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Criminalizing Assault in Football: Reconstructing Boundaries between Criminal Law and Lex Sportiva

Kriminalisasi Penganiayaan dalam Sepak Bola: Rekonstruksi Batas Hukum Pidana dan Lex Sportiva

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Abstract

Normative tension between penal protection of bodily integrity and autonomous sporting discipline frequently shields perpetrators of on-pitch football violence from criminal liability, while prior scholarship lacks operational parameters demarcating disciplinary fouls from criminal assault. This doctrinal legal study reconstructed the boundary of criminalization for football assault in Indonesia by applying statutory, conceptual, and case approaches analyzed through systematic, teleological, and deductive syllogistic interpretation. The findings demonstrate that while athletes impliedly consent to foreseeable physical risks reasonably incidental to legitimate ball contestation, intentional violence detached from gameplay objectives pierces sporting autonomy and fulfills the statutory elements of assault. Consequently, criminal law and lex sportiva operate complementarily without violating ne bis in idem, because federation sanctions preserve competition order whereas penal prosecution vindicates bodily security and secures court-ordered victim restitution. This two-tier demarcation model establishes conceptual novelty for transnational sports jurisprudence, guiding international legal orders in preventing both overcriminalization and athletic impunity.

Abstrak

Ketegangan normatif antara perlindungan pidana atas integritas tubuh dan otonomi disiplin olahraga kerap melindungi pelaku kekerasan lapangan sepak bola dari pertanggungjawaban pidana, sedangkan literatur terdahulu belum memiliki parameter operasional pemisah pelanggaran disiplin dengan tindak pidana penganiayaan. Penelitian hukum doktrinal ini merekonstruksi batas kriminalisasi penganiayaan sepak bola di Indonesia melalui pendekatan perundang-undangan, konseptual, dan kasus yang dianalisis menggunakan interpretasi sistematis, teleologis, serta silogisme deduktif. Hasil penelitian menunjukkan bahwa meskipun atlet secara tersirat menyetujui risiko fisik wajar yang melekat pada perebutan bola yang sah, kekerasan sengaja di luar tujuan permainan menembus otonomi olahraga dan memenuhi unsur delik penganiayaan. Konsekuensinya, hukum pidana dan *lex sportiva* berlaku komplementer tanpa melanggar asas *ne bis in idem*, karena sanksi federasi menjaga ketertiban kompetisi sedangkan penuntutan pidana menegakkan keamanan fisik serta menjamin restitusi pengadilan bagi korban. Model demarkasi dua lapis ini menghadirkan kebaruan konseptual bagi yurisprudensi olahraga transnasional sekaligus memandu tatanan hukum internasional mencegah overkriminalisasi maupun impunitas.

A. INTODUCTION

1. Background

A profound normative clash persists between the sovereign mandate of national criminal law to protect bodily integrity (*das Sollen*) and the empirical immunity frequently afforded to perpetrators of severe physical violence during competitive football matches (*das Sein*). Under Indonesian positive law—codified in Article 351 of the 1946 Penal Code (*Kitab Undang-Undang Hukum Pidana*) and modernized under Article 466 of Law No. 1 of 2023 on the Indonesian Criminal Code—any intentional act inflicting bodily harm or physical suffering upon another person constitutes the criminal offense of assault (*penganiayaan*).[1] In practice, however, violent acts committed on the football pitch that far exceed the legitimate boundaries of sporting competition are routinely absorbed into the internal disciplinary mechanisms of sports federations, effectively insulating offenders from public penal accountability. This regulatory disparity materialized starkly during the Indonesian Liga 3 match between PPSM Sakti Magelang and Persak Kebumen on November 1, 2021, when Persak Kebumen player Tri Hartanto intentionally stomped on the neck of fallen PPSM Sakti Magelang player Santino Berti. Although the attack targeted a vital anatomical region while the victim lay defenseless on the turf without any nexus to contesting the ball—resulting in acute trauma that required emergency ambulance evacuation and hospitalization—the incident terminated solely in administrative sanctions imposed by the Football Association of Indonesia (*Persatuan Sepak Bola Seluruh Indonesia* or PSSI), bypassing the criminal justice system entirely.

This enforcement vacuum is not an isolated anomaly, but rather a systemic symptom of jurisdictional ambiguity between internal sporting governance and state penal authority. Competitive football operates within a transnational autonomous regulatory order known as *lex sportiva*, promulgated globally by the *Fédération Internationale de Football Association* (FIFA) and enforced domestically by PSSI to safeguard competitive integrity, match order, and institutional compliance.[2] While *lex sportiva* empowers match officials and disciplinary committees to impose cautions, expulsions, match suspensions, and organizational fines, these administrative measures

[1] Law No. 1 of 2023 on the Indonesian Criminal Code, State Gazette of the Republic of Indonesia Year 2023 No. 1, Supplement to the State Gazette No. 6842, art. 466.
[2] Aufa Dhiya Ulhaq and Krish Rugchatjaroen, "The Relevance of Lex Sportiva with Criminal Law on Football Sports Issues," *Indonesian Journal of Sports Law* 1, no. 2 (2024): 3–5, https://doi.org/10.26740/ijsl.v1i02.36114.

are structurally designed to regulate membership conduct rather than to vindicate public legal interests or restore victims' rights. Conversely, criminal law exercises the coercive authority of the state to protect fundamental human rights to physical security and bodily autonomy. When domestic law enforcement defers unconditionally to sporting bodies, the football pitch is erroneously transformed into an extraterritorial enclave immune from national statutory law. Yet, indiscriminate criminal intervention into routine physical contact—such as hard tackles, aerial duels, or accidental collisions inherent to a high-intensity contact sport—equally threatens to induce overcriminalization, chilling athletic competition and destabilizing the certainty of sporting rules.

Contemporary legal scholarship across national and international jurisdictions has increasingly debated the jurisdictional boundary between *lex sportiva* and domestic positive law, coalescing around two primary thematic trajectories. The first trajectory examines institutional harmonization and regulatory hierarchy between transnational sporting statutes and sovereign state law. Taufiqurrohman and Bahar demonstrate that the domestic enforcement of FIFA Statutes in Indonesia generates acute constitutional friction regarding legal certainty and normative hierarchy, establishing that private transnational sports regulations cannot override binding national legislation.[3] Extending this institutional perspective, Suparman et al. emphasize that national football governance remains legally subordinate to positive state law and executive policy frameworks,[4] whereas Shidiq and Kartika expose structural disharmony between PSSI regulations and FIFA safety protocols in stadium crowd management.[5] While this institutional scholarship confirms that sporting autonomy is neither absolute nor self-executing within a sovereign legal order, its analytical focus remains confined to macro-level organizational governance and stadium administration rather than formulating substantive dogmatics for individual criminal liability on the pitch.

[3] Moch Marsa Taufiqurrohman and Muhamad Ghifari Fardhana Bahar, "Problematik Kedudukan, Kepastian, dan Penegakan Hukum Statuta FIFA di Indonesia," *Jurnal Legislasi Indonesia* 20, no. 3 (2023): 14–25. https://doi.org/10.54629/jli.v20i3.1055

[4] Yusup Suparman et al., "Aspek Hukum Positif Nasional Dalam Tata Kelola Olahraga Sepak Bola (Suatu Perspektif Instruksi Presiden Nomor 3 Tahun 2019 Tentang Percepatan Pembangunan Persepakbolaan Nasional)," *Justlaw: Journal Science and Theory of Law* 2, no. 1 (2025): 89–92. https://ojs.sains.ac.id/index.php/Justlaw/article/view/107

[5] Dida Yudhantara Shidiq and Adhitya Widya Kartika, "Disharmonisasi Peraturan PSSI Terhadap Peraturan FIFA Dalam Pengendalian Massa di Stadion," *Widya Yuridika: Jurnal Hukum* 8, no. 2 (2025): 270–74. https://doi.org/10.31328/wy.v8i2.6327

A second scholarly trajectory directly confronts the intersection of *lex sportiva* and criminal law in adjudicating sports-related misconduct, yet remains divided over the operational threshold of state intervention. Examining financial and integrity crimes in football, Romadhon and Suhartono argue that internal disciplinary proceedings under *lex sportiva* cannot preempt criminal prosecution when match-fixing conduct fulfills the statutory elements of bribery or fraud under national penal law.[6] Shifting the focus to physical violence, Tenriliweng investigates the socio-legal dynamics of supporter conflict in modern Indonesian football,[7] while Payuse et al. analyze dual disciplinary and criminal liability for assaults against match referees, demonstrating that because match officials are never participants in physical ball contestation, violence directed against them lacks any sporting justification.[8] Nevertheless, empirical evidence from Indonesian amateur football leagues reveals persistent enforcement inconsistency: out of nine documented mob-assault incidents against referees through 2026, only four progressed to criminal adjudication while five terminated outside the penal system. Addressing player-on-player contact directly, Rindiarto and Rusdiana alongside Ulhaq and Rugchatjaroen contend that *lex sportiva* and national criminal law operate as parallel normative regimes, asserting that on-pitch violence exceeding sporting regulations can theoretically trigger criminal liability.[9]

Despite these foundational contributions, existing literature exhibits a critical doctrinal blind spot: prior studies merely assert that criminal law and *lex sportiva* can coexist in the abstract, without constructing verifiable normative parameters to demarcate where a severe disciplinary foul ends and the criminal offense of assault begins. Specifically, prior scholarship has not systematically integrated the common-law and continental doctrine of *implied consent* (*volenti non fit injuria*) with the statutory elements of physical assault under Indonesia's modernized Criminal Code (Law No. 1 of

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[6] Iqbal Hirzi Romadhon and Slamet Suhartono, "Urgensi Pemberlakuan Lex Sportiva Apabila Terdapat Unsur Pidana Pada Kasus Pengaturan Skor Olahraga Sepak Bola," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 862–66, https://doi.org/10.53363/bureau.v3i1.220.
[7] Andi Ahmad Hasan Tenriliweng, "Konflik dan Kekerasan (Studi Kasus Penanganan Konflik dan Kekerasan Suporter Dalam Sepakbola Modern Indonesia)" (Doctoral diss., Universitas Hasanuddin, 2023), 45–52, https://repository.unhas.ac.id/id/eprint/39297/.
[8] I. Nyoman Aji Duranegara Payuse et al., "Legal Responses to Violence Against Football Referees: Criminal Liability and Disciplinary Measures," *Sociological Jurisprudence Journal* 8, no. 1 (2025): 21–24, https://doi.org/10.22225/scj.8.1.2025.19-26.
[9] Ardhian Fadillah Rindiarto and Emmilia Rusdiana, "Kajian Yuridis Lex Sportiva Terhadap Pemidanaan Pemain Sepak Bola," *Novum: Jurnal Hukum* 9, no. 3 (2022): 194–97, https://doi.org/10.2674/novum.v0i0.42305; Ulhaq and Rugchatjaroen, "The Relevance of Lex Sportiva," 7–10, https://doi.org/10.26740/ijsl.v1i02.36114.

2023). Furthermore, existing studies largely treat the tension between sporting discipline and criminal prosecution as a purely jurisdictional conflict between PSSI and state authorities, overlooking how the exclusive imposition of organizational fines and suspensions leaves injured victims without legal restitution for medical expenses, career disruption, and physical suffering. Without an operational boundary framework, law enforcement agencies oscillate between complete abstention—leaving brutal non-play assaults unpunished—and the risk of arbitrary overcriminalization.

Addressing this doctrinal hiatus, the legal novelty of this article lies in reconstructing the boundary of criminalization for on-pitch football assault through a two-tier normative demarcation model that harmonizes the doctrine of *implied consent* with the statutory elements of assault under Law No. 1 of 2023, while integrating complementary *lex sportiva* enforcement with statutory victim restitution. Rather than advocating the enactment of a specialized sports-violence criminal statute—which would create statutory redundancy alongside general penal provisions—this article defends the central thesis that an athlete's implied consent encompasses only physical risks reasonably incidental to legitimate ball contestation. Consequently, when a player intentionally inflicts bodily harm detached from the legitimate objectives of play, the veil of sporting autonomy is pierced, activating state criminal jurisdiction alongside internal disciplinary sanctions without violating the principle of *ne bis in idem*, and obligating the legal system to secure restorative compensation for the victim.

2. Research Questions

a. How is the criminalization of physical assault in Indonesian football normatively constructed to demarcate internal sporting disciplinary infractions from criminal offenses under positive criminal law?
b. What are the legal implications of criminalizing on-pitch assault for the jurisdictional relationship between national criminal law and *lex sportiva*, particularly concerning the legal protection and restitution of victims?

3. Research Methods

This study was conducted as doctrinal (normative) legal research focused on evaluating positive legal norms, criminal law doctrines, and transnational sporting regulations governing physical violence in competitive football.[10] Rather than measuring

[10] Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana Prenadamedia Group, 2025), 133–35.

empirical athlete behavior through field surveys, the methodological design was structured to resolve the normative boundary friction between state penal jurisdiction and autonomous disciplinary settlement under *lex sportiva*.

First, the investigation operationalized three complementary analytical approaches: the statutory approach, the conceptual approach, and the case approach.[11] The statutory approach was executed by examining the hierarchy and substantive elements of physical assault provisions within the Indonesian Penal Code alongside national sports legislation and institutional football regulations promulgated by FIFA and PSSI. The conceptual approach was utilized to dissect and synthesize the theoretical boundaries of criminalization, criminal liability (*mens rea* and *actus reus*), *implied consent* in contact sports, the proportionality principle, *ne bis in idem*, and *lex sportiva* autonomy. Concurrently, the case approach was performed by examining concrete episodes of on-pitch football violence—principally the November 1, 2021 Liga 3 neck-stomping incident involving Persak Kebumen and PPSM Sakti Magelang, alongside comparative amateur league referee assault cases—to map how factual matrices of intentional non-play violence are evaluated against disciplinary and criminal thresholds.

Second, the legal materials analyzed in this research were categorized hierarchically into primary, secondary, and tertiary sources.[12] Primary legal materials encompassed authoritative national statutes and institutional sporting codes, specifically: Law No. 1 of 2023 on the Indonesian Criminal Code (focusing on Articles 466–471 governing physical assault), the 1946 Indonesian Penal Code (Article 351), Law No. 11 of 2022 on Sports, Law No. 31 of 2014 amending Law No. 13 of 2006 on Witness and Victim Protection (governing restitution mechanisms), the FIFA Statutes and FIFA Disciplinary Code, the PSSI Statutes and PSSI Disciplinary Code, and relevant domestic judicial decisions adjudicating sports-related violence. Secondary legal materials comprised peer-reviewed journal articles, criminal law treatises, and doctoral research addressing *lex sportiva*, criminalization limits, and victimology. Tertiary legal materials consisted of legal dictionaries and encyclopedias consulted to standardize doctrinal terminology.

Third, the collection procedure was executed through systematic documentary retrieval across official legislative gazettes, institutional federated archives, and academic

[11] Irwansyah, *Penelitian Hukum (Pilihan Metode & Praktik Penulisan Artikel)*, rev. 4th ed. (Yogyakarta: Mirra Buana Media, 2021), 98–104.
[12] Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum*, 5th ed. (Yogyakarta: Pustaka Pelajar, 2019), 34–38.

databases, including Scopus-indexed portals, Google Scholar, the Garuda (*Garba Rujukan Digital*) national repository, and university institutional archives. Inclusion criteria restricted secondary literature primarily to peer-reviewed legal scholarship published between 2020 and 2026 possessing verifiable bibliographic identifiers and direct substantive relevance to four core parameters: on-pitch physical assault, *lex sportiva* jurisdiction, *implied consent* in contact sports, and victim restitution. Non-academic commentary, unverified media reports, and sports law literature addressing purely commercial, broadcasting, or contractual arbitration disputes unrelated to physical violence were excluded.

Fourth, the collected legal materials were analyzed using prescriptive and argumentative legal reasoning through three specific analytical blades: systematic interpretation, teleological interpretation, and deductive legal syllogism. Systematic interpretation was applied to harmonize the assault provisions of Law No. 1 of 2023 with national sports legislation and PSSI/FIFA disciplinary rules, ensuring that internal organizational autonomy is interpreted consistently within the national constitutional order. Teleological (*ratio legis*) interpretation was employed to differentiate the institutional purpose of sporting sanctions—preserving competitive order—from the protective purpose of criminal law in safeguarding bodily integrity and securing victim recovery. Finally, deductive syllogism was operated by applying the major premise (the statutory elements of assault and the normative limits of *implied consent*) to the minor premise (factual indicators of intentional violence detached from ball contestation) to construct a two-tier demarcation framework and establish complementary protocols for victim restitution.

B. RESULTS AND DISCUSSION

1. Inherent Physicality and the Normative Threshold of Acceptable Risk in Competitive Football

The primary normative issue in adjudicating on-pitch football violence lies in determining whether the inherently physical character of the sport insulates players from national penal law, or where the legal boundary stands between acceptable athletic contact and unlawful physical force. Competitive football structurally involves high-velocity physical interaction, including sliding tackles, shoulder-to-shoulder challenges, aerial duels, spatial shielding, and physical jostling for ball possession. Both international

sporting governance under the *Fédération Internationale de Football Association* (FIFA) Laws of the Game and national statutory frameworks under Law No. 11 of 2022 on Sports recognize that physical contact is an inseparable feature of competitive match dynamics.[13] Consequently, physical collisions that result in bodily injury do not automatically establish an unlawful act (*perbuatan melawan hukum*), because every participant entering the pitch assumes the foreseeable physical hazards intrinsic to the sport. However, national criminal law—specifically Article 351 of the 1946 Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana*) and Article 466 of Law No. 1 of 2023 on the Indonesian Criminal Code—protects the fundamental legal interest (*Rechtsgut*) of human bodily integrity across all territorial spaces within the sovereign jurisdiction of the state.[14] The football pitch does not constitute an extraterritorial zone exempt from statutory criminal law.

Applying these competing normative premises requires distinguishing between physical force deployed as an instrument of legitimate gameplay and physical violence deployed as an instrument of bodily harm. In recent scholarship, Ulhaq and Rugchatjaroen as well as Rindiarto and Rusdiana assert that *lex sportiva* and domestic criminal law coexist when on-pitch conduct violates public penal norms.[15] Similarly, Taufiqurrohman and Bahar alongside Suparman et al. demonstrate that autonomous transnational sports regulations remain constitutionally subordinate to Indonesia's hierarchy of positive legislation.[16] Yet, these studies stop short of formulating an operational threshold capable of separating a reckless sporting foul from a criminal offense. From a comparative doctrinal perspective, the Court of Appeal of England and Wales in the landmark case *R v Barnes* established an instructive analytical standard: in contact sports, physical conduct

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[13] Law No. 11 of 2022 on Sports, State Gazette of the Republic of Indonesia Year 2022 No. 71, Supplement to the State Gazette No. 6782, arts. 4–5; Fédération Internationale de Football Association (FIFA), *Laws of the Game 2024/2025* (Zurich: IFAB/FIFA, 2024), Law 12 (Fouls and Misconduct), 103–12.
[14] Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana* / Law No. 1 of 1946), art. 351; Law No. 1 of 2023 on the Indonesian Criminal Code, State Gazette of the Republic of Indonesia Year 2023 No. 1, Supplement to the State Gazette No. 6842, art. 466.
[15] Aufa Dhiya Ulhaq and Krish Rugchatjaroen, "The Relevance of Lex Sportiva with Criminal Law on Football Sports Issues," *Indonesian Journal of Sports Law* 1, no. 2 (2024): 4–8, https://doi.org/10.26740/ijsl.v1i02.36114; Ardhian Fadillah Rindiarto and Emmilia Rusdiana, "Kajian Yuridis Lex Sportiva Terhadap Pemidanaan Pemain Sepak Bola," *Novum: Jurnal Hukum* 9, no. 3 (2022): 193–98, https://doi.org/10.2674/novum.v0i0.42305.
[16] Moch Marsa Taufiqurrohman and Muhamad Ghifari Fardhana Bahar, "Problematik Kedudukan, Kepastian, dan Penegakan Hukum Statuta FIFA di Indonesia," *Jurnal Legislasi Indonesia* 20, no. 3 (2023): 16–22, https://doi.org/10.54629/jli.v20i3.1055; Yusup Suparman et al., "Aspek Hukum Positif Nasional Dalam Tata Kelola Olahraga Sepak Bola (Suatu Perspektif Instruksi Presiden Nomor 3 Tahun 2019 Tentang Percepatan Pembangunan Persepakbolaan Nasional)," *Justlaw: Journal Science and Theory of Law* 2, no. 1 (2025): 89–92, https://ojs.sains.ac.id/index.php/Justlaw/article/view/107.

that breaches the rules of the game still falls within the realm of internal sporting discipline unless the conduct departs so radically from the norms of play that it becomes "sufficiently grave to be properly categorized as criminal."[17]

When this analytical blade is applied to concrete match situations, the functional divergence between sporting rules and criminal law becomes clear. The Laws of the Game regulate competitive fairness and match flow; referees enforce these rules during play by awarding free kicks, penalty kicks, yellow cautions, or red-card expulsions. Conversely, criminal law intervenes only when an act attacks public legal order and bodily security beyond the legitimate scope of athletic contestation. A late sliding tackle executed in a genuine attempt to intercept the ball—even if mistimed, reckless, and resulting in a fractured tibia—retains a direct functional nexus to the objective of the game. By contrast, punching, kicking, or stomping on an opponent who has already fallen to the turf and is not contesting the ball severs all functional connection to legitimate sporting activity.

This normative rupture materialized concretely during the Indonesian Liga 3 match between PPSM Sakti Magelang and Persak Kebumen on November 1, 2021. During the match, Persak Kebumen player Tri Hartanto intentionally stomped on the neck of PPSM Sakti Magelang player Santino Berti while the victim lay prone on the pitch, inflicting acute trauma that required emergency medical intervention and ambulance evacuation to a hospital. Dissecting this incident reveals three decisive factual indicators that push the conduct beyond acceptable sporting risk: (1) the targeting of a vital, vulnerable anatomical zone (the cervical spine and neck); (2) the helpless posture of the victim on the ground; and (3) the complete absence of any proximate effort to play or contest the ball. While a player's non-involvement in ball contestation and the severity of the resulting injury do not replace the formal judicial burden of proving criminal elements, they establish a compelling prima facie threshold justifying criminal investigation regardless of subsequent disciplinary sanctions by the Football Association of Indonesia (*Persatuan Sepak Bola Seluruh Indonesia* or PSSI).

Maintaining a rigorous normative boundary between acceptable sporting risk, disciplinary infractions, and criminal assault prevents two opposing systemic failures: overcriminalization and impunity. If law enforcement prosecutes every injury-producing collision as criminal assault, criminal law intrudes upon normal athletic risk, chilling

[17] *R v Barnes* [2004] EWCA Crim 3246, [2005] 1 WLR 910, paras. 12–16 (Court of Appeal of England and Wales).

competitive intensity and creating pervasive legal uncertainty for athletes. Conversely, if state authorities treat every violent act occurring inside stadium touchlines as an exclusive internal affair of PSSI, sporting autonomy mutates into a shield of legal immunity that strips athletes of their constitutional right to bodily protection. Table 1 synthesizes the normative demarcation parameters across these three categories of on-pitch physical contact.

Table 1. Normative Demarcation Matrix of Physical Contact in Competitive Football

Analytical Dimension	**Zone I: Incidental Sporting Contact (Acceptable Risk)**	**Zone II: Sporting Disciplinary Infraction (Lex Sportiva)**	**Zone III: Criminal Physical Assault (National Penal Law)**
Primary Nexus to Ball Contestation	Direct, active, and rule-compliant effort to play, shield, or win the ball.	Direct or proximate effort to contest the ball executed with excessive force or careless timing.	Severed nexus; act occurs off-the-ball or uses gameplay merely as a pretext to attack the victim's body.
Subjective Attitude (*Mens Rea*)	Competitive athletic intent within the spirit and rules of the game.	Tactical miscalculation, sporting recklessness, or technical negligence.	Intentionality (*dolus* / *kesengajaan*) directed at inflicting bodily pain, suffering, or physical injury.
Anatomical Targeting & Victim Posture	Incidental body-to-body or foot-to-ball contact between active competitors.	Mistimed contact with an opponent's legs or torso during active play dynamics.	Deliberate targeting of vital or vulnerable anatomical regions, often while the victim is prone or defenseless.
Status of *Implied Consent*	Fully encompassed within the athlete's implied consent.	Encompassed within foreseeable sporting risk as a rule breach subject to match penalties.	Outside the scope of implied consent; unlawfulness (*wederrechtelijkheid*) remains intact.
Governing Normative Regime & Sanction	Laws of the Game (no infraction; play continues).	FIFA/PSSI Disciplinary Code (free kick, yellow/red card, match suspension, organizational fine).	Complementary enforcement: FIFA/PSSI disciplinary sanctions *plus* criminal prosecution under Law No. 1 of 2023 (Articles 466–468) and victim restitution.

Source: Authors' doctrinal construction synthesized from Law No. 1 of 2023, FIFA/PSSI Disciplinary Codes, and comparative sports jurisprudence (2026).

As Table 1 demonstrates, the locus of an act inside a football stadium never determines its legal character in isolation. Instead, the transition from Zone II (disciplinary infraction) to Zone III (criminal assault) depends on the rupture of the functional nexus to legitimate play combined with the presence of criminal intent and statutory delicts. Consequently, the physical nature of football justifies neither blanket criminalization of athletic injuries nor blanket immunity for perpetrators of intentional

on-pitch violence.

2. Doctrinal Construction of Criminal Assault Elements in On-Pitch Violence Under Law No. 1 of 2023

Once an act of on-pitch violence crosses the threshold of acceptable sporting risk, the second analytical issue is how the statutory elements of physical assault (*penganiayaan*) are doctrinally constructed and verified under Indonesian positive criminal law. In the Indonesian penal system, physical assault has long been codified under Article 351 of the 1946 Penal Code and is now modernized under Articles 466 through 471 of Law No. 1 of 2023 on the Indonesian Criminal Code.[18] Because general penal norms prohibit attacks against bodily integrity without carving out statutory exemptions for sporting competitions, violent acts on the football pitch remain fully cognizable under general assault provisions whenever their statutory elements are satisfied. The doctrinal challenge lies not in the absence of a criminal prohibition, but in calibrating statutory interpretation so that general penal norms accommodate legitimate athletic physicality without excusing criminal brutality.

To achieve this calibration, the elements of assault under Article 466 of Law No. 1 of 2023 must be dissected systematically into objective (*actus reus*) and subjective (*mens rea*) components. Objectively, the element of the prohibited act (*unsur perbuatan*) requires concrete physical conduct that unlawfully attacks, harms, or inflicts physical pain or physiological suffering upon another person's body. On a football pitch, kinetic movements such as kicking, charging, or lunging are ambiguous if viewed solely as isolated mechanical motions: kicking is the core technical action of playing the ball, yet kicking an opponent's head or stomping on a player's neck constitutes a severe physical attack. Therefore, evaluating the objective element requires examining the surrounding match context to establish whether the physical force lacked sporting legitimacy and thus retained its material unlawfulness (*sifat melawan hukum materiil*).

Subjectively, the element of culpability (*unsur kesalahan*) serves as the primary dogmatic filter separating criminal assault from sporting fouls. Criminal liability for assault requires intentionality (*kesengajaan* or *dolus*)—meaning the perpetrator consciously wills the physical attack (*willens*) and knows or foresees its harmful bodily

[18] Law No. 1 of 2023 on the Indonesian Criminal Code, arts. 466–471. Under Article 466(1), criminal assault (*penganiayaan*) is punishable by a maximum imprisonment of 2 years and 6 months or a maximum Category III criminal fine; under Article 466(2), if the act results in serious bodily injury (*luka berat*), the maximum sentence increases to 5 years of imprisonment.

consequences (*wetens*), including conditional intent (*dolus eventualis*). Intentionality must be strictly distinguished from athletic negligence (*culpa*), split-second tactical misjudgment, or imperfect motor execution during high-speed play. A defender who executes an aggressive sliding tackle to block a shot on goal and inadvertently fractures the striker's ankle lacks the *mens rea* of assault. Conversely, a player who deliberately directs a punch, headbutt, or stomp at an opponent's body acts with conscious intent to inflict pain or injury. Because subjective intent is an internal mental state, law enforcement and courts must infer it objectively from external evidentiary facts: the trajectory and force of the blow, the anatomical area targeted, the position of the ball, the posture of the victim, and the perpetrator's conduct immediately before and after the strike.

In this evidentiary assessment, match context informs the proof of *mens rea* without substituting for formal statutory proof. An attack launched when the ball is dead or distant strongly indicates an intent detached from gameplay, just as striking a defenseless player lying on the turf negates any claim of legitimate ball contestation. Nevertheless, these contextual indicators must be corroborated by comprehensive legal evidence. Not every off-the-ball collision is intentional assault, and conversely, an intentional strike executed while the ball is technically in play does not lose its criminal character. Furthermore, regarding the element of consequence (*unsur akibat*), Indonesian criminal law grades assault severity according to the resulting bodily harm—ranging from basic assault (Article 466) to assault causing serious bodily injury (*luka berat* under Article 468). Proving this element requires formal medico-legal evidence (*visum et repertum*), clinical diagnosis of tissue or organ damage, and proof of proximate causation (*causaliteit*) linking the perpetrator's act to the victim's pathology, rather than relying merely on visual broadcasts showing a player leaving the stadium in an ambulance.

Consequently, the three analytical parameters advanced in this study—(1) intentionality (*kesengajaan*), (2) action outside the context of legitimate match play (*tindakan di luar konteks permainan yang sah*), and (3) resulting physical injury (*timbulnya cedera fisik*)—must be positioned with strict dogmatic precision. These three parameters operate as pre-penal analytical filters to identify when on-pitch violence warrants criminal investigation; they do not constitute new statutory elements of a crime and cannot replace the formal delicts codified in Law No. 1 of 2023. Treating contextual indicators as standalone criminal offenses would violate the cardinal principle of legality

(*nullum crimen, nulla poena sine praevia lege poenali*) enshrined in Article 1(1) of Law No. 1 of 2023, which strictly prohibits creating criminal liability by analogy or uncodified expansion.[19] Likewise, the principle of proportionality dictates that state penal coercion (*ultimum remedium*) must be deployed only when internal disciplinary sanctions cannot adequately redress the violation of protected legal interests.

Applying this doctrinal construction clarifies both player-on-player violence and assaults against match officials. In the November 1, 2021 Liga 3 incident between PPSM Sakti Magelang and Persak Kebumen, Tri Hartanto's act of stomping on Santino Berti's neck satisfies the preliminary analytical indicators: targeting the neck of a prone opponent detached from ball contestation, resulting in hospitalization. While a definitive finding of criminal guilt requires formal judicial adjudication and evidentiary proof in a criminal court, the incident illustrates a textbook case that should have been referred to criminal prosecution under general assault provisions. A parallel analysis applies to violence against referees. Extending the findings of Payuse et al., who emphasize the necessity of dual disciplinary and criminal liability for assaults on football referees,[20] the doctrinal basis for prosecuting referee assaults is straightforward: because a referee oversees rule enforcement and never competes physically for possession of the ball, any physical strike by a player or official against a referee triggered by dissatisfaction with an officiating decision lies entirely outside legitimate gameplay. Even so, criminal conviction cannot rest solely on the victim's occupational status as a referee; prosecutors must still prove the concrete statutory elements of assault or mob violence (*pengeroyokan* under Article 262 of Law No. 1 of 2023).

This analysis also resolves a fundamental policy question regarding criminalization (*kriminalisasi*). In criminal law theory, criminalization encompasses both the legislative creation of new criminal offenses (*de lege ferenda*) and the normative reconstruction of how existing penal provisions apply to specific social phenomena (*de lege lata*). Because physical assault is already comprehensively prohibited under Law No. 1 of 2023, enacting a separate criminal statute specifically for "football assault" would generate unnecessary statutory redundancy unless the legislature identifies a specific normative vacuum requiring specialized sentencing ranges. Instead, reconstructing criminalization in

[19] Law No. 1 of 2023 on the Indonesian Criminal Code, art. 1(1)–(2).
[20] I. Nyoman Aji Duranegara Payuse et al., "Legal Responses to Violence Against Football Referees: Criminal Liability and Disciplinary Measures," *Sociological Jurisprudence Journal* 8, no. 1 (2025): 20–25, https://doi.org/10.22225/scj.8.1.2025.19-26.

Indonesian football requires instituting a Two-Tier Doctrinal Examination Model that harmonizes sporting context with existing penal provisions, as illustrated in Figure 1.

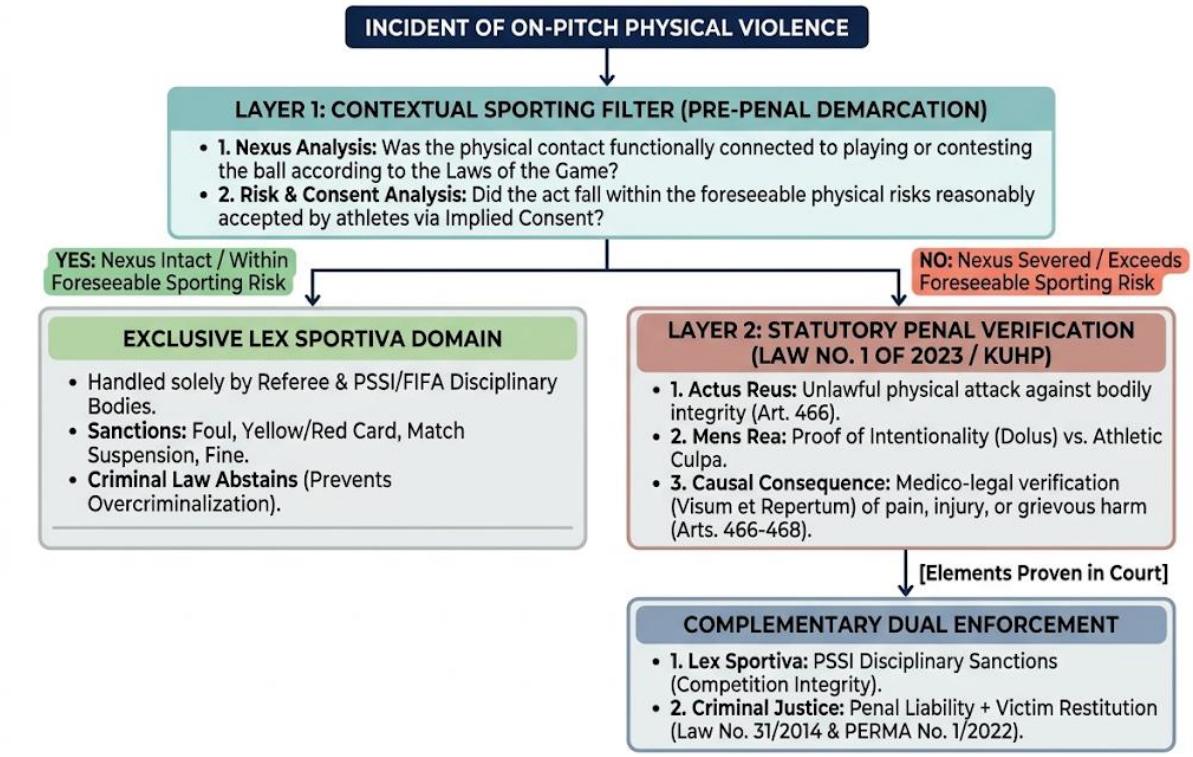


Figure 1. Two-Tier Doctrinal Filtering Architecture for Adjudicating On-Pitch Football Violence

(*Source: Authors' analytical construction, 2026*).

As Figure 1 demonstrates, Layer 1 evaluates the sporting context to filter out normal athletic collisions and routine fouls, thereby protecting the autonomy of football and preventing overcriminalization. Only when an act fails Layer 1—because it severs all connection to legitimate play and exceeds implied consent—does it advance to Layer 2, where law enforcement and criminal courts rigorously test the statutory elements of *actus reus*, *mens rea*, and medico-legal causation under Law No. 1 of 2023. While referee sanctions (such as a red card) and PSSI Disciplinary Committee bans address the breach of organizational rules under Layer 1, Layer 2 independently adjudicates the perpetrator's public penal accountability.

3. Jurisdictional Demarcation and Complementary Enforcement Between National Criminal Law and *Lex Sportiva*

When a single violent act on the football pitch triggers both a PSSI disciplinary sanction and a criminal investigation, a third doctrinal issue arises: whether dual proceedings violate the principle of *ne bis in idem* (the prohibition against double

jeopardy) and how jurisdictional authority should be allocated between *lex sportiva* and state criminal law. *Lex sportiva* operates as a transnational autonomous regulatory system comprising the FIFA Statutes, the FIFA Disciplinary Code, the PSSI Statutes, and the PSSI Disciplinary Code. These instruments govern the conduct of players, match officials, clubs, and member associations to preserve the integrity, fairness, and continuity of sporting competitions.[21] Because sports federations possess specialized institutional expertise in evaluating match dynamics and athlete behavior, disciplinary tribunals serve as the primary forum for resolving competition-related misconduct.

Nevertheless, the institutional authority of sports federations to discipline their members does not extinguish the sovereign monopoly of the state to enforce criminal law (*jus puniendi*). The two legal regimes rest on fundamentally distinct normative foundations, protected interests, and teleological objectives. *Lex sportiva* derives its binding force from private associational membership and contractual submission to federated statutes, aiming to maintain internal organizational order and sporting ethics. Conversely, national criminal law derives its binding force from constitutional sovereignty and legislative enactment, aiming to safeguard public order and the fundamental human right to physical security. Consequently, a single factual event—such as a player violently assaulting an opponent—simultaneously generates two distinct legal relationships: a vertical public-law relationship between the perpetrator and the state, and a horizontal associational relationship between the registered player and the sports federation.

A critical doctrinal objection frequently raised against prosecuting disciplined athletes is the principle of *ne bis in idem*, codified in Article 76 of the 1946 Indonesian Penal Code and Article 140 of Law No. 1 of 2023.[22] This principle prohibits prosecuting or punishing a person twice for the same offense (*idem*) once a court of competent jurisdiction has rendered a final and binding judgment (*inkracht van gewijsde*). However, invoking *ne bis in idem* to block criminal prosecution after a PSSI Disciplinary Committee decision represents a fundamental category error. Under Indonesian criminal procedure and international human rights jurisprudence—most notably the three-part test established by the European Court of Human Rights in *Engel and Others v the*

[21] FIFA, *FIFA Disciplinary Code*, 2023 ed. (Zurich: FIFA, 2023), arts. 1–3, 14; Persatuan Sepak Bola Seluruh Indonesia (PSSI), *Kode Disiplin PSSI* (Jakarta: PSSI, 2023), arts. 2–4, 48–50.
[22] Indonesian Penal Code (1946), art. 76; Law No. 1 of 2023 on the Indonesian Criminal Code, art. 140.

Netherlands—determining whether a prior sanction bars subsequent criminal prosecution requires examining the legal classification of the measure under national law, the intrinsic nature of the offense, and the nature and purpose of the penalty.[23]

Evaluated under these doctrinal criteria, a PSSI disciplinary decision cannot be equated with a final criminal court judgment for four reasons:

a. **Divergence of Institutional Authority**: A PSSI Disciplinary Committee is an internal adjudicative organ of a private sports association, not a state judicial body vested with constitutional judicial power under Article 24 of the 1945 Constitution of the Republic of Indonesia.
b. **Divergence of Normative Basis and Protected Interest**: Disciplinary proceedings adjudicate breaches of the PSSI Disciplinary Code to protect the reputation and orderly administration of football competitions, whereas criminal trials adjudicate violations of the Indonesian Criminal Code to vindicate bodily integrity and public peace.
c. **Divergence of Evidentiary Procedure**: Sporting disciplinary panels rely primarily on match referee reports, match commissioner notes, and video footage under expedited administrative timelines, lacking the coercive subpoena powers, forensic verification standards, and constitutional due-process guarantees of the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana*).
d. **Divergence of Sanction Teleology**: Sporting sanctions—such as match suspensions, stadium bans, point deductions, or associational fines—regulate a member's professional eligibility to participate in federated tournaments. They do not impose deprivation of physical liberty (imprisonment) or create a public criminal record.

Because identity of legal cause (*eadem causa petendi*) and identity of judicial forum are absent, the parallel imposition of a PSSI match suspension and a state criminal sentence does not constitute prohibited double punishment under *ne bis in idem*. This conclusion aligns with and extends the findings of Romadhon and Suhartono in the context of football match-fixing, where internal lifetime bans imposed by PSSI do not

[23] *Engel and Others v the Netherlands*, App. Nos. 5100/71, 5101/71, 5102/71, 5354/72, and 5370/72, Series A No. 22 (European Court of Human Rights, June 8, 1976), paras. 80–83.

preclude criminal prosecution for bribery,[24] as well as the institutional analyses of Taufiqurrohman and Bahar and Shidiq and Kartika regarding the supremacy of national public law over PSSI and FIFA administrative regulations.[25]

Furthermore, reconstructing the jurisdictional boundary requires defining the legitimate limits of sporting autonomy. While FIFA Statutes mandate that member associations manage their affairs independently without undue third-party interference, this autonomy pertains strictly to internal governance, electoral administration, and the technical regulation of competitions. Sporting autonomy was never designed under international sports law to confer diplomatic-style criminal immunity upon athletes who commit common crimes on the pitch. When physical violence exceeds the inherent risks of football and fulfills the statutory elements of assault, the conduct transcends internal governance and enters the non-derogable jurisdiction of the sovereign state.

Accordingly, the relationship between national criminal law and *lex sportiva* must be structured around the principle of normative complementarity rather than mutual exclusivity or absolute subordination. Under a complementary model, criminal law respects the specificity of sport by refraining from intervening in technical rule breaches, late tackles, and competitive physical disputes (Zone I and Zone II in Table 1), leaving those matters entirely to referees and PSSI disciplinary organs. Simultaneously, *lex sportiva* respects the rule of law by recognizing that internal administrative sanctions cannot extinguish state penal jurisdiction when an act constitutes intentional criminal assault (Zone III). Jurisdictional demarcation therefore turns not on the geographical boundary of the football stadium or the administrative authority of the referee, but on the substantive character of the act and the fulfillment of statutory criminal elements.

4. Operationalizing *Implied Consent* (*Volenti Non Fit Injuria*) as a Dogmatic Filter Against Overcriminalization

To operationalize the boundary between *lex sportiva* and criminal law with dogmatic rigor, the fourth analytical issue concerns the precise legal function of the doctrine of *implied consent* (*volenti non fit injuria*) in determining criminal liability.

[24] Iqbal Hirzi Romadhon and Slamet Suhartono, "Urgensi Pemberlakuan Lex Sportiva Apabila Terdapat Unsur Pidana Pada Kasus Pengaturan Skor Olahraga Sepak Bola," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 864–68, https://doi.org/10.53363/bureau.v3i1.220.
[25] Taufiqurrohman and Bahar, "Problematik Kedudukan, Kepastian, dan Penegakan Hukum Statuta FIFA," 19–24, https://doi.org/10.54629/jli.v20i3.1055; Dida Yudhantara Shidiq and Adhitya Widya Kartika, "Disharmonisasi Peraturan PSSI Terhadap Peraturan FIFA Dalam Pengendalian Massa di Stadion," *Widya Yuridika: Jurnal Hukum* 8, no. 2 (2025): 271–74, https://doi.org/10.31328/wy.v8i2.6327.

Football is an inherently physical contact sport in which every participating athlete consciously accepts the foreseeable risk of physical collisions, tackles, falls, and incidental injuries. In criminal law dogmatics, this voluntary assumption of risk operates as *implied consent*—an unwritten, conduct-based consent inferred from an athlete's voluntary participation in a regulated sporting competition with full awareness of its inherent physical hazards.

In criminal law theory, valid consent of the injured party acts as an unwritten ground of justification (*alasan pembenar di luar undang-undang* or *buitenwettelijke rechtvaardigingsgrond*) that negates the material unlawfulness (*sifat melawan hukum materiil*) of minor to moderate physical contact during sports. When a player executes a lawful or even slightly mistimed tackle during an active struggle for the ball and accidentally injures an opponent, *implied consent* precludes the conduct from being classified as unlawful criminal assault. Evaluating whether a physical act remains covered by *implied consent* requires assessing the nature of the contact, the competitive situation, the tactical objective of the movement, and whether the force remains within the spectrum of risks reasonably anticipated by players.

Crucially, however, *implied consent* in sport is strictly bounded and never constitutes a blanket waiver of bodily integrity. Entering a football pitch does not mean that an athlete consents to being intentionally punched, kicked, elbowed, or stomped on outside the legitimate pursuit of the game. Comparative criminal jurisprudence across common-law and continental jurisdictions confirms this strict limitation. In the landmark Canadian appellate judgment *R v Cey*, the Saskatchewan Court of Appeal held that implied consent in contact sports is determined objectively by evaluating the nature of the game, the nature of the specific act and surrounding circumstances, the degree of force employed, the degree of risk of injury, and the state of mind of the accused.[26] Similarly, in the English criminal decision *R v Billinghurst*, the court ruled that punching an opponent in an off-the-ball incident during a rugby match fell entirely outside the scope of implied consent and constituted criminal assault occasioning bodily harm.[27]

Synthesizing these comparative standards with Indonesian criminal law dogmatics demonstrates that *implied consent* cannot be invoked as an automatic defense whenever an injury occurs during a football match. The doctrine of *implied consent* must be read in

[26] *R v Cey* (1989) 48 CCC (3d) 480, 488–91 (Saskatchewan Court of Appeal, Canada).
[27] *R v Billinghurst* [1978] Crim LR 553, 553–54 (Newport Crown Court, United Kingdom).

strict conjunction with the principle of legality and the statutory requirements of criminal liability. Once a player intentionally inflicts physical violence detached from the legitimate objectives of the game, the conduct exceeds the boundaries of the victim's implied consent, the justification of consent collapses, and the material unlawfulness of the assault remains fully intact.

Furthermore, evaluating the boundary of *implied consent* cannot rely on mechanical spatial or temporal formalism—such as whether the ball was technically "in play" or "out of play" at the exact millisecond of impact. While the live or dead status of the ball serves as an evidentiary indicator of match context, it is neither a necessary nor a sufficient condition for criminal liability. A player who intentionally strikes or stomps on an opponent on the opposite side of the pitch while the ball is technically in play forty meters away commits an act completely severed from gameplay objectives, thereby exceeding *implied consent* and triggering potential criminal liability. Conversely, two players who collide due to physical momentum a fraction of a second after the ball crosses the touchline or after the referee blows the whistle remain within the foreseeable physical risks of the game, lacking both unlawfulness and criminal intent. Legal evaluation must therefore examine the totality of the concrete factual circumstances rather than relying on formalistic technicalities.

Re-examining the November 1, 2021 Liga 3 incident between PPSM Sakti Magelang and Persak Kebumen through the lens of *implied consent* illustrates the operational precision of this doctrine. When Santino Berti entered the match, he impliedly consented to hard tackles, shoulder charges, and accidental collisions arising from competitive efforts to win the ball. He did not—and legally could not—consent to having his neck intentionally stomped on by Tri Hartanto while lying prone on the pitch with no ball in contention. Because stomping on the neck of a grounded opponent bears zero functional relationship to playing football and poses an extreme risk of catastrophic cervical or neurological trauma, the act falls radically outside the scope of *implied consent*. Treating such an act as an accepted risk of the game merely because it occurred on a football pitch distorts the doctrine of *implied consent* and abdicates the state's duty to protect human life and bodily security.

To prevent both abusive invocations of sporting immunity and overbroad criminal intervention, *implied consent* must be operationalized through three interconnected contextual parameters:

a. **The Nature and Objective of the Physical Act (*Sifat dan Tujuan Tindakan Fisik*)**: Whether the biomechanical action was designed to play the ball or designed to inflict trauma on the opponent's body.
b. **The Nexus to Legitimate Gameplay (*Hubungan Tindakan dengan Aktivitas Permainan yang Sah*)**: Whether the contact occurred as an integral part of contesting possession, defending space, or executing a recognized tactical movement within the spirit of the Laws of the Game.
c. **The Degree of Deviation from Foreseeable Risk (*Tingkat Penyimpangan dari Risiko yang Wajar*)**: Whether the magnitude of force and the vulnerability of the targeted anatomical zone exceeded what a reasonable athlete could foresee and accept under normal competitive conditions.

These three parameters function as contextual interpretive tools to establish whether the unwritten justification of *implied consent* applies; they do not constitute independent statutory delicts. When an act fails this tripartite test, the shield of *implied consent* falls away, allowing law enforcement to evaluate the perpetrator's conduct directly under the statutory assault provisions of Law No. 1 of 2023.

5. Victimological Implications: Integrating Criminal Liability with Restorative Restitution for Injured Athletes

The fifth and final dimension of this study addresses the victimological implications of reconstructing criminalization in football: how exclusive reliance on *lex sportiva* disciplinary mechanisms leaves victims of on-pitch brutality uncompensated, and how integrating national criminal law unlocks statutory restitution and victim recovery. Historically, violent incidents in Indonesian football have been resolved almost exclusively through internal federated discipline aimed at restoring tournament order and penalizing organizational rule breaches. While suspensions, stadium bans, and associational fines are vital for maintaining competitive integrity, they are structurally blind to the concrete suffering and material losses sustained by the victim. Administrative sanctions imposed by PSSI regulate the perpetrator's status within the federation; they do not indemnify the injured athlete or referee for physical trauma, psychological distress, or economic ruin.

From a legal victimology perspective, severe on-pitch violence inflicts multi-dimensional harm that extends far beyond the ninety minutes of a match. As Tenriliweng and Payuse et al. observe in their studies of football violence against supporters and

match officials, physical attacks in sporting arenas generate profound physical, psychological, and socio-economic consequences.[28] For a professional or semi-professional footballer—such as Santino Berti in the 2021 Liga 3 neck-stomping incident—or an assaulted match referee, severe physical trauma entails emergency hospitalization, surgical intervention, prolonged orthopedic or neurological rehabilitation, loss of match appearance fees and performance bonuses, breach or termination of professional club contracts, and potential permanent disability ending an athletic career. When handling such brutality exclusively through PSSI disciplinary proceedings, the federation collects organizational fines into its own treasury while leaving the injured victim to bear the devastating financial and medical burdens alone.

Reconstructing the boundary of criminalization bridges this protection gap by connecting criminal liability directly to statutory victim restitution mechanisms under Indonesian positive law. The Indonesian criminal justice system provides a robust normative framework for victim recovery through three interlocking legal instruments:

a. **Law No. 31 of 2014 amending Law No. 13 of 2006 on Witness and Victim Protection**: Under Article 7A(1), victims of criminal offenses have the statutory right to apply to the court—through the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban* or LPSK)—for restitution (*restitusi*) paid by the perpetrator.[29] Statutory restitution covers compensation for loss of wealth or income, compensation for suffering directly resulting from the crime, and reimbursement of medical and/or psychological treatment costs.[30]

b. **Supreme Court Regulation (*Peraturan Mahkamah Agung* or PERMA) No. 1 of 2022 on Procedures for Settling Applications and Granting Restitution and Compensation to Victims of Crime**: This regulation operationalizes the procedural integration of restitution claims directly into the public prosecutor's indictment (*surat dakwaan*) and the criminal court's sentencing verdict, enabling injured victims to obtain enforceable financial

[28] Andi Ahmad Hasan Tenriliweng, "Konflik dan Kekerasan (Studi Kasus Penanganan Konflik dan Kekerasan Suporter Dalam Sepakbola Modern Indonesia)" (Doctoral diss., Universitas Hasanuddin, 2023), 112–25, https://repository.unhas.ac.id/id/eprint/39297/; Payuse et al., "Legal Responses to Violence Against Football Referees," 22–26, https://doi.org/10.22225/scj.8.1.2025.19-26.
[29] Law No. 31 of 2014 on the Amendment to Law No. 13 of 2006 on the Protection of Witnesses and Victims, State Gazette of the Republic of Indonesia Year 2014 No. 293, Supplement to the State Gazette No. 5602, art. 7A(1).
[30] Law No. 31 of 2014 on the Protection of Witnesses and Victims, art. 7A(1)(a)–(c).

recovery without having to file a separate, protracted civil tort lawsuit (*perbuatan melawan hukum* under Article 1365 of the Civil Code).[31]

c. **Law No. 1 of 2023 on the Indonesian Criminal Code**: Modernizing Indonesia's sentencing paradigm toward corrective, restorative, and rehabilitative justice, Article 54(1)(j) mandates that judges consider the impact of the crime on the victim, while Article 66(1)(d) explicitly codifies the payment of compensation (*pembayaran ganti rugi*) as an additional criminal sanction (*pidana tambahan*) that can be imposed directly upon convicted offenders.[32]

Applying these statutory instruments to on-pitch criminal assault transforms the legal position of the injured athlete from a passive witness in a PSSI disciplinary hearing into an active rights-bearing subject in the criminal justice system. To establish the structural necessity of this integration, Table 2 contrasts the institutional mechanics of *lex sportiva* disciplinary sanctions against national criminal restitution mechanisms.

Table 2. Structural Comparison Between *Lex Sportiva* Disciplinary Sanctions and National Criminal Restitution Mechanisms

Structural Parameter	Lex Sportiva Disciplinary Sanctions (PSSI / FIFA)	National Criminal Justice & Restitution (Law No. 1/2023, Law No. 31/2014, PERMA No. 1/2022)
Primary Teleological Orientation	Offender-centric & Competition-centric: Enforcing compliance with sporting rules and protecting tournament integrity.	Public & Victim-centric: Protecting bodily integrity, establishing penal accountability, and restoring victim losses.
Nature of Sanctions Imposed	Yellow/red cards, match suspensions, stadium bans, point deductions, temporary or lifetime ban from football activities, organizational fines.	Principal punishment (imprisonment/criminal fine under Arts. 466–468 Law No. 1/2023) *plus* additional punishment of victim restitution/compensation (Art. 66(1)(d)).
Beneficiary of Financial Penalties	Sports Federation Treasury (PSSI or FIFA receives 100% of disciplinary fines).	The Injured Victim or Victim's Family (receives 100% of court-ordered restitution via LPSK/prosecutorial execution).
Coverage of Victim's Tangibles & Intangibles	None. Medical bills, surgical costs, lost wages, career termination, and pain/suffering are unaddressed.	Comprehensive coverage: (a) medical & psychological rehabilitation costs; (b) lost income/contractual earnings; and (c) physical/mental suffering (Art. 7A Law No. 31/2014).
Evidentiary &	Summary evaluation of	Strict proof of proximate causation (*causaliteit*)

[31] Supreme Court Regulation of the Republic of Indonesia (*Peraturan Mahkamah Agung*) No. 1 of 2022 on Procedures for Settling Applications and Granting Restitution and Compensation to Victims of Crime, State Gazette of the Republic of Indonesia Year 2022 No. 225, arts. 4, 8–11.
[32] Law No. 1 of 2023 on the Indonesian Criminal Code, arts. 54(1)(j), 66(1)(d).

Causal Standard	referee/match commissioner reports and broadcast footage.	between the criminal assault and documented medical/financial damages.

Source: Authors' comparative normative analysis of PSSI Disciplinary Code, Law No. 1 of 2023, Law No. 31 of 2014, and PERMA No. 1 of 2022 (2026).

As Table 2 illustrates, the fulfillment of a PSSI disciplinary sanction never satisfies the legal rights of the injured victim. A six-month or lifetime ban from playing football and a fine paid to PSSI have entirely different recipients, legal bases, and restorative functions than court-ordered criminal restitution. Consequently, criminalization of on-pitch assault must be oriented not toward purely retributive incarceration (*lex talionis*), but toward proportional penal accountability integrated with restorative victim recovery. Not every sporting injury warrants criminal prosecution, because ordinary athletic trauma falls within the athlete's implied consent and should be covered by club medical insurance and sporting solidarity mechanisms. However, when an athlete or referee suffers injury due to an intentional violent attack that breaches the threshold of *implied consent* and fulfills the statutory elements of assault, the state is legally obligated to guarantee the victim's access to criminal justice and statutory restitution.

Realizing this complementary protection requires establishing formal institutional coordination between sports federations (PSSI) and state law enforcement agencies—specifically the Indonesian National Police (*Kepolisian Negara Republik Indonesia* or *Polri*), the Public Prosecution Service (*Kejaksaan*), and LPSK. Currently, institutional insularity often leads PSSI disciplinary organs to treat violent match incidents as closed internal matters, inadvertently obstructing or discouraging victims from filing police reports. Under a reconstructed complementary protocol, PSSI disciplinary committees retain full authority to impose immediate sporting suspensions to protect ongoing tournaments, but must simultaneously establish an evidentiary referral mechanism. When preliminary disciplinary review reveals indicators of intentional non-play assault causing severe bodily harm (failing Layer 1 of Figure 1), match footage, referee reports, and medical records must be made transparently accessible to law enforcement investigators and LPSK to facilitate criminal investigation and restitution assessment.

Ultimately, reconstructing the boundary of criminalization in football harmonizes two imperative legal values: legal certainty (*kepastian hukum*) regarding the limits of criminal liability, and restorative justice (*keadilan restoratif*) for victims of violence. Clear normative parameters ensure that footballers can compete vigorously within the rules without fear of arbitrary criminal prosecution for accidental injuries. At the same time,

piercing the veil of sporting autonomy when intentional brutality occurs ensures that *lex sportiva* is never misused to shield violent offenders from national penal law or to deprive injured victims of their statutory right to comprehensive restitution.

C. CONCLUSION

The normative construction of criminalization for physical assault in Indonesian football does not require the legislative enactment of a new specialized criminal offense, but rather the rigorous application of a two-tier doctrinal examination that harmonizes the unwritten justification of *implied consent* with the statutory elements of assault under Law No. 1 of 2023. While an athlete's voluntary participation in a match encompasses foreseeable physical contact reasonably incidental to contesting the ball, intentional violence executed outside the legitimate context of gameplay that inflicts bodily harm pierces the threshold of acceptable sporting risk and satisfies the objective and subjective elements of criminal assault without converting contextual indicators into standalone statutory delicts. Consequently, national criminal law and *lex sportiva* operate as complementary rather than mutually exclusive normative regimes, whereby internal disciplinary sanctions imposed by sports federations to preserve competitive integrity neither trigger the prohibition of *ne bis in idem* nor extinguish the sovereign jurisdiction of the state to prosecute offenses against bodily security. Reconstructing this jurisdictional boundary prevents both the overcriminalization of legitimate athletic contact and institutional impunity for on-pitch brutality, while ensuring that injured victims gain access to comprehensive penal protection and court-ordered restorative restitution for their medical, psychological, and economic losses.

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CRediT authorship contribution statement. A.Y.: Conceptualization, Methodology, Formal analysis, Investigation, Writing – original draft. S.Y.I.: Supervision, Methodology, Validation, Writing – review & editing. S.A.A.: Supervision, Formal analysis, Validation, Writing – review & editing.

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Ethics statement. This study analyzed only publicly available legal sources and involved no human participants. Therefore, ethical approval and informed consent were not required.

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