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## **Legal Protection of Football Match Spectators in Indonesia: A Case Study of the Kanjuruhan Tragedy**

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### **ABSTRACT**

*In a soccer match, the presence of spectators plays an important role as encouragement for the team. Spectator support, whether playing at home or away, has proven effective in boosting the players' morale. However, in some cases, rivalry between spectators may lead to anarchic actions that lead to riots. The Kanjuruhan tragedy on October 1, 2022 at Kanjuruhan Stadium, Malang, became one of the worst incidents in Indonesian football history. The riot involving police officers and spectators caused 135 casualties, all of whom came from the spectators. This research analyzes the legal protection for spectators in holding football matches. The research method used is normative research with a statutory and conceptual approach. Juridically, the spectators hold civil rights against the organizers of the match. In addition, they are also protected as consumers and guaranteed security and safety by the state through various regulations. If there is a violation of these rights, either by the organizers or police officers, legal action can be taken in accordance with applicable regulations. Based on the research findings, legal protection for spectators is regulated in the Consumer Protection Law and the Sports Law. In the Kanjuruhan case, the court decision has stated that the police officers involved were guilty and sentenced to criminal sanctions.*

**Keywords:** *Football, Protection, Spectators*

## INTRODUCTION

Soccer is a sport that attracts a large number of fans around the world. More than just a game, soccer also plays a role in raising the economic level for individuals with talent in this sport. Football matches cannot be separated from the presence of spectators who share a variety of unique characteristics. Apart from being spectators of the match, spectators also play an important role in raising the spirit of the competing teams.

The enthusiasm of soccer fans can be seen from their loyalty in watching matches, both through the television screen and live at the stadium. Many of them are willing to pay high costs to purchase tickets to support their favorite team. Not only do they watch, but they also often make comments, shout support for their team, and also even verbally intimidate the opposing team.

In Indonesia and around the world, soccer and its supporters are two inseparable elements. Every soccer match is almost always accompanied by the presence of supporters who actively provide support. According to Giulianotti, soccer spectators are individuals attending the stadium to watch the game live, sit in the stands, and enjoy the game.<sup>1</sup> Thus, the audience can be categorized as consumers, who legally are entitled to protection related to safety and security. This is in line with the view of Friedrich M. Götz et al. which stated that soccer spectators are part of an affiliation that has great emotional meaning and value in group membership.<sup>2</sup> This affiliation fosters strong emotional bonds, as individuals unify their identities, intensifying both personal and group emotions during matches, creating meaningful connections.

Furthermore, a sports enthusiast shows consistency, dedication and loyalty which is reflected in three main aspects. First, cognitively, they develop a deep understanding of the sport and the team they support.<sup>3</sup> Secondly, attitudinally, they have a strong belief in the team and the sport itself.<sup>4</sup> Third, behaviorally, their

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<sup>1</sup> Muhammad Yudha Eka Samantha, "Pengaruh Atmosfer Stadion Terhadap Kepuasan Dan Loyalitas Penonton Pada Pertandingan Kandang Persebaya Surabaya Di Stadion Gelora Bung Tomo Surabaya Yang Dimoderasi Oleh Klasifikasi Penonton" (Universitas Airlangga, 2020), <http://repository.unair.ac.id/id/eprint/97756>.

<sup>2</sup> Friedrich M. Götz et al., "What Drives Our Emotions When We Watch Sporting Events? An ESM Study on the Affective Experience of German Spectators During the 2018 FIFA World Cup," ed. Simine Vazire and Joanne Chung, *Collabra: Psychology* 6, no. 1 (January 1, 2020), <https://online.ucpress.edu/collabra/article/doi/10.1525/collabra.262/113063/What-Drives-Our-Emotions-When-We-Watch-Sporting>.

<sup>3</sup> Sinan Uğraş et al., "The Relationship between Passion and Athlete Identity in Sport: The Mediating and Moderating Role of Dedication," *BMC Psychology* 12, no. 1 (February 15, 2024): 76, <https://bmcpyschology.biomedcentral.com/articles/10.1186/s40359-024-01565-4>.

<sup>4</sup> Ricardo Cayolla et al., "The Neural Bases of Sport Fan Reactions to Teams: Evidence from a Neuroimaging Study," *Journal of Consumer Behaviour* 23, no. 2 (March 16, 2024): 842–854, <https://onlinelibrary.wiley.com/doi/10.1002/cb.2247>.

commitment manifests in concrete actions such as purchasing match tickets or official merchandise.<sup>5</sup>

A football enthusiast is therefore an individual with a strong emotional attachment to a football club. This commitment is reflected in long-term loyalty to the team, significant expenditure of time and money, and loyalty that is maintained even when the club is not performing well.<sup>6</sup>

Highly engaged sports fans actively seek opportunities to attend special events organized by their favorite sports clubs, such as exclusive matches or activities, including meet-ups with players. Engaged fans allocate not only financial resources, but also emotional energy to interact with the sports clubs they support. In other words, sports fans are consumers who contribute to the club's revenue through regular and ongoing purchases of match tickets, official merchandise and various other club products.

The relationship between fan engagement and consumption behavior, particularly in ticket purchases, can be explained through customer engagement theory. In general, this theory states that before deciding to purchase a product, consumers will make a cognitive and/or affective evaluation of the extent to which the product or service matches their personal values, preferences, and morals and ethics. That is, when consumers feel that the product or service offered is aligned with their personal values, they will tend to exhibit more frequent and sustainable consumption behavior.

Spectators represent an important element in soccer. For a club, spectators can be considered a valuable asset when it is properly managed. They act as the “12<sup>th</sup> player” who provides encouragement, become a symbol of team pride through their creativity and loyalty as well as a force that drives both the club's victory and glory. Spectators are so embedded in soccer culture that it's impossible to imagine the existence of a club without them.

In a sociological perspective, football spectators can be categorized as a crowd, which is a group of individuals who are in the same place, despite not always knowing each other. In Indonesia, soccer is a sport that is favored by people from various backgrounds regardless of social class or age. Technological advances have also made it easier for people to enjoy soccer matches, both live at the stadium and through television broadcasts and digital platforms. These factors contribute to soccer being the sport with the largest audience compared to other sports.

The relationship between soccer and spectators is reciprocal. Football clubs act as providers of entertainment through matches and achievements, while spectators provide moral support as well as economic contributions to clubs through the purchase of tickets and official merchandise. In this sense, the club functions as

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<sup>5</sup> Mandy H. Ortiz, “Fan or Fanatic: A Measure of Consumer Devotion,” 2015, 16–16, [https://link.springer.com/10.1007/978-3-319-11761-4\\_11](https://link.springer.com/10.1007/978-3-319-11761-4_11).

<sup>6</sup> Edson Da Silva and Alexandre Las Casas, “SPORT FANS AS CONSUMERS: AN APPROACH TO SPORT MARKETING,” *British Journal of Marketing Studies* 5 (May 1, 2017): 36–48.

a producer offering a match-viewing experience, while the spectators can be considered a consumer purchasing access to enjoy the match.

The presence of spectators not only serves as a support for the competing team, but also a psychological factor that boosts the spirit of the players, both in home and away matches. However, in several cases, rivalry between supporters can lead to anarchic actions that lead to riots. This was seen in the Kanjuruhan tragedy that occurred on October 1, 2022 at Kanjuruhan Stadium, Malang, which became one of the most devastating events in Indonesian football history. The riot involving police officers and spectators caused 135 casualties, all from the spectators.

The spectators' loss of life in this soccer match shows a violation of Law No. 11/2022 on Sports. Article 54 Paragraph (5) of the law expressly states that spectators are entitled to:

1. Express support, enthusiasm and motivation in sports championships;
2. Obtain facilities in accordance with the value of the admission ticket; and
3. Receive safety and security guarantees.<sup>7</sup>

This tragedy underscores the importance of legal protection for spectators in organizing football matches. The security and safety of spectators must be a top priority for match organizers and relevant officials to prevent similar incidents in the future.

Emphasizing on the aspect of safety and security guarantees, it includes efforts to ensure the condition, integrity and well-being of human beings, both physically and mentally. The aim is to protect society in general and individuals in particular.<sup>8</sup> Safety and security guarantees for soccer spectators are rights that protect them to obtain a sense of security and safety, both physically and mentally, after watching the match, as regulated in laws and regulations.

However, in practice, protection of spectator safety and security is often overlooked. Both match organizers, team management, and law enforcement officials are often negligent in ensuring these rights. This condition is influenced by various factors, one of which is the low awareness of the organizers and the government in understanding the importance of providing comfortable facilities and optimal security systems for spectators. Based on this background, this research was conducted with the aim of analyzing the extent of legal protection for spectators of football matches in Indonesia, with a focus on the Kanjuruhan Tragedy case.

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<sup>7</sup> Pemerintah Pusat Indonesia, *Undang-Undang (UU) Nomor 11 Tahun 2022 Tentang Keolahragaan*, 2022, <https://peraturan.bpk.go.id/Details/203148/uu-no-11-tahun-2022>.

<sup>8</sup> O.M. Hutsaliuk, Yu.A. Bondar, and V.V. Tomareva–Patlahova, “SOCIO-ECONOMIC SECURITY OF STAFF IN THE SYSTEM OF FORMATION AND DEVELOPMENT OF PERSONNEL POTENTIAL OF THE ENTERPRISE,” *Scientific Herald of Sivershchyna. Series: Education. Social and Behavioural Sciences* 2024, no. 1 (May 6, 2024): 83–102, <https://seducation.pau.edu.ua/ua/гуцалюк-о-м-бондар-ю-а-томарева-патлах/>.

## LITERATURE REVIEW

### Legal Protection

The law protects a particular person's interests by giving them the power to act in fulfillment of those interests. The grant of power, which is often referred to as a right, is measurable in terms of its breadth and depth. According to Paton in Trihastuti & Putri (2020), an interest is a target of rights, not only because it is protected by law, but also because there is recognition of it.<sup>9</sup> Rights not only contain elements of protection and interest, but also will.

The purpose of law is to establish justice and promote the common good, which inherently includes protecting human dignity and enabling individuals to live reasonable lives aligned with their moral code within society.<sup>10</sup> While according to Fitzgerald, the purpose of law is to integrate and coordinate various interests in society through arrangements that include the protection and limitation of these interests.<sup>11</sup> The interests in question include the rights of mankind as well as the rights of citizens.

According to Philipus M. Hadjon, legal protection is always related to power, which is divided into two, specifically government power and economic power.<sup>12</sup> In relation to government power, legal protection issues arise in the relationship between the people (the governed) and the government (the governor). Meanwhile, in the context of economic power, legal protection aims to protect economically weaker parties from the domination of economically stronger parties, for example protection for workers against employers.<sup>13</sup>

### Criminal Liability

Criminal liability or guilt in positive law is a concept that states that legal subjects (*rechtspersoon* and *natuurlijk persoon*) must or are able to be responsible for the consequences of their actions and understand the meaning of the consequences they cause. Therefore, the liability system is always intertwined with the concept of criminal liability.<sup>14</sup>

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<sup>9</sup> Nanik Trihastuti and Stephanie Apsari Putri, "REPOSITION OF CHILD PROTECTION THROUGH THE ENFORCEMENT OF HUMAN RIGHTS AND CONSTITUTIONAL RIGHTS," *Jurnal Hukum dan Peradilan* 9, no. 2 (July 30, 2020): 314, <https://jurnalhukumdanperadilan.org/index.php/jurnalhukumperadilan/article/view/436>.

<sup>10</sup> Whitley R. P. Kaufman, "The Function of Law," 2023, 87–120, [https://link.springer.com/10.1007/978-3-031-43868-4\\_4](https://link.springer.com/10.1007/978-3-031-43868-4_4).

<sup>11</sup> Deny Sulistyorini and Mokhamad Khoirul Huda, "Perlindungan Hukum Rumah Sakit Yang Belum Memenuhi Kelas Rawat Inap Standar JKN," *YUSTISIA MERDEKA : Jurnal Ilmiah Hukum* 8, no. 2 (November 14, 2022): 48–56, <http://yustisia.unmermadiun.ac.id/index.php/yustisia/article/view/178>.

<sup>12</sup> Ludfie Jatmiko, "PERLINDUNGAN JAMINAN KESEHATAN BAGI PEKERJA MIGRAN INDONESIA SEKTOR INFORMAL," *The Prosecutor Law Review* 1, no. 1 SE-Article (May 10, 2023): 119–151, <https://prolev.kejaksaan.go.id/kejaksaan/article/view/3>.

<sup>13</sup> Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi* (Jakarta: Sinar Grafika, 2009).

<sup>14</sup> Imron Rosyadi, *Hukum Pidana* (Surabaya: Revka Prima Media, 2022), [https://repository.uinsa.ac.id/id/eprint/2333/1/Imron Rosyadi\\_buku\\_Hukum Pidana.pdf](https://repository.uinsa.ac.id/id/eprint/2333/1/Imron%20Rosyadi_buku_Hukum%20Pidana.pdf).

According to Roeslan Saleh, criminal liability is defined as an objective reproach attached to the criminal act committed as well as a subjective reproach that qualifies to be punished for the act. Objective reproach implies that the criminal act committed by the perpetrator is a prohibited act based on the principle of legality. Meanwhile, subjective reproach refers to a person who can be held criminally liable for their actions, thus guilt or culpability becomes the benchmark in the imposition of criminal liability.

A perpetrator cannot be convicted only for committing a prohibited or unlawful act (objective reproach/principle of legality). In order to be held criminally liable in the context of punishment, an additional element is required, namely the existence of guilt (*schuld*) or elements of guilt in the perpetrator (subjective reproach/principle of culpability), which is a requirement for the imposition of punishment.

### Law Enforcement

Law enforcement is an effort to realize the ideas of justice, legal certainty, and social benefit into reality. Thus, law enforcement is essentially the process of realizing these ideas. Law enforcement can also be interpreted as a process to ensure the real enforcement or functioning of legal norms, enabling them to serve as guidelines for actors in legal interactions in the life of society and the state. In addition, law enforcement is an effort to realize the ideas and concepts of law expected by society into reality. In its implementation, law enforcement is a process that involves various aspects of law enforcement.

Law enforcement is an activity that harmonizes the relationship between values that have been elaborated in legal rules or established value views, in order that these values can be realized in attitudes and actions as the final form of value translation.<sup>15</sup> This aims to create, maintain and preserve peace in the society of life. Factors that influence law enforcement include:

1. Legal Factors

In practice, there is often a conflict between legal certainty and justice. This is due to the abstract concept of justice, while legal certainty is a normatively determined procedure.<sup>16</sup>

2. Facilities or Supporting Facilities Factors

This factor includes software and hardware. One example of software is education. The education received by law enforcement officials, especially the police, currently tends to focus on practical and conventional

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<sup>15</sup> Dr. Yahman Yahman, "UNDERSTANDING LAW ENFORCEMENT IN THE PERSPECTIVE OF EXPEDIENCY AND JUSTICE," *IUS POSITUM: Journal of Law Theory and Enforcement* (February 7, 2024): 26–34, <https://journal.jfpublisher.com/index.php/jlte/article/view/468>.

<sup>16</sup> Deni Dwi Firmansyah and Elza Qorina Pangestika, "Ketidakadilan Dalam Penegakan Hukum Di Indonesia: Sebuah Tinjauan Kritis," *Jurnal Pustaka Cendekia Hukum dan Ilmu Sosial* 2, no. 3 (November 13, 2024): 219–223, <https://pchukumsosial.org/index.php/pchs/article/view/67>.

aspects. As a result, in many cases, the police experience obstacles in carrying out their duties optimally.<sup>17</sup>

### 3. Community Factors

Law enforcement comes from society and aims to achieve peace in society. Each individual or group in society has a different level of legal awareness. The problem that arises is the level of community legal compliance, which can be categorized as high, medium, or low.<sup>18</sup>

### 4. Cultural Factors

In everyday life, culture is often an important topic of discussion. Culture plays a significant role for humans and society, by regulating how humans should act, do, and determine their attitudes in interacting with other people.<sup>19</sup>

## Consumer Protection

Legal protection is the main type of protection because it is based on the idea that the law is a means that can accommodate the interests and rights of consumers comprehensively, besides that the law also has a compelling force and can be recognized in order to be implemented permanently. Legal protection can be defined as protection using legal institutions and means.

The Indonesian government acts to provide legal protection to consumers by issuing legal products in the form of 16 regulations that accommodate the rights and obligations of the parties as a form of legal certainty which in practice requires the agreement of the parties, namely Law No. 8/1999 on Consumer Protection.

The Consumer Protection Law provides a fairly broad definition of Consumer Protection. According to Article 1 point (1) of Law No. 8/1999 on Consumer Protection, "Consumer protection is all efforts that ensure legal certainty to provide protection to consumers."<sup>20</sup> Legal certainty includes all efforts to empower consumers to obtain or determine their choice of goods or services they need and to defend or advocate for their rights when harmed by the behavior of business actors providing consumer needs.

Consumer Protection Law is part of Consumer Law which contains principles or rules that regulate and also contain properties that protect consumer interests. The boundaries of Consumer Protection Law are the overall principles and rules

<sup>17</sup> Olena BUTS, "Factors Affecting the Effectiveness of Law-Enforcement Acts," *Economics. Finances. Law* 5/2024, no. (May 31, 2024): 37–40, <http://efp.in.ua/en/journal-article/1352>.

<sup>18</sup> Carlos Chavez, James J. Murphy, and John Stranlund, "Social Context, Framing, and Compliance with the Law: Experimental Evidence," 2025, <https://www.ssrn.com/abstract=5081290>.

<sup>19</sup> Burhanuddin Burhanuddin, Wahyuniar Wahyuniar, and Maskawati Maskawati, "Law Enforcement in the Perspective of Legal Sociology," *International Journal of Sociology and Law* 1, no. 3 (November 26, 2024): 243–252, <https://international.appihi.or.id/index.php/IJSL/article/view/286>.

<sup>20</sup> Pemerintah Pusat Indonesia, *Undang-Undang (UU) Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen*, 1999, <https://peraturan.bpk.go.id/Details/45288/uu-no-8-tahun-1999>.

that regulate and protect consumers in relationships and problems of supply and use of consumer goods or services between providers and users in social life.

Consumer protection is a term used to describe the legal protection given to consumers in their efforts to meet their needs from things that are detrimental to consumers themselves.<sup>21</sup> Consumer law principally plays a role in consumer relations and problems where the conditions of the parties are balanced in socio-economic position, competitiveness, and level of education. Consumer Protection Law is required when the conditions of the parties entering into legal relations or problems in society are imbalanced.

## **RESEARCH METHODOLOGY**

This research is a juridical normative research, which is a legal research method carried out by examining written legal sources, such as laws and regulations, doctrines, and court decisions. This research focuses on theoretical and conceptual studies of legal protection for spectators in organizing soccer matches.

In analyzing the issues discussed, this research adopts two main approaches. First, the statute approach, which is carried out by reviewing various related regulations, such as the Sports Law and the Consumer Protection Law, to better comprehend the legal basis of protection for spectators. Second, the case approach, which is used to analyze concrete cases, in this case the Kanjuruhan Tragedy, to see how legal provisions are applied in practice and evaluate the effectiveness of legal protection for football spectators in Indonesia.

By using these two approaches, this research is expected to provide a comprehensive understanding of the responsibilities of organizers, security forces, and the state in ensuring the safety and security of football match spectators.

## **RESULT AND DISCUSSION**

### **Legal Protection of Football Match Spectators as Consumers**

Every individual can be categorized as a consumer, either as an intermediary consumer or a final consumer. They obtain goods and/or services through involvement in a legal relationship with producers or business actors, which generally takes the form of an agreement or contract. As stated by Sidabalok, consumers who obtain products through direct purchase from producers are substantially involved in a contractual relationship with the producer.<sup>22</sup> In contrast, individuals who do not make purchases have no contractual ties with the producer.

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<sup>21</sup> Husnul Khatimah, "PERLINDUNGAN HUKUM TERHADAP KONSUMEN DALAM TRANSAKSI JUAL BELI ONLINE DI APLIKASI LAZADA DAN SHOPEE," *Lex LATA* 4, no. 3 (February 7, 2023), <http://journal.fh.unsri.ac.id/index.php/LexS/article/view/1757>.

<sup>22</sup> Janus Sidabalok, *Hukum Perlindungan Konsumen Di Indonesia* (Bandung: Citra Aditya Bakti, 2014).



Consumer protection refers to legal and policy efforts that aim to ensure the fulfillment of consumers' needs and protect them from potential losses due to unfair or harmful business practices. This concept includes various regulations that provide legal certainty for consumers in realizing their rights.

In order to protect consumers in Indonesia from various potential losses, the government has enacted Law No. 8/1999 on Consumer Protection (UUPK). This law serves as a legal foundation for the government and consumer protection agencies in empowering consumers through education and guidance. The existence of this regulation is expected to provide strong legal certainty, resulting in business actors complying with the applicable rules and preventing arbitrary actions that harm consumers. Article 1 point 1 of the UUPK emphasizes that: "Consumer protection is all efforts that ensure legal certainty to provide protection to consumers."<sup>23</sup>

Legal certainty plays an important role in providing protection to consumers, both in terms of business compliance with regulations and in preventing violations of consumer rights. With clear regulations in place, consumers have the assurance that their rights will be respected and legally protected.

From the perspective of consumer protection law, football supporters who purchase match tickets can be categorized as consumers. They spend money to get access to watch the match, hence have rights that are protected by law, including guarantees of safety and security during the match.

In addition to the UUPK, this research also uses Law No. 11/2022 on Sports as additional legal material. This is due to the fact that the object of this research is consumers in the context of spectators of soccer matches, making it important to incorporate relevant legal rules to provide a more comprehensive analysis.

The Sports Law explicitly regulates the rights of spectators in sports competitions, as stated in Article 54 of the Sports Law, which states that:

1. Organizers of sports championships that present mass spectators directly must obtain a recommendation from the main sports organization concerned and comply with the provisions of laws and regulations.
2. Organizers of sports championships as referred to in Paragraph (1) must have a person in charge of the activity.
3. Any person and/or foreign legal entity may organize sports championships in Indonesia in the form of a partnership with the main sports organization.
4. Sports championship organizers must pay attention to spectator rights in every sports championship.
5. Spectator rights as referred to in Paragraph (4) include:
  - a. Express support, enthusiasm and motivation in sports championships;
  - b. Receive facilities in accordance with the value of the admission ticket;

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<sup>23</sup> Indonesia, *Undang-Undang (UU) Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen*.

c. Receive safety and security guarantees.<sup>24</sup>

However, in its implementation, the protection of spectators has not been elaborated in detail under this law, resulting in normative ambiguity. Although technically match organizers have an obligation to ensure the safety and security of spectators, there is no regulation that specifically regulates the mechanism of sanctions or legal liability in the event of a violation of spectator rights.

Law No. 11 of 2022 on Sports regulates the rights, obligations, and responsibilities of various parties, including the central government, local governments, and the community in managing and developing national sports.<sup>25</sup> However, this regulation still requires further enforcement regarding the responsibility of match organizers for the rights of spectators and supporters.

Stricter legal clarification is necessary to provide a clearer and fairer framework for addressing the rights of supporters at football matches. In addition, more specific regulations will provide more optimal protection for the safety, security and rights of spectators, while ensuring that organizers and security forces are responsible for preventing incidents that may potentially harm or even endanger spectators.

### **Liability of Law Enforcement Officials for Football Spectators who Became Victims in the Kanjuruhan Tragedy**

In the previous discussion, it has been explained that in organizing a football match, many parties are responsible for ensuring the success and security of the event. The responsibility lies with the organizers, government, community groups, and law enforcement officials, especially the police. The Kanjuruhan case is evidence of structural weaknesses, especially in the organizers and the police, who do not fully comply with applicable rules, such as the FIFA Statutes. Therefore, it is important for law enforcement officials to ensure that soccer matches are safe and do not interfere with the rights of spectators.

The legal protection of supporters who fall victim to soccer matches is an important issue in the context of safety and responsibility in the sports arena. The safety and well-being of supporters in stadiums is a shared responsibility between match organizers, the government, and other relevant entities. In several fatal cases, where supporters have lost their lives, legal protection is crucial to ensure both liability and justice.

Supporters as consumers have certain rights, including the right to security and protection while at the stadium. When a supporter loses their life due to negligence in the organization of a match, questions arise regarding liability and compensation. One of the main aspects of legal protection is the determination of the responsible party. If it is proven that the incident occurred due to the negligence

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<sup>24</sup> Indonesia, *Undang-Undang (UU) Nomor 11 Tahun 2022 Tentang Keolahragaan*.

<sup>25</sup> *Ibid.*

of the organizers, security forces, or other parties responsible for the stadium, then they may be subject to legal sanctions.

A thorough investigation into the incident should be conducted by authorities, such as the police and football authorities, to determine the exact cause of the incident as well as whether there was any element of negligence. In some cases, consumer protection laws may provide a legal basis for the victim's family to claim damages. If organizers fail to provide adequate facilities or security systems, they may be held liable under Law No. 8/1999 on Consumer Protection (UUPK), specifically Article 4 letters (a), (c), and (h).<sup>26</sup>

Football club management as business actors often pay little attention to the quality of the stadium and the safety aspects of the crowd. In the context of civil law, Article 1365 of the Civil Code states that “every unlawful act that causes harm to another person, obliges the perpetrator to compensate for the loss.” Article 1367 Paragraph (1) of the Civil Code also emphasizes that a person is responsible for losses caused by persons under his responsibility or goods under his supervision.

The Kanjuruhan tragedy on October 1, 2022, which occurred following a match between Arema FC and Persebaya, became one of the worst tragedies in Indonesian football history. Based on data as of October 18, 2022, the tragedy resulted in 135 deaths, 507 minor injuries, 45 moderate injuries and 23 serious injuries. The tragedy received international attention due to the huge number of casualties, largely due to the panic of supporters trapped in the stadium after police had launched tear gas.

The use of tear gas by security forces in dealing with supporters is contrary to FIFA Stadium Safety and Security Regulation Article 19 Letter B, which expressly prohibits the use of firearms and crowd control gas in stadiums. The effects of tear gas may lead to asphyxiation, temporary blindness, and panic leading to casualties. In the Kanjuruhan case, the excessive use of tear gas and the stadium doors that were not functioning properly were the major factors for the many casualties.

The conduct of the authorities in this case was questioned by many, which led to several members of the police force being court ordered. However, in the Surabaya District Court verdicts No. 12/Pid.B/PN.Sby and No. 13/Pid.B/PN.Sby, two defendants from the police, including Police Commissioner Wahyu Setyo Pranoto, S.H., S.I.K., M.I.K., as Head of Operations of Malang Police Station, and Adjunct Police Commissioner Bambang Sidik Achmadi, S.H., as Chief of the Public Order and Security Unit, Malang Police Department, were found not guilty. This decision was considered as not upholding the sense of justice and generated controversy within the broader society.

The public prosecutor then filed an appeal to the Supreme Court, which eventually overturned the decision of the court of first instance. The Supreme Court

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<sup>26</sup> Indonesia, *Undang-Undang (UU) Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen*.

found Bambang Sidik Achmadi guilty of violating Article 359 of the Criminal Code, Article 360 Paragraph (1) of the Criminal Code, and Article 360 Paragraph (2) of the Criminal Code, and sentenced him to two years in prison. This verdict was lighter than the prosecutor's demands, yet still emphasized the liability of the authorities in the tragedy.

The Kanjuruhan tragedy is a reminder of the importance of safety standards in soccer matches. All parties, including organizers, security forces, football federations, and supporters associations, bear the responsibility to ensure the safety of spectators. Reforms in the stadium security system and consumer protection regulations must be enforced to prevent similar incidents from recurring. In addition, transparency in investigations and legal accountability for those responsible must be a priority in order to uphold justice for victims and their families.

## CONCLUSION

In the context of organizing football matches, the spectators' civil rights can be categorized into two types. First, relative civil rights, which are guaranteed by Law No. 8/1999 on Consumer Protection and Law No. 11/2022 on Sports. Second, the absolute rights of spectators as consumers who have purchased tickets, which entitles them to seek for compensation, compensation, or reimbursement if the promised facilities are not provided.

The Kanjuruhan tragedy, which resulted in a large number of casualties, emphasizes the urgency for security forces in the world of national football to properly understand and apply the rules that are applicable in securing matches. This must be carried out in line with FIFA regulations and accompanied by appropriate measures to prevent similar incidents in the future. In addition, the principle of *salus populi suprema lex esto* (the safety of the people is the supreme law) must become the foundation in safeguarding the public interest and public safety in order to create civilized national football and benefit the community.

The Supreme Court decision annulled and modified the decision of the Surabaya District Court, both against Decision No. 12/Pid.B/PN.Sby and Decision No. 13/Pid.B/PN.Sby. The Supreme Court stated that Police Commissioner Wahyu Setyo Pranoto, S.H., S.I.K., M.I.K., as Head of Operations of Malang Police Station, and Adjunct Police Commissioner Bambang Sidik Achmadi, S.H., as Chief of the Public Order and Security Unit, Malang Police Department, were found guilty of the Kanjuruhan Tragedy based on Article 359 of the Criminal Code, Article 360 Paragraph (1) of the Criminal Code, and Article 360 Paragraph (2) of the Criminal Code.

The decision of the Panel of Judges is an important precedent in the organization of football in Indonesia. This decision provides legal legitimacy that law enforcement officials, in this case the police, are also responsible for security

and order in organizing football matches. Therefore, law enforcement officials are obliged to comply with the applicable laws and may be subject to criminal liability for the casualties in the Kanjuruhan Tragedy.

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