

Comparison Of Legal Policies Against Racism In Football In Indonesia And The European Union

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Abstract

This study analyzes the legal policies of the European Union and Indonesia against all forms of racism and discrimination in soccer. The problems that arise are related to Indonesian legal policies compared to the European Union in fighting racism in soccer. The writing of this article uses empirical normative legal research, and the approach method used is an approach to legislation (statute approach). The results of the study state that the European Union has issued a number of policies to combat racism, among others by issuing Disciplinary Regulations (DR) and conducting several campaigns. Meanwhile, Indonesia does not yet have regulations regarding policies against racism in the *ius constitutum*. Therefore, the Executive Board, namely the government together with the legislative body, should be able to revise the existing rules in Law Number 3 of 2005 concerning the sports system. Besides Indonesia, it is hoped that they will be able to make firm rules regarding legal policies to fight racism in the world of Indonesian football.

Keywords: Legal Policy; Racism; Soccer

A. INTRODUCTION

Football is one of the most popular sports around the world [1]. Football is the most popular sport because the game of football can touch all levels of society regardless of one's social strata. Football has also become a universal language for every individual involved in it regardless of borders, whether country, age, gender, or religion [2]. In line with this, nowadays football has developed not only as a sport, but has become a diplomatic tool for various countries [3].

Football has always had a place in the hearts of people around the world. This is because football is a unique sport. Football is a combination of various aspects, ranging from skill, skill, fanaticism, emotion, sadness, and glory. Football is also more interesting when watched directly from the stands where there are always loud rumbling screams. Chants of encouragement to support their favorite team, drum beats, trumpets and also combined with choreography specially created by fanatical fans of a football club to support their favorite team.

In fact, every team has their unifying slogan, which makes it clearer to us that football is not just a sport. Who does not know Liverpool with the slogan "You'll Never Walk Alone", or Barcelona with its motto "Mes Que un Club" which means "more than just a club". The meaning of this slogan is very deep. If you live it, you will describe how Barcelona is not only a team but has become a Catalan icon. Barcelona is not just a club for its supporters, but has become an inseparable part of their lives.

Historically, modern football began in England. Football was originally just a sport played by the workers in England. The game of football continued to grow until England succeeded in standardizing the game of football in the form it is known today which is spread throughout the world. This was marked by the establishment of the Organization, namely The Football Association, through a meeting of 11 representatives from English football associations at the Freemason's Tavern Football Association in London. At the meeting The Football Association (hereinafter referred to as the FA), stated that the purpose of establishing the FA was to establish a single rule of playing football. This rule was then followed by other British football associations, namely Wales, Scotland and Ireland. Furthermore, the four associations of these countries finally formed the International Football Association Board (IFAB) which aims to be able to coordinate the rules of football that exist in the world.

The development of world football is also inseparable from the role of the European continent, especially western and southern Europe which has spread the game of football throughout the world [4]. If we look at the development of football in a footballing country like England, football is at the extreme like a religion to them. Something they love very much and the football club and football national team have become like their club by the fans or supporters of a club in each city in England, and is always a hot topic of conversation every time before or after matches between clubs or between countries [5].

Football spread widely throughout the world along with the rapid development of industrialization which gave birth to urban areas on the European continent. Because the game of football was used as entertainment by most people in Europe at that time [4]. This is also thanks to the increasingly advanced role of the mass media and their active role in spreading football to all corners of the world.

In line with the development and progress of world football, the Federation International de Football Association (FIFA) was born. FIFA was founded in Paris, France on May 21, 1904. The founding of FIFA was motivated by a meeting initiated by two football figures, Henry Delaunay and Jules Rimet. It was then attended by seven countries, namely Denmark, Spain, Sweden, Switzerland, Belgium and the Netherlands.

Talking about football on the European continent, of course, it cannot be separated from the role of the Union of European Football Associations (hereinafter referred to as UEFA). UEFA is the administrative and controlling body of European football associations. UEFA represents some of Europe's national football associations, runs national and club competitions in the region, and controls prize money, regulation and media rights for those competitions. UEFA is the largest of FIFA's six continental confederations. Of all the confederations, he is the strongest in terms of wealth and influence at the club level. UEFA was founded on 15 June 1954 in Basel, Switzerland. Headquarters was in Paris until 1959 when the organization moved to Bern.

UEFA as an international organizational body in the field of football is under the auspices of the parent organization FIFA, of course, it has its procedures and regulations in the implementation process in the continuity of European football. In this case, the role of the UEFA organization is very central considering that in football, the state's authority is strictly prohibited from participating in determining football policies and regulations. Although the UEFA body is still under the control of FIFA, UEFA is legitimately an international organization that is independent and independent in carrying out its activities. As an international organization, UEFA is also free from the influence of other parties.

Along with the progress and attractiveness of European football in the eyes of the world, it is also inseparable from various classic problems that arise in football itself, both technical factors and non-technical factors that can more or less affect the image of European football and the UEFA association itself. One of the classic problems is the issue of racism.

Racism seems to have become a part of football, the term "racism" is usually used to describe hostility, antipathy (dislike) and negative feelings of a person or certain ethnic group towards other ethnic groups. The most powerful racism today in European Union countries, among others, is the fear of the white race being overthrown by the majority of the colored people [6]. Racism is also a violation of human rights, in the perspective of Human Rights there should be no discriminatory treatment aimed at certain community groups [7].

The treatment of racism that has occurred has developed in various forms and patterns, so that racism in football today can be said to be the most universal human defect. Racism of course should not exist in football, because football itself is a sport that highly upholds the values of sportsmanship which is completely contrary to the various acts of racism itself. Even on a continent that can be called the paradise of football, the issue of racism seems to remain a frightening ghost that can undermine the fabric of European football itself.

Several cases have occurred within the last 1 (one) decade. For example, the case of racism that befell Mario Balotelli, the Italian striker is often equated with a "monkey". The racial treatment received by Mario Balotelli while defending Inter Milan, AC Milan, Manchester City, to Rescia. Mario Balotelli's why always me celebration while defending Manchester City against Manchester United as a form of protest against the racism he experienced [8].

The same case also occurred in 2004, the issue of gripping racism also occurred during the match between the English and Spanish national teams at Santiago Bernabeu, Madrid. The majority of the Spanish national team supporters shouted, "jump if you are not black" accompanied by monkey gestures from the stands. This racist ridicule is clearly aimed at black England players, because at the same time the Spanish national team does not have African-blooded players [9]. History records "Monkey" is a racial slur used to ridicule people of African descent, who think accuse people of being closely related to monkeys genetically and physically [10].

The treatment of racism does not only occur on the European continent. Racism also occurs in Indonesian football, even in a soccer match in the Indonesian League, not only in the form of verbal utterances or insults, but has led to various forms of physical aggression carried out by unscrupulous supporters in Indonesia. These aggressions include mineral bottles, flares, matches, stones, food, and insults in the form of sentences containing racism by unscrupulous supporters in Indonesia [11].

Based on the facts described above, this article will analyze the problem with a comparative approach to Legal Policy. While the formulation of the problem taken in this article is; What is the legal policy between Indonesia and the European Union in fighting racism in soccer?

B. METHODS

The writing of this article uses normative legal research, and the approach method used is an approach to legislation (statute approach) [12]. Sources of data in this study consisted of primary data and secondary data. The primary data include statutory regulations, such as Law Number 39 of 1999, Law Number 3 of 2005, Government Regulation Number 16 of 2007 concerning the implementation of Sports, Treaty establishing a Constitution for Europe, Uefa Disciplinary Regulation Edition 2013 Article Racism, Other Discriminatory Conduct and Propaganda, FIFA Statutes, UEFA Statutes, PSSI Statutes. While secondary data consists of previous research journals related to the subject matter discussed in this study. The data analysis technique used in this study is qualitative in nature, ie the truth of the data/final premise is determined by the researcher himself. The form of research results will be presented in the form of analytical descriptive.

C. RESULT AND DISCUSSION

1. European Union Legal Policy against Racism

The issue of racism is a very urgent matter to be discussed. Several attempts have been made to combat racism in football, but racism is still an unsolved problem. Factors that often cause cases of racism in football include physical differences, differences in skin color, differences in religion and belief and ethnic differences. This difference is usually the subject of ridicule against a person or group of people in football.

The term racism is often used loosely and without much consideration to describe the hostility and negative feelings of an ethnic group or "society" towards other groups, as well as the various actions that result from those attitudes [13]. In general, racism is expressed through words or other practices that lead to the disadvantage of certain groups in enjoying many things [14].

Cases of racism and discrimination in football have become a classic problem in the international world. FIFA then set out racist offenses in its statutes to be punished. This was then followed by the European Union, through UEFA. The European Union football body issued

the Disciplinary Regulations (DR), related to the treatment of racism, regulated in Article 14 paragraph (1) disciplinary regulations (DR) of 2020 which states that "Any person under the scope of Article 3 who insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion, ethnic origin, gender or sexual orientation, incurs a suspension lasting at least ten matches or a specified period of time, or any other appropriate sanction."

Sanctions for perpetrators of racism have also been regulated in Article 14 paragraph (3) of disciplinary regulations (DR) which explains that "first, a second offense is punished with one match played behind closed doors and a fine of € 50,000, second, any subsequent offense is punished with more than one match behind closed doors, a stadium closure, the forfeiting of a match, the deduction of points and/or disqualification from the competition."

The above rules emphasize that any racism that occurs on the field, then UEFA as the football body that oversees the football of European Union countries has made strict rules in the form of fines and also bans spectators to disqualification for clubs participating in the competition. UEFA also plans to make rules regarding prison sentences for perpetrators of racism in the sport of football. This rule is urgent, this is because racism in Europe is currently attacking footballers through the players' social media.

Several campaigns have also been attempted by UEFA, such as Kick it out (KIO), Football Unites Racism Divides (FURD), No Room for Racism, Say No to Racism, No More Racism, Red Card for Racism, Unite Against Racism, to the last Black Live Matter campaign by sitting with knees bent before kick off.

2. Indonesian Legal Policy against Racism

The issue of racism in Indonesian football is also an important note. Many cases of racism afflict soccer players in both league 1 and league 3. Various treatments are received by soccer players on the field, such as shouting and chanting insulting limbs, to the latest done through social media.

Unlike the European Union, the rules regarding racism have not been specifically regulated in positive law in Indonesia. Laws related to sports, among others, Law Number 3 of 2005 concerning the National Sports System only regulates the principle of non-discrimination. This is contained in article 5 letter (a) of Law Number 3 of 2005 concerning the National Sports

System which states that "Sports are held with democratic principles, are not discriminatory and uphold religious values, cultural values, and national pluralism."

Another rule in Law Number 3 of 2005 concerning the National Sports System is also explained in Article 11 paragraph (2) which states that "The government and local governments are obliged to provide services and facilities and ensure the implementation of sports activities for every citizen without discrimination."

In Indonesia, positive law has not explicitly regulated how to combat racism in sports, particularly football. The Indonesian Football Association (PSSI), which oversees football in Indonesia, does not explicitly regulate how the rules against racism are enforced.

PSSI code of ethics only regulates in general regarding discriminatory treatment. This is regulated in article 5 paragraph (2) which explains that "All forms of discrimination against a country, individual or group of people on the basis of ethnicity, gender, language, religion, politics or other reasons are expressly prohibited and can be sentenced to temporary dismissal or termination."

Almost the same as the two rules above, the Government Regulation of the Republic of Indonesia Number 16 of 2007 concerning the Implementation of Sports also does not regulate how legal policies are in dealing with racist treatment received by athletes, both on the field and outside the field to social media.

In contrast to the European Union, which has clearer and more explicit rules regarding sanctions imposed on perpetrators of racism. The European Union also has a special body that investigates racism in football. UEFA as the body that oversees European football also cooperates with various parties, including the Football Against Racism in Europe (FARE) Network.

This collaboration with the FARE Network was carried out to assist UEFA in investigating the treatment of racism on social media. This collaboration has been started since 2012. Another policy implemented is by boycotting social media. The increasing number of cases of racism that befell footballers in cyberspace is taking firm action by inviting them to stop uploading content to social media for an indefinite period of time. This is a positive step as well as providing protection for players who have experienced racist treatment.

Football and the parties involved in it must be kept away from all forms of racism and discrimination. Despite coming from different religious, ethnic, racial and political

backgrounds, football is expected to become a unifying nation, so that all elements can unite to work and support athletes who compete at club, national and international levels so that they are integrated into one strong nation and uphold high human rights [15].

Basically all humans on this earth are the same, namely as homo sapiens which consists of a number of populations, and the largest population is race. There is no scientific evidence that states that there is a correlation between intellectual and biological racial differences [16].

D. CONCLUSIONS

The problem of racism is common in Europe. UEFA as the European Union football body issued the Disciplinary Regulations (DR). This rule is then used to set racist offenses in the statutes to be punished. Another legal policy carried out by the European Union is to carry out several campaigns, such as Kick it out (KIO), Football Unites Racism Divides (FURD), No Room for Racism, Say No to Racism, No More Racism, Red Card for Racism, Unite Against Racism, until the last Black Live Matter campaign by sitting and bending your knees before kick off begins. Furthermore, the European Union also has a discourse to provide prison sentences for perpetrators of racism in football.

Unlike the European Union, the rules regarding racism have not been explicitly regulated in the ius consitutum in Indonesia. The applicable regulations are considered not to be the legal umbrella to fight racism in Indonesia. Law No. 3 of 2005 concerning the National Sports System also does not explicitly regulate how to take legal policy steps to fight racism.

From the discussion above, the author gives suggestions to the relevant parties to issue legal policies related to preventing racist behavior in the world of football. The author's suggestions are:

- a. The Executive Board together with the legislative body should revise the existing rules in Law Number 3 of 2005 concerning the sports system. Indonesia must make strict rules regarding legal policies to fight racism in Indonesian football. This is because the existing rules do not explicitly regulate racism.
- b. PSSI and related stakeholders should make steps in the form of socialization through social media, and provide understanding to parties who are in contact with soccer, in order to avoid and stay away from all forms of racism, both on the field and off the field.

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