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The Role of Indonesian Police Intelligence in Preventing Mass Soccer Spectators' Riot based on the Regulation of the Head of Security Intelligence Agency of Indonesian National Police No. 2/2013

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ABSTRACT

The Kanjuruhan tragedy in Malang between Arema Malang and Persebaya Surabaya soccer supporters led to unexpected clashes due to disappointment from the locals' defeat, and it caused many casualties. Therefore, this research is conducted to find out and analyze the role of Indonesian National Police intelligence in securing football that has clashed and caused casualties at Kanjuruhan Malang stadium based on Regulation of the Head of Security Intelligence Agency of Indonesian National Police No. 2/2013 on Security Intelligence of Indonesian National Police. This research is a normative legal research combined with juridical type. The problem approach used is a statutory approach, concept approach, and case approach. In addition, legal source data consist of 3 sources, such as primary, secondary, and tertiary. The findings of this research indicated that using tear gas in the Kanjuruhan riot is actually regulated in the National Police Chief Regulation No. 1/2009 on the use of force in police actions. However, this violates the rules of FIFA as the federation that oversees world football. Furthermore, the role of police intelligence in securing football matches at Kanjuruhan Malang is conducted with targeted activities through the preparation stage, implementation stage, and termination stage.

Keywords: Football Riot, Police Intelligence, Safeguards

INTRODUCTION

Football or soccer is a team game played by 11 players including a goalkeeper. In soccer almost entirely uses foot skills, except for the goalkeeper who is free to use any limbs. The game is played in two halves, with a break in between. In addition, in the second half there is an exchange of places.¹ Football is a sport that is very popular among the community. However, sometimes football is filled with drama, intrigue, and rivalries that make this sport special, as was the case that occurred at the Kanjuruhan stadium in Malang.² In October 2022, there was a riot that killed 131 people at the Kanjuruhan Stadium in Malang. The riot occurred during a match between Arema FC and Persebaya Surabaya. At first, the organizing committee proposed a permit related to the match on October 1, 2022 at 20.000 since September 12, 2022 to the Malang Police. Furthermore, Malang Police responded to the letter from the organizing committee and sent an official letter to change the implementation schedule to 15.30 due to security factors. Unfortunately, the request was rejected by PT Liga Indonesia Baru because if the time is shifted, there are considerations related to the issue of live broadcasting, the economy and so on which cause an impact that can lead to penalties and compensation.³

The police have prepared for security by coordinating meetings and increasing the amount of personnel for security during the match. Starting from 1,073 personnel to 2,034 personnel and an agreement was made in the special coordination meeting that only Aremania supporters were present in the stadium. When the match started until it was over, everything went smoothly. Unfortunately, Arema FC suffered a defeat to Persebaya Surabaya with a score of 2-3 which caused disappointment from the local supporters, Arema FC, which caused some supporters to go into the field. Police officer assigned to protect Persebaya officials and players by carrying four units of Barracuda tactical vehicles to the Arema FC goalkeeper. However, the supporters were getting more and more into the field so the police fired tear gas. The results of investigation revealed that five grandstand doors did not open properly when the police fired tear gas. The exits for grandstand 3, 11, 12, 13 and 14 in Kanjuruhan Malang stadium. Unfortunately, the stadium doors did not open wide enough to allow spectators to exit the stadium for almost 20 minutes. Five minutes before the end of the match, all the doors should have been opened, but at that time the doors were opened halfway and only measured one and a half meters. In addition, the doormen were not there. This led to the crowd jostling for space, which caused many casualties.

¹ Ahmad Nasution, "Survei Teknik Dasar Bermain Sepakbola Pada Siswa SMKT Somba Opu Kabupaten Gowa," *Jurnal Universitas Negeri Makassar* (2018): 1–10.

² Yusuf Adam Hilman, "Motif Dan Kelembagaan Konflik Supporter Sepakbola Pada Aremania," *Jurnal Studi Kultural* 2, no. 1 (2017): 6–12.

³ Muhammad Rizki Yudha Prawaira and Rianda Dirkareshza, "Pertanggungjawaban Hukum Para Pihak Terhadap Tragedi Pertandingan Di Stadion Kanjuruhan Indonesia," *Pleno Jure: Jurnal Ilmu Hukum* 12, no. 1 (2023): 1–29.

Since October 1, 2022 until now, the Kanjuruhan Malang tragedy case is still being investigated. Six suspects have been charged with Articles 359 and 360 of the Criminal Code on causing death or serious injury due to negligence and Article 103 Paragraph (1) Jo Article 52 of Law No. 11/2022 on Sports. However, in fact, it is still needed to investigate whether the intelligence function of the Police has been well implemented or not to prevent the tragedy from being detected at all. Some academics assume that the intelligence was not alert and did not work properly due to the lack of a proper security estimate of the incident at Kanjuruhan Malang. This requires a special team of police officers to investigate whether there was negligence on the part of officers in the field and whether the security system was not implemented as well, especially in the use of tear gas in the stadium area.

Using the forces in accordance with Article 3 of National Police Chief Regulation No. 1/2009 is permissible as long as it fulfills the principles of legality, necessity, proportionality, public duty, prevention and reasonableness. In the tragedy at Kanjuruhan Malang, the East Java Police and local police initially conducted their duties optimally. Unfortunately, at the end of the match, the police were unprepared when a clash between supporters suddenly occurred and could not be prevented. According to the Regulation of the Head of Security Intelligence of the Indonesian National Police No. 2/2013 on Security Intelligence of the Indonesian National Police, the National Police Security Intelligence Agency, referred to hereinafter as *Baintelkam Polri*, is the main task implementing element in assisting the National Police Chief in developing and organizing security intelligence functions for the benefit of the implementation of National Police duties and management in general to support the implementation of government tasks in order to realize domestic security. In addition, Police Security Intelligence, referred to hereinafter as *Intelkam Polri*, is Intelligence that is implemented in the implementation of Police functions in order to realize domestic security. Based on previous descriptions, this research aims to find out and analyze the role of Indonesian National Police intelligence in securing football that has clashed and caused casualties at Kanjuruhan Malang stadium based on Regulation of the Head of Security Intelligence Agency of Indonesian National Police No. 2/2013 on Security Intelligence of Indonesian National Police.

LITERATURE REVIEW

The Role Theory

The role theory describes that social interactions are applied by individuals in an environment based on the prevailing culture. In addition, role theory states that individuals who are confronted with high levels of role conflict and role ambiguity will feel anxiety and dissatisfaction in doing activities. Individuals will be conflicted if there are two or more pressures that occur simultaneously in a person. The occurrence of conflict in each individual is caused when the individual has to

hold two different roles at the same time. Role is a dynamic aspect of one's position that fulfils rights and obligations. It means that if someone fulfils their rights and obligations in accordance with their position, then they have fulfilled a role. Role is considered as an attitude expected by people who have a position in order to have an impact on society. There are three things that can be a role, such following below:

1. Roles involve the norms associated with a person's position in society.
2. The role is a concept of how an individual does in society as an organisation.
3. Role can also be considered as individual behavior that is important for the social structure or order of society in order to create harmony.⁴

Indonesian Police Intelligence

According to the Regulation of the Head of Security Intelligence Agency of the Indonesian National Police No. 2/2013 on Security Intelligence of the Indonesian National Police (Baintelkam Polri), is an implementation element of the main task to assist the chief of police in fostering and organising the security intelligence function for the benefit of the implementation of the tasks and management of the National Police in general to support the implementation of government tasks in order to realise domestic security. In addition, the National Police Security Intelligence (Intelkam Polri), is an intelligence that is implemented in the implementation of police functions in order to realise domestic security.

Police Intelligence is a member of the Indonesian National Police, some are uniformed and some are non-uniformed.⁵ Uniformed police can be identified easily by the physical eye through the inherent uniform worn daily, while non-uniformed police are difficult to recognise even as a layman may never be able to recognise. The function of police intelligence is the supervisor of police institutions. Intelligence handles public complaints in various matters. Police intelligence produces information reports that will later be transferred to related functions so as not to develop into a factual threat.⁶

The Security Concept

Security is the maintenance of an acceptable level of risk. Risk is considered to be the result of accumulated threats and consequent weaknesses.⁷ There is no absolute security so protection systems are required to accept some reasonable level

⁴ Rahmah Hastuti, Dr. Naomi Soetikno, and Pamela Hendra Heng, *Remaja Sejahtera Remaja Nasionalis* (Yogyakarta: Andi, 2020).

⁵ Hadi Winarno, Bahrul Amiq, and Wahyu Prawesthi, "Law Enforcement on Drug Abuse Perpetrators Committed by Indonesian Policemen," *IUS POSITUM (Journal of Law Theory and Law Enforcement)* 2, no. 2 (2023).

⁶ Pratikno, "Pembuatan Desain Dan Purwarupa Rompi Polri Level III A," *Jurnal Litbang Polri* 23, no. 3 (2020).

⁷ S. H. Jore, "The Conceptual and Scientific Demarcation of Security in Contrast to Safety," *European Journal for Security Research* 4 (2019): 157–174.

of risk. Security is considered one of the most substantial needs for humans, both as individuals and groups. The media and news report daily on violence that threatens human safety physically and psychologically, thus people perceive security as a basic need. However, there is also information about people being arrested, prosecuted, tortured and even killed in the name of security. Security is the alleviation of threats to cherished values. The concept of security is always related to the security-related agents themselves. Those agents can be individuals, communities or states.⁸

RESEARCH METHODOLOGY

The research method used is juridical-normative with a statutory approach because the research studied is various kinds of legal rules that are the focus of research. The data sources in the research consist of primary, secondary, and tertiary legal bases. The primary data sources are the preamble of the 1945 Constitution, the Regulation of the Head of the Indonesian Police Security Intelligence Agency No. 2/2013 on the security of Indonesian police intelligence. While secondary data sources used draft laws, the results of previous research, and the work of legal experts. The tertiary data sources used dictionaries, encyclopaedias, cumulative indexes, and so on.⁹

RESULT AND DISCUSSION

The Security Imperative in Police Services

There are several main tasks of the Indonesian police based on Article 13 of the Indonesian National Police Act, such following below:

1. Maintaining security and public order;
2. Enforcing the law;
3. Providing protection, supervision, and service to the community.

According to Article 1 Paragraph (5) of Law No. 2/2002 on the Indonesian National Police, public security and order is a dynamic societal condition. This dynamic condition is one of the prerequisites for the implementation of national development process which is characterised by guaranteed order, law and tranquility. In addition, police duties also aim to foster, develop the potential and strength of the community in counteracting, preventing, and overcoming all violations of the law and other forms of disturbances that can disturb the community. The reform of the Indonesian National Police Law under Law No. 2/2002 is intended to further strengthen the position and role of the National Police

⁸ Agussalim Burhanuddin, *Studi Keamanan Dan Isu-Isu Global* (Makassar: Universitas Hasanuddin: Fakultas Ilmu Sosial dan Ilmu Politik, 2017).

⁹ Dr. Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum : Normatif Dan Empiris* (Jakarta: Prenadamedia Group, 2016).

as a governmental function, which regulates the maintenance of security and public order; law enforcement, protection, counselling, and service to the community that upholds human rights must be free from the control of other parties.¹⁰

Security Operations during Football Matches at Kanjuruhan Stadium Malang

Public security and order is a dynamic societal condition. This dynamic condition is one of the prerequisites for the implementation of national development process which is characterised by guaranteed order, law and tranquility. In addition, police duties also aim to foster, develop the potential and strength of the community in counteracting, preventing, and overcoming all violations of the law and other forms of disturbances that can disturb the community. Maintaining the security of football matches is very important in order to ensure that the match is conducive without any unwanted things such as casualties due to conflicts between supporters. The safeguard also includes the elimination of all sharp weapons that may be carried by supporters. Based on Government Regulation No. 60/2017 on the procedures for licensing and supervision of public crowd activities, other community activities, and notification of political activities, it is described that National Police officials have the authority to supervise and conduct necessary police actions in handling licensing violations and/or security and public order disturbances in accordance with the provisions of laws and regulations.¹¹

On Saturday 1 October 2022, there was a riot after the 2022-2023 League 1 match Arema FC VS Persebaya Surabaya at Kanjuruhan Stadium in Malang. Firing tear gas was considered as one of the ways by the police officers to reconcile the commotion to prevent supporters from chasing footballers. Many of the spectators threw shoes at the officers as resistance. Unfortunately, using tear gas has provoked controversy because it is not in accordance with the standard rules recorded in FIFA regulation Article 19 point b on stadium security. Actually, using tear gas is regulated in National Police Chief Regulation No. 1/2009 on the use of force in police actions in the fifth stage. Furthermore, Article 5 Paragraph (2) of National Police Chief Regulation No. 1/2009 on the use of force in police actions indicates that members of the National Police must have stages of the use of force according to the level of danger and threat from the perpetrator. Each level of threat is handled with the stages of the use of force as stated in Article 7 Paragraph (2) as explained below:

1. The power that possesses a deterrent impact;
2. Oral order;
3. Soft hand-to-hand control;
4. Hard hand-to-hand control;

¹⁰ Ryanto Ulil Anshar and Joko Setiyono, "Tugas Dan Fungsi Polisi Sebagai Penegak Hukum Dalam Perspektif Pancasila," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 359–372.

¹¹ Pujiyono and Mulyanto, "Urgensi Integrasi Nilai Local Wisdom Dalam Konflik Suporter Sepakbola," *Yustisia* 3, no. 1 (2014): 117–124.

5. Blunt weapon control; and
6. Control using firearms.

The members of National Police shall choose the stage of using force as referred to in Paragraph (1), according to the level of danger from the perpetrator of crime or suspect by observing the principles as referred to in Article 3. In considering the use of force, the police need to consider the following, such as legality, necessity, proportionality, public duty, preventability, and reasonableness.

Using police force is provided because in fulfilling police duties, the police have limitations. However, the public needs guarantees related to the security of physical and mental health in order to avoid the violence perpetrated by anyone. In addition, using force in police actions from the community's perspective often has a destructive impact on society. These impacts include minor injuries, serious injuries, organ damage and death. Tear gas inhaled by breathing will cause a burning reaction throughout breathing. Therefore, its use is regulated in a regulation so as not to cause casualties. In general, the police, Indonesian National Armed Forces (TNI), and the committee on duty did not properly prepare for all the possibilities that would occur. One of them is when the supporters want to go down to the football field to meet the players, they are not facilitated properly. In addition, the use of violence in the Kanjuruhan tragedy is a violation of ethics. Even if someone is injured or dies because of this action, it can be categorised as a criminal act.¹²

The Role of Indonesian Police Intelligence in Preventing Mass Soccer Spectators' Riot based on the Regulation of the Head of Security Intelligence Agency of Indonesian National Police No. 2/2013

In the police environment, there is the Security Intelligence of the Indonesian National Police which has an intelligence function in supporting police duties which includes the use of signal intelligence. The Security Intelligence of the Indonesian National Police is responsible to the Chief of Police. Other functions of the Security Intelligence of the Indonesian National Police are the implementation of security intelligence operational activities for the implementation of early detection and early warning; the implementation and development of administrative services, coding and technological intelligence functions including their implementation in supporting other intelligence operational functions. In addition, the function of its existence is for the implementation of documentation, analysis of the development of the strategic environment and the preparation of intelligence products both for the benefit of the leadership and to support operational intelligence activities; and the implementation of intelligence activities on issues that have political and

¹² Kartika Widya Utama et al., "Tragedi Kanjuruhan Dan Penyalahgunaan Wewenang Dalam Pelaksanaan Prosedur Administrasi Negara," *Jurnal Masalah-masalah Hukum* 51, no. 4 (2022): 414–421.

strategic impacts through special task forces. In its efforts to perform these functions, it can be observed that although it is in a law enforcement institution, *Baintelkam* still does not work for the practice of law enforcement itself. The main role of intelligence remains to initiate, accompany and terminate every event in order to provide information input and analysis for policy makers. The intelligence function is not a tool for the law enforcement process. The role of National Police Security Intelligence is to detect symptoms of criminality and irregularity against the law.

There is a distinctive paradigm and function of intelligence in initiating, accompanying and ending events. In fact, the main characteristics of intelligence are counterintelligence and covert operations. Therefore, the role of intelligence is to initiate detection long before the event, when the disturbance is still potential. Early detection is the strategic role of intelligence as the eyes and ears of the leadership. The terms eyes and ears are popularised in the intelligence community to provide a biological analogy of the comprehensive impact on every movement of other organs, especially for making decisions. Actually, it is fair to say that the role of intelkam has a systemic impact. When referring to historical context, intelligence serves a very strategic function, among other things, as a basic support for government policies and programmes. Moreover, intelligence even provided recommendations for the National Medium-Term Development Plan (RPJMN). Nowadays, intelligence differs only in the aspects and style of the authorities in utilising it as a tool, while functionally it remains strategic and has a systemic impact on state policy.

The role of police intelligence in securing football that ended in a clash that caused casualties in Kanjuruhan Malang is based on the perspective of the Regulation of the Head of the Security Intelligence Agency of the Indonesian National Police No. 2/2013 on securing intelligence of the Indonesian National Police, which is to assist the Chief of Police in fostering and organizing security intelligence functions for the benefit of the implementation of National Police duties and management in general to support the implementation of government tasks in order to realize domestic security. Football security at Kanjuruhan Malang was conducted with targeted activities through the preparation stage, implementation stage and termination stage.

CONCLUSION AND SUGGESTION

Conclusion

The implementation of soccer security at the Kanjuruhan Stadium in Malang is the use of tear gas by the Indonesian National Police (Polri) which has been regulated in the Standard Operating Procedure (SOP) for riot security. The SOP is contained in National Police Chief Regulation No. 1/2009 on the Use of Force in Police Actions. The use of tear gas is regulated in Article 5 of Chapter II on the Use

of Force. On the other hand, the use of tear gas in the riot at the Kanjuruhan Stadium in Malang has violated FIFA rules as the federation that oversees world football in handling riots during matches, related to stadium security and security which does not allow the use of tear gas. This is because tear gas contains chemicals that can irritate the eyes and also affect the respiratory system.

The role of police intelligence in securing football that ended in a clash that caused casualties in Kanjuruhan Malang is based on the perspective of the Regulation of the Head of the Security Intelligence Agency of the Indonesian National Police No. 2/2013 on securing intelligence of the Indonesian National Police, which is to assist the Chief of Police in fostering and organizing security intelligence functions for the benefit of the implementation of National Police duties and management in general to support the implementation of government tasks in order to realize domestic security. Football security at Kanjuruhan Malang was conducted with targeted activities through the preparation stage, implementation stage and termination stage.

Suggestion

There are several suggestion for further researchers and police institution, such as (1) the police are expected to be more professional in using tear gas and provide training to maximize the ability of each member of the police so that the use of tear gas can be appropriate to the main target, which is riotous supporters and anarchists, not to injure or kill other supporters; and (2) further research that will conduct similar studies or topics can add cases of other teams' soccer riots so that comparisons can be obtained regarding the role of National Police intelligence in soccer security efforts that cause casualties.

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