

**A LAW ENFORCEMENT PERSPECTIVE ON FOOTBALL SUPPORTER RIOTS IN  
INDONESIA  
(COMPARATIVE ANALYSIS OF THE OLD AND NEW CRIMINAL CODES)**

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**ABSTRACT**

Anarchist attitudes are one of the classic problems in managing the football league in Indonesia, which will continue to emerge every year if it is not followed up firmly. The phenomenon of widespread football supporters rioting has caused anxiety among the public. Law enforcement is an important instrument in dealing with this problem. This article examines the comparison between the old Criminal Code and the new Criminal Code in law enforcement against football supporter riots in Indonesia. The research method used is the normative juridical method using library research. Analysis shows that the new Criminal Code has the potential to increase the effectiveness of law enforcement. Challenges faced include identification of perpetrators, gathering strong evidence, involvement of law enforcement officials, and legal awareness. Suggested solutions include strengthening regulations, strict law enforcement, increasing education, and collaboration between stakeholders. Thus, the new Criminal Code opens up better opportunities for law enforcement against football supporter riots. However, additional efforts are needed to overcome the various challenges faced.

**Keywords:** Law Enforcement, Supporters, Riots, Anarchism, Criminal Code

**INTRODUCTION**

Football is currently one of the most popular sports. Its matches always grab the attention of millions of people across the country and is a favorite among various circles of society, from teenagers to the elderly. The public's enthusiasm for each match attests to its high popularity. People show their support and loyalty by becoming loyal supporters or hooligans for their favorite football clubs.

Supporters, both individually and in groups, play an important role in the atmosphere of football matches. However, their presence can also have both positive and negative impacts. Excessive enthusiasm often turns into fanaticism that leads to deviant acts, even criminal acts.

Sometimes, this can lead to riots due to different perceptions among supporters. Uncontrolled situations and the inability of the security forces to calm the supporters can lead to anarchic actions such as damaging stadium facilities, burning attributes, or even engaging in physical clashes, which ultimately result in material and immaterial losses, even fatalities.

The frequent riots among football supporters in Indonesia are not a new phenomenon, but have become a complex and recurring habit<sup>1</sup>, so that it becomes a problem that requires a comprehensive solution. Therefore, law enforcement is one of the important instruments in countermeasures, as well as to maintain sportsmanship, fair play and the integrity of the sport. Although the Indonesian Football Association (PSSI) is responsible for the regulation of football, law enforcement against criminal acts in matches falls under the jurisdiction of the state. In this context, the role of the Police is crucial in cracking down on rioters and providing legal protection for victims of violence.<sup>2</sup>

Although the rules related to acts of anarchy by football supporters are explicitly explained in the Criminal Code, the increasing violence shows that the existing sanctions or penalties are less effective and need to be updated. Therefore, the enactment of the new Criminal Code, Law Number 1 Year 2023 on the Criminal Code, clarifies the formulation of the articles and provides more severe penalties and supports the application of restorative justice.

With reference to these cases, the purpose of this Scientific Journal is to analyze the comparison between the old and new Criminal Code arrangements related to law enforcement against riots of football supporters in Indonesia. Data will be collected through literature study, document analysis, article analysis, and internet search. It is hoped that this journal can provide understanding and insight into the context, especially in the comparison of the old and new Criminal Code arrangements related to law enforcement against riots of football supporters in Indonesia.

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<sup>1</sup> Yusuf Adam Hilman, Motif dan Kelembagaan Konflik Supporter Sepak Bola pada AREMANIA, *Jurnal studi kultural*, Volume 2 Nomer 1, 2017, hlm 7

<sup>2</sup> M. Husein Maruapey. Penegakan Hukum Dan Perlindungan Negara (Analisis Kritis Terhadap Kasus Penistaan Agama Oleh Patahana Gubernur DKI Jakarta), *Jurnal Ilmu Politik dan Komunikasi*, Volume 7, Nomer 1, 2017, hlm 24

## RESEARCH METHOD

The normative juridical method is an approach in legal research that focuses on the study of existing legal norms in a legal system. In this method, researchers analyze various legal norms relevant to the topic under study to then identify patterns or consistency in the legal arrangements. The data collection method used is library research, known as Library Research. This approach involves researching various library materials to obtain secondary data, such as books from private or library collections, articles from print or electronic media, government documents, including laws and regulations. This research uses primary and secondary legal materials.

The relevant primary legal materials for this research are the old and new Criminal Code. Meanwhile, secondary legal materials consist of books, legal journals, legal theories, experts' opinions, and legal research results. This data analysis process adopts the deductive method, in which the researcher uses reasoning from general premises to reach certain conclusions. In this context, the data that has been collected is organized and evaluated based on principles or frameworks that have been previously established. The deductive approach allows the researcher to test the fit between the data collected and existing theories or hypotheses, making it possible to make broader generalizations or conclusions about the observed phenomena. By adopting deductive methods, researchers can achieve a deeper understanding of the relationship between data and theory and increase the validity of research findings.

## RESULTS AND DISCUSSION

The presence of football and football supporters so far shows a close relationship and mutual need.<sup>3</sup> It's no surprise that football matches are made more exciting by the support of the supporters, who are often considered the "12th man" of a football team due to their strategic role in the match.<sup>4</sup> This group of supporters forms an interrelated unit with common goals and interests, namely providing enthusiasm, motivation, and support in various ways so that the

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<sup>3</sup> Nor Islafatun, *Arek Bonek: Satu Hati Untuk Persebaya*, Notebook, Yogyakarta: 2014, pg. 5.

<sup>4</sup> Eka Sari Oktaviani, Rizka Dara Vonna, Yuanita Caroline, "Hubungan Sabar Dan Harga Diri Dengan Agresivitas Pada Supporter Bola", *Jurnal Psikoislamedia*, Volume 2 Nomor 1, 2017, pg. 57.

team they support succeeds in defeating their opponents<sup>5</sup>. Football supporters can be considered as social behavior if their actions are excessive and deviant, which can then have an impact on the surrounding environment. This social behavior involves activities carried out by at least two people who influence each other

According to J.B. Watson, human behavior is basically a response to stimuli, where every behavior is influenced by the stimulus received. This means that a person's behavior is formed based on the stimuli he receives. However, although the loyalty of football supporters is basically driven by love for the club they support, it can sometimes lead to excessive fanaticism. This fanaticism can have a negative impact on society, such as the occurrence of anarchic attitudes that lead to violence, both physically and mentally, which can become a criminal offense if it meets the elements of criminal law. Communities often feel anxious and traumatized by criminal acts directly related to football supporter riots. Frequent anarchist actions, such as damaging stadium facilities, burning attributes, or engaging in fighting between supporters, often cause material and immaterial losses, even fatalities.

Riots involving football supporters are on the rise in Indonesia. One example is the Kanjuruhan Tragedy in Malang in 2022, which killed 135 supporters and injured hundreds more due to tear gas fired by security forces. The tear gas spraying was carried out due to the chaos that occurred among the supporters, which was exacerbated by the lack of security officers who were not balanced with the number of supporters. This resulted in panic among the supporters, who attempted to exit the stadium. However, due to the limited access to the exit and the large number of spectators, there was a crowd that caused several people to be trampled and killed. This tragedy was one of many cases of football riots in Indonesia that received international attention.<sup>6</sup>

In the mass control procedure, the police are guided by the regulations of the Indonesian National Police Regulation Number 16 of 2006 concerning mass control and the Indonesian National Police Regulation Number 1 of 2009 concerning the use of force in police actions which explains the use of tear gas and the mass intended from both regulations is the general

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<sup>5</sup> Anfa Safitri, Sonny Andrianto, "Hubungan Antara Kohesivitas Dengan Intensi Perilaku Agresi Pada Supporter Sepak Bola", *Jurnal Psikologi Islami*, Volume 1 Nomor 2, 2015, pg. 12.

<sup>6</sup> CNN Indonesia, *Sebulan Tragedi Kanjuruhan: Gas Air Mata Aparat Tewaskan 135 Orang* <https://www.cnnindonesia.com/nasional/20221028154345-20-866651/sebulan-tragedi-kanjuruhan-gas-air-mata-aparat-tewaskan-135-orang>, Accessed on March 28, 2024, at 23.50

or comprehensive mass without mass classification. Thus, the situation and conditions in the Kanjuruhan tragedy were a different situation from both demonstrations, and the security of the football masses which were not actually regulated by more specific regulations. Therefore, strong measures are needed to reduce the negative impact caused by the anarchic behavior of football supporters. These countermeasures can be done through law enforcement, both within the framework of the criminal justice system (penal) and outside the criminal justice system (non-penal).

The justice system is a structure or mechanism structured to enforce the rule of law in a society. This system consists of various institutions such as courts, prosecutors, police, and other law enforcement agencies that play a role in the law enforcement process<sup>7</sup>. It covers the interaction between various human behaviors representing diverse interests within the framework of rules that have been mutually agreed upon in applicable regulations, both written and unwritten. These arrangements, which are contained in legal products such as legislation, aim to regulate the life of the community, nation and state to make it more orderly and ensure legal certainty.

One of the rational efforts made in this context is the application of criminal law through criminal law enforcement. This refers to the use of the criminal law system to deal with criminal offenses and impose sanctions on lawbreakers, with the aim of maintaining order and justice in society. Through the criminal law enforcement process, criminals are processed in accordance with applicable laws and given sanctions in accordance with the level of guilt, as a preventive measure to prevent the recurrence of actions that harm the community and restore a sense of security and trust in the social environment.

Juridically, criminal acts committed by football supporters are included in the realm of criminology, especially acts of violence, riots to persecution, because they have violated applicable laws and regulations. According to Sutherland's opinion, a criminological action can be said to be a law-making process, a violation of the law and a reaction to a violation of the law if it fulfills 3 elements of the object of criminology, namely crime; perpetrators; and society's reaction to unlawful acts and criminals.<sup>8</sup>

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<sup>7</sup> Sunarto, "Asas Legalitas dalam Penegakan Hukum Menuju Terwujudnya Keadilan Substantif", *Masalah - Masalah Hukum*, Volume 45 Nomor 4, 2016, pg. 252.

<sup>8</sup> Topo Santoso dan Eva Achjani Zulfa, *Kriminologi*, PT. RajaGrafindo Persada, Jakarta, 2005.

In the context of law enforcement against football supporters, various criminal acts or acts of violence will be subject to criminal sanctions. The laws and regulations governing law enforcement against football supporters are listed in the Second Book of the Criminal Code, including Article 170 of the Criminal Code (collective destruction), Article 351 of the Criminal Code (persecution), and Article 171 of the Criminal Code (assault on public officials), as well as several other articles. These articles strictly regulate various acts of violence associated with football supporters and the sanctions given. However, over time, these rules have proven less effective in providing a deterrent effect to perpetrators, so changes are needed. Therefore, Law Number 1 Year 2023 on the Criminal Code replaced the old Criminal Code, with several relevant articles having been amended from the previous version, such as Article 200 (Crimes against public security), Article 406 (Destruction of property), Article 351 (Persecution), and Article 335 (Unpleasant acts).

Criminal acts in the context of football supporter riots can be subject to punitive sanctions if they fulfill the elements contained and explained in the legislation. The various sanctions and penalties mentioned in the legislation can be said that the element of action is related to the responsibility of a perpetrator who commits the criminal act. Therefore, the element of action is closely related to the intent or negligence of a person committing a criminal act such as a football supporter riot. Despite the controversy, the reform is still necessary as an effort to modernize the Indonesian criminal law system, despite some potential doubts and challenges associated. The effectiveness of the implementation of Law Number 1 Year 2023 on the Criminal Code (New Criminal Code) lies in its potential to improve law enforcement against riot supporters.

A comparative analysis of law enforcement between the old and new Criminal Codes shows significant differences, especially in relation to supporters' anarchism. For example, Article 170 paragraph (1) of the old Criminal Code provides criminal sanctions with a maximum imprisonment of 5 years and 6 months for perpetrators of violence against persons or goods, while Article 262 paragraph (1) of Law Number 1 of 2023 on the Criminal Code (New Criminal Code) provides a maximum imprisonment of 5 years or a fine of up to IDR 500 million.

The analysis shows that the sanctions imposed by the old Criminal Code tend to be lighter than those stipulated in the new Criminal Code, thus providing less deterrent effect to

the perpetrators. In addition, the formulation of articles in the old Criminal Code tends to be looser and can be interpreted in multiple interpretations, while the new Criminal Code has a clearer and firmer formulation of articles. In addition, the shortcomings of the old Criminal Code are the lack of focus on aspects of prevention and recovery, in contrast to the new Criminal Code which provides space for the application of restorative justice so as to allow compensation. Therefore, with the enactment of Law Number 1 Year 2023 on the Criminal Code, it is hoped that it can reduce acts of violence, especially in the context of riots of football supporters.

However, the implementation of the new Criminal Code needs to be supported by other efforts such as strengthening regulations, strict law enforcement, increasing education, and cooperation between stakeholders to achieve the goal of more effective law enforcement against riots of football supporters. It is time for the legal paradigm in this case to be obliged to straighten back security and comfort in the football circle. Whoever the perpetrator of the crime and whatever type of crime committed in the dynamics of football if it meets the elements of a criminal offense then the law must still run as the main milestone along with the imposition of sanctions, even though Indonesia already has the Indonesian Football Association (PSSI) as the highest parent organization that has the highest authority such as legislation.

By doing so, it will open the minds of the Indonesian public at large, where people will learn about order in all aspects of social life. In addition, the perpetrators will think again if they are going to commit anarchist acts which will eventually bring them face to face with criminal law which has strict sanctions, not only fines but also imprisonment.

In countermeasures, if by legal means there are still many cases of riots caused by football supporters, preventive efforts can be made with the policy of imposing a ban on football supporters to watch. By compiling a list of names of perpetrators or names of football supporters into a blacklist. This method is done so that the same perpetrators do not return to make trouble (riot), so that those whose names are listed on the black list are not allowed to enter the stadium or football match venue.

## CONCLUSION

Football is currently a very popular sport, with a lot of support from the community who become loyal supporters. However, the presence of supporters also sometimes causes

negative impacts, such as riots that result in material and immaterial losses, and even fatalities. The causes of these riots often involve fanaticism and differences in perception between supporters that lead to anarchic actions.

Therefore, law enforcement is one of the efforts to overcome this problem, with the important role of the police in its resolution. Although the rules regarding violent acts of football supporters have been firmly regulated in the Criminal Code, there are still shortcomings that cause the inability to minimize and overcome violent acts. Some of the reasons include relatively light sentences, ambiguous formulation of old Criminal Code articles, and a lack of focus on prevention and recovery efforts.

Therefore, a new Criminal Code is needed, namely Law Number 1 Year 2023 on the Criminal Code, which presents clearer and stricter changes from the previous Criminal Code. Hopefully, these changes can help minimize acts of violence, especially from the perpetrators of the football supporter riots.

### **SUGGESTION**

The advice that I can give regarding the subject discussed in this scientific journal is that even though the new Criminal Code, Law Number 1 of 2023 on the Criminal Code, has been passed, preventive efforts are still needed, especially through extensive education and socialization to the community, especially the football supporter community, to ensure obedience to the law. Given that legal awareness in the community is still low, it is hoped that with this socialization, the community will better understand the legal consequences that will be faced if they break the rules, especially related to riots involving football supporters.

In addition, it is very important to coordinate with various parties before the match starts, as well as provide security during the match. Strong cooperation between stakeholders in law enforcement also needs to be strengthened to ensure security and order during football matches.

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