

## The Police's Effort in Commanding Criminal Acts of Violence in Football Champion

Satria Diaz Pratama Putra<sup>1\*)</sup> and Eko Soponyono<sup>2)</sup>

<sup>1,2)</sup> Faculty of Law, Universitas Diponegoro Semarang, Indonesia

<sup>\*)</sup> Corresponding Author, E-mail: [diazsatria@gmail.com](mailto:diazsatria@gmail.com)

| Article  | Abstract.  |
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| Keywords:<br>Countermeasures;<br>Football; Violence.<br>.  | Cases of violent criminal acts that occurred during football champion in Wonosobo Regency were found in the Wonosobo District Court Decision with case register number 117/Pid.B/2020/PN.WSB with imprisonment for each of 5 (five) months. The method used is juridical empirical research, descriptive research specifications, data sources obtained through secondary and primary data, data collection by literature study and interviews or interviews, qualitative data presentation methods and qualitative data analysis. Based on the results of the study, it was concluded that the panel of judges paid attention to the legal facts as stated in Article 170 paragraph (1) 1 of the Criminal Code, whose elements are: First, the element "whoever", second "openly and collectively", third "using violence against people or goods". Countermeasures by the Wonosobo Police are carried out with penal efforts, namely making arrests, subsequent investigations by transferring the completed case files to the Wonosobo District Attorney for further delegating the case to the Wonosobo District Court for trial. The implementation of non-penal efforts is to coordinate with the organizing committee and carry out escorts during football champion. |
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### 1. Introduction

The condition of football in Indonesia is very unique, football is one of the most popular forms of entertainment for the people of Indonesia. This can be seen from every match that was held received a high response from the public, both watching live in the stadium and watching on television screens. Football is a sport that almost always allows physical contact between one player and another. Collisions both intentionally and unintentionally between players' bodies, causing minor or major injuries, often occur. In fact, it is not uncommon for these collisions to hit vital parts so as to injure the internal organs of the player which can cause the death of the player.<sup>1</sup> Football champion already have the Rules of the Game, which regulates the extent to which physical contact between players may be carried out in a football champion, so that players from both

<sup>1</sup> Djohar Arifin Husin. (2014). *Jas Merah Sepakbola Indonesia*. Jakarta: Pt Tunas Bola. p. 39.

teams cannot arbitrarily act violently and commit violence either intentionally or unintentionally in a football champion.<sup>2</sup>

Violence in football is not only a concern for PSSI, but also a concern for national law, because not infrequently acts of violence that appear in football champion have led to types of criminal acts. Criminal acts are all actions that are prohibited by a rule of law, a prohibition which is also accompanied by the threat of sanctions in the form of certain crimes, for anyone who violates it<sup>3</sup>. Subjects in criminal law are people and corporations. In a criminal act there must be an unlawful nature, namely when an action fulfills the elements in a criminal offense. Persecution is an act of violence perpetrated against the physical causing physical consequences. The act of persecution has several elements, namely the existence of intentionality, the existence of an act, the result of the action (the intended one), pain in the body, and or bodily injury, the result of which is the only goal.<sup>4</sup>

The case of a violent crime that occurred during a football champion in Wonosobo Regency was found in the Wonosobo District Court Decision with case register number 117/Pid.B/2020/PN.WSB with defendant I Wisnu Ardianto bin Mukfir defendant II Ma'arif bin Sidur and defendant III Khaqiqi Zaid Hanafi bin Sodiq with the following position cases:

Defendant I Wisnu Ardiyanto bin Mukfir together with Defendant II Ma'arif bin Sidur and Defendant III Khaqiqi Zaid Hanafi bin Sodiq on Tuesday, September 29, 2020 at around 17.29 WIB located in the Field Guard Paseran, Ayahmulyo Village, Leksono District, Wonosobo Regency openly and collectively use violence against Persons causing injuries", which was carried out by the Defendants in the following manner and actions. The violence<sup>5</sup> committed by the Defendants was carried out openly, namely at the Jaga Paseran Football Field and disrupted public order, namely the course of a soccer match and the violence was a football champion<sup>6</sup>; not included in the rules of the game. The actions of the Defendants as regulated and threatened with crime in Article 170 paragraph (1) 1 of the Criminal Code, Imposing a sentence on Defendant I Wisnu Ardianto bin Mukfir, Defendant II Ma'arif bin Sidur and Defendant III Khaqiqi Zaid Hanafi bin Sodiq therefore with imprisonment for each of 5 (Five) Months.<sup>7</sup>

One form of rational effort is to apply criminal law (application of criminal law) through criminal law enforcement. This effort was later called countermeasures through criminal means (penal). Criminal law enforcement is used as basis for solving various acts of anarchism in football. This is not only limited to the way the law is enforced, but

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<sup>2</sup> Ridwan Tio Saputra. Penegakan Hukum Dalam Perkara Tindak Pidana Penganiayaan Suporter Sepakbola Di Kabupaten Bantul. *Indonesian Journal Criminal Law and Criminology*. 1(3). 2020.155-161

<sup>3</sup> M Wilson, M Daly, Competitiveness, risk taking, and violence: The young male syndrome. *Ethol Sociobiol* 6, 59–73 (1985).

<sup>4</sup> Ramadhan Rico Pramudana Kajian Yuridis Perkara Kematian Akli Fairuz Pada Pertandingan Sepakbola Persiraja Banda Aceh Melawan Psap Sigli. *Jurnal Ilmiah Hukum*. 2(2).2016. p 56

<sup>5</sup> Patrick J. Callery, Jessica Perkins, Detecting False Accounts in Intermediated Voluntary Disclosure, *Academy of Management Discoveries*, 10.5465/amd.2018.0229, 7, 1, (40-56), (2021).

<sup>6</sup> Pavel I. Zhelyazkov, Adam Tatarynowicz, Marriage of Unequals? Investment Quality Heterogeneity, Market Heat, and the Formation of Status-Asymmetric Ties in the Venture Capital Industry, *Academy of Management Journal*, 10.5465/amj.2018.0969, 64, 2, (509-536), (2021) and Rahal, Rima-Maria & Van Beest, Iija. (2020). Conflict and Competition. *Research Gate*, 10.31234/osf.io/ykj42

<sup>7</sup> Wonosobo District Court Decision No.117/Pid.B/2020/Pn.Wsb

must also be pay attention to the values of justice which contain the rights and obligations of legal subjects.

These values are then used as the basis for the creation of wise and civilized football players. So that law enforcement must provide legal clarity to the public regarding rules that have been made because the purpose was created for the benefit of society itself for the sake of creating an orderly society.<sup>8</sup> Therefore, strict action must be taken by the police to minimize or even prevent incidents like this from happening. The police have an important role in taking action against the perpetrators of riots and also provide legal protection for victims of the impact<sup>9</sup> of violence that occurs in football champion.<sup>10</sup>

Based on the background above, the writer will formulate the problem as follows: first, it is not specific what constitutes a crime of violence in the game of football in the jurisdiction of the Wonosobo Police. Second, how is the criminal law responsible for violations that result in serious injuries and third how are the efforts to overcome the Wonosobo Police in tackling violent crimes in football champion in the Wonosobo Police jurisdiction. The purpose of this study was to determine the police's efforts in tackling violent crimes in football champion (a case study in the jurisdiction of the Wonosobo police station).

## 2. Research Methods

This research used normative research which specifications in the research used were Analytical Descriptive and conceptualized in legislation or norms that become the basis for a person to act.<sup>11</sup> This study used a library approach where the method or method used in legal research is carried out by examining existing library materials.

## 3. Results and Discussion

### 3.1. The elements that fulfill the criminal act of violence in a football champion in the jurisdiction Police of Wonosobo District

Violence in football is not only a concern for PSSI, but also a concern for national law, because not infrequently acts of violence that appear in football champion have led to types of criminal acts. Criminal acts are all actions that are prohibited by a rule of law, a prohibition which is also accompanied by the threat of sanctions in the form of certain crimes, for anyone who violates it. Subjects in criminal law are people and corporations. In a criminal act there must be an unlawful nature, namely when an action fulfills the elements in a criminal offense. Persecution is an act of violence perpetrated against the physical causing physical consequences. The act of persecution has several elements, namely the existence of intentionality, the existence of an act, the result of the action

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<sup>8</sup> Laras Astuti. Penanggulangan Anarkisme Suporter Melalui Kebijakan Hukum Pidana (Studi Kasus Persib Bandung Dan Persija Jakarta). *Jurnal Bina Mulia Hukum*. 5(2), 2021. 348-360

<sup>9</sup> Hemant Kakkar, Niro Sivanathan, Nathan C. Pettit, The impact of dynamic status changes within competitive rank-ordered hierarchies, *Proceedings of the National Academy of Sciences*, 10.1073/pnas.1908320116, 116, 46, (23011-23020), (2019).

<sup>10</sup> M. Husein Maruapey, "Penegakan Hukum dan Perlindungan Negara", *Jurnal Ilmu Politik dan Komunikasi*, Vol. 7(1), 2017. 378-389

<sup>11</sup> Askin, A. and Z. (2012). *Pengantar Metode Penelitian Hukum*. Jakarta:PT Raja Grafindo Persada. p. 35

(the intended one), pain in the body, and or bodily injury, the result of which is the only goal.

On Tuesday, September 29, 2020 at around 16.50 WIB, the Binatama Football Team from Kaliaseh Hamlet, Gondang Village, Dist. Watumalang Reg. Wonosobo and the Gondang FC Team from Gondang Hamlet, Candimulyo Village, Dist. Kertek Reg. Wonosobo played football in the framework of the 2020 Spry Trofeo match at the Guard Field of Paseran, Ayahmulyo Village, Dist. Leksono Reg. Wonosobo and when the game entered the second half at the 9th minute at around 17.27 WIB there was a violation committed by the Binatama player with jersey number 20 namely Defendant II Ma'arif against Gondang FC player with jersey number 20 namely witness Rahman which resulted in witness Rahman falling down on the playing field so the referee intended to give a red card to Defendant II but suddenly there was a commotion and a violent crime between the football players who were competing<sup>12</sup>, namely the Binatama player with jersey number 13 Defendant I jumped and threw a kick into the crowd of players then Binatama player with jersey number 20, namely Defendant II kicked at the Gondang FC player, namely witness Riyan Aji Maulana by hitting with fists 2 (two) times hitting the right and back of the head, witness Riyan Aji Maulana Bin Sukur Budiharjo, then Binatama player number 12, namely Defendant III kicks using his right foot and hit with clenched fists towards the official Gondang FC team on the side of the field, namely witness Iwan which resulted in injuries to the right eye, nose and bleeding.

The forms of violence carried out by the defendants violated Article 354 of the Criminal Code (Severe Persecution) which fulfills the following:

First, whoever intentionally seriously injures another person, is threatened with serious mistreatment with a maximum imprisonment of eight years. Second, if the act results in death, the guilty person is threatened with a maximum imprisonment of ten years.

Keeping in mind the meaning of persecution as explained in the beginning, by relating it to the formulation of severe persecution above, then serious persecution has the following elements:

- The fault: intentional (*opzettelijk*);
- Acts: seriously injuring;
- The objects: other people's bodies;
- Result: serious injury<sup>13</sup>

The act of seriously injuring or can be called also causing serious injury to the body of another person, must be done intentionally. Deliberation here must be interpreted broadly, meaning that it is included in the three forms of intentionality. This view is based on the information in the MvT which states that if an element of intent is formulated in the formulation of a crime, then the intention must be interpreted as three forms of intentional intent<sup>14</sup>.

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<sup>12</sup> Kurschilgen, M., Morell, A., & Weisel, O. (2017). Internal conflict, market uniformity, and transparency in price competition between teams. *Journal of economic behavior & organization*, 144, 121–132. <https://doi.org/10.1016/j.jebo.2017.09.009>

<sup>13</sup> Ibid. p 4

<sup>14</sup> Michael A. Lapré, Candace Cravey, When Success Is Rare and Competitive: Learning from Others' Success and My Failure at the Speed of Formula One, *Management Science*, 10.1287/mnsc.2022.4324,

Eva Achjani Zulfa explained that in a sporting match, especially one that is a type of martial arts sport, duel, or duel war often carries the risk of injury, physical disability to death. However, the criminal law sees that this was done with the permission of the victim and within the limits of certain provisions (which according to the health world's considerations are still within safe limits, but it turns out that the impact<sup>15</sup> that arises exceeds the calculation) so it can be accepted that something is not a criminal act.

For the sport of soccer, Jan Rimmelink assessed that when a player consciously kicks his opponent's leg, not the ball, even leading to rough play, the action can be classified as a criminal act (Article 360 of the Criminal Code), especially if it causes a serious accident.

The violence committed by the Defendants was carried out openly, namely at the Jaga Paseran Football Field and disrupted public order, namely the course of a soccer match and the violence was a football champion; not included in the rules of the game. The actions of the Defendants as regulated and subject to criminal penalties in Article 170 paragraph (1) 1 of the Criminal Code.

The Panel of Judges pays attention to the legal facts as regulated in Article 170 paragraph (1) 1 of the Criminal Code, the elements of which are as follows:

### *3.1.1. Element "Whom"*

What is meant by "whoever" here is a legal subject, both individuals and corporations who commit a criminal act or the subject of the perpetrator of a criminal act who can be held accountable for all his actions.

The defendants who were brought before the trial were people who had identities as stated in the indictment of the public prosecutor who had been recognized by the witnesses and not denied by the defendants, therefore the panel of judges was of the opinion that this element had been fulfilled according to law, but to determine whether the defendants The defendant is able to account for his actions, the Judge will consider it further after all elements in the a quo alternative indictment are fulfilled according to law.

### *3.1.2. The element of "openly and collectively".*

"Openlijk" in the original text of Article 170 of the Criminal Code is more accurately translated openly", where this term has a different meaning from "openbaar" or in public, "openly means not in hiding so it doesn't need to be in public, it's enough. There is a possibility that other people can see it so "openly" is an open place or a place that can be passed by just anyone;

This "overt" element has also been explained in Permanent Jurisprudence No. 10 K/Kr/1975 dated March 17, 1976, which means not in hiding, but does not have to be done in public, it is sufficient if the act is carried out in a place that can be seen by others, then the element of "openlijk" or "openly has been declared proven;

Prof. Simons added that the use of violence is openly if it is done in public, it is not enough if it is done in a public place because even though it is in a public place, if no

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(2022). See to Patrick Callery, Jessica L. Perkins, Detecting False Accounts in Intermediated Voluntary Disclosure, *SSRN Electronic Journal*, 10.2139/ssrn.3520704, (2020).

<sup>15</sup> Jian Bai Li, Henning Piezunka, The Uniplex Third: Enabling Single-domain Role Transitions in Multiplex Relationships, *Administrative Science Quarterly*, 10.1177/0001839219845875, 65, 2, (314-358), (2019).

public sees it, it cannot be said openly. Even though it is done in the house but when seen by the public that is enough.

While what is meant by "together" is that the perpetrators consist of two or more people, where among the actors/participants have the awareness that they are working together (psychic cooperation), and the perpetrators/participants commit violence together (physical cooperation), but Article 170 Paragraph (1) of the Criminal Code does not oblige all perpetrators/participants to commit violence, but only one person who commits violence, as long as the friends<sup>16</sup> of the perpetrators are aware that they are cooperating, however his role is, also classified together that this has also been confirmed in the decision of the Supreme Court no. 916 K/Pid/1989 dated June 17, 1989 which contains the following legal regulations:

Whereas for Article 170 of the Criminal Code the role of each participant is irrelevant, it is enough that their participation by carrying out violence, however mild, will only apply to perpetrators who are proven that specifically the acts of violence that resulted in injuries (paragraphs 2 to 1), were severe (paragraphs 2-1) 1), die (verses 2-3)"

### *3.1.3. The element of "using violence against people or goods".*

That based on the description of the facts, it is clear that there were acts of violence committed by the Defendants where at least Defendant I and Defendant II committed violence against witness Riyan Aji Maulan while the Defendant, III committed violence against Iwan, and the forms of violence were carried out by: Defendant I kicked witness Riyan Aji Maulana's right arm with his right leg. Defendant II hit with his right fist 2 (two) times and hit the right front and back of the head of witness Riyan Aji Maulana, and Defendant III kicked Iwan in the back and hit Iwan's face. Based on the facts above, the element of "using violence against people or goods" has been proven and fulfilled according to law.

## **3.2. Criminal legal liability for violations that result in serious injury**

Criminal liability is a form of determining whether a suspect or defendant is responsible for a crime that has occurred. In other words, criminal liability is a form that determines whether a person is released or convicted.

In criminal liability, the burden of responsibility is borne by the perpetrators of criminal offenses related to the basis for imposing criminal sanctions. A person will have the nature of criminal responsibility if a thing or act committed by him is against the law, but a person can lose the nature of responsibility if an element is found in him that causes the loss of one's ability to be responsible.

The legal basis for the crime of beating Article 170 of the Criminal Code, The following is a description of the elements of Article 170 and their explanations:

First, the element "whoever" is defined as a person, but a large number of people, and this number is not determined by the Criminal Code how many, but experts agree that a minimum of two or more people together.

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<sup>16</sup> Faris, Diane Felmler, Cassie McMillan, With Friends Like These: Aggression from Amity and Equivalence, *American Journal of Sociology*, 10.1086/712972, 126, 3, (673-713), (2020).

Second, the element "in public", meaning that the act was carried out not in a hidden place but the public could access the place, or in Wirjono Prodjodikoro's language "which is seen by many people (in het openbaar)". R. Soesilo stated that a public place is defined as a place where people can see it. JM van Bemmelen, citing the decision of the Hoge Raad (Dutch Supreme Court) stated that this article does not apply to acts of violence committed in quiet places, which do not disturb public peace, including acts committed on roads but by the public. is not disturbed, then this article also cannot be enforced, because one of the conditions is not fulfilled.

Third, the "Together" element, meaning that the perpetrators conspired to commit violence. This conspiracy can be carried out at the time of the incident or before the incident there was already a conspiracy to commit violence.

Fourth, the element of "Performing violence", R. Soesilo stated that "using violence or physical force that is not small is against the law" for example hitting with the hands or with all kinds of weapons, kicking and so on<sup>17</sup>.

Fifth, the element of "against people or goods", so that people here can be anyone regardless of their position and rank. Items that are attacked or damaged belong to anyone regardless of who owns it.

### **3.3. Countermeasures carried out by the Wonosobo Police in tackling violent crimes in the Wonosobo football champion**

Barda Nawawi Arief put forward the concept of crime prevention with two policy models, namely with a criminal (penal) and without a criminal (non-penal). Prevention of legal crimes is intended in the form of criminal law enforcement. The definition of criminal law enforcement is very broad, not only repressive in nature, but also preventive in nature as a preventive measure and as the simplest antidote. The implementation of law enforcement is indirectly the obligation of all interested parties, and is directly the responsibility of the National Police and other law enforcement officers such as prosecutors, judges, and officers implementing decisions within the corridors of the criminal justice system. Each institution stipulates or applies the law in accordance with their respective functions in accordance with the scope of "implementing the criminal justice system".<sup>18</sup>

At the prosecution level, after the case files were examined and found to be complete, the public prosecutor then made an indictment based on the results of the investigation<sup>19</sup>, then the public prosecutor delegated the case to the court for trial. Based on the indictment, the court tried a criminal case. The indictment that has met the requirements determined by the Criminal Procedure Code, the truth of the criminal incident being accused is proven by valid evidence. The court decides whether a criminal is guilty or not based on the results of evidence at trial.

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<sup>17</sup> David R. Clough, Henning Piezunka, Tie Dissolution in Market Networks: A Theory of Vicarious Performance Feedback, *Administrative Science Quarterly*, 10.1177/0001839219899606, 65, 4, (972-1017), (2020).

<sup>18</sup> Barda Nawawi Arief Kapita Selektia Hukum Pidana, (Bandung: Citra Aditya Bakti, 2010), p. 54

<sup>19</sup> Violet T. Ho, Sargam Garg, Steven G. Rogelberg, Passion contagion at work: Investigating formal and informal social influences on work passion, *Journal of Vocational Behavior*, 10.1016/j.jvb.2021.103642, 131, (103642), (2021).

The powers of the Police investigators are as follows: As a general investigator, the National Police has the authority to investigate criminal cases as regulated in Article 7 Paragraph (1) of the Criminal Procedure Code, as follows:

- Receiving a report or complaint from a person regarding a criminal act.
- Take the first action at the scene.
- Ordering a suspect to stop and checking the identification of the suspect.
- Make arrests, detentions, searches and confiscations.
- Inspect and confiscate letters.
- Take a fingerprint and take a picture of a person.
- Calling people to be heard and examined as suspects or witnesses.
- Bring in an expert who is needed in relation to case examination.
- Hold the termination of the investigation.
- Take other legally responsible actions.

Based on the results of an interview with IPTU Suryanto as Head of General Crime Unit 1 of the Wonosobo Police Criminal Investigation Unit, in terms of receiving reports, there are reports of types A and B. Type A is through direct officers while type B is through reports from the public, related to criminal acts of domestic violence. Initially, investigators at the Polres Wonosobo criminal investigation unit received a report of a riot at an inter-village football champion at the Jaga Paseran Field, Paddymulyo Village, Leksono District, Wonosobo Regency.

The officers immediately arrested the defendants, who were initially still suspects, namely, Wisnu Ardianto bin Mukfir, Ma'arif bin Sidur and Khaqiqi Zaid Hanafi bin Sodiq. After being arrested, they were asked for information, and then the suspects were detained because they were proven to have committed acts of violence. After the investigation process was deemed complete, then the file was transferred to the Wonosobo District Attorney and then the case was transferred to the Wonosobo District Court. From the results of the trial, it was decided that the defendant was legally and proven to have committed an act of violence. The violence committed by the Defendants was carried out openly, namely at the Jaga Paseran Football Field and disrupted public order, namely the course of a soccer match and the violence was a football champion; not included in the rules of the game. The actions of the Defendants as regulated and threatened with crime in Article 170 paragraph (1) 1 of the Criminal Code, Imposing a sentence on Defendant I Wisnu Ardianto bin Mukfir, Defendant II Ma'arif bin Sidur and Defendant III Khaqiqi Zaid Hanafi bin Sodiq therefore with a prison sentence of 5 (five) months each.

Using non-penal measures to reduce the incidence of violent crime in matches can cover a very wide range of areas across all sectors of social policy. This non-penal effort, for example, can be carried out by increasing community legal awareness, improving people's living standards, improving education, mental development through religion, as well as through patrols and other surveillance activities by security forces such as the police.

### *3.3.1. Increase public legal awareness*

Namely by providing legal counseling to the community. Thus, people become aware of the law, what laws apply, about actions that are prohibited by law and how legal sanctions will be imposed if the law is violated so that people will be encouraged

not to commit crimes. With the increasing legal awareness of the community, a law-abiding society will be created so that no interests are violated in society, thus the level of crime will be reduced and people can live safely and orderly.

### *3.3.2. Improve education*

Education in schools has an important role in preventing crime because schools in addition to teaching formal education, also teach informal education such as socialization with the environment, both with the family environment and the community environment, so that it can have a positive influence on inhibiting behavioral deviations. With education, illiteracy that leads to ignorance can be overcome so that it becomes easier to find a better job, thereby reducing the unemployment rate as well as the crime rate.

### *3.3.3. Mental coaching through religion*

The existence of mental development through religion will be able to give birth to human beings who are religious because if someone understands well the teachings of their respective religions, then someone will be encouraged not to commit crimes because there is no recognized religion in Indonesia that teaches something evil. The more a person fears God Almighty, the stronger his faith will be so that he can refrain from committing crimes. On the other hand, the existence of religious groups also encourages their members to carry out crime prevention activities in collaboration with related parties.

Preventive efforts are actions taken by the authorities before social deviations occur so that an act of violation can be suppressed or prevented. Preventive control is generally carried out by means of guidance, direction and invitation. According to the results of an interview with AKP Agus Priyono as Kasat Samapta Polres Wonosobo, preventive measures taken by the police to prevent violence in football champion are to raise the organizing committee for football champion in terms of the number of security personnel deployed to secure the game.

## **4. Conclusion**

The violence committed by the Defendants was carried out openly, namely at the Jaga Paseran Football Field and disrupted public order, namely the course of a soccer match and the violence was a football champion; not included in the rules of the game. The actions of the Defendants as regulated and subject to criminal penalties in Article 170 paragraph (1) 1 of the Criminal Code. The Panel of Judges pays attention to the legal facts as regulated in Article 170 paragraph (1) 1 of the Criminal Code, the elements of which are as follows: First, the element "Whom", second, the element "openly and collectively" third, the element of "using violence against people or goods". The handling of criminal acts by the Wonosobo POLRES is carried out with penal efforts, namely making arrests, further investigation by submitting the completed case file to the Wonosobo District Prosecutor for further devolution to the Wonosobo District Court for trial. The implementation of non-penal efforts is to coordinate with the organizing committee and provide assistance during football champion.

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