

The Settlement of Match-Fixing Cases in Indonesia Based on Progressive Law Enforcement

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Info Artikel	Abstract
<p>Received: 12/06/2020 Revised: 06/07/2020 Accepted: 24/08/2020</p>	<p><i>Fair play in soccer matches is injured by match-fixing case. So far, form of law enforcement in Indonesia is limited to disciplinary law enforcement. Indonesia is again shocked by match-fixing case in League 3 match in Banjarnegara. Therefore settlement of this is very important to be studied with progressive law enforcement approach. There are two questions that can be raised, namely how the settlement of match-fixing cases and how it based on progressive law enforcement. The research method used is normative. The results showed there are 6 cases with 7 perpetrators, namely Case Number 47/Pid.Sus/2019/PN BNR jo. Number 48/Pid.Sus/2019/PN BNR jo. Number 49/Pid.Sus/2019/PN BNR jo. Number 50/Pid.Sus/2019/PN BNR jo. Number 51/Pid.Sus/2019/PN BNR jo. Number 463/Pid.B/2019/PN JKT.SEL. Although law enforcement has shown progressiveness with success that offenders be punished, settlement of the case still far from expectation of progressive law enforcement that able to provide substantive justice and people's happiness.</i></p>
<p>Keywords: Indonesia, match-fixing, progressive law enforcement.</p>	
	Abstrak
<p>Kata kunci: Indonesia, pengaturan skor, penegakan hukum progresif.</p> <p>P-ISSN: 1412-310x E-ISSN: 2656-3797</p>	<p><i>Fair play dalam pertandingan sepak bola tercederai dengan kasus pengaturan skor. Selama ini bentuk penegakan hukum di Indonesia hanyalah sebatas penegakan hukum disiplin. Indonesia kembali dihebohkan dengan kasus pengaturan skor dalam pertandingan Liga 3 di Banjarnegara. Oleh karenanya penyelesaian kasus ini sangatlah penting untuk dikaji dengan pendekatan penegakan hukum progresif. Ada dua pertanyaan yang dapat diangkat, yaitu bagaimana penyelesaian kasus pengaturan skor dan bagaimana penyelesaian kasus pengaturan skor berdasarkan penegakan hukum progresif. Metode penelitian yang digunakan adalah normatif. Hasil penelitian menunjukkan terdapat 6 kasus dengan 7 pelaku, yaitu Perkara Nomor 47/Pid.Sus/2019/PN BNR jo. Number 48/Pid.Sus/2019/PN BNR jo. Number 49/Pid.Sus/2019/PN BNR jo. Number 50/Pid.Sus/2019/PN BNR jo. Number 51/Pid.Sus/2019/PN BNR jo. Number 463/Pid.B/2019/PN JKT.SEL. Meskipun penegakan hukum dalam kasus pengaturan skor telah menunjukkan progresivitas dengan berhasilnya kesemua pelaku dijatuhi pidana, penyelesaian kasus masih jauh dari harapan untuk dilakukannya penegakan hukum progresif yang mampu memberikan keadilan substantif dan kebahagiaan masyarakat</i></p>

INTRODUCTION

All countries recognize that sport becomes inseparable from human life. Sport has become a necessity of life for the people of all nations and countries in the world. In European countries, sport is used as a means of industry, business, and tools to elevate social status which is very powerful. Meanwhile, for Africans and Asians, sports are used to enhance their sense of nationalism. Meanwhile, if we draw it to our country. Indonesia has become one of the countries that is very fond of sports. As the motto of our national sport is to promote sports and sports people.¹

The basic and main function in football games aside from being a sports activity, is also a means of learning the values within it, namely cooperation, sportsmanship and fair play. Fair play is a principle that was widely introduced by FIFA in 1993 with the motto "My Play is Fair Play".² Sport is all about fair play or at least, it should be! Competition is keen in all sports, but it should always be conducted on, to use the standard of cliché, a level playing field. It is not a matter of winning at all costs and by all means-fair or foul. It is all about playing the game.³ However, the spirit of fair play has now been damaged because it was infiltrated by organized crime, especially in the manipulation of matches and match-fixing. All regions in the world have the same threat, including Indonesia. Scoring is usually planned criminally and is at a transnational level that includes gambling crimes, as well as personal or even institutional corruption. The motive for fixing is generally money, but there are also pure strategies for avoiding or choosing opponents and so on.⁴

Match-fixing, corruption and gambling scandals are becoming increasingly serious in sports and are affecting the entire sports industry and its development.⁵ Match-fixing as a new model of transnational crime is one example of manipulation in the field of sports or commonly referred to as sport-fixing. Match-fixing has different legal interpretations in each country, for example Indonesia which has not stated that match-fixing is a criminal offense. However, that does not mean the offender can be free while proven guilty. Match-fixing is considered to be a threat to the very basis of sport because it artificially removes the fundamental property of sports competition - the uncertainty of process and outcome.⁶ Furthermore, the occurrence of match-fixing can undermine the symbolic values, norms and ideals. Match fixing or competition fraud harm the integrity of competition whereas the integrity of sports competitions is an asset deserving of special protection in our society.⁷

In Indonesia, match-fixing is an old disease that occurs in Indonesian soccer.⁸ This is compounded by the condition of law enforcers who are unable to eradicate perpetrators of match-fixing case. So far, the form of law enforcement against match-fixing bribery is only limited to internal law enforcement by PSSI. Law enforcement of match-fixing cases is very difficult in its proof because PSSI cannot make a forced effort to collect evidence and information. In addition, PSSI can not reach law to ensnare the third parties involved. The presence of *Mafia Bola Task Force* formed by the police has also not run optimally.⁹ For example, when the referee mafia scandal in the Djafar Umar era has entered the inspection stage by the authorities but suddenly this case just evaporate, especially at that time there is no social media and online media so information related to developments is so minimal and difficult to obtain. The reason for the authorities when they do not proceed is it had no legal rules. Another example is the case of Johan Ibo who is caught red-handed while attempting to pay a bribe to one of the teams that will compete in Surabaya some time ago, it is shocking when the police released him on the grounds that there is no rules that could ensnare Johan Ibo. Need progressive law enforcement that is able to rule breaking as well as law making so as to provide substantive justice proceed is it had no legal rules.

¹ Muhammad Zulhidayat, "Kewenangan dan Peran Pemerintah dalam Penyelenggaraan Kompetisi Sepak Bola di Indonesia (The Authority and Role of Government in the Organizing of Football Competition in Indonesia)," *Jurnal Hukum Republik*, Vol. 6, No. 2, September 2018, p. 223-224, Available on Website <https://jurnal.umt.ac.id/index.php/replik/article/view/1446>

² Baskara Putra Setyawan, Setya Wahyudi, and Dessi Perdani Yuris, "Peran Satuan Petugas Anti Mafia Bola Terhadap Pengungkapan Tindak Pidana Pengaturan Skor (Match Fixing)," *Soedirman Law Review*, Vol. 2 No. 1, 2020, p. 110, Available on website: <https://journal.fh.unsoed.ac.id/index.php/SLR/issue/view/2>,

³ Ian Blackshaw, "Match Fixing in Sport: a Top Priority and Ongoing Challenge for Sports Governing Bodies," *Pretoria*, Vol. 46 No. 4, April 2013, Available on website: https://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2225-71602013000400007,

⁴ Alexzander Rinaldy, "Kriminalisasi Match Fixing dalam Pertandingan Sepakbola di Indonesia Berdasarkan Undang-Undang Nomor 11 Tahun 1980 tentang Tindak Pidana Suap," *Jurnal Hukum Adigama*, Vol. 1 No. 1, 2018, p. 11, Available on website: <https://journal.untar.ac.id/index.php/adigama/article/view/2204>,

⁵ Wen-Bin, Lin, and Cheng-Tien Chuang, "A Study of Literature Review for the Dark Side of the Sports," *International Journal of Humanities and Management Sciences*, Vol. 3 No. 2, 2015, P. 84, Available on website: <https://www.isaet.org/proceeding.php?catid=116&type=4&mode=detail>,

⁶ Minhyeok Tak, Michael P Sam, and Steven J Jackson, "The Problems and Causes of Match-Fixing: are Legal Sports Betting Regimes to Blame?," *Journal of Criminological Research, Policy and Practice*, Vol. 4 No. 1, 2018, p. 73, Available on website: <https://doi.org/10.1108/JCRPP-01-2018-0006>,

⁷ Monika Frenger, Eike Emrich, and Werner Pitsch, "Corruption in Olympic Sports : Prevalence Estimations of Match Fixing Among German Squad Athletes," *Sage Journal*, July-September 2019, p. 2, Available on website: <https://doi.org/10.1177/2158244019865361>,

Another example is the case of Johan Ibo who is caught red-handed while attempting to pay a bribe to one of the teams that will compete in Surabaya some time ago, it is shocking when the police released him on the grounds that there is no rules that could ensnare Johan Ibo¹⁰ Need progressive law enforcement that is able to rule breaking as well as law making so as to provide substantive justice.

Indonesia is again shocked by the match-fixing case in the League 3 match in Banjarnegara. This case has been exposed in many mass media and has become a hot topic of conversation. For example *detik.com* that Johar Lin Eng is arrested by the police on suspicion of match-fixing¹¹ *bisnis.com* that Priyanto alias Mbah Pri and Anik Yuni Artikasari alias Tika is prosecuted for three years in prison¹³; *medcom.id* there are 6 suspects in the score fixing case going to go to trial¹², and etc. However, is this case able to be revealed by our law enforcers who have never succeeded before to put in trial. From the resolution of this case we will find out the extent of the progress of law enforcement in Indonesia. Therefore, the resolution of this case is very important to be comprehensively studied with a progressive law enforcement approach.

PROBLEMS

In response to the facts stated, two questions arise from the problems. The first is how the settlement of match-fixing cases. The authors studies match-fixing cases in Indonesia through decision court. The second is how the settlement of match-fixing cases based on progressive law enforcement.

RESEARCH METHODS

Type of research used in this research is normative because it is a product of legal behavior. This research focuses on investment of positive law, principles and doctrine of law, and discovery of law in *concreto* cases with type of legal case studies being judicial case studies or jurisprudence studies which is settled through a court decision¹⁴. This research uses case approach. The data used are secondary data that is supported by primary data. Secondary data is data obtained through librarian research while primary data is data obtained directly through interviews and/ or surveys in the field¹⁵. The authors observes and follows the development of the case to the verdict. Secondary data is divided into three legal materials, namely: First, primary legal material is binding legal materials consisting of statutory regulations and court decisions. The court decision are Decision Number 47/Pid.Sus/2019/PN Bnr jo. Number 48/Pid.Sus/2019/PN BNR jo. Number 49/Pid.Sus/2019/PN BNR jo. Number 50/Pid.Sus/2019/PN BNR jo. Number 51/Pid.Sus/2019/PN BNR jo. Number 463/Pid.B/2019/PN JKT.SEL. Second, secondary legal material give explanation of primary legal material consisting books and scientific articles. Third, tertiary legal material give instructions and explanations for primary and secondary legal material consisting online news¹⁶ Then, research results are analyzed using qualitative analysis.

DISCUSSION

The Settlement of Match-Fixing Cases

The match-fixing case in Indonesia in 2019 is a case that is horrendous and takes a lot of public attention. Many communities, especially Non-Governmental Organizations and Liaison Judicial Commission of Central Java, oversee the course of the settlement of this case. Starting from the Police Report Number: LP/6990/XII/2018/PMJ/Ditreskrim, December 19th, 2018 for alleged fraud by Priyanto alias Mbah Pri and Anik Yuni Artikasari alias Tika. Upon this report, this case finally underwent development and dragged other perpetrators, namely Tjan Lin Eng alias Johar Lin Eng, Nurul Safarid, Mansur Lestaluhu alias Bang Mansur, Dwi Irianto alias Mbah Putih. In addition, there is one other offender who is dragged into a match-fixing case due to damaging evidence, namely Joko Driyono.

8. Joko Wijaksono, "Narasi Pemberitaan Kronologi Pengaturan Skor dalam Program Mata Najwa 'PSSI Bisa Apa Jilid 4: Darurat Sepak Bola'," *Jurnal Audiens*, Vol. 1 No. 1, March 2020, p. 17-, Available on website: <https://journal.umy.ac.id/index.php/ja/article/view/7617>,

9 Achmad Subandi and Yana Indawati, "Tindak Pidana Suap Pengaturan Skor (Match Fixing) dalam Pertandingan Sepak Bola di Indonesia," *Simposium Hukum Indonesia*, Vol. 1 No. 1, 2019, p. 52, Available on website: <https://journal.trunojoyo.ac.id/shi/article/view/6169/3862>,

10. Eko Noer Kristiyanto, "Pengaturan Skor Sepak Bola dan Ketidakmampuan Penegak Hukum," *Jurnal Rechtsvinding Media Pembinaan Hukum Indonesia*, 2015, p.2, Available on website: https://rechtsvinding.bphn.go.id/view/view_online.php?id=146,

11. Okdwitya Karina Sari, December 27th, 2019, "Ditangkap atas Dugaan Kasus Match Fixing, Ini Fakta-Fakta Johar Lin Eng," Available on website: <https://sport.detik.com/sepakbola/liga-indonesia/d-4361160/ditangkap-atas-dugaan-kasus-match-fixing-ini-fakta-fakta-johar-lin-eng>, Accessed on June 11th, 2020.

12. Antara, June 24th, 2019, "Pengaturan Skor, Mantan Wasit PSSI Dituntut Tiga Tahun Penjara," Available on website: <https://semarang.bisnis.com/read/20190624/535/937157/pengaturan-skor-mantan-wasit-pssi-dituntut-tiga-tahun-penjara>, Accessed on June 11th, 2020.

13. Muhammad Al Hasan, April 10th, 2019, "6 Tersangka Kasus Pengaturan Skor Bakal Jalani Sidang," Available on website: <https://www.medcom.id/bola/liga-indonesia/ObzqEYdN-6-tersangka-kasus-pengaturan-skor-bakal-jalani-sidang>, Accessed on June 11th, 2020.

15. Suteki and Galang Taufani, 2018, *Metode Penelitian Hukum (Filsafat, Teori, dan Praktik)*, Depok: Rajawali Pers, p. 174.

16. Zainuddin Ali, 2014, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, p. 23.

17. Soerjono Soekanto and Sri Mamudji, 2019, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Depok: Rajawali Pers, p. 12-13.

After the report is received, an investigation is conducted by the police. Subsequently, the file is transferred to the prosecutor's office for prosecution. Only then will the files be submitted to the court for examination and trial where there are 6 cases, namely Case Number 47/Pid.Sus/2019/PN Bnr, Number 48/Pid.Sus/2019/BNR PN, Number 49/Pid.Sus/2019/PN BNR, Number 50/Pid.Sus/2019/PN BNR, Number 51/Pid.Sus/2019/PN BNR, Number 463/Pid.B/2019/PN JKT.SEL.

Before proceeding further, the authors will introduce each of the parties involved and their respective roles. First, the Rapporteur, the child of the Banjarnegara Regent, is the manager of the Banjarnegara Persibara team. In her career she is finally elected as a member of the DPRD. She is a rapporteur because he feels cheated by Priyanto alias Mbah Pri and Anik Yuni Artikasari alias Tika. Though she has given a good amount of money to Priyanto alias Mbah Pri and Anik Yuni Artikasari alias Tika. Second, Priyanto alias Mbah Pri as the Referee Commission of Porprov of Central Java Provincial. Third, Anik Yuni Artikasari alias Tika as adopted child of Priyanto alias Mbah Pri. She is introduced to the Rapporteur by Priyanto alias Mbah Pri and later made a personal assistant to the Rapporteur. Fourth, Tjan Lin Eng alias Johar Lin Eng as the Chair of AsPorProv of Central Java Province. He introduced the Rapporteur with Priyanto alias Mbah Pri. Fifth, Nurul Safarid is referee. Sixth, Mansur Lestaluhu alias Bang Mansur is a Staff at the Central PSSI Referee Assignment. He conceptualizes the referee. Seventh, Dwi Irianto alias Mbah Putih as a member of the Central PSSI Dispilin Commission. Eighth, Joko Driyono as Acting Chairman of PSSI. For the case with Joko Driyono actually also involved Muhammad Mardani alias Dani and Mus Muliadi, but this matter will not be discussed in this article.

A brief chronology of this match-fixing case is as follows.

- That on August 4th, 2017 during the inauguration of the Reporting father as the Regent of Banjarnegara, he met with Tjan Lin Eng alias Johar Lin Eng, then talked about football and Tjan Lin Eng alias Johar Lin Eng said if Persibara (Banjarnegara Football Association) wanted advance must coordinate with him.
- That around October 23th, 2017 the Rapporteur met with Tjan Lin Eng alias Johar Lin Eng at the PSSI Central Java Provincial reporting on the Referee cheating in a soccer match between Persibara and Pernalang football team. Tjan Lin Eng alias Johar Lin Eng said he would reprimand and give sanctions to his referees. Then he was introduced to Priyanto alias Mbah Pri. Tjan Lin Eng alias Johar Lin Eng said that Priyanto alias Mbah Pri would help Persibara but Tjan Lin Eng alias Johar requested that Priyanto alias Mbah Pri be treated and for further matters please contact directly with Priyanto alias Mbah Pri.
- Whereas henceforth the Rapporteur is communicating more with Priyanto alias Mbah Pri. Priyanto alias Mbah Pri introduced his adopted child, Anik Yuni Artikasari alias Tika who later became the Rapporteur Assistant for managing Persibara's soccer team. Then Anik Yuni Artikasari alias Tika told the Rapporteur that to increase the Persibara team's football league caste from 3 to 2, there had to be a contribution to PSSI by becoming Assistant to the National Team Manager team, then the Rapporteur was appointed as the Manager of Woman National Team U-16.
- Based on the directives from Priyanto alias Mbah Pri and Anik Yuni Artikasari alias Tika then the hearth of Rapporteur was moved and gradually handed over money to raise the Persibara caste and make Persibara the 2018 Porprov champion to Priyanto alias Mbah Pri or Anik Yuni Artikasari alias Tika either in cash or in transfer with a total of approximately Rp1.219.042.000,00.

Then Priyanto alias Mbah Pri and Tjan Lin Eng alias Johar Lin Eng contacted Dwi Irianto alias Mbah Putih to help Persibara. Dwi Irianto alias Mbah Putih arranged the device and the course of the match. Mansur Lestaluhu alias Bang Mansur conceptualized or appointed the Referee and the

- match set after being contacted by Priyanto alias Mbah Pri for the match on Tuesday, October 16th, 2018 at Stadium of Soemitro Kolopaning in Banjarnegara. And Nurul Safarid was one of the referees in the match.
- That before the match was held the Headquarters (dinner) at the Rapporteur's house with Priyanto alias Mbah Pri, Anik Yuni Artikasari alias Tika, Tjan Lin Eng alias Johar Lin Eng, Nurul Safarid, Dwi Irianto alias Mbah Putih, and others. There is direction from Tjan Lin Eng alias Johar Lin Eng to referee not to harm the host.

- That on January 31th, 2019, Joko Driyono through Witness Muhamad Mardani Morgot took a notebook and all the paper that was on the shelf in Joko Driyono's desk drawer, then brought it and stored it near the Fire Station Substation in the Apartment. Then on February 1th, 2019 through Muhamad Mardani Morgot with Mus Mulyadi re-entered Joko Driyono's office to remove the CCTV footage by pulling out the DVR (Digital Video Recorder) with the aim that the Investigation Team could not see the recorded activities and activities at PT. Liga Indonesia and can not be seen anyone who has met him. He ordered Muhamad Mardani Morgot to move the items, then Muhammad Mardani Morgot moved the items in the form of a Notebook to the Joko Driyono Apartment in Taman Rasuna Tower 9 on the 18th floor C while the CCTV DVR was moved to Herwindyo's Honda City vehicle. In this case he does not have permission from the Anti Mafia Bola Task Force investigator.

The following is the threat of indictments and court decisions in the context of settlement of match-fixing cases, as follows.

Table I. Indictments and Decisions of Match-Fixing Cases in Indonesia in 2019

Case Number	Defendant	Indictment	Decision
47/Pid.Sus/ 2019/PN Bnr	Priyanto alias Mbah Pri (Defendant I) Anik Yuni Artikasari alias Tika (Defendant II)	FIRST: First: Article 378 jo. Article 55 paragraph (1) 1 of the Penal Code And Second: Article 2 of Law Number 11 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 of the Penal Code OR SECOND: Primair: Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Criminal Act of Money Laundering jo. Article 55 paragraph (1) 1 of the Penal Code Subsidair: Article 4 of Law Number 8 of 2010 concerning Prevention and Eradication of the Criminal Act of Money Laundering jo. Article 55 paragraph (1) 1 of the Penal Code	Stating Defendant I and Defendant II were proven legally and convincingly guilty of committing the crime of "Participating in Fraud and Bribery" as the first charge. Sentenced Defendant I with imprisonment for three years and Defendant II with imprisonment for two years and six months and a fine of Rp 5,000,000 each, provided that if the criminal fine is not paid then it will be replaced by their respective imprisonment for one month.
48/Pid.Sus/ 2019/PN BNR	Tjan Lin Eng alias Johar Lin Eng	FIRST: First: Article 378 jo. Article 55 paragraph (1) 1 of the Penal Code And Second: Article 3 of Law Number 11 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 of the Penal Code OR SECOND: Article 5 of Law Number 8 of 2010 concerning Prevention and Eradication of the Criminal Act of Money Laundering	Stating the Defendant was proven legally and convincingly guilty of committing the crime of participating in fraud and bribery as in the first indictment. Sentencing the Defendant with imprisonment for one year and nine months.

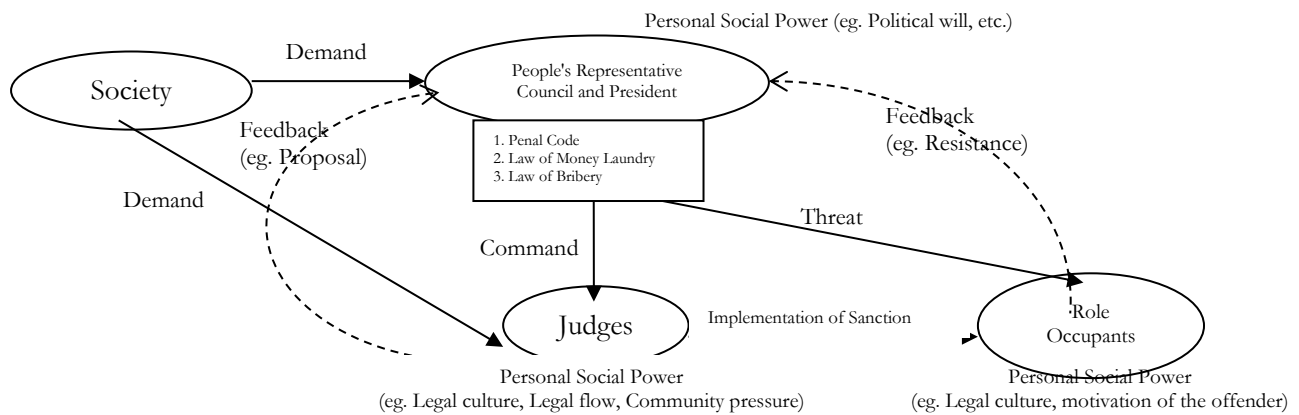
49/Pid.Sus/ 2019/PN BNR	Nurul Safarid	<p>FIRST: Article 3 of Law Number 3 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 of the Penal Code AND SECOND: Article 5 of Law Number 8 of 2010 concerning Prevention and Eradication of the Criminal Act of Money Laundering</p>	<p>Stating the Defendant was proven legally and convincingly guilty of committing the crime of participating in bribery as in the first indictment. Sentencing the Defendant with imprisonment for one year.</p>
50/Pid.Sus/ 2019/PN BNR	Mansur Lestaluhu alias Bang Mansur	<p>FIRST: Article 3 of Law Number 3 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 of the Penal Code AND SECOND: Article 5 of Law Number 8 of 2010 concerning Prevention and Eradication of the Criminal Act of Money Laundering</p>	<p>Stating the Defendant was proven legally and convincingly guilty of committing the crime of participating in bribery as in the first indictment . Sentencing the Defendant with imprisonment for one year.</p>
51/Pid.Sus/ 2019/PN BNR	Dwi Irianto alias Mbah Putih	<p>FIRST: Article 378 jo. Article 55 paragraph (1) 1 of the Penal Code OR SECOND: First: Article 3 of Law Number 11 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 of the Penal Code And Second: Article 5 of Law Number 8 of 2010 concerning Prevention and Eradication of the Criminal Act of Money Laundering jo. Article 55 paragraph (1) 1 of the Penal Code</p>	<p>Stating the Defendant was proven legally and convincingly guilty of committing the crime of participating in bribery as in the first of second indictment Sentencing the Defendant with imprisonment for one year and four months.</p>
463/Pid.B/ 2019/PN JKT.SEL	Joko Driyono	<p>FIRST: Article 363 paragraph (1) 3 and 4 of the Penal Code OR SECOND: Primair: Article 235 jo. Article 231 jo. Article 55 paragraph (1) 1 of the Penal Code Subsidair: Article 235 jo. Article 233 jo. Article 55 paragraph (1) 1 of the Penal Code More Subsidair: Article 232 jo. Article 235 jo. Article 55 paragraph (1) 1 of the Penal Code OR THIRD: Article 221 paragraph (1) jo. Article 55 paragraph (1) 1 of the Penal Code</p>	<p>Stating the Defendant has been proven legally and convincingly guilty of committing a crime of "moving to remove items used to convince or prove something in front of the competent authorities, deeds, letters or lists which, by order of the general authorities continuously or temporarily saved those who enter the crime scene by climbing and using fake keys. " Sentencing the Defendant with imprisonment for one year and six months.</p>

Source: Verdict Directory of Supreme Court

The Settlement of Match-Fixing Cases Based on Progressive Law Enforcement

In solving match-fixing cases, judges do not work in a vacuum (sterile) from factors that are outside it. If related to the theory of the operation of law from William J. Chambliss and Robert B. Seidman, it can be described below.

Figure 1. Theory of the Operation of Law



Based on the foregoing, there is a relationship between variables and each variable is influenced by personal social power. Every person or institution also has its own sociology including court or judge sociology. Courts must be seen as social institutions that are not sterile. The court as a social institution that will interact with other social institutions. One of the factors influencing the operation of the law is materials related to the origin, type of case, and completeness of the incoming documents.¹⁷

This is influenced by many things, especially the activities of law enforcement agencies such as the police and prosecutors. The cases entered are determined by the activities of these institutions. In this case there were 6 cases with 7 perpetrators which were then submitted to the court, namely Case Number 47/Pid.Sus/2019/PN Bnr, Number 48/Pid.Sus/2019/BNR PN, Number 49/Pid.Sus/2019/PN BNR, Number 50/Pid.Sus/2019/PN BNR, Number 51/Pid.Sus/2019/PN BNR, Number 463/Pid.B/2019/PN JKT.SEL. In addition, community response also plays an important role. This case is very public attention and shook the world of Indonesian football. There are a Non-Governmental Organization and the Liaison of the Central Java Judicial Commission that also monitors the proceedings of the trial. The mass media also participated and greatly herded public opinion. This shows the progressiveness of care and supervision of the operation of the law. The court must be autopoiesis, open and close system. According to Luhmann, that the system itself has to define justice in such a way that it makes it clear that justice must prevail and that the system identifies with it as an idea, principle or value. And applied to law this could mean, perhaps that the administration of justice has adapted itself to a normal degree on the scale of quarrels and offences¹⁸

Thus, judges in making decisions are autonomous based on the independence of judges, but they are also open to their environment so that judges apply the law according to context not only based on rule and logic but behavior even behind behavior. Judges must be the ears of the people and be able to provide substantive justice. It does not stop only with laws and regulations. In progressive law enforcement, the court is not an automatic machine where there are events as input then based on applicable regulations and the output comes out in the form of a decision.

Based on the settlement of the match-fixing case mentioned above it is known that this case involved many parties and tarnished the principle of fair play in a soccer match. The big question arises whether the law enforcement in solving the match-fixing case has fulfilled a sense of justice which in the end is able to create prosperity and provide happiness to the community. The law must not assume work is finished with a credo of rationality above all else. There is a greater purpose, which according to Satjipto Raharjo is justice and happiness, so law always stay on the status of law in the making.

¹⁷ Suteki, 2013, *Desain Hukum di Ruang Sosial*, Yogyakarta: Thafa Media, p. 206-209.

¹⁸ Suteki, 2015, *Masa Depan Hukum Progresif*, Yogyakarta: Thafa Media, p. 32-33.

The law does not exist for itself and it is not final. Law enforcers should be nervous because they cannot make people happy, this is what is called progressive law enforcement. Previously, match-fixing cases had not yet continued to court. This is a big break as part of rule breaking in the view of progressive law. In the past the match-fixing case could not be continued because it collided with a rule that there was no legal basis for criminal acts regarding match-fixing. Now our law enforcers have succeeded in freeing themselves from the creed of rule and logic by boldly and creatively using the Penal Code and Law Number 11 of 1980 concerning Bribery to crack down on perpetrators.

All of the cases in the match-fixing case were found in the defendant's decision to be sentenced to a criminal sentence, meaning that the law enforcers had succeeded in giving a sentence to the guilty person. Authors are also aware of the progression in law enforcement against match-fixing cases since previously there has never been a match-fixing case in the legal channels. Therefore according to authors this case is the first case in Indonesia which was successfully tried in court. And we need to give a little appreciation to our law enforcers for successfully cracking down on perpetrators.

However, if examined more deeply, this case certainly can be tried and not solely because law enforcement has dared to free themselves from the credo of rule and logic. This is because there are reports coming in from Rapporteur who postulate as victims and there are losses suffered in the form of some money. So, this case is very clear and easy to prove.

Then has the settlement of the match-fixing case been carried out progressively and provided substantial justice for the community? Because the process in court is not a matter of winning or losing, but the process of seeking substantive justice. This is important so that there is no trial without truth. Both the police, prosecutors, judges, and lawyers as law enforcers must unite to achieve the common goal of uncovering the truth and providing essential justice.

But, back to the question whether it has provided substantive justice. Based on Case Number 47/Pid.Sus/2019/PN BNR with defendants Priyanto alias Mbah Pri (Defendant I) and Anik Yuni Artikasari alias Tika (Defendant II), both of them were found guilty of participating in committing fraud and bribery as a first charge in the form of the first indictment cumulative indictment, that is, the first indictment of Article 378 jo. Article 55 Paragraph (1)1 of the Penal Code and the second Article 2 of Law Number 11 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 of the Penal Code. In its consideration, it is known that Defendant I and Defendant II have committed fraud against whistleblowers and committed bribes to several people. Defendant I and Defendant II gave a sum of money to Tjan Lin Eng alias Johar Lin Eng, Dwi Irianto alias Mbah Putih, Manshur Lestaluhu alias Bang Mansur, and Nurul Safarid. Defendant I and Defendant II have promised Persibara to win League 3 matches and move up caste from League 3 to League 2. Defendants are judged by the judge to have cheated the Rapporteur in such a way that he gave some money which was then used to bribe several people to support the victory Persibara even before the match, a dinner party was held at the reporting house. Then the case underwent development including: First, Case Number 48/Pid.Sus/2019/PN BNR, Tjan Lin Eng alias Johar Lin Eng was found guilty of participating in fraud and bribery as the first charge in the form of cumulative charges, namely the first indictment Article 378 jo. Article 55 paragraph (1) of the Penal Code and the second Article 3 of Law Number 11 of 1980 concerning Bribery jo. Article 55 paragraph (1) 1 to the Penal Code. In its consideration it was stated that the defendant had committed fraud against the reporter because he was the person who introduced the reporter to Priyanto alias Mbah Pri and accepted bribes for the victory of Persibara. Second, Case Number 49/Pid.Sus/2019/PN BNR with defendant Nurul Safarid. Third, Case Number 50/Pid.Sus/2019/PN BNR with the defendant Mansur Lestaluhu alias Bang Mansur. Fourth, Case Number 51/Pid.Sus/2019/BNR PN with defendant Dwi Irianto alias Mbah Putih. Each was found guilty of bribery. In their consideration, they have received bribes for the victory of Persibara.

Based on this, several questions arise whether the element of fraud is fulfilled? Didn't the defendant have made an effort to fulfill the promise of Persibara's victory even though in the end Persibara was still defeated? Can it be said that fraud is what the defendant did in the interests of Rapporteur? If Persibara wins who benefits? Who is the defendant doing match fixing for? In addition, the money used for bribery comes from the Rapporteur and even the Rapporteur gives a place and participates in the banquet before the match takes place. Can the complainant not be charged in a match-fixing case for his involvement? Can Priyanto alias Mbah Pri and Anik Yuni Artikasari alias Tika be called bribers, even though the money comes from the complainant? Is the Rapporteur unable to be said to have bribed since the money came from the reporter? Can the defendant be declared accepting bribes if the true owner of the money to bribe is not determined as a bribe? Is this related to the Rapporteur bas an influential person? Has the settlement of the match-fixing case by law enforcement given substantive justice?

Regarding the severity of the conviction, Priyanto alias Mbah Pri found the highest sentence followed by Anik Yuni Artikasari alias Tika. This is reasonable considering that both of them are the main actors in the match-fixing case, while the other defendants get a prison sentence of around one year which if deducted from detention plus an application for conditional leave, parole, remission, etc. if submitted, the sentence becomes lighter. Perhaps the general public, who are largely law blind, do not know this. In addition, whether the punishment can improve the image of Indonesian football and guarantee that it will not happen again?

Furthermore, for Case Number 463/Pid.B/2019/PN JKT.SEL where Joko Driyono was found guilty of destroying evidence. The question arises, is there involved by central PSSI? Is there a structural crime? In addition, this indicates that the act was carried out so as not to prove the act committed by the defendant who is undergoing trial and there is also the possibility that there are other parties involved and endeavored not to be dragged into legal cases. Are there still parties whose involvement has not been revealed? This case should have been revealed at its roots so as to provide education so as not to repeat itself because after all this tarnished the image of Indonesian football. This was also evidently voiced by the public which can be seen from *kompas.com* who requested that the eradication of match-fixing not stop until Joko Driyono. Antimafia Bola Task Force must resolve other cases that allow a number of parties and well-known figures above Joko Driyono to be involved in match-fixing and soccer gambling so that our football is clean.¹⁹

This is the intention of authors that settlement a case is not just pressing an automatic button because it takes deep thought. Progressive law enforcement cannot be left to the conventional ways of pushing the button system, but requires a type of law enforcement that is loaded with compassion (in Javanese language: *greget*) that contains empathy, commitment, and dare or courage.²⁰ The problem of law enforcement becomes critical if only based on the rules and facts presented without further prying. This is the same as solving the match-fixing case which ultimately raises many questions and questions whether the outcome of the judicial process provides substantive justice. According to Paul Scholten, the law is in law, but it still needs to be discovered. Then it becomes wrong and shallow if people only spell rules. Another way is to contemplate and look for deeper meaning from a rule. When the door to contemplation is opened, a new panorama unfolds before the judge. Some even likened judges to community representatives. He is in the midst of society, meaning a variety of ups and downs, anxiety of the fate of Indonesian football going forward, the suffering and disappointment of cheating matches, and etc. Progressive judges will always put their ears to the heartbeat of their people.²¹ Even authors assume the court is being mocked. However, the authors do not necessarily blame the judge who tried the case because after all this is inseparable from the results of the performance of other law enforcement because it is an integrated criminal justice system. And the facts of the judiciary in Indonesia, regulations and facts play an important role in rendering decisions.

However, if law enforcers use spiritual intelligence, they do not want to be rule-bound, nor are they just contextual, but want to get out of the situation in an effort to seek deeper truth, meaning, or value. So, he does not want to be bound and limited by existing standards, but wants to go beyond and penetrate the existing situation (transcendent). Spiritual intelligence does not stop accepting states and being frozen, but is creative and liberating. In creativity it might work by breaking the benchmark (rule breaking) while forming a new one (rule making). Spiritual intelligence does not get rid of the second model but rather improves its quality so that it reaches the level of perfect intelligence (ultimate intelligence).²² While settlement of match-fixing case proves that the implementation of law in Indonesia is still supported by the rule of logic and logic. Law enforcers have not dared to process all parties involved and prove their involvement. Law enforcement also only bases on who the perpetrators are and what article threats can be applied based on facts before the trial which can be manipulated. Though the law does not only impose penalties based on statutory regulations.

¹ Ferril Dennys, March 27th, 2019, "Pemberantasan Match Fixing Tidak Boleh Berhenti Sampai Jokdri," Available on website: <https://bola.kompas.com/read/2019/03/27/19400028/pemberantasan-match-fixing-tidak-boleh-berhenti-sampai-jokdri>, Accessed on June 11th, 2020.
² atjipto Rahardjo, 2006, *Membedah Hukum Progresif*, Jakarta: PT Kompas Media Nusantara, p. 63.
³ Satjipto Rahardjo, 2010, *Penegakan Hukum Progresif*, Jakarta: PT Kompas Media Nusantara, p. 190-192.
⁴ Rahardjo, *Membedah Hukum Progresif*, op. cit., p. 18-19.
⁵ Ibid, p. 21-22.

In searching for the truth, breaking rules is very important in law enforcement. Law enforcers must have the courage to free themselves from the use of standardized patterns. According to Satjipto Rahardjo, rule breaking is done by using spiritual intelligence to wake up from the deterioration of the law and not allow yourself to be restrained in the old way; search for deeper meaning; and the law should be carried out not according to logical principles alone, but with feelings, concerns, and a spirit of compassion towards our suffering nation.²³ And based on previous exposure, these three methods are not seen in solving match-fixing cases. The settlement of the match-fixing case is still far from the expectation of progressive law enforcement that is capable of providing substantive justice and community happiness.

CONCLUSION

From the issues raised and the facts collected, the conclusion that can be inferred is that there are 6 match-fixing cases, namely Case Number 47/Pid.Sus/2019/PN BNR jo. Number 48/Pid.Sus/2019/PN BNR jo. Number 49/Pid.Sus/2019/PN BNR jo. Number 50/Pid.Sus/2019/PN BNR jo. Number 51/Pid.Sus/2019/PN BNR jo. Number 463/Pid.B/2019/PN JKT.SEL. that is ensnaring Priyanto alias Mbah Pri. Anik Yuni Artikasari alias Tika, Tjan Lin Eng alias Johar Lin Eng, Dwi Irianto alias Mbah Putih, Manshur Lestaluhu alias Bang Mansur, and Nurul Safarid as the perpetrators. Although law enforcement in the match-fixing case has shown progressiveness with the success of all the perpetrators sentenced to criminal, but the completion of the match-fixing case is still far from the hope for progressive law enforcement that is able to provide substantive justice and community happiness.

SUGGESTION

Authors recommend the enforcement of law to progressive. In settlement a case, don't just base on the rule and logic, but the behavior even behind the behavior. Law enforcers must be brave and creative in carrying out their role. Because the purpose of law does not stop at whether the laws and regulations have been applied, but there are other greater goals, namely justice and happiness of the community.

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