

## History of the Establishment of Law Number 11 of 1980 Concerning the Crime of Bribery in Indonesian Football Scoring Regulation

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### Abstract

*The problem of bribery is one of the problems that has occurred in society for a very long time. In general, bribes are given to influential people or officials to do or not do something related to their position. People who give bribes usually give bribes so that their wishes are achieved, either in the form of certain benefits or to be free from punishment or legal process. This writing, apart from being an assessment of the final project, also aims to explain the history of the development of Law No. 11 of 1980 concerning the Crime of Bribery in eradicating score-fixing in soccer. The data used is secondary data in collecting information from various reading sources. Law Number 11 of 1980 is a tool to eradicate bribery in the sports and private sector that is suitable for eliminating all forms of bribery, because this law is an extension of the Criminal Code, so it is still relevant to be used in eradicating bribes in football.*

### Keywords

crime of bribery; fixing score;  
football



### I. Introduction

The problem of bribery is one of the problems that has existed for a very long time in society. In general, bribes are given to influential people or officials to do or not do something related to their position. People who give bribes usually give bribes so that their wishes are achieved either in the form of certain benefits or to be free from punishment or legal process. Since Indonesia's independence, the government has continued to strive to create conditions that can bring the Indonesian nation into the ideals of independence, namely a just and prosperous society both materially and spiritually based on Pancasila and the 1945 Constitution. One of the government's programs is to create awareness For the Indonesian people, the Government has tried to replace all colonial relics that are not in accordance with the nature of our personality, create something new or change the old one by adjusting to the personality of the Indonesian nation. (Bary, 2014). In the implementation of government politics in the regions, it is not possible to only prioritize one aspect (economics) but it is important to pay attention to other aspects, namely environmental sustainability so that the implementation of green government is very important in supporting environmental sustainability in the political process of government in the regions (Dama, 2021). The Government of the Republic of Indonesia was formed to protect the whole of the Indonesian people (Angelia, 2020). To that extend, one of the important elements to consider is Human Resources (HR).

The current Criminal Code in Indonesia is the Criminal Code based on Law Number 1 of 1946 in conjunction with Law Number 73 of 1959, as well as several amendments and additions. One of the articles that want to be refined in its understanding is Articles 209, 418, 419 of the Criminal Code in terms of the crime of bribery. (Suhatrizal, 2004).

The creation of Law no. 11 of 1980 concerning the crime of bribery began with the occurrence of bribery events in the sports/sports world, especially football in the 1980s which at that time was widely discussed by the public, which raised the question of whether bribery among sports could be punished or not because in the regulations According to the existing law, the act cannot be categorized as a crime both in the Criminal Code and the Corruption Act. In connection with this, although it has not been said to be a criminal act (bribery in sports), it is still a despicable act and is contrary to the decency and morals of Pancasila because it has an impact on the wider community and needs to be declared as an act that deserves punishment. On February 21, 1980, the government, in this case the Minister of Justice, submitted a bill on the amendment and addition and expansion of several articles in the Criminal Code (Articles 4 and 303) relating to bribery in the field of sports ([https://bphn.go.id/data/documents/bidang\\_pidana\\_suap.pdf](https://bphn.go.id/data/documents/bidang_pidana_suap.pdf)).

## II. Research Method

According to Johnny Ibrahim, (Ibrahim, 2013) normative legal research is a scientific research procedure to find the truth based on scientific logic from the normative side. The normative side here is not limited to laws and regulations. As stated by Peter Mahmud, legal research is normative research, but not only positivist law research. Norms are not only interpreted as positive laws, namely rules made by politicians who have a higher position as stated by John Austin or rules made by rulers as stated by Hans Kelsen. Based on this opinion, legal research seeks to find the truth of coherence, namely whether the rule of law is in accordance with legal norms and whether the legal norms containing obligations and sanctions are in accordance with legal principles whether one's actions are in accordance with legal norms or legal principles. Therefore, norms are also interpreted as behavioral guidelines.

## III. Discussion

### 3.1. Establishment and Implementation of Law Number 11 of 1980 Concerning the Crime of Bribery

In fact, it is motivated by acts of bribery that have occurred in society in various forms and characteristics, especially bribery in the field of soccer, where this is very contrary to the norms of decency and morals of Pancasila and is dangerous for the development of the nation in general and sports development. sport in Indonesia in particular and because of these things must be eradicated and new regulations made.

Starting from the existence of bribery events in the sport of football that the public is busy talking about. The government issued a new regulation concerning bribery regulations, namely Law Number 11 of 1980 concerning the crime of bribery, passed on October 27, 1980 and is still valid until now at the beginning of its implementation this law has shown its effectiveness. For the first time this law was used to bring four suspects to the Tanjung Karang Lampung District Court in this case Hong Gwan alias Ahong, was brought forward as a defendant who gave bribes to other defendants charged with accepting bribes namely Budi Santoso, Bujang Nasril and Moh. It was fun, playing in the 1982 Jakarta Main Prosecutor's Team. However, after this case was completed, Law Number 11 of 1980 concerning the

Crime of Bribery seemed to have disappeared and was never again applied in punishing criminals, especially bribery by law enforcers. Many law enforcers in Indonesia are not aware of the existence of Law Number 11 of 1980 concerning the Crime of Bribery, coupled with the lack of socialization about this law at that time. (Suhatrizal, 2004).

The number of bribery cases in Indonesia in football in Indonesia, where in fact the regulations that regulate already exist, but a lot of bribers are released by law enforcers, especially the police. This is because our law enforcers are currently using Law Number 31 of 1999 in conjunction with amendments to Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. Unfortunately, bribery in this law focuses on officials or civil servants who are detrimental to state finances. The subject of state administrators, football players or family football cannot be said to be state administrators. The law on criminal acts of corruption as the basis for legal action against sportsmen cannot be categorized as civil servants, as long as they do not receive salaries or wages from legal entities / entities that use capital from the state. Seeing that family football is neither a civil servant nor a state administrator, then family football in football cannot be charged with the provision of a criminal act of corruption regarding bribery. (Suyanto, 2021).

Eradication of the crime of bribery in football scoring, it is better to continue to use Law no. 11 of 1980 concerning the Crime of Bribery whose presence was motivated by gambling and match fixing in football in the past. This means that this Law still exists and is not abolished after the Anti-Corruption Law. This law can be used to ensnare people involved in bribery, even though they are not elements of the government or state administrators. This law still exists and is relevant to be used to punish other parties/private parties. Law Number 11 of 1980 concerning the Crime of Bribery which is actually an extension of the articles in the current Criminal Code where this Law provides an expansion of bribery that violates the law elements of public interest. (Subandi, 2019). The political direction, objectives and formation of Law Number 11 of 1980 concerning the Crime of Bribery are as described below (Undang-Undang Nomor 11 Tahun 1980):

### **3.2 Political Direction**

There are three (3) foundations on which this law is made, namely:

- a. Philosophical Basis: In essence, bribery is very contrary to the norms of decency and morals of Pancasila, which endangers the life of the community and nation.
- b. Sociological Basis: The reality on the ground shows that bribery has occurred in various forms and characteristics which are harmful and damaging to society and therefore must be eradicated.
- c. Juridical Basis: The act referred to in the previous discussion has not been determined as an act that is punishable by a criminal offense, therefore it needs to be regulated in a law.

On February 21, 1980, the government, in this case the Minister of Justice, submitted a bill on the amendment and addition and expansion of several articles in the Criminal Code (Articles 4 and 303) relating to bribery. The existence of bribery which is felt to have a negative impact on the people and for the public interest, the government established Law Number 11 of 1980 which was then enacted and preceded by a draft law, submitted by the Government in its statement, while against it (government statement) a general view is held by the factions in a commission meeting in the House of Representatives. As is customary in Indonesia, when a draft law is submitted by the government, it must be ratified and approved by the DPR then the bill can be implemented as stated by the 1945 Constitution. This can be seen from the provisions of Article 5 paragraph (1) in conjunction with Article 20 paragraph (1). Article 5 paragraph (1) of each law requires the approval of the House of Representatives. (Suhatrizal, 2004).

The purpose of the formation of this law is intended to foster a clean and strong national character based on Pancasila, so bribery in various forms and characteristics needs to be prohibited. However, it is necessary to have restrictions, which are limited to bribery involving the public interest. According to Pratiwi (2020) in social life, law and society are two interrelated things that can never be separated. Through instruments, unlawful behavior is prevented and repressive measures are pursued (Tumanggor, 2019). From the aforementioned provisions, it proves the existence of new developments regulated in this Law (Purba, 2019). The process of forming a law begins with a draft law by preparing a draft law, a draft law can come from the government or from the House of Representatives. This can be concluded from Article 20 paragraph (2) and Article 21 paragraph (1). Article 20 paragraph (2) if a draft law is not approved by the House of Representatives, then the draft cannot be brought forward again in the current session of the House of Representatives. In the consideration, it states that the bribery regulation in the existing regulations is essentially contrary to the morals, religion, and morality of Pancasila, namely endangering the life of the community and nation. After Law Number 11 of 1980 was published in the State Gazette of the Republic of Indonesia of 1980 Number 58 and promulgated in Jakarta on October 27, 1980, an additional State Gazette of 1980 Number 378 was ratified and promulgated and entered into force. (Suhatrizal, 2004: 8)

#### IV. Conclusion

The law is a legal product which in its manufacture or formation takes a short time and is not easy to make because every legal product made is intended for the wider community and also for the common interest. The purpose of the establishment of law no. 11 of 1980 concerning the crime of bribery is intended in the context of fostering a clean and strong national character based on Pancasila, so bribery in various forms and characteristics needs to be prohibited. but it is necessary to have restrictions, which are limited to bribery involving the public interest. The creation of Law no. 11 of 1980 concerning the crime of bribery began with the occurrence of bribery events in the sports / sports world, especially football in the 1980s which at that time was widely discussed by the public, which raised the question of whether bribery among sports could be punished or not because in the regulations According to the existing law, the act cannot be categorized as a crime both in the Criminal Code and the Corruption Act. However, bribery is still contrary to the Moral and Pancasila of the Indonesian Nation and violates the principles of fair play and sportsmanship. Law No. 11 of 1980 is a tool to eradicate bribery in the sports and private sector that is suitable for eliminating all forms of bribery, because this law is an extension of the Criminal Code. Law No. 11 of 1980 concerning the crime of bribery still exists and has never been changed by the government so that it is still relevant in eradicating cases of bribery in football or other bribes outside the scope of ASN that violate the public interest.

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