



THE LIABILITY OF CLUBS AND MATCH ORGANIZERS FOR RACIST ACTS BY FANS IN PROFESSIONAL SOCCER: A LEGAL ANALYSIS OF THE VALENCIA CASE INVOLVING VINCIUS JUNIOR

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Abstract

This study aims to analyze the legal resolution of racist acts in soccer, focusing on the case of Vinícius Júnior in Spain and the racist incident during the match between Persija Kudus and Persipura Jayapura in Indonesia. The methodology employed is a normative legal approach using case studies and an analysis of both international and national regulations. The results of the study show that in the case of Vinícius Júnior, the racist actions of supporters resulted in a prison sentence for the perpetrator under Spanish Criminal Law, but revealed systemic negligence on the part of the club and organizers in providing a swift response on the field. Meanwhile, in Indonesia, the 2026 competition racism case was resolved through PSSI disciplinary mechanisms, resulting in administrative fines and a spectator ban for the home club. This study concludes that the main obstacle in addressing racism does not lie in a legal vacuum, but rather in delays in implementation and weak coordination among stakeholders. Strengthening real-time protocols and enforcing stricter sanctions are necessary to uphold the integrity and human values of soccer.

1. INTRODUCTION

Human diversity on this earth is a beautiful gift from God Almighty. People are born with different ethnic, religious, racial, and cultural backgrounds. This diversity allows people to get to know one another and enrich their life experiences, ensuring that life is not monotonous. However, behind this beauty, diversity can also spark conflict, one form of which is racism. Racism is understood as a belief system that places a certain race as superior and entitled to rule over other races, thereby causing discrimination and social division. This term is often used to refer to the phenomena of ethnocentrism, xenophobia, rejection of interracial relationships, and stereotypes against certain groups. History shows that racial distinctions have existed since ancient Greece, when Plato and Aristotle put forward the idea of the superiority of the Greek people over other peoples (Plato & Aristotle, in classical texts). Social views rooted in ancient philosophy and myths have persisted into the modern era and are evident in the realm of sports (Ferianto Tjahyo Kuntjoro et al., 2020).

Racism is a form of discrimination based on differences in race, skin color, cultural background, etc., which results in unfair treatment and undermines human dignity. Racism is not merely understood as an attitude or prejudice, but is also a tangible manifestation that can violate human rights. As time has progressed, racism has increasingly been viewed as a form of hate crime due to its significant impact—psychological, social, and legal—on victims. In practice, racism can manifest in various forms, ranging from hate speech, verbal insults, to unequal treatment of specific individuals or groups. In the world of sports, particularly professional soccer, racism often manifests as racist chants, taunts based on skin color, and gestures made by fans toward players on the field. A concrete example is the racist treatment experienced by Vinicius Junior during the match between Valencia CF and Real Madrid, where he was the primary target of ethnic insults.

Cases of racism and discrimination in soccer have long been a persistent issue at the international level. These practices not only undermine the values of sportsmanship, but also violate the principle of equality and fail to respect human rights. Therefore, FIFA, as the world soccer federation, has explicitly prohibited racist acts in its statutes and regulations and imposes sanctions for any violations occurring in official competitions. This policy was subsequently adopted by UEFA through its Disciplinary Regulations (DR), specifically Article 14 of 2013, which stipulates that any racist or discriminatory act by players, officials, or supporters may be subject to strict sanctions. These sanctions include fines, partial stadium closures, point deductions, and disqualification from competitions. These provisions demonstrate that the responsibility for preventing racism is not only placed on the individual perpetrators but also on the clubs and match organizers (Gunawan et al., 2024).

Thus, under both international and national law, racism in soccer is no longer viewed merely as an ethical violation, but rather as an act with serious legal consequences that requires firm and systematic action. How should the legal issues surrounding racism in the Vinicius Junior case be analyzed and resolved, To what extent are the club and organizers responsible for the racist behavior of fans in the Vinicius Junior case.

2. RESEARCH METHODS

This study employs a normative legal approach by examining various legal instruments, including international ones such as the FIFA Disciplinary Code and UEFA regulations, as well as Spanish national laws that classify racism as a hate crime. Additionally, this study employs a case study method focusing on the match between Valencia and Real Madrid in May 2023, during which a Spanish court imposed criminal sanctions on three supporters for racist actions directed at Vinícius Júnior. The analysis is conducted within the theoretical framework of strict liability (the club's absolute liability for supporters' actions) and vicarious liability (the club's liability if proven negligent in supervision)

3. RESULT AND DISCUSSION

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Analysis of the Racism Case Involving Vinicius Junior The case involving Vinicius Junior was the first instance of racism reported to legal authorities. During the match between Valencia CF and Real Madrid CF on May 21, 2023, at Mestalla Stadium, he was the victim of racism by home supporters. After the player reported the incident directly, the referee halted the match. The Athletic, BBC, and ESPN reported that three supporters were charged with racially abusing Vinicius Junior. In accordance with Article 173.1 of the Spanish Criminal Code, all three were found guilty of violating moral integrity, with the offense aggravated by racially motivated discrimination. They were sentenced to eight months in prison and banned from entering stadiums hosting matches under the auspices of LaLiga and the RFEF for two years, and must pay court costs.

As reported by sport.detik.com, Vinicius Junior had previously criticized the Spanish government for failing to address the growing problem of racism in the country's soccer. In this analysis, we examine the responsibility of Valencia CF, the host club responsible for stadium security, and LaLiga, which is overseen by the Royal Spanish Football Federation (RFEF).

From a regulatory standpoint, this is clearly addressed in Law 19/2007 of July 11 against violence, racism, xenophobia, and intolerance in sports. The issue lies not in a lack of legal provisions but in the slow legal processing and the Spanish Supreme Court's delayed response to the Vinicius Junior case.

From the perspective of club responsibility, Valencia CF has a duty to prevent and control supporter behavior. However, racist incidents occur in public spaces and recur. This indicates that the monitoring system is not functioning effectively, and the club is unable to detect and stop perpetrators promptly. Meanwhile, from the organizer's perspective, LaLiga bears the responsibility to ensure the integrity of matches is maintained. However, the response has been deemed too slow and lacking in firmness. Vinicius Junior's criticism highlights dissatisfaction with player protection. Thus, the core issue addressed in this study is the systemic failure involving both the club and the organizer in fulfilling their preventive and responsive obligations regarding racism. According to FIFA and UEFA regulations, clubs and organizers have an active obligation to prevent, stop, and take action against racism. The basis for this is found in Article 15 of the FIFA Disciplinary Code and Article 14 of the UEFA Disciplinary Regulations regarding discrimination.

1. Responsibilities of Clubs and Organizers and Required Actions

a. Responsibilities of Clubs

According to the UEFA Statutes, any conduct by players, team members, or supporters of a soccer team is the responsibility of that club, including cases of racist behavior. This is covered in Article 6 of the UEFA Disciplinary Regulations (DR): "Associations and clubs are responsible for the conduct of their players, officials, members, supporters, and any other persons performing a function in a match at the request of the association or club." And in Article 11, "The host association or club is responsible for order and security both inside and around the stadium before, during, and after the match. They are responsible for any incidents and may be subject to disciplinary measures and bound by monitoring directives." (Ferianto Tjahyo Kuntjoro et al., 2020).

As the host club, Valencia CF bears primary legal responsibility for the safety and order of the stadium and its supporters. The concept of strict liability applies in sports law, meaning the club is responsible for the actions of its supporters, even if there was no direct order. In fact, Valencia CF claims to have identified the perpetrators of the racism directed at them through video evidence analysis and cooperation with authorities. However, these actions were taken long after the incident occurred, not at the time of the incident.

Valencia CF, as a club, committed several legal violations:

1. failure to detect the incident early: The racist act occurred openly and directly inside the stadium, indicating that the live surveillance system was ineffective.
2. delayed response: The identified perpetrator of the racist act was not removed from the stadium while the incident was still ongoing.
3. Failure to protect the victim: After the incident, the player remained in an unsafe situation while the incident was ongoing, and the match resumed.

Valencia, as the host club, must take action to identify such behavior in real time through CCTV footage and immediately remove the perpetrators from the stadium. The club must also impose a permanent stadium ban and hand over the perpetrators' data to the police on the same day.

2. Organizer's Accountability

The organizer's duty is to uphold the integrity of the competition. LaLiga has stated that it will conduct an investigation and gather evidence before taking legal action. Although LaLiga eventually reported the incident to the Spanish High Court, its response to the racism case involving Vinicius Junior was deemed slow. In addition, LaLiga has reported several cases of racism to Spanish legal authorities, but few of these reports have resulted in adequate sanctions. Consequently, in addition to laws that require organizers to process reports slowly, the Spanish Supreme Court has also experienced delays in processing incoming reports.

The two main issues with these delays are:

1. limited authority: LaLiga lacks criminal jurisdiction, so the penalties it imposes are strictly administrative.
2. poor coordination: Prolonged investigations hinder law enforcement.

Meanwhile, organizers must also act by strictly activating match suspension protocols, swiftly and accurately collecting digital evidence, submitting reports to the police promptly, and imposing preliminary administrative sanctions without waiting for criminal proceedings.

According to FIFA and UEFA, clubs bear full responsibility for the actions of their supporters. This means that if a club fails to prevent or address an incident, they can still be penalized even if the individual's behavior has been punished. Therefore, the primary issue in this study is not the absence of rules. Rather, the problem lies in delayed action and poor implementation on the ground

3. Cases of Racism in Indonesia and Their Resolution

Cases of racism in sports have never gone away, especially in soccer, where there have been numerous incidents of racism abroad—the most recent being the case involving Vinicius Jr. However, we are not discussing Vinicius Jr.'s case, but rather a domestic incident of racism that occurred during the match between Persiku Kudus and Persipura Jayapura in late January 2026—a dark chapter that once again tarnished the spirit of sportsmanship in Indonesian soccer. This incident began when the two teams met in a match of the 2025/2026 Pegadaian Championship at Wergu Wetan Stadium in Kudus. Amid the high tension of the match, certain home supporters hurled racist chants and remarks specifically directed at the Persipura Jayapura players. This verbal provocation did not stop at the stadium stands but was also clearly captured in various video posts that subsequently went viral on social media. This sparked widespread condemnation from the national soccer community, who argued that such discriminatory actions have no place in sports, especially when directed at fellow Indonesians from the Papua region.

The resolution process for this case began when the PSSI Disciplinary Committee (Komdis) conducted a thorough investigation based on match reports and available digital evidence. Video footage from social media served as a key tool for the PSSI Disciplinary Committee to verify violations of the 2025 PSSI Disciplinary Code. In its factual findings and legal reasoning, the Disciplinary Committee stated that the elements of racism had been established beyond a reasonable doubt. As a firm enforcement measure, Persija Kudus was imposed with severe, multi-tiered sanctions: an administrative fine of Rp250 million and a ban on hosting one home match with spectators. This decision was made pursuant to Article 60, paragraph (2) "If spectators or a group of spectators (supporters) from a specific club or entity commit a violation as stipulated in paragraph (1) above, whether by displaying flags, banners, writings, paraphernalia, choreography, or the like during the match, regardless of the reason for the lack of supervision by the entity or club supported by said group of spectators, the entity or club shall be subject to sanctions:

- a. A fine of at least Rp. 450,000,000 (four hundred fifty million rupiah); and
- b. If deemed necessary, taking into account factors such as the consequences caused, repetition of the offense, and so on, the PSSI Disciplinary Committee or the PSSI Appeals Committee may impose other sanctions, such as the closure of the entire stadium or part thereof, a forfeit loss with point deduction, point deduction, or disqualification from the ongoing competition."

In accordance with Article 13, paragraph (2): "For Liga 2 competitions, fines shall be set at 50% (fifty percent) of the fine amounts specified in this PSSI Disciplinary Code." The PSSI Disciplinary Code aims to serve as a deterrent to prevent similar incidents from recurring in the future.

The resolution of this case at the club management level was marked by a cooperative attitude on the part of Persija Kudus. The CEO of PT Relasi Sport Muria Indonesia, Abdul Fuad Amirul, openly acknowledged having received an official decision letter from the federation and stated that the sanctions represent a significant loss for the club, both financially and in terms of reputation. Although management briefly considered the option of appealing through official channels, they placed greater emphasis on using this as a moment for introspection for all supporters. Management urged fans to be more mature in their support and to uphold human values above on-field rivalries. The case was ultimately closed with the affirmation that any form of discrimination will face strict disciplinary action to maintain integrity and unity in Indonesian soccer.

4. CONCLUSION

This study concludes that racism in soccer constitutes a serious human rights violation that undermines the values of sportsmanship and the integrity of competition. Through an analysis of the case of Vinicius Junior at Mestalla Stadium, it is evident that criminal law enforcement in Spain has begun to target individual perpetrators with prison sentences and stadium bans. However, the case also reveals systemic failures on the part of the club and organizers in conducting early detection and taking swift responsive action when the incident occurred. This underscores that the primary issue does not lie in a lack of regulations—given that FIFA and UEFA have established strict liability for clubs regarding the behavior of their supporters—but rather in the slow implementation of these rules on the ground.

A similar situation also occurred in the domestic context of Indonesia, as seen in the racist incident during the match between Persija Kudus and Persija Jayapura in January 2026. Although the PSSI Disciplinary Committee has resolved the matter by imposing a fine of Rp250 million and a closed-door match penalty in accordance with the 2025 PSSI Disciplinary Code, this incident demonstrates that racism remains a real threat to national unity. Therefore, strengthened coordination between clubs, organizers, and law enforcement is necessary to strictly enforce match suspension protocols and the immediate application of administrative sanctions. The handling of racism must transform from merely a reactive legal response into a proactive and comprehensive prevention system to uphold the dignity of soccer as a unifier of diversity.

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