

Construction of Criminal Policies for Handling Football Riots in the Kanjuruhan Tragedy

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ARTICLE INFO

Keywords:

Criminal Policy, Legal Construction, Police Riots, Security Procedures

How to cite:

Astuti, L., Soponyono, E., Sularto, RB., & Genoves, M.B. (2024). Construction of Criminal Policies for Handling Football Riots in the Kanjuruhan Tragedy. *Jurnal Media Hukum*, 31(1), 39-58

Article History:

Received: 06-10-2023

Reviewed: 202-11-2023

Revised: 23-02-2024

Accepted: 03-03-2024

ABSTRACT

Even though conflicts between supporters caused the majority of the riots, other factors were no less important. Specifically, those related to the organization of football matches that were not yet professional could not guarantee security or order. The incident at Kanjuruhan Stadium serves as a significant reminder that hosting football matches without prioritizing proper safety measures and collaborative procedures will undoubtedly fail to promote fair competition in line with the principles of organizing sporting events that uphold sportsmanship, fair play, and respect. This paper is compiled through normative research by prioritizing secondary data that focuses on statutory and case approach, which are collected and analyzed descriptively and qualitatively. The results shows that the legal construction used in carrying out security by the Police in the Kanjuruhan Tragedy refers to the Regulation of the Chief of Police of the Republic of Indonesia Number 1 of 2009 on the Use of Force in Police Action while after the Kanjuruhan Tragedy, the Police compiled a new legal construction, the Republic of Indonesia National Police Regulation Indonesia Number 10 of 2022 on Security for the Implementation of Sports Competitions which can be used specifically in securing the implementation of football in Indonesia.

DOI: <https://doi.org/10.18196/jmh.v31i1.20139>

1. Introduction

Riots that occur in the football matches happen from time to time. Not only in Indonesia, it also happens in many countries with advanced football competitions.¹ It cannot be separated

¹ Luis Carlos Sánchez, Angel Barajas, and Patricio Sanchez-Fernandez, 'Fans in The Own Five Leagues: Lessons for Sport & Society' (2021), 855-70, <https://doi.org/10.1080/14660970.2020.1819800>.

from the conflicts that soiled football matches' dark history.² There are many factors behind these conflicts or riots, starting from the history of the rivalry of the supporters' groups³ up to the unprofessional management of the competition in terms of human resources and supporting infrastructure.⁴

Riots that happened in Indonesia almost occurred in the organization of football matches.⁵ The majority of the riots that occurred were caused by clashes and conflicts between fan groups.⁶ It has been recorded since the Indonesian League was held in 1994 that 78 fans died while giving support to football clubs. The large number of supporters who become victims cannot be separated from the behavior of anarchism caused by conflicts between supporters.⁷ Not only that, anarchism often begins with the procedures for organizing matches, which are ignored by both the supporters and the organizers,⁸ including those relating to the guidelines for securing supporters who do not follow the rules and standards in organizing football matches.⁹

Several structures have the authority to carry out security and safety procedures during the match.¹⁰ The Indonesian Football Association (PSSI) provides this authority, further regulated in several regulations.¹¹ The structures involved include the match organizing committee (panpel), stewards, safety and security officers, and public authorities, including the Indonesian National Armed Force (TNI), Indonesian National Police (POLRI), and Municipal Police (Satpol PP). All of the structure has the same authority and goal to maintain conduciveness and security during the match with reference to the regulations issued by PSSI

² Leander Andres, Marc Fabel, and Helmut Rainer, 'How Cause?' *Journal of Public Economics*, 225. September (2023), 1-15. <https://doi.org/10.1016/j.jpubeco.2023.104970>.

³ Thyago Celso Cavalcante Nepomuceno and others, 'Expl Fan Culture: Addressing the Hooliganism Phenomena' *International Journal of Environmental Research and Public Health*, 19.15 (2022), 1-20. <https://doi.org/10.3390/ijerph19159711>.

⁴ Alastair J. Clements and Na Moideli, 'Fractal Statistics at Riots' *Mechanics and Its Applications*, 597. July (2022), 1-17. <https://doi.org/10.1016/j.physa.2022.127279>.

⁵ Álvaro Novillo and others, 'A Multifractal Chaos, Solitons and Fractals', 178. December 2023 (2024), 1-11. <https://doi.org/10.1016/j.chaos.2023.114355>.

⁶ Vincenzo Scoppa, 'Social Pressure in The Stadiums: Support' *Journal of Economic Psychology*, 82. August 2020 (2021), 1-15. <https://doi.org/10.1016/j.joep.2020.102344>.

⁷ Martha Newsom and others, 'Brazil's Evolution and Human Behavior', 39.6 (2018), 675-83. <https://doi.org/10.1016/j.evolhumbehav.2018.06.010>.

⁸ Juan Alejandro Hernández-Hernández and others, 'Stakeholder Governance Football: A Bibliometric Analysis', *Journal of Helix*, 9.3 (2023), 1-18. <https://doi.org/10.1016/j.heliyon.2023.e18942>.

⁹ Borja García and Ramón Llopis-Goig, 'Millets, Institutionalists, Critics, Moderns and Globalists: A Quantitative Governance-Based Typology of Football Supporters', *International Review for the Sociology of Sport*, 55.8 (2020), 1116-1135. <https://doi.org/10.1177/10126902198686>.

¹⁰ Jan Andre Lee Ludvigsen, 'Locating The Supporter Li Brokers and The "International Review for the Sociology of Sport", 2023, 1-17. <https://doi.org/10.1177/10126902231195569>.

¹¹ Mochammad Erga Firmansyah and Tomy Michael, 'Legal Legisla Innovative', *Journal Of Social Science Research*, 3.5 (2023), 1731-42. <https://doi.org/10.31004/innovative.v3i5.4780>.

as the head organization of football in Indonesia.¹² Unfortunately, in carrying out their authority, the related structures cannot synergize properly to guarantee the safe and peaceful implementation of matches in accordance with Fédération internationale de football association (FIFA) principles.¹³

As an illustration, consider the events during the 11th week of the 2022-2023 BRI League 1 season. This particular week featured a high-stakes match between two prominent clubs, Arema FC and Persebaya, held at the Malang Kanjuruhan Stadium.¹⁴ Unfortunately, the outcome was marked by tragedy, as a significant number of Arema FC supporters fell victim to the circumstances.¹⁵ It is undeniable that the history of the rivalry that has occurred between Arema FC and Persebaya has been going on for a long time.¹⁶ Each group of supporters is known for its high loyalty and fanaticism in providing support. The matches that bring together the East Java *derby* are always marked and synonymous with conflicts and clashes between supporters. However, what happened on Saturday, October 1, 2022, was not caused by conflict between supporters. Persebaya supporters, known as Bonek, were not present at the stadium as prohibited and recommended by the local police that the match be held without the presence of Persebaya supporters as the visiting team to prevent potential riots.¹⁷

Quoting the report of the Joint Independent Fact Finding Team (TGIPF) in the Kanjuruhan Stadium Tragedy, as many as 712 people became victims, 132 of them died, 96 people were seriously injured, and 484 people suffered minor or moderate injuries. The large number of victims who died made Indonesia the second-ranked country in the world after the tragedy of the 1964 Olympic qualification between Argentina and Peru, which occurred at the Estadio Nacional Peru with 328 fatalities. The tragedy that occurred in Kanjuruhan is even referred to as a very on human tragedy, considering that football is the most popular sport among most of the world's people as well as Indonesia.¹⁸ Deep sorrow was not only felt by Arema FC supporters, known as Aremania, but all people also felt a tremendous loss.¹⁹

¹² Indra Kusumawardhana and Muhammad Badaruddin, "The Analyzing the Triangular Relationship Amongst the FIFA Pacific Studies 2, no. 2 (2018): 116-131. <https://doi.org/10.33541/japs.v2i2.749>.

¹³ Antoine Duval and Daniela Hee, "Addressing the Human Rights Review, 25.1 (2020), 1-11. <https://doi.org/10.5334/TILR.189>.

¹⁴ Fredrik Sokoy and others, "Kanjuruhan Indonesia Football Governance, *International Journal of Human Movement and Sports Sciences*, 11.4 (2023), 753-61. <https://doi.org/10.13189/saj.2023.110408>.

¹⁵ Jenny Yudha Utama and others, "The Root of Violence Police Insurrection, *Jurnal, Sosial Politik*, 5.2 (2022), 122-32. <https://doi.org/10.32699/resolusi.v5i2.3604>.

¹⁶ Rr. Nanik Setyowati, "Behavior of Bonek Supporters *Advanced Science Letters*, 23.12 (2017), 11687-11691 <https://doi.org/10.1166/asl.2017.10495>.

¹⁷ Satria Diaz Pratama Putra Pratama and Eko Sopo, "Criminal Acts of Violence in Football: A Champion", *Jurnal Hukum*, 5.1 (2022), 49-51. <https://doi.org/10.30659/jdh.v5i1.18512>.

¹⁸ Gaetano Raiola and others, "The Accountability of Communities: A Physical Education Theory and Methodology, 23.2 (2023), 263-70. <https://doi.org/10.17309/tmfv.2023.2.15>.

¹⁹ Gusti Naufal Rizky Perdana, Bambang Irawan, and Pais, "Public Response to the Kanjuruhan Tragedy: A Case Study", *Nyimak: Jurnal Komunikasi*, 7.1 (2023), 89-107. <https://doi.org/10.31000/nyimak.v7i1.7209>.

The occurrence of the Kanjuruhan Tragedy began with Aremania's protests and disappointment with the results of the match,²⁰ which ended in Persebaya's victory with a score of 3-2 by storming down onto the football field. The number of Aremania people who carried out anarchism by attacking the police and carrying out acts of vandalism was getting out of control so that the police took repressive measures by firing tear gas, which only made the atmosphere worse and created extraordinary panic, which was also felt by the spectators who were still in the stands of the stadium.²¹ This condition caused many spectators and Aremania to panic, jostling, trampling, and being trapped in front of the non-functional exit so that the crowds piled up due to the circulation of access to the exit not functioning properly.²²

Quoting Inspector General Nico Afinta, the use of tear gas is an effort that must be carried out and assessed in accordance with Police security procedures after various preventive efforts failed to reduce anarchism carried out by Aremania. This procedure is contrary to the provisions in Article 19 Letter B of the FIFA Stadium and Security Regulations, which prohibits all forms of security using firearms or tear gas to control crowds.²³ The Police annulled that their ignorance of these security regulations was due to the lack of socialization carried out by PSSI,²⁴ so in carrying out security, the Police referred to the provisions of the Regulation of the Chief of Police of the Republic of Indonesia No. 1 of 2009 on the Use of Force in Police Action.²⁵ PSSI blamed the organizing committee as the organizer of the match for being unable to hold the match safely.²⁶ The organizing committee also blamed PT Liga Indonesia Baru as the operator of the BRI Liga 1 competition, which refused to accept the recommendation to hold the match in the afternoon. The appointed stewards also did not carry out their functions properly. It was known that at the time of the riot, the stewards who had the authority to open the exit door were ordered to leave the place by the security officer.

The act of throwing responsibility is shown to the public as if it has strengthened the public's perspective on how messy the organizers of football matches are in this country. Hundreds of souls were lost, and hundreds of others were injured and neglected in the absence of goodwill to rectify, resolve, and reveal justice for the Kanjuruhan Tragedy. This was further exacerbated by the attitude of PSSI, which was not proud to admit mistakes and shifted the blame to the

²⁰ Radek Janhuba, 'Do Victories and Losses Matter? Effort and Economic Psychology', 75. September 2018 (2019), 1-9. <https://doi.org/10.1016/j.joep.2018.09.002>.

²¹ Jianxing Ren and others, 'Modified Social Force Model for Evacuation', *International Journal of Disaster Risk Reduction*, 96. May (2023), 103902. <https://doi.org/10.1016/j.ijdrr.2023.103902>.

²² D. Tin, R. Hata, and G. R. Ciottor, 'Causes, Consequences and Strategy of Safeguarding The Future from A Medical Perspective', *Public Health*, 224. November (2023), 8-13. <https://doi.org/10.1016/j.puhe.2023.08.014>.

²³ T. M. Vakhoneva and others, 'Legal Challenges to the Digital Age', *Jurnal Ilmiah Hukum*, 31.2 (2023), 245-65. <https://doi.org/10.22219/ljih.v31i2.26576>.

²⁴ Rianda Dirkareshza and M. Rizki Yudha Prawira, 'Legal Match At Kanjuruhan', *Syiah Kuala Law Journal*, 6.3 (2022), 274-85. <https://doi.org/10.24815/sklj.v6i3.28803>.

²⁵ Kartika Wiद्या Utama and others, 'Tragedi Kanjuruhan Pelaksanaan Prosedur', *Musalah Hukum*, 51.4 (2022), 414-21. <https://doi.org/10.14710/mmh.51.4.2022.414-421>.

²⁶ Luc Arrondel, Jean-Pascal Gayant, and Jean-François Laslier, 'Economic Analysis Should The Fans Sports Economics Review', 3. August (2023), 100017. <https://doi.org/10.1016/j.serev.2023.100017>.

relevant organizers. From the various structures involved in carrying out the security function in organizing football matches as stipulated in the PSSI regulations, this paper will specifically discuss the construction of authority possessed by the Police in carrying out security for holding football matches, which is analyzed through criminal policy theory.

2. Research Method

This normative legal research applied a case approach and a statutory approach. The data type used was qualitative data sourced from secondary data consisting of primary, secondary, and tertiary legal materials. Data collected through literature or document studies were analyzed descriptively using qualitative analysis methods. Qualitative methods can be used to explain symptoms or phenomena completely and thoroughly. Qualitative analysis was obtained by interpreting legal material that had been processed to know whether there is a void in legal norms or unclear legal norms. Descriptive analysis was carried out using the method of legal interpretation to build a legal argument as a conclusion in the form of a prescription or stating what should be at the same time as a recommendation.

3. Result and Discussion

The problems in overcoming the riots in the Kanjuruhan Tragedy raised discussions from various scientific perspectives. Accordingly, this paper is not the first study but proposed differences and unique characteristics in the discussion. A study related to the Kanjuruhan Tragedy was written by Doni Agustinus et al. with the title "*Analisis Tindakan Represif Aparat Kepolisian dalam Mengendalikan Massa: Studi Kasus Tragedi Kanjuruhan*" concluded that the repressive actions taken by the police included physical actions and the shooting of tear gas referring to the Regulation of the Chief of Police of the Republic of Indonesia No. 1 of 2009 on the Use of Force in Police Action.²⁷ Another study written by Atika Nadhillah and Syofiaty Lubis with the title "*Peran Komnas Ham Dalam Tragedi Stadion Kanjuruhan Di Kabupaten Malang*" concluded that the Police as a security force in organizing football matches must know the rules that apply in securing matches which are in line with FIFA regulations to protect the public interest or public safety (*salus populi suprema lex esto*) for the creation of national football that is civilized and beneficial to society.²⁸ The last study was written by Yuni Mogot et al. with the title "*Gerakan Sosial Virtual Menyikapi Tragedi Kanjuruhan.*" It concluded that the community movement, which was carried out virtually, received a response from the Indonesian government by forming a joint team of independent fact-finders to investigate the causes of the Kanjuruhan Tragedy and that several people involved were named suspects for their negligence, which caused many victims to fall.²⁹ Criminal law has a strategic function in finding and explaining various things,³⁰ for example, how a crime that occurs can be overcome

²⁷ Doni Agustinus, 'Analisis Tindakan Represif Aparat Kepolisian dalam Mengendalikan Massa: Studi Kasus Tragedi Kanjuruhan', *Jurnal Hukum dan Dinamika Masyarakat*, 21.1 (2023), 105-16. <https://doi.org/10.56444/hdm.v21i1.3529>.

²⁸ Atika Nadhillah and Syofiaty Lubis, 'Peran Komnas Ham dalam Menyikapi Tragedi Stadion Kanjuruhan Di Kabupaten Malang', *Al-Da'wah: Jurnal Hukum Pidana Dan Ketatanegaraan*, 12.1 (2023), 90-109. <https://doi.org/10.24252/ad.vi.37406>.

²⁹ Yuni Mogot and others, 'Gerakan Sosial Virtual Menyikapi Tragedi Kanjuruhan', *Dewan: Jurnal Ilmiah Pendidikan Sosial Humaniora*, 1.4 (2022), 89-97. <https://doi.org/10.30640/dewantara.v1i4.402>.

³⁰ Mokhammad Najih, 'Indonesian Penal Policy: Toward a New Paradigm', *Jurnal of Indonesian Legal Studies*, 3.2 (2018), 149-74. <https://doi.org/10.15294/jils.v3i02.27510>.

by applying laws in the criminal justice system established by the state. One of the theories that the author will examine here is through the perspective of criminal policy.³¹ Criminal policy is defined as a rational effort by a country to deal with crimes that cannot be separated and become an integral part of efforts to protect society (social defense planning or protection of society) carried out to achieve community welfare.³² Furthermore, these efforts can be carried out through penal efforts and non-penal efforts.

Penal efforts are efforts to overcome crime through criminal law, while non-penal efforts are efforts to overcome crime by using means outside the criminal law.³³ Penal policy countermeasures can be carried out through several stages, such as the formulation stage, the application stage, and the execution stage. In its implementation, there is one other stage called the evaluation stage.³⁴ The non-penal policy countermeasures cover the field of study of all social policy sectors that have a preventive effect on crime,³⁵ so it can be said that non-penal efforts have a very strategic position, holding a key position which in the future must be intensified and made effective.³⁶ The following is a further explanation of the legal constructs used in tackling the riots that occurred in the Kanjuruhan Tragedy, which will be analyzed from a criminal policy perspective.

3.1. The Legal Construction of Police Authority in the Kanjuruhan Tragedy through a Criminal Policy Perspective

The several stages carried out in penal efforts, the discussion focused on the application stage, or the judicial stage, by analyzing the application of criminal law by the relevant apparatus responsible for organizing football matches. In the Kanjuruhan Tragedy, it can be identified that the riots were caused by a lack of conformity and synergy in terms of both standard operating procedures for security and human resources as the authorities so that safe football matches could not be held. Article 5 paragraph 12 of the 2018 PSSI Disciplinary Code clearly regulates the functions of match officials individually and jointly in carrying out certain roles in organizing matches. The match officials consist of referees, match commissioners, referee assessors, delegation heads, general coordinators, media officers, security officers, medical officers, and other officials appointed by PSSI who are responsible for the smooth running of matches, such as match officials who maintain security and order in audience behavior, such as the match commissioner and security officer.

PSSI authorized PT Liga Indonesia Baru (PT LIB), the operator of Liga 1, to manage professional football competitions and tournaments in Indonesia. PT LIB, in partnership with

³¹ Vivi Ariyanti, 'Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana', *Jurnal Yuridis*, 6.2 (2019), 33–54. <https://doi.org/10.35586/JYUR.V6I2.789>.

³² John Kenedi, 'Kebijakan Kriminal (Criminal Policy) Menyejahterakan Masyarakat', *Jurnal Politik dan Hukum*, 2.1 (2017), 15–26. <https://doi.org/10.29300/imr.v2i1.1026>.

³³ Alessandro Corda, 'The Transformational Function of Boundaries', *Criminal Law Review*, 23.4 (2020), 584–635. <https://doi.org/10.1525/nclr.2020.23.4.584>.

³⁴ Fithri.

³⁵ Yeni Widowaty, 'The Application of Social Control Terhadap Delinquent', *Jurnal Hukum*, 26.2 (2019), 182–93. <https://doi.org/10.18196/jmh.20190133>.

³⁶ Cahya Wulandari, 'Kebijakan Kriminal Non Penal Dengan Konten Negatif Melalui Pandecta', *Jurnal Pandecta*, 15.2 (2020), 228–41. <https://doi.org/10.15294/pandecta.v15i2.23650>.

sponsors like Bank BRI, organizes these competitions. Bank BRI has been the main sponsor of the Indonesian League 1 since 2021, which is why it's called the BRI League 1, governed by the BRI League 1 Competition Regulations 2022-2023. These regulations cover the rights, obligations, duties, and responsibilities of all parties involved in preparing and managing the BRI League 1.

One of the parties involved in organizing the match is also known as the Match Organizing Committee hereinafter referred to as Panpel, formed or determined by the organizers of the competition, responsible to the organizers and or PSSI, led and composed of personnel as described in the relevant Decree, to act as match organizers with work conditions as regulated by the PSSI Competition Regulations. Regarding security for football matches, PSSI also gives authority to public authorities, including the TNI, Polri, Satpol PP,³⁷ safety and security officers, and stewards. Each of these security structures or devices has a different basis of authority. For example, the TNI, Polri, and Satpol PP are security devices that work and are responsible within the scope of the State of Indonesia. In contrast, safety and security officers and stewards are individual devices or groups of individuals who carry out special security used in official PSSI matches to help service and safety and security. This, in practice, often causes incompatibility and does not achieve synergy in carrying out safeguards because different operational standards guide each structure involved. From these provisions, it can be concluded that the legal constructs responsible for the safety and security of organizing football matches consist of security officers, organizing committee (panpel), stewards, safety and security officers, and public authorities, one of which consists of from TNI, Polri, Satpol PP. Specifically, this paper will discuss further the authority to carry out the security function of the Police in the Kanjuruhan Tragedy.³⁸

The Police as a senior legal institution, has two roles in carrying out its functions. The first role of the police is to guard and maintain security and order for community groups to achieve a safe and peaceful living atmosphere. The second role is to enforce the law and norms in society. These two roles make the police an institution that can enforce the law. The police can restore the situation by forcing every lawbreaker to be able to bear the consequences of the actions that have been committed.³⁹

The police have an important role in securing and guaranteeing the safety of football matches in Indonesia. Based on the 2021 PSSI Safety and Security Regulations, it is known that the Police are included as one of the Public Authorities that have legal powers to carry out their respective functions and roles in organizing football matches, for example, other institutions that function as public authorities such as the TNI, medical officers, ambulances, and firefighters. The role of the Police started when the Organizing Committee (Panpel) coordinated to ensure that plans for the competition could run safely and comfortably. This coordination is also carried out to exchange information regarding potential disturbances that may occur, along with strategies for prevention and mitigation appropriately and effectively. The police can also support the duties of the stewards to deal with any violence or disorder.

³⁷ R. Fitriani, L. A. Krisna, and M. Natsir, 'Legal Protection of Family's Criminal Involvement in Domestic Violence: A Study in the District of ...', *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 6(1), (2023), 77-88 <https://doi.org/10.24090/volksgeist.v6i1.8232>.

³⁸ Jordan Gunawan, Fawaz Muhammad Ihsan, and Paulo Andriyanto, 'The Role of Law Enforcement in Preventing and Reducing Crime: A Study in ...', *Lex Scientia: Jurnal Hukum dan Kebijakan*, 7(2) (2023), 373-412. <https://doi.org/10.15294/lesrev.v7i2.59534>.

³⁹ R. Dian Dia-an Muniroh and Georgina Heydon, 'Addressing Crime Prevention Practices in Police: A Study in ...', *Journal of Police and Criminal Psychology*, 37(2) (2023), 13-24. <https://doi.org/10.1007/s11896-021-09474-7>.

Even stewards who generally come from professional independent security forces can be carried out by personnel from the police or the military upon appointment from the Organizing Committee (Panpel).⁴⁰ The Police with the Organizing Committee (Panpel), safety and security officers, and stewards make efforts to prevent and take action against all forms of provocative actions carried out by spectators while in the stadium area through various provocative actions, racist behavior committed verbally or non-verbally⁴¹ by using banners, writing or flags.⁴² Prevention efforts are made through loudspeakers or directly securing related material that violates anti-discrimination and racist provisions, while enforcement efforts are carried out by removing the perpetrators from the stadium area.⁴³

Security in organizing sports matches needs to be done to guarantee safety, create a healthy sports climate, and promote national sports. This can be done by establishing operational arrangements for securing the implementation of sports competitions tailored to each sport's provisions and needs. Generally, the relevant regulations used in organizing football matches refer to the FIFA Stadium Safety and Security Regulations, while other regulations also support such as Safety and Security Regulation 2021, BRI League 1 Regulation, PSSI Disciplinary Code 2018, and PSSI Statute 2019. All regulations drawn up by PSSI should refer to and be adopted according to the provisions issued by FIFA.⁴⁴

Specifically, one of the rules used by the Police in carrying out its function is to ensure the security of football matches is the Republic of Indonesia National Police Regulation Number 10 of 2022 on Security for the Implementation of Sports Competitions or hereinafter referred to as Perpol 10 of 2022. Unfortunately, this arrangement was only formed after the Kanjuruhan Tragedy occurred on October 28, 2022, so previously, the Police did not yet have a mass security procedure that specifically regulates football matches.⁴⁵ The regulations that refer to the provisions of the FIFA Stadium Safety and Security Regulations were never socialized by PSSI. Hence, ignorance of security procedures provides a basis for the Police to carry out security and safety procedures based on Chief of Police Regulation No. 16 of 2006 on Crowd Control and Chief of Police Regulation No. 1 of 2009 on the Use of Force in Police Action.

These regulations is the legal construction of Police authority in dealing with the riot at Kanjuruhan Stadium refers to the provisions of Article 5, Paragraph 1 of the Chief of Police Regulation No. 1 of 2009 on the Use of Force in Police Action which regulates the stages regarding the use of force by the Police consisting of stage one use forces that have a deterrent effect. Stage two use oral orders. Stage three use soft empty hand control also stage four use

⁴⁰ Christian J. Sander and Stefan Thiem, 'Should Football Fe eResearch in Economics, 77.1 (2023), 122-30. <https://doi.org/10.1016/j.rie.2023.01.006>.

⁴¹ Solvejg Wolfers, Kieran File, and Stephanie Schnurr, and Racial Humour in a German U-19 Football Journal of Pragmatics, 112 (2017), 83-96. <https://doi.org/10.1016/j.pragma.2017.02.003>.

⁴² Francesco Principe and Jan C. van Ours, 'Racial Bias Player European Economic Review, 141. November 2021 (2022), 1-16. <https://doi.org/10.1016/j.eurocorev.2021.103980>.

⁴³ Rizaldy Anggrawan and others, 'Passenger Name Record Data and United States Agreement Husanudin Law Review, 8.2 (2023), 195-110. <https://doi.org/10.20956/halrev.v8i2.2844>.

⁴⁴ A. Ariefulloh and others, 'Based Criminal Case Resolution in Salatiga, Indonesia: e Islamic Law Perspective. *Kitab: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 23,1 (2023), 19-36 <https://doi.org/10.18326/IJTIHAD.V23I1.19-36>.

⁴⁵ Kartika Widya Utama and others.

hard empty hand control. Stage five use control of blunt weapons, chemical weapons including tear gas, pepper spray, or other tools according to Polri standards and the last stage six use control by using firearms or other tools to stop the actions or behavior of criminals or suspects that can cause serious injury or death to members of the Police or members of the public.

The stages of Police action can be carried out under the conditions encountered as stipulated in the same Perkapolri Article 7 Paragraph 2, regarding the level of danger of threats to members of the Police or the community. Stages one is passive actions are faced with soft empty hand. Stages two is active action is faced with hard bare hand control. Stages three is aggressive actions were met with the control of blunt weapons, chemical weapons including tear gas or chili spray, or other tools. Stages four is immediate aggressive actions taken by criminals or suspects that may cause serious injury or death endanger the moral honor of members of the Police or the public or pose a danger to public safety, such as setting fire to a gas station, blowing up an electric substation, blowing up an arsenal of weapons ammunition, or destroying vital objects, can be confronted with the control of firearms or other tools.

Accordance with the provisions of Article 5, paragraph 2 of the Chief of Police Regulation No. 1 of 2009 on the Use of Force in Police Action Polri members must choose the stages of using force as referred to in paragraph (1). According to the level of threat from criminals or suspects by taking into account the principles referred to in Article 3 which include:⁴⁶

- 1) legality, which means that all police actions must comply with applicable law;
- 2) necessity, which means that the use of force can be used when necessary and cannot be avoided based on the situation at hand;
- 3) proportional, which means that the use of force must be carried out in a balanced way between the threats faced and the level of strength or response of members of the Police so as not to cause excessive losses/victims/suffering;
- 4) general obligation, which means that members of the National Police are given the authority to act or not act according to their own judgment, to guard, maintain order, and ensure public safety;
- 5) preventive, which means that police action prioritizes prevention;
- 6) reasonable, which means that police action is taken by logically considering the situation and conditions of the threat or resistance of the perpetrators of crimes against officers or the danger to society.

The security elements in the kanjuruhan tragedy involved were the East Java Regional Police consisting of Malang Police elements reinforced by Dalmas or Crowd Control (Sabhara) elements from the Sidoarjo City Police and the East Java Police Mobile Brigade Unit (Satbrimob). The involvement of security personnel cannot be separated from the limitations of Malang Police personnel in handling high-risk matches, so it needs support from other Sector Police under the responsibility of the Malang Police Chief. The security procedures were also carried out with joint security personnel from various elements such as stewards and the TNI, which consisted of Units from the VI/Brawijaya Military Command, including Kodim 0818/Kab. Malang, Yonzipur 5/ABW and Denpom V/3 Malang. The TNI functions as a strengthening element in implementing assistance to the Police for securing football matches.

⁴⁶ Muhammad Haris Aulawi and others, 'Governing Indonesia Ready to Fight L *Bestuur* 11.1 (2023), 26-42 WT O?' <https://doi.org/10.20961/bestuur.v11i1.69178>.

The total security elements used were 2034 personnel, with 664 of them coming from the Malang Police.⁴⁷

The application stage as one of the penal efforts in carrying out security carried out by the Police is to make recommendations on a security plan. The recommendations focusing on personnel efforts in carrying out security by alerting personnel at several important stadium points such as doors A-D, doors B-3, at big gate A, B, D, and E, in the stands of the stadium, outside the stadium, on the field, changing rooms, traveling personnel and personnel on standby. The police have also prepared a K-9 (sniffer dog), a water cannon used to block the movement of supporters. The police also made a posse, especially in the stands prone to riots.

Based on the facts the planned security efforts were not optimal, not well coordinated, there were no anticipatory steps, and tended to be ignored by the police, considering that many Aremania broke into the field, threw stones, lit flares, beat security personnel, intimidated verbally by saying the Police Kill, Police Jancox and Police Sambo, even damaged the Police patrol car. This then triggered security personnel such as Satbrimob and Sabhara to exercise discretion with repressive measures, firing tear gas repeatedly toward Aremania and the spectators in the South Stand. Not only that, some security personnel from the TNI, although they did not carry tear gas and only carried batons and shields, instead admitted to beating and kicking supporters as a result of provocation by supporters, which resulted in supporters being injured.

The police considered it necessary to exercise discretion by firing tear gas after various preventive measures failed to minimize the riots. Even though the Police are not aware of FIFA regulations regarding the ban on the use of tear gas, in a coordination meeting held by the Head of Ops for the Malang Police, Head of Intelligence and Security Unit for the Malang Police, Malang Traffic Police, Pasiops Yon B, and Wadanyon Zipur 5 Kepanjen, it has been conveyed that in carrying out security tear gas is not allowed. The discretion exercised in dealing with the riots certainly ignores the results of the coordination meeting that has been held and ignores the stages in accordance with Article 5 Perkapolri No. 1 of 2009 on the Use of Force in Police Action where the Police prefer to use stage 5 by firing tear gas against the actions aggressive behavior by Aremania in providing security.

Regardless of the various reasons put forward by the Police and the TNI as security personnel, taking inappropriate discretionary actions, let alone beatings, is not an appropriate and justifiable security measure in organizing football matches. Not only that, this action is also not in accordance with the provisions of the Regulation of the Head of the Indonesian National Police (Perkapolri) Number 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Implementation of Duties of the Indonesian National Police where Article 43 specifically regulates the authority of the Police in overcoming mass riots.⁴⁸

First implementation of human rights principles when each member of the National Police in an effort to overcome mass riots, is required to apply a sequence of actions starting from the use of the softest force or a persuasive approach, before taking repressive action or law

⁴⁷ Lutfhi Abdil Khuddus and others, 'Fanaticism of Football Case of Study: Persepsi Masyarakat Terhadap Aksi Kekerasan Aremania', *International Journal of Social Science and Human Research*, 5.4 (2022), 1476-84. <https://doi.org/10.47191/ijsshr/v5-i4-38>.

⁴⁸ Wahyu Purbiyantari and others, 'Leadership and Service in Football Security: A Study of the Malang Police', *International Journal of Membrane Science and Technology*, 10.2 (2023), 846-56. <https://doi.org/10.15379/ijmst.v10i2.1390>.

enforcement based on the principles of legality, necessity, and proportionality.⁴⁹ Second, every member of the National Police, in the context of overcoming riots, is prohibited from taking excessive actions that could cause damage to the scene or the environment without a valid reason. Third, every member of the National Police, in carrying out action against riots for whatever reason, must continue to try to minimize casualties or unnecessary damage as possible.⁵⁰

The Police and other security personnel, under the guidance of Perkapolri, implemented non-penal security measures for the high-risk Arema FC and Persebaya matches. These efforts aimed to prevent riots by securing all areas of the East Java Police, urging supporters to avoid group gatherings, advising Aremania supporters from outside the city against wearing club attributes, and recommending to PT LIB (the league operator) that the match be held in the afternoon. However, this recommendation was rejected due to a contractual agreement with the broadcaster. Consequently, the Police agreed to the night game, citing concerns over Bonek supporters' attendance. Additionally, the Malang Police conducted regular "Ngopi Bareng" meetings with Aremania to foster positive relations and cooperation.⁵¹

Unfortunately, both the penal and non-penal efforts that have been made have been unable to overcome and prevent riots. From the several stages of action taken by the police regarding the use of force, it is known that the preventive measures taken could not stop the rioting by the supporters. Overacting and immeasurable actions carried out for reasons of police discretion are clearly contrary to the Police Chief Regulation regarding the implementation of human rights principles and standards, especially since these actions resulted in damage to several public facilities and many fans and spectators who became victims.⁵²

It's been a year since the Kanjuruhan Tragedy, yet the victims still grieve. No football match is worth a life. PSSI, as Indonesia's football governing body, must take responsibility by implementing comprehensive and consistent reforms to ensure safer football. Additionally, there should be an evaluation stage to allow the police to establish legal frameworks for securing sports events.

3.2. The Legal Construction of Police Authority for the Implementation of Football Matches after the Kanjuruhan Tragedy through a Criminal Policy Perspective

After the Kanjuruhan Tragedy, the Indonesian National Police issued regulations that specifically regulate the security of sports competitions, which are regulated in the Republic of Indonesia National Police Regulation Number 10 of 2022 on security for the Implementation of Sports Competitions, hereinafter referred to as Perpol 10 of 2022. The regulations compiled

⁴⁹ Jordan Gunawan and Mohammad Hazyar Arumbinang, 'The Human Rights Approach in Corporate Governance, Human Rights, Culture and Legal System', 3.2 (2023), 288–307. <https://doi.org/10.53955/jhcls.v3i2.116>.

⁵⁰ Jordan Gunawan and others, 'Command Responsibility International Human Rights Law', 8.1 (2022). <https://doi.org/10.1080/23311886.2022.2139906>.

⁵¹ Iswantoro Iswantoro, Saparwadi Saparwadi, and Devi T. Handling Damage to National Reputation and National Authority Regulatory Issues, 2.1, 20–34 <https://doi.org/10.53955/jsderi.v2i1.22>.

⁵² W. Yudhiani, A. S. Rama, and M. A. Bin Samsudin, 'The Differentiation of Discrimination and Intolerance Paradigms in the Case of Perkada Sharia in West Sumatra', *Jurnal Ilmiah Syariah*, 22.1 (2023), 81–92 <https://doi.org/10.31958/juris.v22i1.8606>.

are a form of evaluation efforts carried out by the Police in carrying out the security function so that the implementation of sports competitions can take place safely and peacefully.

The basic principles that must be fulfilled in carrying out security are regulated in Article 3 of Perpol 10 of 2022, covering:⁵³

- a) Legality, It must be in accordance with statutory provisions;
- b) Synergy, It is implemented in an integrated manner between administrators and ministries/agencies, regional governments, and related parties;
- c) Accountability. It can be accounted for; and
- d) Proportionality. The operational form of Polri is carried out based on estimates of threats or disturbances that may occur.

Security for sports events under Article 4 of Perpol 10/2022 includes Enhanced Routine Activities (KRYD) or Police Operations. KRYD, as defined in Article 1(8), encompasses police actions addressing community or government activities affecting public order, requiring more than one function to manage. Police Operations, as defined in Article 1(9), involve Polri activities aimed at preventing, addressing, and responding to public order disruptions, following specific guidelines for duration, objectives, methods, personnel, logistics, and budget.⁵⁴

Based on this definition, the implementation of football matches is included as a routine activity that is carried out every year and in accordance with PSSI regulations. This implementation requires the role of other devices or structures not only from PSSI elements but also requires the role of other functions which in PSSI regulations are called as a public authority where one of them regulates the function of the security structure, which is the Police. The police carry out their functions as security personnel in organizing football matches must have special procedures which include enforcement efforts as penal efforts, and prevention efforts as non-penal efforts aimed at tackling all forms of actions or conditions that can disrupt the course of the match.⁵⁵

Furthermore, the police who carry out security activities in organizing sports competitions must be guided by the nature of threats. Article 5, paragraph 2 of Perpol 10 of 2022, outlines the Threat Nature, including potential disturbances, thresholds for disturbances, and real disturbances. The following further explains the nature of the threats that may occur in organizing sports matches.

Table 1. The Nature of Threats in Organizing Sports Matches
Based on Perpol 10 of 2022

No	Articles	Description
1	Article 6 "Disturbance"	Includes: fanaticism of supporters, history of the competing teams, venue overcapacity, ticket sales systems, home or away competitions, competition

⁵³ Nina Persak, 'Beyond Public Punitiveness: Internal Role of Journal of Law, Crime and Justice, 57, June (2019), 47-58. <https://doi.org/10.1016/j.jlcrj.2019.02.001>.

⁵⁴ T. Y. Diarsa, 'Implementation of Yurisdiksi 381 (2020), 93-108. <https://doi.org/10.20473/ydk.v38i1.33857>.

⁵⁵ Anat Toder-Alon, Tamar Icekson, and Avichai Shuv-Ami, 'Team Identification and As Predictors of Fan Aggression: Sport Management Review, 22.2 (2019), 194-208. <https://doi.org/10.1016/j.smr.2018.02.002>.

			stages, defeats by clubs, both home and away teams, and/or entrances and exits of sports infrastructure
2	Article 7 the " Disturbance Indicator		Includes: carrying firearms and sharp weapons, carrying dangerous materials (flares, catapults, stun guns, firecrackers, Molotov cocktails, lighters, vape, and smoke bombs), carrying laser pointers, carrying drink bottles, and carrying out provocative actions (incitements).
3	Article 8 " Disturbance "		Includes mass fights, arson, vandalism, threats, persecution, killings of people, taking hostages, kidnappings, beatings, sabotage, looting, appropriation, theft, and/or terrorism.

From the various models of the nature of threats that have the potential to occur in the organization of football matches, as described in Table 1, the Police have compiled several prevention efforts that can be carried out according to the model of the nature of the threats that occur as described further in the following table:

Table 2 Efforts to Prevent the Nature of Threats in Organizing Sports Matches Based on Perpol 10 of 2022

No	Articles	Description
1	Article 26 the " Disturbance "	Includes: <ol style="list-style-type: none"> a. prioritizing the role of the Steward; b. prioritizing pre-emptive actions such as giving advice and education, both orally and in writing, and c. carry out intelligence measures, including early detection, early prevention, and closed security.
2	Article 27 the " Disturbance Indicator	Includes: <ol style="list-style-type: none"> a. support and assist Steward duties as requested; b. carry out preventive actions in the Threshold of Disturbance area such as regulation, guarding, and patrolling; c. appeal to perpetrators to comply with applicable laws and maintain order; d. appealed to immediately hand over equipment and/or other dangerous goods to officers; e. to search and/or confiscate the accompanying goods and f. Check the luggage of supporters.
3	Article 30 the Indicator of "Real Disturbance"	In the event that there are one or more indicators of a Real Disturbance situation, as referred to in Article 8, the Security Personnel, after receiving a request from the Safety and Security Officer in zone I through the Head of Operations or the Head of Controller, can: <ol style="list-style-type: none"> a. Ordered the Supporters to stop all acts against the law;

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- b. If the supporters do not heed the officer's orders, they will immediately take action to immobilize them:
 - 1) hard barehand control, and
 - 2) blunt weapon control;
 - c. If the Security Personnel are unable to handle the Supporters, they immediately request tiered strength and reinforcement assistance and
 - d. If in the paralyzing action carried out by the Security Personnel, an injury occurs, both the Security Personnel and the Supporters are immediately given assistance according to the procedure by using the available means.

In situations where there is a disturbance threshold as per Article 28 of Perpol 10 of 2022, Security Personnel can support stewards upon request from Safety and Security Officers, provide encouragement, and control movements or assemblies. If the disturbance escalates physically under Article 29 of Perpol 10 of 2022, the Safety & Security Officer in Zone I can request disabling action through the Head of Operations or the Head of Controller, using gentle barehand control, hard barehand control, and blunt weapon control.

From the explanation regarding the construction of authority carried out by the Police in securing the implementation of football matches, it can be seen that the Police prioritize preventive (non-penal) efforts rather than repressive (penal) efforts. Various appeals carry out prevention efforts conveyed, education or socialization both orally and in writing, searching for items that are considered to interfere with the course of the match, escorting, patrolling, and maximizing the functions of stewards. The enforcement effort is carried out as a last resort if it is felt that the situation and conditions are not conducive to taking action to immobilize the supporters through hard empty hand control or blunt weapon control.⁵⁶ The enforcement efforts are not allowed to use firearms or mass-dissolving weapons, even in a contingency situation. It is prohibited to shoot tear gas, smoke grenades, and firearms. Equipment that is allowed to be used in enforcement efforts is individual equipment consisting of shields, sticks, handcuffs and whistles, helmets, face masks, light fire extinguishers, and field medical equipment, while in contingency situations, you can use aggressive items such as helmets, pressed shields, and the whip stick.⁵⁷

Accordance with Article 12 Perpol 10 of 2022, the application for a permit must be accompanied by information relating to the purpose or nature of the sports competition, the place and time it is held, the number of participants or invitees, and the person in charge of the sports competition, if the competition involves national players or officials. If you are a foreigner, the National Police may ask for special requirements regarding information on the

⁵⁶ Zaharuddin Sani Ahmad Sabri and Muhammad Zaidan Syaf for Filing a Lawsuit to the State Administrative Court: Upholding Legal Certainty or Injuring Human Rights? *Indonesian State Law Review (ISLRev)*, 6.1 (2023), 1–22 <https://doi.org/10.15294/isrev.v6i1.68230>.

⁵⁷ Philipp Winskowski, 'Managing Conflicts Arising From The Crowd and its Behaviour of Active Fans', *Soccer and Society*, 23.8 (2022), 1143–59. <https://doi.org/10.1080/14660970.2022.2042267>.

participant's country of origin. The following is explained in more detail regarding the conditions for permit applications that can be made:

Table 3. Application for a Permit to Organize Sports Matches based on Perpol 10 of 2022

Institutions	Competition Scales	Time
Indonesian Police (Kapolri)	National	Submitted no later than 30 working days before the competition starts on an international scale
	International	
Regional Police (Kapolda)	Province	Submitted no later than 21 working days before the competition starts on a national scale
	County or City	
Resort Police (Kapolres)	District, Kelurahan, or Village	Submitted no later than 14 working days before the match starts
Sector Police (Kapolsek)	Province	Submitted no later than 14 working days before the match starts

Application for permission to hold a football competition in the jurisdiction of the police where the football match is held is no later than 14 (fourteen) working days prior to the football competition.

Based on the permit application, the regional police provide recommendations for match management, considering security, submission deadlines, safety policies, stadium plans, emergency procedures, and risk assessments. However, Article 13 of Perpol 10 of 2022 allows police to reject permits with reasons. In the future, local police should firmly support their recommendations to avoid rejections, as seen in the Kanjuruhan Tragedy. Initially, PT. LIB rejected the recommendation to change the match time due to a contract with the broadcaster. Police recommendations are based on security considerations that all parties must understand and implement for a successful competition.

4. Conclusion

Based on the results of the analysis and discussion, it can be concluded that the legal construction used as the basis for authority for the Police to deal with the riots that occurred in the Kanjuruhan Tragedy refers to the provisions of the Regulation of the Chief of Police of the Republic of Indonesia Number 1 of 2009 on the Use of Force in Police Actions. These provisions are used as the basis for security procedures for holding football matches due to the police's ignorance of the FIFA Stadium Safety and Security Regulations, which were not socialized beforehand by PSSI. The security procedures are carried out penally by making a security plan by maximizing the role and strength of security personnel in implementing strategies that have been prepared and coordinated beforehand, while a non-penal by making recommendations to prevent riots involving several related parties from making efforts to prevention jointly. After the Kanjuruhan Tragedy occurred, the Police then issued guidelines, Republic of Indonesia National Police Regulation Number 10 of 2022 on Security for the Implementation of Sports Competitions, which can be used specifically in organizing football. The security procedures carried out by preparing KRYD or Police Operation plans are guided

by Threat Nature consisting of potential disturbances, thresholds of disturbances, and real disturbances. From this construction, it is known that the Police prioritize non-penal efforts with various appeals that are conveyed, education or outreach both orally and in writing, search for items that are considered to interfere with the course of the match, escorting, patrolling, and maximizing the function of stewards. In comparison, non-penal efforts are carried out as a last resort if it is felt that the situation and conditions are not conducive to taking action to immobilize the supporters through hard barehand control or blunt weapon control.

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