Surabaya: Usaha Nasional, 2016.
- (22) Roeslan Saleh. Perbuatan Pidana dan Pertanggungjawaban Pidana. Jakarta: Aksara Baru, 2017.
- (23) Sudarto. Hukum Pidana I. Semarang: Yayasan Sudarto, 2018.ss
- (24) Teguh Prasetyo. Hukum Pidana. Jakarta: Rajawali Pers, 2019.
- (25) Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana.
- (26) Wirjono Prodjodikoro. Tindak-Tindak Pidana Tertentu di Indonesia. Bandung: Refika Aditama, 2017.