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# CASE MANIPULATION OF FOOTBALL MATCH SCORE BY THE REFEREE IN THE FRAMEWORK OF FULFILLING SPORTS PURPOSES

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## ABSTRACT

The manipulation of football match scores in Indonesia is familiar and continues to increase. The settlement of the case in the judge's decision was based on two criminal acts, namely the crime of fraud (Article 378 of the Criminal Code) and bribery (UU No. 11 of 1980). It is stated in several judge's decisions, including in Judge's Decision No.31/Pid.Sus/2020/PN.Smd and Judge's Decision No.48/Pid.Sus/2019/PN BNR. Manipulation of match scores as an attempt to violate the goals of the sport of football. This research aims to verify cases of match score manipulation by referees in realizing sports goals. The results of the discussion prove that the two judges' decisions that classify match score manipulation In the two judges' decisions that classify match score manipulation cases as fraud and bribery, there is the fulfillment of the elements in both of these crimes. In contrast, the subject of the violation is the referee who leads the match, which requires Integrity and leadership character. Then the goal of a soccer match is to support the embodiment of the formation of national values and character. Then when a referee is involved in a match score manipulation case, it means he has generally failed the goals of the sport.

**Keywords:** *bribery, fraud, judge's decision, match score manipulation, referee.*

**INTRODUCTION**

This research is a study on the prevention of violations in the field of sports. The state has enacted Law Number 11 of 2022 concerning Sports (in the future referred to as the Sports Law) with the inclusion of Article 61 of the Sports Law, which states that Every Athlete is obliged to comply with the rules and code of ethics that apply in every sports branch he/she participates in and/or becomes a profession. Meanwhile, criminal acts outside the Sports Law are the legal basis for criminal acts in the sports sector, for example, Law Number 11 of 1980 concerning the Crime of Bribery as a breakthrough to prosecute all bribery crimes in the private sector (non-government).

A sports competition should be based on the ideals of sportsmanship and accountability, as stated in Article 5 of the Sports Law, and the phrase "elephant football," which refers to the regulation of sports matches in Indonesia as a breach of the sport of football, is beginning to be taken seriously. Most match-fixing infractions are outside the reach of legal enforcement, as demonstrated by the bribery committed by Johan Ibu, the mafia referee Djafar Umar case, and other examples.[1]

Conversely, criminal acts in football are emerging in Indonesia, as in other countries, such as bribery, collusion, unlawful ownership, misuse of position and authority, etc.[2]. Sports are subject to fraud, competition manipulation, corruption, and financial fraud due to actor motivation, target suitability, and law enforcement competence. [3]. Elephant football became popular in Indonesia after a match between Persebaya and Persipura in 1988. [4], and most recently, the PSSI protest over alleged match-fixing at the U-19 AFF Cup[5].

The term elephant football, as the regulation of sports matches in Indonesia as a violation of the sport of football, is starting to be handled seriously because a sports competition should be based on the principles of sportsmanship and accountability, as stated in Article 5 of the Sports Law. Most law enforcement for match-fixing violations cannot be resolved by law enforcement agencies, for example, in the bribery committed by Johan Ibu and the mafia referee Djafar Umar case and other cases.[1].

The following two judge's opinions were made about the facts surrounding the criminal offense during the trial process:

<b>Profile of Judge's Decision Crime</b>	<b>Criminal act</b>
Judge's Decision No.31/Pid.Sus/2020/PN.Smd 1. Dodi Setia Purnama 2. Dadang Sutisna proven legally and convincingly guilty of committing the crime of participating in receiving bribes	Article 3 of the Law of the Republic of Indonesia Number 11 Year 1980 concerning the Crime of Bribery juncto Article 55 paragraph (1) 1st of the Criminal Code and Law Number 8 Year 1981 concerning the Criminal Procedure Code
Judge's Decision No.48/Pid.Sus/2019/PN BNR Tjan Lin Eng, or Johar Lin Eng, was proven legally and convincingly guilty of committing a criminal act and participating in fraud.	FIRST: First: Article 378 of the Criminal Code Juncto Article 55 paragraph (1) 1st Criminal Code; AND Second: Article 3 of Law Number 11 Year 1980 concerning the Crime of Bribery Juncto Article 55 paragraph (1) 1st Criminal Code; OR: BOTH: Article 5 of RI Law No. 8 Year 2010 concerning Prevention and Eradication of Money Laundry

The judge's decision above was based on criminal acts, namely the crime of fraud (Article 378 of the Criminal Code) and bribery (UU Number 11 Year 1980). Therefore, one judge's judgment was satisfied for the element of fraud, and two judges' decisions were deemed crimes of bribery. The difference between the referee's authority and the game of family football is the ratio decidendi in these two decisions, and there are also issues with football's reputation due to the criminal case.. This study aims to verify cases of match score manipulation by referees associated with sporting goals.

## RESEARCH METHODS

This article is intended to explore and seek the truth [6]. and justice in the Indonesian criminal law system. This research includes normative legal research with primary legal material [7] being important in the context of this paper's basic orientation, and secondary legal material [8]. The legal materials are in the form of the 1945 Constitution of the Republic of Indonesia, Law Number 1 Year 2023 concerning the Criminal Code, the Sports Law, Indonesian Law No. 1 Year 1981 concerning the Criminal Procedure Code (KUHAP), Law Number 11 Year 1980 concerning the Crime of Bribery, Presidential Regulation of the Republic of Indonesia Number 86 Year 2021 concerning the Grand Design of National Sports. The relationship between sports law in the Indonesian criminal justice system and the harmony/appropriateness of its content are the subjects of this work utilizing a statute approach. Problems are analyzed conceptually using case studies and concepts like meaning, principles, and provisions about conflicts of norms. Collection of Legal Material Techniques that are Documented methods for identifying and qualifying Pancasila ideals and laws in Indonesia and ways to trace the laws and regulations there. Legal doctrines, conceptions, teachings, and principles are discovered through literary techniques. After this, legal resources are analyzed and interpreted to produce recommendations [9]. using the flow of thought from the legal research perspective using the qualitative juridical analysis method [10].

## RESULT AND DISCUSSION

Article 378 of the Criminal Code regarding fraud is with the following elements:

- with the intention of
- to benefit oneself or others
- unlawfully
- by using a false name or false prestige, by Deception, or by a series of lies,
- move other people to hand over something to him or to give or write off the debt.

- Fraud is defined as the causal connection between the deception act and the delivery of goods. A series of falsehoods can take the shape of multiple false statements. In contrast, deception takes the form of lying without using words but by demonstrating something or combining the two. Deception therefore takes two actions, whereas a

sequence of lies only needs two, though not all of them must be lying, lies. [11].

Another interpretation is that an unlawful act means not having the right to enjoy these benefits (Hoge Raad 1911). According to Cleiren, fraud has consequences (gevolgsdelicten) and the offense of committing (gedragdelicten) [12].

Meanwhile, the elements in Article 2 of the bribery Act are as follows:

- give or promise something to someone
- with the intention of
- to persuade that person to do something or not to do something in his duties,
- contrary to their authority or obligations relating to the public interest

Article 3 of the Law on the Crime of Bribery is with the following elements:

- receive something or a promise,
- he knew or should have guessed
- the giving of something or the promise was intended
- so that he does something or does not do something in his duties
- contrary to its authority or obligation concerning the public interest

According to the view of the element of mistake, the conduct was fully comprehended, possibly even by the offender. The offender knows what is acceptable and whether something is morally appropriate. [13]. Then the knowledge of the official who received the promise or gift realized that the gift encourages the perpetrator to commit an act contrary to his position's duties. (hoge raad, February 4, 1947), the meaning related to work means that the job is enough to allow the deed to be done, and the official does not need to be authorized to perform the requested service (HR. June 26, 1916) [14].

The bribe, the person being bribed, the recipient of the bribe, and the products or value transferred are the aspects of bribery. Additionally, actions of bribery in various forms and contexts that are not covered by current rules and regulations are, in essence, against the decency and morals of Pancasila, endangering the survival of society and the country. [15].

The following judge's rulings provide various examples of the facts surrounding the criminal violation during the trial process through criminal procedural law procedures:



Profile of Judge's Decision Crime	Criminal act	Ratio decidendi
Judge's Decision No.31/Pid. Sus/2020/P N.Smd 1. Dodi Setia Purnama 2. Dadang Sutisna proven legally and convincingly guilty of committing the crime of participating in receiving bribes	Article 3 of the Law of the Republic of Indonesia Number 11 Year 1980 concerning the Crime of Bribery juncto Article 55 paragraph (1) 1st of the Criminal Code and Law Number 8 Year 1981 concerning the Criminal Procedure Code	Pancasila is an indicator of fostering a clean and robust national character . Misconduct of actions with the authority of the referee
Judge's Decision No.48/Pid. Sus/2019/P N BNR Tjan Lin Eng alias Johar Lin Eng was proven legally and convincingly guilty of committing a criminal act as well as participating in fraud	FIRST: First: Article 378 of the Criminal Code Juncto Article 55 paragraph (1) 1st Criminal Code; AND Second: Article 3 of Law Number 11 of 1980 concerning the Crime of Bribery Juncto Article 55 paragraph (1) 1st Criminal Code; OR: BOTH: Article 5 of RI Law No. 8 of 2010 concerning Prevention and Eradication of Money laundry	The Defendant's actions tarnished the image of football in Indonesia.

Based on the definition of the crime and the ratio decidendi of the judge's decision, it is clear that the sporting objectives of instilling moral values and noble character, sportsmanship, competition, discipline, upholding national dignity, and others (Article 4 Sports Law), as well as promoting the goals

of development and peace, were not taken into consideration when making the decision. Sports are included in policies and initiatives by governments and other relevant parties in many fields, including health, education, and economic and social development. [16], In addition, using sports as a platform to spread the values of respect, cooperation, and tolerance has helped achieve the MDGs. Physical Education and Sport Charter [17] The idea that "sports build character" requires that sports programs be designed by each country's institutional, cultural, socioeconomic, and climatic conditions as well as the requirements and individual qualities of each participant [18].

The need to recognize sport as a cultural phenomenon, a crucial component of the century's global economy, and a source of public and private legislation at national and international government levels [19].

The issue with sports law is raising people's welfare and quality of life. Quality of life is the primary consideration when examining how the law applies to sports. Therefore the retributive meant as a deterrence paradigm is used to interpret the law as an attempt to address problems and promote legal welfare.

The legal issue in Article 28F states that Everyone has the right to seek, receive, possess, store, process, and transmit information to develop his personality and social surroundings. From an ideological standpoint, the strategy for helping the victims and regaining the country's honor should be prioritized.

A judge who decides a case or cases is the referee. In this scenario, the referee's decision in a game is necessary to determine what transpires in a football match. Therefore the referee's participation in a match is necessary. According to Casajus[20] The referee moves almost precisely like a midfielder (midfielder in football). However, despite the similarities in their on-field performances, each referee must meet specific psychological requirements because they are under pressure from players when making decisions, which calls for these requirements. For the referee to feel confident in his decisions about a match, he must always move close to the ball when resolving an incident. The movements of the referee resemble those of a midfield (or midfielder in football). Even when referees operate similarly on the field, psychological demands are still necessary since they are present

whenever a referee is under pressure from players to make a decision. The referee's movement must, therefore always be close to the ball in order for him to be confident in the decision he makes regarding an incident during a game.

As the match's captain, the referee must prioritize Integrity as a fundamental quality. Executives mention it as a fundamental aspect of ethical leadership. An essential but underutilized component of a leader's efficacy is their leadership character. As part of their broader strategic objective, leadership encourages enduring organizational cultures that balance moral and ethical requirements.[21].

### CONCLUSION

The two judges' decisions that classify match score manipulation cases as fraud and bribery, there is the fulfillment of the elements in both of these crimes. While the subject of the violation is, the referee who leads the match requires Integrity and leadership character. Then the goal of a soccer match is to support the embodiment of the formation of national values and character. Then when a referee is involved in a match score manipulation case, it means he has generally failed the goals of the sport.

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### REFERENCES

- [1] E. N. Kristiyanto, "Pengaturan Skor Sepak Bola dan Ketidakmampuan Penegak Hukum," *J. Rechtsvinding Online*, no. September, pp. 1–3, 2015.
- [2] M. Paj and S. L. Sokanovi, "MANIPULACIJA REZULTATIMA SPORTSKIH NATJECANJA - KAZNENOPRAVNA ODGOVORNOST ZA," vol. 5, pp. 857–873, 2011.
- [3] L. Vanwersch, A. Willem, B. Constandt, and W. Hardyns, "A Scoping Review of the Causes and Consequences of Fraud in Sport," *J. Sport Soc. Issues*, vol. 46, no. 6, pp. 546–584, Dec. 2022, doi: 10.1177/01937235221119811.
- [4] G. Y. Pradana, "Melacak Jejak 'Gajah' di Sepak Bola Indonesia," *Bola.net*, 2020. <https://www.bola.net/indonesia/melacak-jejak-gajah-di-sepak-bola-indonesia-a74898.html> (accessed Feb. 12, 2023).
- [5] Kompas, "PSSI Kirim Nota Protes Dugaan Match Fixing Piala AFF U19 2022, Ini Kata Pengamat Sepak Bola," 2022. <https://www.kompas.com/tren/read/2022/07/14/090500165/pssi-kirim-nota-protos-dugaan-match-fixing-piala-aff-u19-2022-ini-kata?page=all> (accessed Feb. 12, 2023).
- [6] S. Istanto, *Penelitian Hukum*. Yogyakarta.: CV.Ganda., 2007.
- [7] Bambang Sunggono, *Metodologi Penelitian Hukum*. Jakarta: PT Raja Grafindo, 2003.
- [8] Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta.: PT Raja Grafindo Persada, 2001.
- [9] Peter Mahmud Marzuki, *Penelitian Hukum*. Jakarta: Kencana Prenada Group, 2011.
- [10] M. S. Sumardjono., *Pedoman Pembuatan Usulan Penelitian Sebuah Panduan Dasar*. Gramedia Pustaka Utama., 2001.
- [11] W. Prodjodikoro, *Tindak-tindak pidana tertentu di Indonesia*. Bandung: Refika Aditama., 2010.
- [12] A. Hamzah., *Delik-Delik Tertentu di Dalam KUHP*. Jakarta.: Sinar Grafika., 2015.
- [13] dan S. R. S. E.Y. Kanter, *Asas-Asas Hukum Pidana Di Indonesia Dan Penerapannya*. Jakarta.: Stora Grafika, 2002.
- [14] A. Hamzah., *Pemberantasan korupsi melalui hukum pidana nasional dan internasional*. Jakarta: Rajawali Press, 2012.
- [15] M. N. Golonggom and A. Manopo, Berlian Olli, "Penegakan Tindak Pidana Suap Menurut Ketentuan

- Hukum Pidana Nasional,” *Univ. Sam Ratulangi*, vol. X, no. 5, pp. 120–130, 2021, [Online]. Available: <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/33430>.
- [16] m the U. Nations, I.-A. T. F. On, and S. for D. and Peace, “Sport as a Tool for Development and Peace: Towards Achieving the Millennium Development Goals,” 2003. doi: 10.1080/16070658.2008.11734144.
- [17] U. N. E. S. and C. O. UNESCO, “International Chapter of Physical education and Sport,” no. November, p. 5, 1978, [Online]. Available: [http://www.unesco.org/education/pdf/SPORT\\_E.PDF](http://www.unesco.org/education/pdf/SPORT_E.PDF).
- [18] M. Ali, “Olahraga Membentuk Karakter: Fakta atau Mitos?,” *J. Ordik*, no. April 2005, pp. 1–10, 2005.
- [19] M. J. Mitten and H. Opie, “*Sports Law*”: *Implications for the Development of International, Comparative, and National Law and Global Dispute Resolution*, no. June 2010. 2012.
- [20] J. A. Casajus, A. Matute-Llorente, H. Herrero, and A. González-Agüero, “Body composition in Spanish soccer referees,” *Meas. Control (United Kingdom)*, vol. 47, no. 6, pp. 178–184, 2014, doi: 10.1177/0020294014538790.
- [21] J. C. Sarros and B. K. Cooper, “Building character: A leadership essential,” *J. Bus. Psychol.*, vol. 21, no. 1, pp. 1–22, 2006, doi: 10.1007/s10869-005-9020-3.