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Indonesia National Police efforts in handling football supporter riots; study of events at Kanjuruhan Stadium, Malang Regency, Indonesia

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ABSTRACT

The police in the democratic era in carrying out their duties to maintain public security and order are obliged to uphold human rights, but in fact, the police took action by using tear gas when handling supporter riots at the Kanjuruhan stadium in Malang Regency causing casualties. This study aims to determine the security provisions for football competitions in Indonesia related to FIFA Regulations, and to find out whether police actions in handling football supporter riots at the Kanjuruhan stadium in Malang Regency are in accordance with applicable regulations. This research method is normative juridical, using a statutory approach and a case approach. The results of the study, that the security of football competitions in Indonesia must be based on applicable provisions in Indonesia as the implementation of sovereignty and the Indonesian rule of law. Police efforts in handling football supporters riots at the Kanjuruhan stadium in Malang Regency using tear gas although allowed according to the Regulation of the Chief of Indonesia National Police Number 1 of 2009 concerning the Use of Force in the Implementation of Police Duties, but these actions do not consider the principles of the use of force and human rights principles in police actions, so in the future the police need to make standard operating security procedures football competitions by adopting FIFA Regulations as a legal basis for security officers.

IMPACT STATEMENT

This article discusses the provisions in securing football competitions starting from the incident at the Kanjuruhan stadium, Malang Regency, Indonesia, where police members fired tear gas which caused panic among Arema FC supporters to get out of the stadium, causing casualties and injuries. According to FIFA regulations, stewards are prohibited from using tear gas, while according to Indonesian regulations, tear gas can be used by police officers allowed to deal with aggressive mob actions. The result of this discussion is that the security of football competitions is carried out based on the provisions applicable in Indonesia as a sovereign country, and implementation as a rule of law. Recommendations that can be given that football competition organizers must guide applicable legal provisions, and the police develop standard operating procedures for securing football competitions by adopting FIFA Regulations to become the legal basis for police officers.

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Introduction

The reform era that occurred in Indonesia has brought changes to the Indonesia National Police (INP), which is institutionally no longer part of the military, but as civilian police by upholding human rights. According to Tito Karnavian and Hermawan Sulisty, the concept of democratic policing is a paradigm that develops in the current democratic era which is carried out by building a philosophical foundation on policing that can provide respect for human rights based on international conventions on human

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rights. The idea of democratic policing is a policing concept that refers to the main orientation, namely law enforcement efforts (rule of law) while still upholding and respecting human rights (Hutagalung, 2017).

One of the duties of INP is to maintain public security and order, by carrying out activities to regulate, guard, escort, and patrol community activities as needed, including carrying out security activities for the implementation of sports competitions, where sports are activities carried out by human will voluntarily with the aim of improving health (Korabel et al., n.d.). The European Commission in its publication entitled White Paper on Sport, explained that sport has one function to maintain public health, and maintain the quality of human life, in addition to recreational functions for society (Zuev & Popova, 2018).

To maintain security in organizing sports competitions, the INP carries out its duties and authorities based on laws and regulations in order to create a safe and orderly situation, where one of the most popular types of sports in people's lives in Indonesia is football which is a favorite sport and a spectacle of various groups of people so as to invite public presence in various competitions that can threaten security and public order, if in organizing football competitions there are anarchic actions and riots between supporters, so that the presence of the INP as a tool of the state in the field of security becomes very important.

The existence of the INP in securing football competitions is expected so that there will be no security disturbances so that sports competitions can run safely, and can provide benefits to the community. Viewed from the economic aspect, football competition is an industry that can absorb a lot of labor and become a financial sector that brings trillions of profits (Gumusgul & Acet, 2016). Based on the results of the study of PT. Liga Indonesia, that the economic value of the Liga 1 Indonesia Competition reaches trillions of rupiah, drives the accommodation, transportation, and merchandise sectors, and absorbs around 112,000 workers so that it can improve the economy (Rizky, 2022).

However, a phenomenon that often occurs and is reported in various media both print and electronic, namely riots between football supporters in Indonesia that cause material losses, and even human casualties. The supporter riots occurred inside and outside the stadium, either before the match, during or after the match ended which was caused by various factors, one of which was due to excessive supporter fanaticism towards the club. Fanaticism of football supporters can be seen from attitudes and deeds in the form of total devotion to their club by carrying a certain identity that is very strong and rooted for example in chanting (Huddleston, 2022).

The latest incident of supporter riots in football competitions is the mass riot of Arema FC supporter that occurred at the Kanjuruhan Stadium in Malang Regency, where the incident occurred because the mass of Arema FC supporters did not accept the defeat of the Arema FC club from the Persebaya Surabaya club, so that the mass of Arema FC supporters descended from the stands and entered the match field so that there was a riot and ended with anarchic acts of attack on security officers who tried to repel the crowd of Arema FC supporters by firing tear gas which triggered panic in the crowd of supporters causing hundreds of deaths, serious and minor injuries due to jostling to get out of the Kanjuruhan Stadium (Tim Sabungan Independen Pencari Fakta, 2022).

Related to the event, based on Law Number 2 of 2002 concerning the Indonesia National Police, that the INP as a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community in the context of maintaining internal security. This means that the INP as a state tool in the field of public security and order has a very important role in preventing and overcoming the occurrence of football supporter riots by taking the necessary steps and efforts in accordance with the provisions of laws and regulations.

However, it became a problem related to the actions of the INP in securing football matches when there was a mass riot of football supporters so that the INP made efforts to overcome the riot by using tear gas with the aim of being able to disperse the crowd of supporters who committed anarchic and unlawful acts so that the situation became safe, where the use of tear gas was not allowed in the security of football matches according to Article 19 letter b of the FIFA Regulation on Stadium Safety and Security, which is the parent organization of international football, and has been adopted into the PSSI regulations as a football organization in Indonesia.

Regulations issued by FIFA as an international football federation that has the authority to make regulations related to the implementation of football in the world (rule of the game), which has binding legal force for FIFA members in every football implementation. FIFA regulations are global sports law, a

transnational autonomous legal order created by the global private institutions governing international sport, is contractual in nature with its binding power derived from an agreement to submit to the jurisdiction of international sports federations, and its order is not regulated in national legal systems (Foster, n.d.-a).

As an example of police action in handling football supporter riots, namely at the supporter riot on October 1, 2022 at the Kanjuruhan Stadium in Malang Regency, East Java, where members of the INP carrying out security duties fired tear gas in an attempt to disperse the crowd of Aremania FC supporters who carried out riots and anarchic acts by pelting security officers with stones and drink bottles shortly after the match was over. As a result of the use of tear gas, the crowd of Arema FC fans panicked, and jostled at the exit of the Kanjuruhan Stadium to avoid the smoke from tear gas, causing deaths and injuries (Bramasta, 2022).

The action of the INP in handling the riots of Arema FC supporters using tear gas is one of the efforts of the INP with the aim of unraveling the mass of Arema FC supporters who committed anarchic acts and attacked security officers so that the situation could return to safety and conducive. However, according to Article 19 letter b of the FIFA Regulation on Stadium Safety and Security, the use of tear gas is not allowed to be carried and used by security personnel when carrying out security duties for professional football matches, even though the FIFA Regulation is not a type of legislation in Indonesia.

Based on the actions of the INP in overcoming supporter riots at the Kanjuruhan Stadium in Malang District, the purpose of this study is, firstly to find out how the provisions regarding the security of football competitions according to laws and regulations in Indonesia are related to FIFA Regulations, and secondly to find out whether the actions of the INP in overcoming Arema FC supporter riots at the Kanjuruhan Stadium in Malang Regency are in accordance with the provisions of the regulations applicable laws and regulations in Indonesia.

Research methods

This research is normative legal research focused on rules/norms, principles in written law, and opinions/thoughts (doctrines) of leading experts (Soekanto & Mamudji, 2003). The approach in this study is a statutory approach by reviewing applicable laws and regulations related to provisions on securing football matches in Indonesia, and a case approach by reviewing cases that have received court decisions related to the problems raised (Marzuki, 2013).

Primary data collection techniques through field research using interview methods on research samples (Soemitro, 1990), namely members of the INP who serve in the Samapta Bhayangkara Corps, Security Maintenance Agency, who have duties related to security. While secondary data collection techniques through literature studies and document studies (Sunggono, 2013), namely against documents and Surabaya District Court Decisions Number 11 to Number 15 of 2023, relating to events that occurred at the Kanjuruhan Stadium, Malang Regency.

The data analysis technique used in this study is qualitative juridical analysis, which examines research data systematically and consistently to obtain clarity and answers to the problems posed (Ashshofa, 2004). Primary data and data from research results are classified, then described, analyzed through interpretation methods, explained, constructed, and argued so that conclusions are obtained (Soekanto, 1986).

Discussion

Overview of the concept of sovereignty and the rule of law

The concept of sovereignty was first put forward by Jean Bodin in 1576 in his book entitled *Six Livres de la Republique*, that sovereignty as *La Puissance absolue et Perpetuelle d'une Republique*, that sovereignty is absolute and eternal of the state, has three main properties, namely the unity of undivided power, the originality of power as the supreme power, and completely unlimited power (Lestari, 2018).

According to Hans Kelsen that sovereignty is an important quality of the state, meaning a supreme power, and power as a right or coercive power (Setiani, 2018). Sovereignty is essentially the concept of supreme power in a state and cannot be reduced or intervened by other states (Qoroni & Winarwati, 2021).

Jenik Radon stated that sovereignty is absolute power over a particular territory that is the basis for the formation of the state (Riyanto, 2012). Sovereignty is an essential trait and characteristic of a state that has supreme power within the territory of its state, meaning that the state has full power to exercise its authoritarian rights within the territorial boundaries of its state (Santoso, 2018).

As the supreme power, sovereignty belongs only to the state, meaning that all people and things that exist, as well as events that occur within a country's territory are essentially subject to the sovereignty of the state that owns the territory (Pramono, 2012).

The sovereign state has supreme power that is free from the power of other states, both inward and outward, and has the power to make laws and implementing regulations (Martono & Sudiro, 2019). The implementation of sovereignty is jurisdiction, that is, the authority of a state to enforce its national laws on the territorial boundaries attached to the sovereign state (Santoso, 2018),

Furthermore, regarding the concept of the rule of law, Padmo Wahyono stated that historically the concept of the rule of law developed along with the history of human life starting from the concept of a liberal legal state to a formal legal state, then became a material law state, to the idea of a welfare law state (Muntoha, 2009).

In general, the concept of the rule of law adopted by almost all countries in the world is divided into two, namely, *rechtstaat* and rule of law, according to Frederich Julius Stahl that one element in the *rechtstaat* is the administration of government based on law (Hadi, 2022).

The International Commission of Jurists states that the characteristics of the rule of law are essentially that the state should be subject to law, government respect for individual rights, a free and impartial judiciary (Hutagalung, 2017).

According to Azhari that the rule of law means that everyone must be subject to the law and no one is above the law, the exercise of governmental power must be based on law, the state in acting must be based on and legally accountable (Hamzani, 2014).

Sudardjo Gautama stated that in the rule of law there are restrictions on state power against individuals, the state is not almighty, does not act arbitrarily but is limited by law (Radjab, 2010).

In a state of law, the principle of legality applies, meaning that the government must behave or act based on laws and regulations set by parliament (acts of Parliament), and the government must not act only with discretion or free authority (Atmadja, 2015).

Overview of the duties and authorities of the Indonesia National Police

Historically, the term police come from the Greek word, *politea*, meaning the entire government of the city-state including matters related to religion, where in the century BC Greece consisted of city-states, and then after the existence of Christianity, police meant the government of the city-state minus religious affairs (Utomo, 2005).

According to the Encyclopedia of social science, police mean the field of function related to public health supervision, in a special sense related to efforts to combat violations, practically covering all forms of regulation and public order, in its development including efforts to protect people and their property from unlawful acts (Abdussalam, 2014).

The term police in Indonesia follows and uses the term *politie* in the Netherlands due to the influence of the Dutch legal system imposed on Indonesian territory before independence. Van Vollen Hoven gave the meaning of the term *politie* in the Netherlands, namely government organs that are authorized and obliged to seek supervision and coercion if necessary, so that people are ordered to do and not act according to their respective obligations so that the situation remains safe (Sadjijono, 2006).

Based on the definition of the police in Law Number 2 of 2002 concerning the Indonesia National Police, it can be interpreted as an organ, namely a government institution organized and structured in a state organization, while as a function, namely duties and authorities, as well as the responsibility of the institution for the power of law to carry out its functions (Sadjijono, 2006).

In Indonesia, the existence of the INP as a state tool that maintains public security order with the task of protecting and serving the community as stipulated in Article 30 paragraph (1) of the Constitution of the Republic of Indonesia Year 1945. The role of the INP in the field of internal security separate from the military is regulated in Article 2 paragraph (1) of MPR Decree Number VI/MPR/2000 concerning the

Separation of Indonesia National Army and Indonesia National Police, and in Article 6 paragraph (1) of MPR Decree Number VII/MPR/2000 concerning the Role of the Indonesia National Army and the Role of the Indonesia National Police.

The function of the INP according to Article 2 of Law Number 2 of 2002 concerning the Indonesia National Police, that the INP is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, and service to the community. The main duties of the INP according to Article 13 of Law Number 2 of 2002 concerning the INP, are to maintain public security and order, enforce the law; and provide protection, protection, service to the community.

Overview of football and supporters riots

According to Purnadi, football in Indonesia is one of the means of achieving general prosperity that can be done through government efforts through the formulation of fair policies for all Indonesian people, and making all efforts to harmonize the spiritual and physical aspects of the people, one of which is through sports activities. (Anggriawan, 2018)

According to Article 1 point 1 of Law Number 11 of 2022 concerning Sports, that sports is any activity that involves the mind, body, and spirit in an integrated and systematic manner to encourage, foster, and develop physical, spiritual, social, and cultural potential. The function of sports according to Article 3 of Law Number 11 of 2022 concerning Sports, that sports functions to develop physical, spiritual, and social abilities, and shape the character and personality of the nation that is *mabat*.

The purpose of sports according to Article 4 of Law Number 11 of 2022 concerning Sports, namely to maintain and improve health and fitness, achievement, intelligence, and human quality; instilling moral, sportsmanship, competitive, and *twined* values; strengthen and build national unity and unity; strengthening national resilience; Raise the dignity, dignity, and honor of the nation, and maintain world peace.

Furthermore, regarding the term football, judging from its history, football has been known since the Han Dynasty called *Tsu Chu*, aiming to train soldiers with practice kicking leather balls into small nets that can only use legs, chest, back, and shoulders (Samsudin, 2019).

Modern football began to develop in the early 19th century, by the British Government recognized as a tool to nourish the people which was widely played by students and students, but there were no rules of the game so it was played according to their respective wishes (Bahtra, 2022).

Judging from the term, in simple terms football is a game between 11 against 11 players using the ball, in a more complex sense, football means a sport consisting of technique, tactics, physical, and mental, and to learn football need objective, factual and universal answers (Persatuan Sepakbola Seluruh Indonesia, 2017).

According to Muhajir, football is played within 2 x 45 minutes plus a rest period of 15 minutes, played in teams consisting of 11 people, and to win the game, each team puts the ball into the opposing team's goal while maintaining its cup so as not to concede the ball (Husain, 2022).

Football is played using feet, except goalkeepers, played on a rectangular flat field, each team has a goal where opposing players insert the ball to determine the winner, where the ball used is made of leather on the outside, and the inside is made of rubber filled with air (Anam, 2019).

In its development, football has become one of the sports that is very popular and favored by people in various parts of the world, where football has experienced the development of both rules and ways of playing due to very rapid advances in science and technology (Emral, 2016).

As a sport, football requires skill, to do various dribbling movements, so to play soccer requires posture to apply movements and tactics, as well as physical in the form of endurance during the game of football (Primasca, 2017).

In Indonesia, football is a sport that has many fans, because football is very close to people's lives, where almost all regions of Indonesia have football clubs in local, regional, and national competitions, in addition to the ease of watching football matches (Ilham, 2016).

Furthermore, related to supporter, according to Article 1 number 10 of Law Number 11 of 2022 concerning Sports, that supporters are individuals or community groups who support and have special attention to certain sports. The support given by supporters to sports can be caused by various factors, including the presence of talents, interests, and hobbies in a sport, the existence of idolized athletes or because of the similarity of regional origin from the sports team or club they support.

In football, supporter are also spectators but have high fanaticism towards the team or club they support, and have a broader meaning than just watching football, where football fans devote energy, thoughts, and maximize the resources they have to support their team or club, even football fans are willing to spend time and body to support their idol team/club (Ahmad & Yahmun, 2017).

Supporter have the rights as stipulated in Article 55 paragraph (5), Law Number 11 of 2022 concerning Sports, including obtaining legal protection both inside and outside sports matches, and providing direct or indirect support, both inside and outside sports matches. The obligations of supporter according to Article 55 paragraph (6) of Law Number 11 of 2022 concerning Sports, one of which is maintaining order and security, both inside and outside sports matches.

Furthermore, related to supporter riots that occur in football matches can be caused by various factors, including differences in designations for each team/club supporter that triggers tension, social jealousy, aspects of power related to the number of mass supporters, competition between supporters, differences in perspective, regional origin of supporters, team achievements supported by supporter, and differences in supporter character (Maryadi et al., 2022).

Supporter riots can start from acts of anarchism that occur due to various factors, including not accepting defeat, past conflict history, provocation from opposing supporter, excessive fanaticism, large crowds of supporter, regional rivalries, unpreparedness of the organizing committee, and refereeing decisions that are not accepted because they are considered unfair, where the main cause of supporter anarchism is due to regional rivalry for generations to show existence His support club as the best club (Astuti & Purwanto, 2021).

Football supporter riots in Indonesia began to occur since the rolling of the Indonesian Football League represented by 16 clubs from major cities in Indonesia that have received massive support by supporter since the 1980. Football supporter riots in the form of violence that can cause casualties can occur inside and outside the stadium, so it needs to be overcome by involving all components including supporters to participate in maintaining security (Abduh, 2020).

Analysis of the security provisions for football competitions according to the laws and regulations in Indonesia is linked to FIFA regulations

The organization of international football competitions is carried out by the Fédération Internationale de Football Association (FIFA) which consists of football associations from countries in the world as stipulated in Article 1 of the FIFA Statutes, that FIFA is an association registered in the commercial register in the Canton of Zurich in accordance with Article 60 of the Swiss Civil Code.

In organizing international football competitions, FIFA drafts the rules of the game of football and other related matters and ensures their enforcement as stipulated in Article 2 letter c of the FIFA Statutes. For this purpose, FIFA has a special institution called The International Football Association Board (IFAB) which is authorized to make and update the rules of the game (law of the games) as stipulated in paragraph 7 (1) of the FIFA Statutes.

To regulate the safety and security of football competitions, FIFA has issued FIFA Stadium Safety and Security Regulations, the scope of application of these regulations is in FIFA competitions, where these Regulations become guidelines in international competitions according to FIFA Regulations, and if associations regulate their own competition rules, then these regulations as guidelines and minimum requirements.

Provisions regarding the security of football competition matches are regulated in Articles 13 to 21 Chapter III of the FIFA Stewards Regulations, which regulate stewards including the definition of stewards, placement of stewards in stadiums, duties and responsibilities of stewards, code of ethics stewards, identification of stewards, guidelines for stewards on the sidelines, stewards communication, and stewards training.

The provisions in the FIFA Stadium Safety and Security Regulations were adopted by the Indonesian Football Association (PSSI) into the 2021 Edition of the PSSI Safety and Security Regulations, where PSSI has been a member of FIFA since November 1, 1952 which was stipulated at the FIFA Congress in Helsinki, Finland (Nugroho & Efendi, 2019). The FIFA regulation was adopted in accordance with one of PSSI 's objectives in Article 4 letter d of the PSSI Statute, that PSSI aims to ensure that all PSSI members

respect, comply and do not violate all regulations issued by FIFA, AFC and AFF, including the *Laws of the Game* from IFAB.

Legally, the position of PSSI in Indonesia is an association legal entity that has been approved by the Minister of Justice based on the Decree of the Minister of Justice of the Republic of Indonesia Number: J.A.5/11/6 dated February 6, 1953 (Anggriawan, 2018). In accordance with Article 1 point 1 of the PSSI Statute 2019 Edition, that PSSI is the only parent organization of football in all regions of Indonesia, established in Yogyakarta on April 19, 1930, PSSI is national, and is authorized to regulate, manage and organize football competitions in Indonesia.

As an international private institution, the FIFA Regulations are rules of the games to regulate football matches, where the rules are known as *lex sportiva* or global sports law which is an independent and transnational order, formed by international sports federations, its legitimacy comes from the voluntary agreement of its members to submit to the jurisdiction of international federations, where these regulations derive from the customs or practices of international sports federations that are autonomous from national legal systems (Foster, n.d.-b).

Lex sportiva is a global transnational and stateless rule, an example of legal pluralism just as *lex mercatoria* is not created by international agreements between states, but is created because of private commercial interests. In *Lex sportiva* there is *lex ludica* as the rules of the game, which includes two types, namely the actual rules of the game where enforcement is carried out by match officials, and sports ethics that must be obeyed by sports players. (Foster, n.d.-c).

As global sports law, *Lex sportiva* has differences with international sports law, where in international sports law are the principles of international law that apply to sports in its international relations that can be applied by the courts, while in global sports law is a transnational autonomous legal order created by a private global institution, in this case a sports federation that governs international sports, is independent and separate from a country's national legal system (de Oliveira, 2017).

In this regard, the FIFA Regulations are not legal provisions in the form of international treaties or conventions made by sovereign states in the world that apply as international law governing associations between countries, where international treaties or conventions can apply as positive legal provisions in Indonesia after ratification by the Government of Indonesia into law as stipulated in Article 9 of Law Number 24 of 2000 on International Treaties.

FIFA Regulations as the rule of the game are provisions that only apply in football games to regulate the course of football matches, where FIFA Regulations cannot override the sovereignty of a country that has the highest power in the country where the football match takes place. This means that Indonesia as a sovereign state has legal jurisdiction in the territory of the Unitary State of the Republic of Indonesia as stipulated in 25A of the Constitution of the Republic of Indonesia Year 1945, and Article 4 of Law Number 43 Year 2008 concerning State Territory.

Reviewed according to the hierarchy of laws and regulations, that FIFA Regulations are not laws and regulations in Indonesia as stipulated in Article 7 and Article 8 of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, so the provisions in the FIFA Regulations must first be adopted in the laws and regulations in Indonesia as a sovereign state and have legal jurisdiction so that FIFA Regulations can apply as positive law in Indonesia that has the force of binding law.

Thus, PSSI in organizing football competitions in Indonesia not only complies with FIFA Regulations, but also must comply with the laws and regulations in Indonesia as a country that has sovereignty and legal jurisdiction, where the FIFA legal system adopted by PSSI must be subject to the laws in force in Indonesia *de jure* because it is the absolute jurisdiction of the Indonesian legal system, and PSSI cannot privilege itself regarding matters stipulated in the prevailing laws and regulations in Indonesia (Kristiyanto, 2016).

In organizing football competitions, PSSI as the organizer of football competitions in Indonesia must comply with the laws and regulations in Indonesia as a legal state regulated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia Year 1945, meaning that FIFA Regulations only regulate the course of football matches, while other matters outside the game regulations related to the implementation of football competitions based on the provisions applicable laws and regulations in Indonesia.

Related to the security of football competitions, PSSI or the implementing committee must comply with the licensing provisions stipulated in Government Regulation Number 60 of 2017 concerning Procedures for

Licensing and Supervision of Public Crowd Activities, Other Community Activities, and Notification of Political Activities, because football competitions are activities that present public crowds so they are required to have a permit issued by a Police Officer in the legal area of the sports competition implemented as stipulated in Article 4 of Government Regulation Number 23 of 2007 concerning the Jurisdiction of the National Police.

Then related to the recruitment of security personnel in organizing football competitions by security officers and stewards which are forms of self-initiative security as regulated in Article 3 paragraph (1) letter c of Law Number 2 of 2002 concerning the INP, and further regulated in Indonesia National Police Regulation Number 4 of 2020 concerning Self-Initiative Security, where self-initiative security personnel go through the recruitment stage, training and confirmation carried out by the Security Service Business Entity or the organizing committee as a service user.

During the security of sports competitions in stadiums which are certain objects, they must be guided by the provisions in the Regulation of the Chief of INP Number 13 of 2017 concerning the Provision of Security Assistance to National Vital Objects and Certain Objects, which in its implementation prioritizes internal security by security units, and if needed can be assisted by members of the INP, and must apply security management standards which include commitments and policies, security patterns, security configurations, security implementation capability standards, monitoring and evaluation.

In the event of involving members of the INP as stewards, the implementation of security for sports competitions must be based on laws and regulations governing the duties and authorities of the INP as stipulated in Law Number 2 of 2002 concerning the Indonesia National Police, and other laws and regulations including the Regulation of the Chief of INP Number 1 of 2019 concerning the System, Management and Operational Success Standards of the Indonesia National Police, Chief of Indonesia National Police Regulation Number 1 of 2009 concerning the Use of Force in Police Actions, and Indonesia National Police Regulation Number 10 of 2022 concerning Security for the Implementation of Sports Competitions.

Analysis of police efforts in handling football supporter riots at Kanjuruhan Stadium, Malang Regency

To examine how the efforts of the INP in handling football supporter riots, the author examines the events of Arema FC supporters riots at the Kanjuruhan Stadium in Malang Regency which occurred after the match ended and resulted in 135 deaths, 24 people seriously injured, and 624 people slightly injured. The incident caused deep sorrow for the victims, their families, and the people of Indonesia, and became the international spotlight, even the FIFA President stated that the tragedy was a dark day for the world of football (Tim Gabungan Independen Pencari Fakta, 2022).

As a rule of law as stipulated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia Year 1945, the administration of government and public life activities must be based on applicable legal provisions, including the actions of the Indonesia National Police as a state instrument in the field of security when carrying out security sports competitions must be carried out based on applicable legal provisions. Therefore, the author will examine how the actions of the Indonesia National Police in securing football competitions based on the provisions of applicable laws and regulations in Indonesia.

Based on Law Number 2 of 2022 concerning the INP, that as a state instrument in the security sector, the Indonesia National Police has the duty to maintain public security and order, including in organizing football competitions carried out in guarding, escorting, and patrolling community activities, and protecting the safety of people's lives, property, and providing assistance and assistance to the community in the implementation. The football competition took place.

In organizing the football competition between Arema FC vs Persebaya Surabaya at the Kanjuruhan Stadium in Malang Regency, the INP, especially the Malang Resor Police, received a letter requesting security assistance from the Arema FC Executive Committee through Letter Number: 014/Panpel/ARM/IX/2022 dated September 12, 2022. Upon this request, the Malang Resor Police conducted a vulnerability analysis, and requested that the organizing committee advance the match schedule to the afternoon for security reasons, even though this was not met by the organizing committee, until the Malang Resor Police issued a recommendation as the basis for the issuance of a permit for holding sports competitions by the Directorate of Intelkam of the East Java Regional Police (Putusan Pengadilan Negeri Surabaya Nomor 11, 2023).

The application for permission to hold the football competition between Arema FC vs Persebaya Surabaya by the Arema FC Executive Committee to the Malang Resor Police was carried out based on Article 6 of Government Regulation Number 60 of 2017 concerning Procedures for Licensing and Supervision of Public Crowd Activities, Other Community Activities, and Notification of Political Activities, even though the Arema FC Executive Committee did not comply with a request from the Malang Resor Police to advance the match schedule to afternoon day for security reasons because the Executive Committee did not get approval from PT. Liga Indonesia Baru as the operator of Liga Indonesia appointed by PSSI based on the Letter of Cooperation Agreement for the Operator of the Implementation of Liga I and Liga II Matches, Number: 13.L/PSSI/V/2022 dated May 31, 2022 (Putusan Pengadilan Negeri Surabaya Nomor 15, 2023).

Following up on the letter requesting security assistance from the Arema FC Executive Committee, then the Malang Resor Police made a security plan for the football competition between Arema FC vs Persebaya Surabaya as outlined in the Security Plan Number: R/Renpam/28/2022 dated September 28, 2022, involving as many as 2,080 combined personnel members of the INP, and members of the Indonesia National Army, as well as other related agencies (Putusan Pengadilan Negeri Surabaya Nomor 12, 2023). The involvement of personnel in the security plan for the football competition between Arema FC vs Persebaya Surabaya at Kanjuruhan Stadium was carried out based on the provisions in the Chief of Indonesia National Police Regulation Number 1 of 2019 concerning the System, Management and Operational Success Standards of the Indonesia National Police.

Before the competition between Arema FC vs Persebaya Surabaya was held on October 1, 2022, the Malang Resor Police carried out a security preparation check at 09.30 WIB, then a joint security apple was held at 15.45 WIB at the Kanjuruhan Stadium Stand led by the Malang Resor Police Chief as the Head of Operations by providing directions regarding how security personnel act in carrying out security duties at the Kanjuruhan stadium, and then members of the INP occupy positions according to predetermined plots in the Kanjuruhan stadium area (Putusan Pengadilan Negeri Surabaya Nomor 12, 2023). The steps implemented by the Malang Resor Police are based on the management of regional operations at the police level as stated in the Regulation of the Chief of Indonesia National Police Number 1 of 2019 concerning the System, Management and Operational Success Standards of the Indonesia National Police.

During the football competition between Arema FC vs Persebaya Surabaya, members of the INP who are in charge of taking preventive measures include escorting Persebaya Surabaya players and officials who come to the Kanjuruhan stadium, guarding the entrances of the Kanjuruhan stadium, checking the bodies and luggage of spectators/supporters, and then carrying out preventive security at the stadium Kanjuruhan since the match starts at 20.00 WIB until the match ends at 22.00 WIB (Putusan Pengadilan Negeri Surabaya Nomor 13, 2023). The actions of the members of the INP on duty are carried out based on the provisions in the Regulation of the Chief of Indonesia National Police Number 1 of 2019 concerning the System, Management and Operational Success Standards of the Indonesia National Police.

After the football competition between Arema FC vs Persebaya Surabaya was over, members of the INP in charge of carrying out security measures to dispel the crowd of Arema FC supporters who entered the field and tried to beat Arema FC players, and tried to go to the players' locker room. When driving away the Arema FC crowd, members of the Indonesia National Police in charge of giving an appeal to the crowd of Arema FC supporters to leave the field (Putusan Pengadilan Negeri Surabaya Nomor 13, 2023). The actions of the members of the Indonesia National Police on duty are acts of use of force, Phase 1 and Phase 2, namely with the presence of members of the INP, and Stage 3 and Stage 4, namely with soft and hard hand-to-hand control based on Article 5 paragraph (1) of the Chief of Indonesia National Police Regulation Number 1 of 2009 concerning the Use of Force in Police Actions.

Faced with the increasingly aggressive situation of the crowd, members of the INP on duty then fired tear gas towards the field near the goal where the crowd of Arema FC supporters gathered, towards the shuttle tires and towards the fence of the spectator stands with the aim of dispersing the crowd of Arema FC supporters who were inside the Kanjuruhan stadium who carried out attacks in the form of throwing officers using bottles, stones, and paving blocks that injured members of the Crowd Control Unit of Malang Resor Police (Putusan Pengadilan Negeri Surabaya Nomor 13, 2023). The action of members of the INP who were tasked with firing tear gas to deal with the aggressive actions of the Arema FC supporter crowd was the use of force Stage 5, namely by blunt weapon control, chemical weapons such as tear gas or chili spray, or other tools according to Police standards as stipulated in Article 7 paragraph (2) letter c of the Chief of Indonesia National Police Regulation Number 1 of 2009 concerning the Use of Force in Police Actions.

However, the use of force Stage 5 by members of the INP in charge of dealing with the aggressive actions of the crowd of Arema FC supporters at the Kanjuruhan stadium must take into account the principles of use of force in police actions, namely the principles of legality, necessity, proportionality, general obligation, preventive, and reasonable as stipulated in Article 3 Regulation of the Chief of Indonesia National Police Number 1 of 2009 concerning the Use of Force in Police Actions, and must pay attention to the principles of Human Rights in the implementation of the duties of the Indonesia National Police, namely legality, necessity, and proportionality as stipulated in Article 9 of the Regulation of the Chief of Indonesia National Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Police Duties.

Based on these principles, the action of members of the INP who are on duty by firing tear gas to deal with the aggressive actions of Arema FC spectators/supporters who carry out attacks in the form of throwing at security officers is an action carried out with the aim of dispersing the crowd of Arema FC supporters who carry out attacks, but such actions do not consider the impact or risk that can be caused by tear gas was fired, where at that time there were thousands of Arema FC supporters consisting of various ages who were still inside the Kanjuruhan stadium after the match was over.

The actions of the members of the INP on duty did not carefully calculate the consequences of tear gas firing which could cause panic for Arema FC spectators/supporters who were still inside the Kanjuruhan stadium because Arema FC spectators/supporters would try to avoid tear gas fumes that could cause irritation to the eyes, skin, and other body parts, so that Arema FC supporters would try to save themselves amid limited door access left the Kanjuruhan stadium because at that time the main doors of the Kanjuruhan stadium were not opened or did not function, so the supporters of Arema FC jostled to get out and caused casualties.

For this reason, members of the INP who are on duty without considering the principles of the use of force in police actions by firing tear gas at Arema FC supporters inside the Kanjuruhan stadium can be held criminally liable under Article 359 of the Criminal Code, or Article 360 of the Criminal Code, where in its application based on the principle of causality, meaning that there is a causal relationship between material acts committed by the perpetrator with the consequences caused, and the principle of no crime without fault (*geen straf zonder schuld*), meaning that criminal responsibility is directed to members of the Indonesia National Police whose actions are the direct cause of the victim, and there is no justification reason, namely carrying out the provisions of the law as stipulated in Article 50 of the Criminal Code.

It is reviewed according to the FIFA Stadium Safety and Security Regulations adopted by PSSI into the PSSI Safety and Security Regulations, that the use of Stewards is regulated in Article 13 of the FIFA Regulations and Article 14 of the PSSI Regulations, that the implementation of security at the stadium is carried out by the Stewards i.e. persons employed, hired, contracted or volunteered who assist with the management of safety and security at the stadium, and if necessary members of the police or military may be appointed as Stewards by applying the provisions of the regulations. Then, Article 19 letter b of the FIFA Regulations/Article 19 of the PSSI Regulations, that no firearms or weapons of mass destruction carried or used by Stewards or police officers stationed around the match field to protect players and officials and maintain public order.

In this regard, acting as Stewards in securing the football competition between Arema FC vs Persebaya Surabaya at the Kanjuruhan stadium are community members living in Malang Regency who are not Security Units who have the competence to carry out security duties (Putusan Pengadilan Negeri Surabaya Nomor 14, 2023). While the presence of members of the INP is not as Stewards, but as a means of state security guided by the provisions of laws and regulations governing the duties and authorities of the INP, so that members of the INP on duty are not subject to FIFA Regulations/PSSI Regulations, where these regulations are not laws and regulations that have binding legal force for members of the INP in the implementation of security for football matches in Indonesian.

Thus, the actions of members of the INP who are on duty by firing tear gas to deal with the aggressive actions of Arema FC supporters who carry out attacks in the form of throwing at security officers that occur after the football competition between Arema FC vs Persebaya Surabaya at Kanjuruhan Stadium, are not subject to FIFA Regulations which are the rules of game which regulates the course of football matches and cannot override the sovereignty of the Indonesian country, where the actions of the INP must be based on the provisions of applicable legal provisions in Indonesia as the implementation of Indonesia as a state of law, that every administration including members of the INP in carrying out security duties for the football competition between Arema FC vs Persebaya Surabaya must be based on the provisions of applicable law in Indonesia.

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Conclusion

Based on the description of the discussion can be concluded; First, the security of the implementation of football competitions is carried out based on the provisions of the laws and regulations in force in Indonesia as the implementation of the rule of law, where the FIFA Stadium Safety and Security Regulations are the rules of the game and cannot override the laws and regulations in the sovereign country of Indonesia so that in organizing football competitions, PSSI or the Executive Committee must comply with applicable regulations in Indonesia related to permits for holding football competitions, provisions on the use of self-government security as security officers and stewards, and management of security systems for certain objects at stadiums where football competitions are held. Second, the action of the INP in handling the riot of Arema FC supporters at the Kanjuruhan stadium in Malang Regency by firing tear gas with the aim of dispersing the crowd of Arema FC supporters who acted aggressively by attacking members of the Indonesia National Police on duty, even though it was an act of using Phase 5 as stipulated in Article 7 paragraph (2) point c of the Chief of Indonesia National Police Regulation Number 1 of 2009 concerning the Use of Force in Police Actions, but such actions must take into account the principles of the use of force in police actions and the principles of human rights protection, where such actions do not carefully consider the impact caused by tear gas which caused the crowd of Arema FC supporters to panic and jostle to get out of the Kanjuruhan stadium unfortunate resulting in fatalities, deaths and injuries.

Suggestion

Suggestions that can be submitted; First, so that PSSI, PT. Liga Indonesia Baru, and the Organizing Committee of football competitions in Indonesia to guide provisions related to licensing the holding of football competitions, provisions regarding the recruitment of Safety & Security Officer personnel, and Stewards as self-initiated security personnel who have competence in the field of security and apply provisions on security system management at football stadiums. Second, for the INP to formulate standard operating procedures on the security of football competitions by adopting the FIFA Stadium Safety and Security Regulations, especially related to the prohibition of the use of tear gas so that it can become a binding legal basis for members of the INP who carry out the task of securing football competitions in Indonesia.

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