



Legal Protection for the Safety of Supporters in Sports Championships

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ABSTRACT. Supporters play a role in providing support, enthusiasm and motivation in the holding of sports championships. In providing support, supporters may assume a risk to their safety both inside and outside of sports events. Indonesian Law Number 11 of 2022 concerning Sports which regulates all aspects related to sports has not expressly regulated the form of protection to which supporters are entitled. The purpose of this study is to reveal the form of legal protection for the safety of supporters in the holding of sports championships. This study uses a normative juridical method because it departs from the ambiguity of norms. The results of this study indicate that the legal relationship between supporters and sports championship organizers is a legal relationship born from an agreement. There are differences in the protection of safety and security for supporters inside the match and outside the match. Supporters obtain safety and security protection in their position as spectators in sports matches, but there is no clear regulation regarding the form of protection they will receive if they provide support outside of sports matches.

Keywords: Supporter, Safety, Sports Championship

1 Introduction

Sports in its development serves as one of the means for self-actualization, and for that various types of championships are held in that field. Holding of a sports championship involves several elements—sportsmen, coaches, clubs, main sports organizations and supporters. Provisions regarding supporters are regulated in Article 1 subsection 10 of the Indonesian Law Number 11 of 2022 concerning Sports (hereinafter referred to as the Sports Law). In that article it is specified that supporters refer to individuals or groups of people who provide support and have special attention to certain sports. This definition places supporters as an important element in the sports industry. Community groups which are present directly to support their favorite team in competition and form a creativity that characterizes the uniqueness of the groups are called supporters. The sport of football is able to attract and mobilize supporters to come to the stadium so as to bring an impact on holding a sports championship. In Indonesia, there are several supporters for the sport of football, such as The Jakmania, Bobotoh, Bonek, Aremania and Persipura Mania [1]. Other sports such as basketball also have several supporters, such as Northsideboys12, supporters of the Bali United

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FC basketball club who are creative in supporting their favorite team [2]. These supporters play a separate role in organizing sporting championship events.

Administration of sports championships is regulated in Chapter VIII of the Sports Law which has the objectives as stated in Article 46 of the law. These objectives include to recruit potential sportsmen, to increase national prestige and prestige, to realize mutual respect for diversity among nations and others. Achievement of the goals of the administration of sports championships in realizing mutual respect for diversity among nations is not only by mutual respect between participants in a championship but mutual respect must also be demonstrated by supporters in providing support in a sports championship. This is because in a championship there will be supporters from various regions and even from different countries to provide support.

Supporters who give support will cause crowds, for example in the 2022/2023 League 1 Season matches, from week 1 to week 20, the total attendance at the stadium was 1,076,145 supporters [3]. Supporters in the match between Arema and Persebaya were the largest number of supporters present in direct support to the stadium; it is 42,588 supporters [3]. At football matches, the supporters who are present to support directly to the stadium have the potential to cause problems that threaten safety. For example, in the case of riots between supporters at the match between Arema and Persebaya. At that event, Arema was the home team and lost to Persebaya. Some supporters for the Arema club did not accept the loss so that several incidents occurred. The incident eventually ended up being a tragedy in the world of Indonesian football, because the victims reached hundreds of people.

The risk of the safety of supporters when providing support at sporting championship events causes the need for protection for the safety of supporters. The rights of supporters to obtain legal protection are regulated in Article 55 subsection (5) letter a, of the Indonesian Sports Law. The article mentioned states that sports supporters are entitled to legal protection, both inside and outside the match venue. Unfortunately, regarding the form of legal protection given to supporters is not explained explicitly in Article 55 subsection (5) letter a, of the Sports Law. The ambiguity of the regulation raises problems regarding the right of supporters to obtain safety protection because the provisions of Article 55 subsection (5) letter a, also do not explain the extent of the scope of protection and the type of protection intended. Based on these problems, this study aims to examine how the safety of supporters in sports championship events is legally protected in Indonesia.

2 Research Methods

This form of research is normative legal research because the analysis's main concern is the clarity of standards rather than their ambiguity. The main focus of normative legal research is on laws that are conceived as social norms or guidelines that guide everyone's behavior [4]. Soekanto and Mamudji define normative legal research as legal research done by looking through library resources or secondary data [4]. The statutory approach and conceptual approach to legal research were employed in this work. Research in libraries and online (online research) searches for legal materials

produced the legal materials used in this study. In order to gather primary legal resources, secondary legal materials, and tertiary legal materials, literature study was carried out. By locating and methodically accumulating legal documents that relate to the study's topics and have authority in the form of laws and regulations, primary legal materials were gathered. We gathered secondary legal materials by reading books and journal articles. To gather legal theories and notions that support the research, tertiary legal materials are used, such as information taken from dictionaries that are pertinent to the study's subject. Legal materials collected through library research and online research were analyzed using interpretation the analysis technique or legal interpretation technique.

3 Result and Discussion

3.1 Legal Relationship between Supporters and Sports Championship Event Organizers

Sports championships will be interesting if there are supporters. Supporters have a role in providing support and encouragement in a match. ARTICLE 55 subsection (1) of the Indonesian Sports reads:

“On any organization of Sport championship there are Sport Supporters who play an important role to provide spirits, motivations, and supports both in or out of any Sport championship.”

Based on the provisions of Article 55 subsection (1), there is a juridical acknowledgment regarding the position and role of supporters in a sports competition both inside and outside the competition.

In performing its role to provide direct support in a match, supporters must buy tickets as a condition for entering the match venue. A ticket, according to the Large Indonesian Dictionary, is called *karcis*. It refers to a small letter (a special piece of paper) as proof that you the holder has paid the fare and so on (to take the bus, watch a movie and others). The obligation to buy tickets to watch a match is because the organization of a sports championship event is part of the product in the sports industry, so the organization of a match is not only to provide entertainment for everyone who watch it but also to make a profit. The organizers of sporting championship events have the authority to provide tickets for organizing a sporting championship event. Thus, in buying and selling tickets, the match organizer is the seller and the supporters are the ticket buyers

Selling tickets for a match in a sports championship event is one of the products of the sports industry that generates enormous profits. The enormous profits are obtained from the intensity of ticket purchases made by supporters at every match event, because in providing support for their favorite team, supporters will buy tickets continuously. For example, in a sport of football, the Bali United Club was able to make a gross profit from ticket sales of IDR 1,270,875,000 per match played by the club [6]. Based on this, if examined from a business perspective the role of supporters, apart from being a team supporter, also provides benefits for the sports industry itself.

On the other hand, the use of tickets as a condition for watching a sporting championship event is not only a matter of supporters giving business benefits to the organizers but also concerns the matter of facilitating the fulfillment of supporters' rights when watching a match. Supporters who have purchased tickets for a match event will get rights in the form of facilities according to the value of the entrance ticket. Based on the provisions of Article 54 subsection (5) letter b, of the Indonesian Sports Law, the entrance ticket facility in question includes the facility to enter and occupy the place to watch the match/race according to the ticket purchased, capacity, proper public facilities, and easy access to information. Sports championship organizers have an obligation to provide these various facilities in return for ticket prices paid by supporters.

Legal actions in the form of buying and selling tickets between organizers of sports championship events and supporters give birth to a legal relationship. Legal relationship is a relationship that gives rise to legal consequences in the form of rights and obligations. Legal consequences can also be interpreted as something that is the result of an agreement made by the parties [7]. This legal relationship can be born because of a law and born from an agreement or what is called a contractual legal relationship. The legal relationship between the organizers of the sports championship event and the supporters occurs when the sale and purchase of tickets takes place.

A sale and purchase event is regulated in Article 1457 of Indonesian Civil Code (hereinafter referred to as the Civil Code), which states:

“a sales and purchase agreement constitutes an agreement in which one party binds itself to a delivery of goods, and the other party binds itself to a payment accordingly.”

Based on the provisions of Article 1457, if the buyer and seller have agreed to buy an item, an agreement has been born between the parties that creates an obligation for them to deliver an item and pay the agreed price. This is in accordance with the principle of consensualism, stating that an agreement is born at the moment an agreement is reached between the two parties regarding the main matters of what is the object of the agreement [5].

With reference to the provisions of Article 1457 of the Civil Code, the legal relationship between the organizer of a sports championship event and the supporters is formed when there is an agreement between the two parties to bind themselves to hand over an item (in the form of a ticket) and pay a predetermined ticket price. Thus, the legal relationship between the supporters and the organizers of the sports championship event is a legal relationship born from an agreement.

3.2 Legal Protection for Supporters' Safety in Sports Championship Events

Organizing a sports championship event is an activity that already has loyal supporters who will watch every championship event that will take place. When a match is taking place, there will be many fans supporting different teams so there is a risk of incidents that threaten the safety of the supporters. Therefore, there is a need for protection for supporters in providing support to their favorite team both inside and outside the match. Rahardjo claims that legal protection is an endeavour to safeguard an

individual's interests by granting them the authority to act in accordance with those interests [8].

In the provisions of Article 1 subsection 10 of the Indonesian Sports Law, supporters are defined as an individual or a group of individuals who supports and provides the special interests to a certain Sport program. These supporters play an active role in providing spirits, motivations, and supports both in or out of any Sport championship, as stipulated in Article 55 subsection (1) of the Indonesian Sports Law. Based on the provisions, supporters provide support in two circumstances—providing support in the championship sport and providing support outside the championship sport, so supporters need to obtain safety protection for both of these circumstances.

3.2.1. Legal Protection for Supporters' Safety in Providing Support in Sports Championships

At the time of providing support in sports matches, supporters also serve as spectators. Spectators in a match can be divided into two categories: first, spectators who just enjoy the match without taking sides or supporting one of the teams, and secondly, spectators who support and provide spirits to the team they choose; this second group of spectators is called the supporters [5]. In their position as spectators, supporters not only get their rights as supporters but also their rights as spectators. This is because the Indonesian sports law distinguishes between the rights of supporters and the rights of spectators which are regulated in Article 54 subsection (5) and Article 55 subsection (5). The arrangements for these rights are as explained in the following.

Article 54 subsection (5)

The rights of spectators as referred to in subsection (4) shall include:

- a. to express support, enthusiasm, and motivation at any Sport championship;
- b. to obtain facilities which correspond to the entry ticket value;
- c. to obtain safety and security guarantees.

Article 55 subsection (5)

Any Sport Supporters as referred to in paragraph (2) shall have the following rights:

- a. to obtain legal protection, both in or out of Sport championship;
- b. to obtain supervision from organizations or legal entities of Supporters which shelter them;
- c. to obtain priority opportunity to own any club through share ownership in accordance with the provisions of laws and legislation;
- d. to provide direct or indirect supports, both in or out of Sport championship.

Based on the provisions of Article 54 subsection (5) and Article 55 subsection (5), supporters in their position as spectators are guaranteed safety and security when watching a sports championship. The provision of legal protection for safety guarantees is the obligation of parties who have a legal relationship with supporters in organizing sports championship events. As explained in the previous sub-section of this paper, supporters have a contractual legal relationship with the organizer of a sporting championship event because supporters in their position as spectators have made purchases of tickets which serve as the basis for a legal relationship between them and the organizers of the sporting championship event.

Organizing a sporting event, especially one that is a championship or competition in nature in which it is contested, has a person in charge as stipulated in the Indonesian sports law. In Article 54 subsection (2) of the Indonesian Sports Law, it is stated that any event organizer of Sport championships shall have a person in charge of activities. For example, a football match has several structures of the match organizing committee, starting from the chief executive, deputy chairman, secretary, treasurer and so on [5]. The parent organization of the sports branch is responsible for organizing sporting championship events which consist of several levels—international, national and regional levels. For example, in the sports branch of the Indonesian Football Association (Persatuan Sepakbola Seluruh Indonesia, abbreviated as PSSI) and on the badminton event there is the Indonesian Badminton Association (Persatuan Bulu Tangkis Indonesia, abbreviated as PBSI). The parent organization of the sports branch is responsible for organizing championship events for each sport.

3.2.2. Legal Protection for Supporters' Safety in Providing Support Outside of Sports Championships

In playing their role to provide spirit, motivation and support to a team, supporters do not only do that during the match but even outside the match. When providing support outside of a sports championship, the supporters are no longer in the position of spectators, so they do not have the rights of spectators as stipulated in Article 54 subsection (5) of the Indonesian Sports Law. Accordingly, when providing support outside of the match, supporters are only entitled to the rights provided for in Article 55 subsection (5), namely:

- a. to obtain legal protection, both in or out of Sport championship;
- b. to obtain supervision from organizations or legal entities of Supporters which shelter them;
- c. to obtain priority opportunity to own any club through share ownership in accordance with the provisions of laws and legislation; and
- d. to provide direct or indirect supports, both in or out of Sport championship.

Arrangements for the rights of supporters concerning legal protection only regulate the right to obtain legal protection both inside and outside the sports championship. The phrase “outside sports championship” in the provisions of the article can be interpreted very broadly, because in the Indonesian sports law there are no restrictions regarding the scope of what this phrase means. In addition, there are no articles that further regulate what forms of legal protection are given to supporters outside the match. Even in the elucidation of Article 55 subsection (5), there is no explanation regarding the scope and form of legal protection given to supporters. Based on this, there is no legal certainty regarding the protection of safety for supporters outside the match. This is different from the right to safety for spectators, in that, the right to obtain guaranteed safety protection is regulated explicitly in the provisions of Article 54 subsection (5), letter c.

The ambiguity of regulation regarding the right to safety guarantees for supporters outside of matches causes legal uncertainty regarding the protection of safety that supporters obtain. In fact, when viewed from the sociological problems there are sev-

eral safety risks experienced by supporters outside the competition. This is proven by the existence of several cases that threaten the safety and security of supporters outside the match, such as the case that occurred in a football match that brought together Persib against Persija. The match caused one Persija supporter to die as a result of beatings by Persib supporters in the stadium parking area [9]. In another event, a Persib supporter had an accident and the supporter died as a result of falling and being trampled during the queue situation to enter the stadium.

Provisions on safety protection for supporters outside the match are also determined by whether or not there's a party obliged to provide such protection. Legal relationship between supporters and organizers of sports championship events is only limited to when supporters provide support in a match, so that the responsibility of organizers of sports events for the safety of supporters is only limited to when supporters provide support in that match as well. In Indonesian sports law there is no clear regulation regarding the parties who are obliged to provide protection to supporters when providing support outside of sports matches. In Article 55 subsection (4) of the Indonesian sports law there is only a regulation on the obligations of sports supporter organizations or legal entities to manage and coach their members, but there is no obligation to provide safety protection for the supporters in providing support outside the match.

3.3 Conclusion

1. Legal actions in the form of sale and purchase of tickets between the organizers of a sports championship event and supporters gave birth to a legal relationship. With reference to the provisions of Article 1457 of the Indonesian Civil Code, the legal relationship between the sports championship organizer and the supporters is formed at the time there is an agreement between the parties to bind themselves to hand over an item (in the form of a ticket) and pay a predetermined ticket price. Based on this, the legal relationship between supporters and organizers of sports championship events is a legal relationship that is born from an agreement.
2. Legal protection for the safety of supporters in organizing sports championship events has not been expressly regulated in Indonesian Law Number 11 of 2022 concerning Sports. Safety and security guarantee arrangements are only given for spectator rights. Supporters only obtain protection for the rights to safety and security if they are in their position as spectators in a sports match, but if they provide support outside a sports match there is no clear regulation of the form of protection they will obtain.

Authors Contributions

All authors contributed to the presented idea, verified the analytical methods, to the analysis of the results and to the writing of the manuscript.

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