

Religious Basic Idea in Forming Non-Penal Policy to Countermeasures Supporter Anarchism

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Keywords:	Abstract
Religious Idea; Non-Penal Policy; Supporter Anarchism.	The background of this research is to analyze and formulate an ideal non-penal policy to countermeasures supporter anarchism based on religious values as contained in Pancasila. This is because the problem of supporter anarchism is no longer only solved through institutional punishment but must look for other "punishment" alternatives or "causative treatment" that are more internal in nature so that supporter anarchism can restore themselves and provide support to their football club properly. Especially if the main problem of supporter anarchism is caused by a misperception of understanding the implementation of fair play football, making them unfair and uncivilized supporters. Formulating a non-penal policy can be done as an answer to the weaknesses of the criminal justice system to countermeasures supporter anarchism. The policy will be carried out based on the religious ideas contained in Pancasila which reflects the identity and character of the Indonesian nation. This goal will be achieved by using normative research based on literature and legislation review with an emphasis on secondary data processing. Based on the research, it can be concluded that there are four basic religious ideas that can be used as a basis for countermeasures supporter anarchism, namely the domestication function as a tool to limit, the personalization function as a tool to make good and caring

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Introduction

Supporter anarchism,¹ is one form of action that can be categorized as a crime. For example, by referring to the provisions of Article 170 of the Criminal Code as the crime of beatings, or Article 351 Criminal Code as the Persecution. Even in some cases the supporter anarchism can also be based on the provisions of Article 28 of the Electronic Information and Transaction Act by spreading hostility that can cause hatred based on ethnicity, religion, race and between groups.

¹ Pauline Pudjiastuti, *Sosiologi* (Grasindo Gramedia 2008).[15].

Based on the phenomenon of supporter anarchism that has occurred so far, it can be seen that the countermeasures by imposing sanctions on the perpetrators of anarchism have not been maximized to solve supporter anarchism. Referring to the data that was collected by team research and development *Save Our Soccer* from 1994 to 2018 as many as 76 supporters died with the majority being caused by beatings between supporters. The number of supporters who become victims will increase if it is included in the organization of football competitions at the lower level (second division).²

Supporters will be punished for whatever form of anarchism they do. The sanction can be imposed by the PSSI Disciplinary Commission based on the provisions contained in the PSSI Disciplinary Code, and by Judges in District Court at the Indonesian criminal justice system based on the provisions contained in the Criminal Code. So that the imposition of sanctions can be called a penal policy.³ One of the examples of criminal imposition is where the Sragen District Court Judge sentenced 1 to 1.5 years in prison to 30 Surabaya United supporters who were proven to have damaged property and tortured to death two Aremania.⁴ Another example was when the PSSI Disciplinary Commission punished Persib supporters after the death of a Persija Jakarta supporter named Haringga Sirila (23 years) due to beatings carried out by some Bobotoh at the Gelora Bandung Lautan Api Stadium, by prohibiting Persib supporters from watching Persib Bandung matches and other League 1 matches both on at home or away and all suspects of beatings are not allowed to watch football in the territory of the Republic of Indonesia for life.⁵

² Jalu Wisnu Wirajati, '76 Suporter Sepak Bola Tewas Di Indonesia Dalam 24 Tahun Terakhir' (*bolasport.com*, 2018) <<https://www.bolasport.com/read/311359757/76-suporter-sepak-bola-tewas-di-indonesia-dalam-24-tahun-terakhir>> accessed 30 September 2022.

³ Laras Astuti et al., 'Non-Penal Countermeasures Efforts in Supporter Conflict (Study on PSIM vs Persis Conflict)' (2021) 10 Jurnal Magister Hukum Udayana.

⁴ Muchus Budi R, '30 Suporter Dihukum 1-1,5 Tahun Dalam Kasus Bentrokan Yang Tewaskan 2 Orang' (*detiknews*, 2016) <<https://news.detik.com/berita/d-3211716/30-suporter-dihukum-1-15-tahun-dalam-kasus-bentrokan-yang-tewaskan-2-orang>> accessed 30 September 2022.

⁵ Laras Astuti and Heri Purwanto, 'Penanggulangan Anarkisme Suporter Melalui Kebijakan Hukum Pidana (Studi Kasus Persib Bandung Dan Persija Jakarta)' (2021) 5 Jurnal Bina Mulia Hukum. [348].

Many victims and punishments given to perpetrators have not been able to solve anarchism, there are still many supporters who are not deterred and repeat their actions. Even the anarchism of supporters, which had stopped during the COVID-19 pandemic due to the implementation of physical distancing in the organization of football matches, is now happening again. Lattermost, one of PSS Sleman's supporters, Tri Fajar Firmansyah, died because of the beatings carried out by supporters of another club.⁶ Even in early September 2022 Persebaya Surabaya supporters, known as Bonek, rioted at the Gelora Delta Stadium after losing the match against RANS Nusantara FC. It is known that dozens of Bonek entered the match field after the match and damaged some facilities such as billboards.⁷ This case is a bad record in the organization of football in Indonesia, because if the anarchism of supporters is not taken seriously, it will cause more supporters to become victims and even have to die in organizing matches in the following years. Of course, this is not in accordance with the objectives of organizing football that is fair play and upholds sportsmanship.

The problem of supporters anarchism is no longer only solved through institutional punishment alone, but must be look for alternative "punishment" or "causative treatment",⁸ which is more internal to the perpetrators that can make supporters of anarchism perpetrators to restore themselves and provide support to their favorite team properly. The imposition of a penal sentence, either criminally or through a decision issued by the PSSI Disciplinary Commission in its implementation has not been able to provide a deterrent effect and needs to be reviewed. The main problem that causes of anarchist supporters is a misperception of understanding the value of fair play and sportsmanship in the football matches, so that supporters provide excessive support which is carried out with anarchism and make them unfair and uncivilized supporters.

⁶ Hery Kurniawan, 'Suporter PSS Menjadi Korban Kerusakan Di Yogyakarta, Sepak Bola Nasional Kembali Berduka' (*bola.com*, 2022) <<https://www.bola.com/indonesia/read/5032065/suporter-pss-menjadi-korban-kerusakan-di-yogyakarta-sepak-bola-nasional-kembali-berduka>>.

⁷ Tim Redaksi, 'Bonek Rusuh Di Gelora Delta Usai Persebaya Digilas Rans' (*CNN Indonesia*, 2022) <<https://www.cnnindonesia.com/olahraga/20220915192456-142-848488/bonek-rusuh-di-gelora-delta-usai-persebaya-digilas-rans>> accessed 28 September 2022.

⁸ Barda Nawawi Arief, *Beberapa Kebijakan Penegakan Dan Pengembangan Hukum Pidana* (Citra Aditya Bakti 2005).[74].

Formulating a pattern of countermeasures through non-penal policy is not impossible to do. Pancasila as the ideological basis of the Indonesian state,⁹ can be used as a basis for analyzing the formulation of countermeasures, where the values contained in each Pancasila can reflect the ideal pattern without forgetting the identity and character of the Indonesian nation as a nation that is polite, fair, has good tolerance, is wise, civilized, and obedient to God. This value is mainly reflected in the first principle “*Ketuhanan Yang Maha Esa* (Belief in One Supreme God) “ which is the basis value for Pancasila,¹⁰ and then can be used as a basic to make a pattern of ideal countermeasure to solve supporter anarchism.

Pancasila philosophy is classified as a religious philosophy, especially in terms of absolute wisdom and truth that comes from God Almighty, while recognizing the limitations of human abilities, including the ability to think. It is this religious idea that has the consequence that in studying science or law it must be based on God’s guidance.¹¹ Based on this, the application of religious values and functions as contained in Pancasila can be used as a basic idea to countermeasures supporter anarchism to be able to establish a sportsmanship and civilized community of supporters.

The specific purpose of this study is to analyze and formulate an ideal non-penal policy to countermeasures supporter anarchism based on religious values as contained in Pancasila. The urgency of this research is to formulate policy about prevention of supporter anarchism to create a sportsmanship and civilized community of supporters in the future.

Research Methods

This research is normative research that based on the study of literature in the form of books, journals, and legislation. Secondary data were obtained and analyzed using a flow model of analysis and presented in a qualitative descriptive.

⁹ Kaelan, *Pendidikan Pancasila* (Paradigma 2014).[180].

¹⁰ Syamsul Fatoni, ‘Pembaharuan Hukum Pidana Melalui Aktualisasi Nilai-Nilai Pancasila Berorientasikan Pendekatan Religius’ (2015) 3 *Jurnal Ahkam*.

¹¹ Kaelan and Achmad Zubaidi, *Pendidikan Kewarganegaraan Untuk Perguruan Tinggi Berdasar SK Dirjen Dikti No.43/DIKTI/KEP/2006* (Paradigma 2007).[22].

The research approach is carried out based on a conceptual approach by providing an analytical point of view of problem solving in legal research which is based on aspects of the legal concepts behind it, or even can be seen from the values contained in the norming of a regulation in relation to the concepts used.

Weaknesses of the Criminal Justice System in Resolving Supporter Anarchism

So far, the prevention of supporter anarchism has always emphasized the ability to penalize with a focus on punishing individual supporters. Penal countermeasures so far have focused on repressive actions or as a form of retaliation for the crimes committed. The Criminal Code is the basis for solving crimes committed by supporters. For examples actions of supporter anarchism are regulated in Articles 338-340 (Homicide), and Articles 351 to Article 355 of the Criminal Code (Persecution).

Anarchism that is carried out collectively does not necessarily make the perpetrators responsible for their actions collectively. So that although supporter anarchism is often identified with collective violence as contained in Article 170 (Beating) and Article 358 (Brawl) of the Criminal Code, the perpetrators are responsible for their actions individually with guidelines the severity of the punishment obtained is determined by each role and the attitude of the perpetrator which can differ from one perpetrator to another in undergoing the examination process in court. The provisions of the sanctions received by the supporters are adjusted to the articles imposed and the evidence in the trial, for example, in persecution violating the provisions of Article 351 Criminal Code with a penalty of two years and a maximum of seven years if it caused death of a person.

The organization of football is obeyed to the provisions of FIFA or what is generally known as the Law of Game. Especially in organizing football in Indonesia obey the PSSI Statute and PSSI Disciplinary Code. According Article 1 PSSI Disciplinary Code regulate provision sanctions for a various of disciplinary violations committed to fair, respectful and sportsmanship matches and competitions in accordance with the Law of the Game.

It is different with the sanctions imposed in the Criminal Code which focus on the perpetrators, in the PSSI Statute the sanctions imposed are not only on supporters who commit anarchism but also on football clubs. PSSI as Indonesian football chief provides sanctions that are not only aimed at the club supporters but also affect the football clubs that are supported. According Article 70 PSSI Disciplinary Code, bad behavior committed by supporters is a form of disciplinary violation and is the responsibility of the host football club, supporter club and the governing body or organizing committee of football matches.

This is in accordance with the provisions of Article 70 of the PSSI Disciplinary Code that the organization of matches is guaranteed to be safe and orderly by the football club and the governing body or committee on duty. So, if a supporter violates the discipline rules in accordance with the provisions of the PSSI Discipline Code, these two parties will also feel the impact and be responsible for criminal acts committed by unscrupulous supporters. As happened when PSSI sanctioned Persib Bandung by punishing to organized home matches outside Java without spectators until the end of the 2018 season and half of the 2019 season, also punishing Persib Bandung supporters were prohibited watching Persib Bandung matches and other Liga 1 matches from the time this decision was made until the half of the 2019 season. In addition, all suspected beatings are not allowed to watch football in the territory of the Republic of Indonesia for life.¹²

The sanctions imposed on supporter anarchism can be said to be double sanctions. Based on the provisions of the Criminal Code through a Court Decision, the defendants of the supporter get punishments such as prisons and fines. Meanwhile if it is based on the provisions of the PSSI Disciplinary Code through the PSSI Disciplinary Commission Decision, not only supporter who get sanctions, football clubs and supporters clubs also receive sanctions. This has an impact on football clubs, supporter clubs, to take responsibility for the actions taken because of the actions of several supporters.

¹² Erwin Snaz, 'Manajemen Persib Bakal Ajukan Banding' (*bola.com*, 2018) <<https://www.bola.com/indonesia/read/3657587/manajemen-persib-bakal-ajukan-banding>> accessed 31 Agustus 2022.

Supporters who are serving sentences in prisons are expected to learn from their mistakes, be aware, deterrent and promise not to repeat their actions again. The coaching process carried out in prison is a hope to change someone for the better and get out of the prison as a new, so that the purpose of the coaching based on Act Number 12 of 1995 about Correctional is perpetrator realize their mistakes, improve themselves, and not repeating criminal acts so that they can be accepted again by the community, have an active role in development, and have a good live and responsible as citizens can be achieved properly. If the coaching is carried out properly, it is not excessive if later the perpetrator who have finished the sentence can socialize again, return, and are accepted in the community without being filled with guilt or stigma as anarchist supporters.

The punishment imposed for the football club is also expected to be a lesson for the club in providing understanding and educating the supporter club to always maintain conduciveness during matches. Moreover, the punishment imposed on the football club also caused financial loss to the club. Meanwhile, the punishment imposed on the supporter club is expected to provide lessons for other supporters not to be easily provoked by emotions, and to continue to provide positive support.

It's different if the punishment imposed on club supporters. Psychologically the punishment is very detrimental, because supporters are not allowed to give their direct support at the stadium. Whereas for the supporter club give their support for the club has its own emotional ties to them. For example, in South America. Supporters refer to their team as "mother" and themselves as "child". And the home stadium will always be the "home" for the "child" and "mother".¹³ This shows how the relationship that is built between the supporter and the club is very close.

In practice, the implementation of the double sanction does not work as it should. First, the punishment imposed on the supporters by judges in the court and coaching program on the prison that they received did not work properly. This can be understood considering the current condition of the prisons which is

¹³ Devi Fitroh Laily, *Kota-Klub Dan Pasoepati – Satu Dekade Dinamika Suporter Surakarta* (Buku Litera 2016).[29].

over capacity so that it is almost impossible to work optimally. So that the goals of the coaching are not fully achieved.

The stigma of the prisons which are often identified as the biggest criminal institutions is difficult to remove. Considering that many perpetrators have criminal backgrounds become one, interact with each other, even make their own community, and develop the community outside the prisons when they finished their sentences and together commit to crimes again. This means that amongst perpetrators learn from each other to commit crimes in a better way. This interaction not only creates new recidivists but is also able to create new crimes with different scopes and motives from previous crimes.

Second, the sentence imposed on football clubs, such as punishing clubs by holding home matches outside Java without spectators for a certain period, were not implemented properly. In fact, most football club only serve a sentence to play outside the stadium (home) a month out of a total of 2-3 months even until the end of the season. For the fines sanctions that imposed on football clubs, there is no benchmark and supervision of whether the clubs paid for the fines. Indecision application of punishment to football clubs cannot be separated from the club's inadequate financial capacity, especially one of the contributors to football club income is from the supporters themselves such as sales of match tickets and club attributes.

Third, the punishments imposed on individual supporters and club supporters such as a banned on watching football matches at home and away, and the prohibition against watching football in the territory of the Republic of Indonesia for life were not implemented properly. In fact, the supporter can still provide direct support in the stadium and always have a way to keep the anarchism going. The prohibition not to bring objects that disturbing of the match such as blocks, flares or bottles remains unchecked so that supporter can still carry out anarchism. Provocations made during the match also continued to occur. This is understandable because the human resources that provide security are not equivalent to the number of supporters who are abundant. The security system for supporters in the stadium is not optimal.

Moreover, to implement sanctions lifetime banned for the supporter to watch the match on stadium is difficult to implement, because there are not of benchmarks or systems to do so. How punish supporters for lifetime banned provide direct support at the stadium, the problem of supporter being able to enter the stadium without tickets is still a lot going on. This means that the regulations, sanctions, and practices in the field are not in line with the capabilities of both human resources and system resources, technology, and other supporting equipment.

Since the COVID-19 pandemic, all activities, including football activities, have been suspended. The discontinuation of the match, it has an impact not only on the management of the football club but also on the supporter club. If the football club get financial losses because high management and operation of the club which is caused by the cessation of income from organizing matches, it is different with the activities of supporters, especially those related to anarchism which is always carried out by supporters in every match. Until the end of 2019, there were 76 supporters who died because of the supporter anarchism.¹⁴ However, since the Covid-19 pandemic, the curve of supporter anarchism has decreased because the discontinuation of football matches.

The decreased curve of supporter anarchism does not necessarily become an achievement because there are no more supporters who are victims of the fanaticism of other supporters. Moreover, the factor of that was caused COVID-19 pandemic so the match was stopped and there still haven't countermeasure pattern to be carried out. Instead, this opportunity can be used to formulate a new policy which can be applied later when the football match can be held again with spectators and supporters in the stadium.

Based on the implementation of the penal response, there are many weaknesses, and it must be solved and focus on policy makers, especially related to the management of football supporter in Indonesia. This policy must be prepared

¹⁴ Jalu Wisnu Wirajati, 'Sudah 76 Suporter Tewas, Sebab Terbanyak Karena Pengeroyokan' (*kompas.com*, 2018) <<https://bola.kompas.com/read/2018/09/26/07585208/sudah-76-suporter-tewas-sebab-terbanyak-karena-pengeroyokan>>.

seriously. There must change of paradigm from emphasized punishment by starting to focus on finding the basic problem that caused supporters anarchism continues to occur. The change of paradigm is important considering the limitations of penal criminal countermeasures, which can be identified as follows:¹⁵

1. The causes of the crime which are complex, are beyond the scope of criminal law.
2. Criminal law is only a small part (subsystem) of the means of social control that is impossible to solve the problem of crime as a very complex humanitarian and social problem (as a socio-psychological, socio-political, socio-economic, socio-cultural problem and so on).
3. The use of criminal law in countermeasure crime is only a "*kurieren am symptom*", therefore criminal law is only a "*symptomatic treatment*" and not a "*causative treatment*".
4. Criminal law sanctions are a "*remedium*" that contains contradictory/paradoxical and contains elements and negative side effects.
5. The punishment system is fragmentary and individual/personal, not structural/functional.
6. Limitations on the types of criminal sanctions and the system for formulating criminal sanctions that are rigid and imperative.
7. The operation or functioning of criminal law requires more varied supporting facilities and requires more "*high costs*".

The problem of supporter anarchism is no longer only solved through institutional punishment, but it is necessary to find an alternative "punishment" or "causative treatment" that is more internal so that perpetrators anarchism supporters can restore themselves and provide support to their football club properly. Especially if the main problem with the anarchism supporters is caused by a misperception of understanding regarding the implementation of fair play football, making them unfair and uncivilized supporters. Formulating a non-penal policy can be done as an answer to the weaknesses of the criminal justice system to countermeasure supporter anarchism. The policy will be carried out based on the religious ideas contained in Pancasila which reflects the identity and character of the Indonesian nation.

Looking at the limitations of the criminal law, the steps that can be taken are to make maximum efforts to prevent the occurrence of crimes or supporter

¹⁵ Barda Nawawi Arief, *Beberapa Kebijakan Penegakan Dan Pengembangan Hukum Pidana* (Citra Aditya Bakti 2005).[74].

anarchism from being repeated. The efforts carried out are preventive by focusing to restore law without using violence or penal efforts. These efforts can be carried out with and in construction by analyzing the factors that cause crime. The factors causing the occurrence of crime will be focused on the problem of social conditions which can directly or indirectly be the cause of the crime.¹⁶

The factors causing the culture of anarchism must be found first so that it can be analyzed why football supporters tend to carry out various anarchism. The factors that cause supporter conflict can be identified, based on:¹⁷

1. Based on the nature caused the destructive conflict

This factor is motivated by feelings of displeasure, resentment, and hatred that are continue from generation to generation. For example, there is a stereotype about Bonek "*Bonek Djancoek Sejak Dulu*", which illustrates that hatred and stigma against Bonek as a bad group of supporters have existed since the past and continue to this day.

2. Based on the position of the actors caused the horizontal conflicts

This factor is motivated by the existence of individuals or groups with the same position. This position will show by high solidarity with all members so that if there is one of member have a problem, other members are ready to help even with violence. For example, as in the case of PSIM Yogyakarta, when one of its players committed violence against PERSIS Solo players, PSIM supporters still to provide support and even participated in anarchism as well.

3. Based on the plurality of society or horizontal pluralism

This factor is caused by the existence of cultural pluralism in the structure of society which is based on differences in ethnicity, religion, race, and social plurality, for example differences in the level of education, occupation, and profession. Supporter groups can be formed based on the regional structure

¹⁶ Prima Angkupi, 'Rekonstruksi Penegakan Hukum Lingkungan Hidup Melalui Pendekatan Religius' (2014) 19 *AKADEMIKA*. [226].

¹⁷ Laras Astuti, Nyoman Serikat Putra Jaya, and RB Sularto 'Non-Penal Countermeasures Efforts in Supporter Conflict (Study on PSIM vs Persis Conflict)' (2021) 10 *Jurnal Magister Hukum Udayana*. [22].

and social status that brings its own characteristics that are different from other regions. This brings a tendency for each region to keep the characteristic of its habits, so that if the region is unacceptable or different from other groups, it will result in conflict.

Religious Basic Idea In Forming Non-Penal Policy To Countermeasures Supporter Anarchism

Non-penal countermeasure has a very comprehensive construction because it can cover various sources of science or studies, especially in all sectors of social policy. It can be said that the main goal of non-penal countermeasure efforts is to improve social conditions which indirectly have a preventive effect on crime.¹⁸ This is in accordance with the purpose of this paper to make a non-penal policy pattern that aims to improve social conditions in supporters who are vulnerable to supporter conflict to do various acts of anarchism.

The idea of forming a non-penal policy is part of an effort to reform Indonesian criminal law which can be done by internalizing the values of Pancasila. As a sovereign country, the policy is directed at the national goals to be achieved by the Indonesian people as an independent country.¹⁹ The values in Pancasila as the ideological basis of the Indonesian state,²⁰ can be used as a basis for analyzing the formulation of the pattern of countermeasures. The values capable to reflect the ideal pattern without forgetting the identity and character of the Indonesian nation as a polite, fair, have good tolerance, wise, civilized, and obedient to God. Strengthening the ideology of Pancasila is very important to do. Moreover, if the state provides good support, the inculcation of Pancasila values will be realized properly, especially in making laws or policies.²¹

¹⁸ Is. Heru Permana, *Politik Kriminal* (Universitas Atma Jaya 2007).[63].

¹⁹ Erfandi, 'Implementasi Nilai-Nilai Pancasila Dalam Pembangunan Sistem Hukum Pidana Di Indonesia' (2016) 1 *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan*.

²⁰ Kaelan (n 9).[180].

²¹ Jimly Asshiddiqie, *Perkembangan Dan Konsolidasi Lembaga Negara Pasca Reformasi* (2010).[2].

The good values in Pancasila are the basis and necessity in the development of the national legal system because they are considered in accordance with the spirit of the nation. This value is mainly reflected in the first principle of “Ketuhanan Yang Maha Esa” (Belief in One Supreme God), thus confirming that the national legal system is not secular but very religious.²² Pancasila philosophy is classified as a religious philosophy, especially in terms of absolute wisdom and truth that comes from God Almighty, as well as recognizing the limitations of human abilities, including the ability to think.²³ This religious idea that has the consequence that in studying science or law it must be based on God’s guidance.²⁴

The used of religious values is very important because it becomes the source and basis for cultural, moral, and religious values. These values will synergize to answer all weaknesses, dissatisfaction, concerns, and a crisis of confidence in the legal system, legal policy, and law enforcement so far. Furthermore, the used of religious values is intended to fill and realize an ideal national legal system in the future (*ius constituendum*).²⁵ The change of paradigm by used religious values aims to be able to uphold law and justice,²⁶ so that the juridical-religious aspect is not only contained in the formality of court decisions but also becomes a substantive truth. It can be concluded that the use of religious values as a holistic approach based on the condition of society as a form of correlation between the ineffectiveness of the law so far.²⁷

This far the implementation of Pancasila religious values has been implemented in several activities carried out by supporters. One example is carried out by the Makassar Football Association supporters group known as PSM. These activities are distinguished based on the activities carried out inside

²² Syamsul Fatoni (n 10).

²³ Kaelan and Achmad Zubaidi (n 11).

²⁴ Syamsul Fatoni (n 10).

²⁵ MM Sirajuddin Sirajuddin, ‘Wacana Penerapan Hukum Islam Dalam Tinjauan Politik Hukum Nasional’ (2009) 8 *Jurnal Sosio-Religia*.

²⁶ MSMS Itmam Itmam, ‘Hukum Islam Dalam Pergumulan Politik Hukum Nasional Era Reformasi’ (2013) 13 *Al-Tahrir: Jurnal Pemikiran Islam*. [17].

²⁷ Brian Septiadi Daud and Awaluddin Awaluddin, ‘Aspek Religius Dalam Pembaharuan Hukum Pidana Melalui Politik Hukum Nasional’ (2021) 23 *Journal of Judicial Review*.

the stadium and outside the stadium. The activities carried out inside the stadium, for example before starting the match, the supporters will pray together with the hope that the football club will win the match and for other activities carried out outside the stadium for example by actively carrying out routine recitations, activities Ramadan or other temporary religious activities.²⁸ However, the basis for the pattern of developing Pancasila religious values which is emphasized in this paper is to change the concept of providing support through changes in inner thoughts and attitudes based on religious values. It can be done by focus on character education based on religious values, so it can be the basis and foundation to apply the attitude of fair play and sportsmanship in the future.

The development of a national legal system aims to maintain the balance of human life as spiritually and physically. Thus, there are several ideas of balance or value approach which consist of, the mono dualistic balance between the public interest and individual interests, the balance idea of protection or the interests of the victim and the idea of criminal individualization, the balance between outward (objective) and inner (subjective) elements, the balance between 'formal' and 'material' criteria, and the balance between 'legal certainty', 'flexibility/elasticity/flexibility' and 'fairness' balance of national values and global/international/universal values.²⁹

These values reflect Pancasila while the values contained in the point of "Ketuhanan Yang Maha Esa" (Belief in One Supreme God) explain that the established of state are the human goals as creatures of God Almighty which brings consequences that all matters relating to the implementation and administration of the state, even the morals of state administrators, state laws and regulations, freedoms and human rights must be related with the values of the Ketuhanan Yang Maha Esa" (Belief in One Supreme God).³⁰

Indonesia as a country rich in culture, ethnicity, race, and religion is a heterogeneous country. Of course, this will be a challenge for the existence of the

²⁸ Rika Yuliana, 'Tradisi Sosial Keagamaan Suporter PSM (Persatuan Sepakbola Makassar)' (Universitas Islam Negeri Alaudin 2019).

²⁹ Brian Septiadi Daud and Awaluddin Awaluddin (n 27).

³⁰ Kaelan and Achmad Zubaidi (n 11).[32].

Indonesian people. However, Indonesia has a very strong philosophical foundation contained in Pancasila, especially in the first principle of “Ketuhanan Yang Maha Esa” (Belief in One Supreme God) so that the development of religious values is really needed for heterogeneous Indonesian society.

Religious values that are implemented properly in every attitude, behavior of living in the nation and state will be the basic in living life in a very pluralistic Indonesian society.³¹ Religious values make religion have a social function for society to get closer the interpersonal potential between individuals which suppresses conflicts of interest between groups that tend to be antagonistic. Viewed from other functions, religion has a function as the most important social control institution in social relations,³² which can make bonding to individuals and groups who have different ethnic backgrounds, languages, and economic classes.³³

Based on this, at least there are four functions of religion, such as:³⁴

1. The function of domestication where religion as a tool to restrain or limit;
2. The function of personalization where religion as a tool to make good and caring individuals;
3. The function of compensation where religion is a tool to limit social conflict; and
4. The function of innovation, where religion has a creative function to help resolve problems or conflicts.

Based on this, the application analysis of religious values and their functions as based on Pancasila as the basis for supporter anarchism can be explain as follows:

1. Religion as a tool to restrain or limit

The purpose of this function is to prevent humans from committing crimes.

This can be seen from Surah al-Nahl (16): 90

“Verily Allah commands (you) to do justice and do good, to give to relatives, and Allah forbids from evil deeds, evil and enmity. He teaches you so that you can take lessons” (*“Sesungguhnya Allah menyuruh (kamu) berlaku adil dan*

³¹ Mardan Umar, ‘Urgensi Nilai-Nilai Religius Dalam Kehidupan Masyarakat Heterogen Di Indonesia’ (2019) 3 Jurnal Civic Education.[909].

³² Bryan B Turner, *Agama Dan Teori Sosial* (IRCiSod 2006).[189].

³³ Didin Nurul Rodisin and Muhsin Jamil, *Mengelola Konflik Membangun Damai* (Semarang: MWC 2007).[179].

³⁴ Yayan Muhammad Royani, ‘Kebijakan Kriminal Dalam Menanggulangi Delik-Delik Terhadap Kerukunan Umat Beragama Dan Berkepercayaan’ (Tesis Universitas Diponegoro 2013).

berbuat kebajikan, memberi kepada kaum kerabat, dan Allah melarang dari perbuatan keji, kemungkaran dan permusuhan. Dia memberi pengajaran kepadamu agar kamu dapat mengambil pelajaran”)

From the verse it is known that there is an order to do *Ihsan* to prevent doing *Munkar*. So that it can be said that the verse emphasizes efforts to limit, restrain and prohibit humans from doing crime. That bad act can lead someone to do violate the provisions of the law, contrary to *Ilahiyah* values and harmful to society.³⁵ These provisions are in accordance with the current condition of supporters where there are still many supporters who forget their nature as humans to do good to each other and more prioritize excessive solidarity to support football club even to carry out anarchism. There needs to be a religious approach by focusing on used religious values in the supporter personalities.

The elements that can be used to develop this include religious beliefs, worship, religious knowledge, religious experience, and actualization as described below:³⁶

- a. Religious belief is belief in the doctrine of divinity such as believing in the existence of God, angels, the afterlife, heaven, hell, destiny, and others. Without faith, there will be no religion. This faith needs to be supported by practical religious behavior, namely worship.
- b. Worship is a way of worshipping God with all its series. Worship can maintain faith, providing a dividing line between man himself and the soul that invites him to wickedness. Worship is also creating a sense of love for nobility, likes to do good and holy deeds.
- c. Religious knowledge is knowledge of religious teachings covering various aspects of a religion. For example, knowledge about prayer, fasting, zakat and so on. Religious knowledge is also in the form of knowledge about the history of the prophet's legacy, the ideals of being a role model and role model for the people.
- d. Religious experience is the feeling experienced by religious people, such as a sense of calm, serenity, happiness, gratitude, obedience, fear, regret, repentance and so on. This religious experience is sometimes quite deep in a person's personality.
- e. Actualization of religious doctrines that are lived by a person such as attitudes, speech, and behavior or actions. Thus, it is an aggregation and connected of other elements. However, often religious knowledge does not have consequences for religious behavior.

³⁵ Muzdalifah Muhammadun, 'Konsep Kejahatan Dalam Al-Quran (Perspektif Tafsir Maudhu'i)' (2011) 9 Jurnal Hukum Diktum.[276].

³⁶ Mustari Mustari MM, *Nilai Karakter, Refleksi Untuk Pendidikan* (2014).[3-4].

If these five elements can be fulfilled and practiced well by supporters, then the function of domestication as a tool to restrain and limit the actions of anarchism can be realized properly. And this function can be used as the first pattern to formulate future non-penal policy.

2. Religion as a personalization function

The purpose of the personalization function is where religion is used to make good and caring individuals. This manifestation can be done in the form of obedience which is described in daily attitudes or actions. At least there are any three of religious criteria, such as self-involvement to God, behavior with a value system that originates from God, and surrendering oneself, life, and death to God. So, it can be concluded that this religious value is related to a person's faith which will make his character in his life and how a person can surrender himself to the Supreme Absolute (God) by behaving in accordance with the values and teachings are believes in.³⁷

Supporters must change the paradigm in providing support their football club. No longer provide excessive regional support but must provide support as a form of obedience and become part of worship to God. No longer make football clubs a "God" or "religion" that must be worshiped but make support for football clubs as part of worship and *dakwah*. So that later in providing support, they are no longer tied to the dark history of the past, namely disputes and grudges between groups of supporters that are passed down from generation to generation but become a part to improve humans for the better. The personalization function can be used as a second pattern to formulate future non-penal policies.

3. Religion as a compensation function

The function of compensation aims to make religion become to restrict social conflict. Social conflict is something happen in society that arises because of a conflict of interest or caused differences in background. So, it is important for fellow humans to be able to understand each other and assume that being

37 Mardan Umar (n 31).[73-75].

different does not mean right or wrong. Differences can be used as a basis for mutual understanding and respect.

The description is contained in the surah Q.S. al-Hujurat/49:13:

“Hi mankind, indeed, we have made you from a male and a female and made you into nations and tribes so that you may know one another. Verily, the noblest among you in the sight of Allah is the most pious. Verily, Allah is All-Knowing, All-Knowing”. (*“Hai manusia, sesungguhnya Kami menjadikan kamu dari seorang laki-laki dan seorang wanita, dan menjadikan kamu berbangsa-bangsa dan bersuku-suku supaya saling mengenal. Sesungguhnya orang mulia di antara kamu di sisi Allah adalah orang yang paling bertakwa. Sesungguhnya Allah Maha Mengetahui lagi Maha Mengenal”*).

The verse above illustrates that to restrict social conflicts that often occur, fellow humans must interact with each other to understand one another through a process known as *ta'aruf*. The concept of *ta'aruf* aims to create brotherhood. Moreover, so far, the social conflicts that occur are often identified with different understandings of human identity from one another due to a lack of understanding of religion. Some even think that one religion is better than another.³⁸

Islamic teachings about the importance of getting to know each other are an effort of a human being to respect each other. This is something that is often forgotten, especially because of the undeniable cultural diversity in Indonesia that can lead to social tensions and conflicts. The concept of *ta'aruf* means affection that must be realized towards fellow human beings. This concept knows no time, distance, and place and applies to all groups of friends and family. This is in line with the Prophet Muhammad SAW said, *“Whoever does not love his neighbor, Allah will not love him”*.³⁹ Thus, the goal of Islam to *be rahmatan lil alamin*, can be realized.

Supporters can use this concept to get to know the variety of support that comes from various regions, environments, or other diverse origins. Understand the differences in culture, customs, ethnicity, religion, or the environment, it is hoped that it can minimize social conflicts that occur and create brotherhood in the same

³⁸ Sungkring, 'Solusi Konflik Sosial Dalam Perspektif Al-Quran' (2016) 1 Millati Journal of Islamic Studies and Humanities.

³⁹ *ibid.*[120].

support even though they are from different football clubs, different supporter club or other differences. So, even though they are different, all supporters share the same support for sportsmanship, fair play, for the football club they're support. Thus, the compensation function can be used to limit social conflict and can be used as a third pattern to formulate non-penal policies in the future.

4. Religion as an Innovation Function

The innovation function, where religion has a creative function to help resolve problems or conflicts. This description can be seen in Surah QS. Al-Mukminun verse 96:

“Reject (reply) crime in the best way. We know better what they are.”
(*“Tolaklah (balaslah) kejahatan dengan cara yang terbaik. Kami lebih mengetahui apa-apa yang mereka sifatkan.”*)

and Surah Q.S Fushilat verse 34

“And good is not the same as crime. Reject (the crime) in a better way, so that the person with whom there is enmity between you and him will be like a loyal friend”. (*“Dan tidaklah sama kebaikan dengan kejahatan. Tolaklah (kejahatan itu) dengan cara yang lebih baik, sehingga orang yang ada rasa permusuhan an-tara kamu dan dia akan seperti teman yang setia”*).

The resolution of disputes or conflicts is carried out through the development and formation of character. At least there are several components that have an important role in the development and formation of these characters such as parents, circle of friends, social environment, school environment, work environment, and the national environment in which a person is located.⁴⁰ The manifestation of religious values in the innovation function can be done by involving the roles of all parties to help resolve problems or conflicts that occur. Cooperation is carried out in synergy between policies or laws with the government, law enforcement, communities, and religious families.

All religions basically teach about goodness, peace, brotherhood, harmony, between individuals and groups. There are no religion wants friction or hostility.

⁴⁰ Abdul Majid et al, *Pendidikan Karakter Dalam Perspektif Islam* (Insan Cita Utama 2010).[63].

So that religious teachings are not limited to commands and prohibitions, but also become guidelines, norms, and life instructions for humans. Here religion acts as a social controller and has a social role. The social role functions as an integrative factor for society, which means that religion can create a common bond between community members and can unite the community.⁴¹

So that, if implemented in a group of supporters, supporters must be able to resolve the conflict, misunderstanding, and excessive fanaticism in good ways. Even though supporters consist of various tribes, races, or religions. In resolving a conflict or problem, it is prioritized to resolve it peacefully, good way, and not teach to resolve it roughly or with violence. Thus, the innovation function can be used to resolve existing problems or conflicts as the fourth pattern for formulating non-penal policies in the future.

Conclusion

The idea of forming a non-penal policy is part of an effort to reform Indonesian criminal law which can be done by internalizing the values of Pancasila. This value is mainly reflected in the first principle of “Ketuhanan Yang Maha Esa” (Belief in One Supreme God) which is the basis for all Pancasila Principle, thus confirming that the national legal system is not secular but very religious. The implementation of religious values is very important because it is the source and basis for cultural, moral, and religious values. These values will synergize to answer all weaknesses, dissatisfaction, concerns, and crises of confidence in the legal system, legal policy, and law enforcement so far. The application of religious values and functions as based on Pancasila which is used as a basis to countermeasure supporter anarchism can be seen from religion as a tool to restrain or limit which is called the function of domestication, religion as a tool to make people good and caring which is called the personalization function, religion as a tool to limit social conflict which is called compensation function, and religion as a tool that has a creative function to help

⁴¹ Sungkring (n 38).[111-113].

resolve problems or conflicts which is called the innovation function

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