

## **Kanjuruhan Stadium Tragedy: A Brief Analysis from Legal Perspective**

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**Abstract:** Indonesia has been one of the countries with the most football supporters in the world. With over 77% of the people having an interest in football, Indonesia only trails Nigeria that has 83% of the people liking the sport. Football is very popular in Indonesia and has been the favourite of the people from every social class, making it a class-less sport that unites every individual in the country. One of the cons of having the largest population of football supporters is that clash may happen on football matches if not followed with structured procedure and well behaviour from the supporters themselves. On October 1st 2022, on the match between Arema and Persebaya that took place at Kanjuruhan Stadium, a chaos occurred after the match that resulted with over a hundred people died, making it the second deadliest football match in history. This article will provide an analysis on how the incident occurred and who should be responsible from the legal perspective.

**Keywords:** casualties, football, Kanjuruhan, regulation

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### **1. Introduction**

Football has a special place in the Indonesians' heart. Even though Indonesia is only ranked 152<sup>nd</sup> on the FIFA Men's Football Ranking as of October 2022, almost everyone loves football, watch it every night, play everywhere, from the meadows in every city to the narrow streets in the suburbs. Football matches in the top leagues always generate the largest revenue compared to other sports, making it the most favorite sport in the country. But in general, the treatment of this sport is often not done properly, most of the time. Almost every city in Indonesia has a football stadium, but the number of stadiums that have FIFA Certification is ridiculously low, with only 5 main stadiums meet the requirements, said Timmy Setiawan, the Unitri Cipta's Stadium Safety and Security<sup>1</sup>. Stadiums without FIFA Certification have poor security standart that may cause various problems such as overcapacity, illegal possession of weaponry and flare and sometimes result in a clash between supporters. Police officers often deployed to minimize the chaos that may happen.

On Saturday, October 1<sup>st</sup>, 2022 at 8 pm, the match between Malang's football club, Arema, and Surabaya's football club, Persebaya, took place at Kanjuruhan Stadium. The East Java Derby between Arema and Persebaya, who have been rivals for years, has always resulted in high-tension match, which later be proven by a clash between Bonek (Persebaya supporters) and Aremania (Arema supporters). Because of the clash history, police and Discipline Committee of Indonesia Football Association (Komisi Disiplin PSSI) regulate that whenever and whichever team plays an away match, the away supporters are not allowed to attend to the host stadium to minimize the potential damage and casualties. Therefore, match was played without the presence of Bonek. The match ended with Arema losing 2-3 to Persebaya, and Aremania wreaked their dissapointment. The supporters started to jump out of the tribune and spread everywhere accross the pitch. Some witnesses say that the supporters threw bottles and blunt objects to the Arema players and officials. The police officers escorted the players and officials to the team bus and tried to control the crowd to calm down the tension.

Dozens of police officer were deployed to the pitch and tried to control the chaotic situation, but the supporters were already too upset and started to attack the police officers. The mayhem continued when police officers eventually started to shoot tear gas to the crowd on the pitch. The situation became much worse when

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<sup>1</sup>Gisesya Ranggawari, Mayoritas Stadion Indonesia Belum Berstandar FIFA, accessed from <https://www.validnews.id/nasional/mayoritas-stadion-indonesia-belum-berstandar-fifa, 2022>

the tear gasses were shot to various directions, including the tribune. Injured by the tear gas, supporters dispersed which resulted in stampede to find the nearest exit. With so many people running for the exit while the exit door is too small and guarded by security officers, supporters were trapped in the tunnel while the tear gas started to fill up the area. A horror event started to occur when hundreds of people were trampled, stomped, and gasped for air. The effect of the tear gas made the supporters slowly running out of oxygen which fatally killed them slowly, while struggling to get out of the tiny exit. Dead bodies were stacked in the exit tunnel and the nearest hospitals and clinics, received so many of the victims. After the incident, reports indicated that more than a hundred people died on that incident, with casualties said to be 132.

## 2. Purpose of the Research

The purpose of the present research is, to a certain extent, to analyse the Kanjuruhan Stadium Tragedy that cost 132 lives that currently becomes international attention, and also to be an occasion for further and more organized investigation of such an important issue. In particular, it attempts to investigate the cause of the incident and who to be blame and put legal responsibility.

## 3. Causes of the Incident

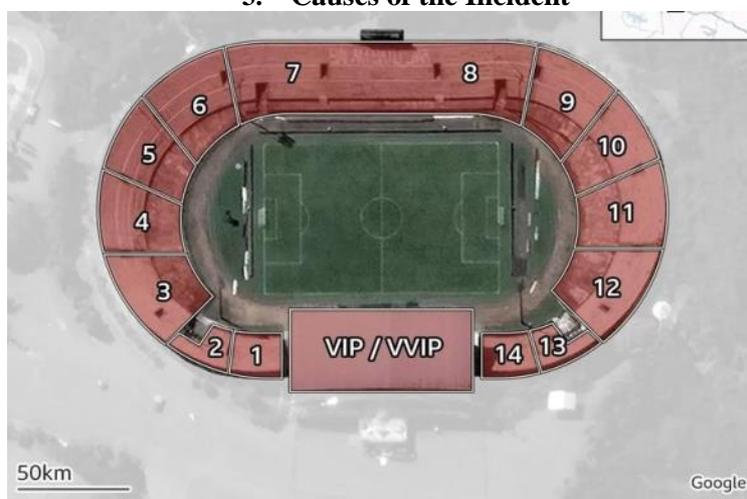


Figure 1: Kanjuruhan Stadium

The match between Arema and Persebaya went smoothly until the end.<sup>2</sup> Even during the match itself, according to Twitter account posted by a fan who watched the match, there are minor commotions on tribune 12 – 13 but all the security officers can handle the situation.<sup>3</sup> Following the end of the match, the scoreboard indicates Persebaya beat Arema with final score 3 – 2. According to Bantur Regional Coordinator, Slamet Sanjoko and other witnesses, there were four spectators from tribune 9 – 10 running to the field to get photos with Arema Players.<sup>4</sup> Sanjoko said two of them who were about to take pictures, turned out to be approaching and pointing at the Arema players and expressing their dissatisfaction.<sup>5</sup> Then the police came, chased away the spectators, and took repressive actions, pulled their shirt, hit them with a stick until they fell.<sup>6</sup> The action triggered other supporters from tribune 7 – 8 and 10 – 12 to enter the field area by climbing over nearly 6 meters

<sup>2</sup>Jabbar Ramdhani, Kapolri Paparkan Kronologi Lengkap Terjadinya Tragedi Kanjuruhan, accessed from <https://news.detik.com/berita/d-6333701/kapolri-paparkan-kronologi-lengkap-terjadinya-tragedi-kanjuruhan>, 2022

<sup>3</sup>Rezqi wahyu (@RezqiWahyu\_05), "...dan saat jeda istirahat, ada sekitar 2-3 kali keributan sedikit di tribun 12-13, yang bisa segera diamankan oleh pihak berwenang", accessed from [https://twitter.com/RezqiWahyu\\_05/status/1576292343992397824](https://twitter.com/RezqiWahyu_05/status/1576292343992397824), 2022

<sup>4</sup>CNN Indonesia, Aremania Bantur: Kronologi Tragedi Kanjuruhan Dipicu dari Minta Foto, accessed from <https://www.cnnindonesia.com/olahraga/20221003071649-142-855486/aremania-bantur-kronologi-tragedi-kanjuruhan-dipicu-dari-minta-foto>, 2022

<sup>5</sup>Rachmawati, Menit-menit Mematikan di Stadion Kanjuruhan, Jeritan Penonton di Tengah Lautan Asap Gas Air Mata, accessed from <https://surabaya.kompas.com/read/2022/10/05/071500678/menit-menit-mematikan-di-stadion-kanjuruhan-jeritan-penonton-di-tengah>, 2022

<sup>6</sup>Ibid.

of fences.<sup>7</sup> According to Chief of The East Java Provincial Police, Nico Afinta, about 3.000 spectators invaded the field to express their deep dissatisfaction and demand explanation of why after 23 years of undefeated home matches against Persebaya, Arema lost to them today.<sup>8</sup> Security officers and police tried to handle and stop the riots from entering the field, but no avail. While the police were overwhelmed with handling the riots, some Aremania on the tribune started to throw objects like bottles into the field<sup>9</sup>, followed by those in the field by destroying 13 vehicles (including 10 police cars and 3 privately-owned cars)<sup>10</sup> and started fires inside the stadium.<sup>11</sup> In consequence, Persebaya players were forced to rush to take cover inside player's locker rooms and then were rushed again into police armoured personnel carriers for an hour before they could leave the stadium.<sup>12</sup>

The police and security officers had difficulty to prevent the riots in the field because the rioters became more aggressive and crowded. Even it was still not enough when the police had shields and body armor to disperse the crowd.<sup>13</sup> They had to start using other way, by firing tear gasses directly onto the rioters in the field<sup>14</sup> and including toward the stadium's tribune, causing panic among the crowd.<sup>15</sup> In the front of VIP area, police started to fire a couple of tear gasses to tribune 12, near the south goal.<sup>16</sup> After tribune 12 was filled with white smokes, police started shooting to tribune 11 and 13<sup>17</sup>, followed by tribune 6, 10 and 14.<sup>18</sup> The supporters who got panicked because of the tear gas, ran and made the situation even more chaotic.<sup>19</sup> Later on, the situation at gates 12 and 13 was like graveyard, because most of the victims died from stampede and asphyxiation<sup>20</sup>. According to eyewitness named Eko, he told how tragic it was when he saw gate 13 become a mass grave for Aremania. He had seen children and women piled squarely on the exit steps gate 13.<sup>21</sup> According to The Washington Post's visual forensics team, the police officers firing more than 40+ munitions (including tear gas, flash bangs and flares) at football supporters prompted a crushing rush for limited stadium exits that left 130 dead.<sup>22</sup> After the riots broke out, the players' locker room was used as an emergency evacuation post, with

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<sup>7</sup>Ibid.

<sup>8</sup>Liputan6, Tragedi Kanjuruhan, Polisi: 3.000 Penonton Turun ke Lapangan Usai Laga Arema Vs Persebaya, accessed from <https://www.liputan6.com/news/read/5085645/tragedi-kanjuruhan-polisi-3000-penonton-turun-ke-lapangan-usai-laga-arema-vs-persebaya>, 2022

<sup>9</sup>Emir Yanwardhana, *Nambah Lagi, Korban Tragedi Kanjuruhan Jadi 130 Orang*, accessed from <https://www.cnbcindonesia.com/news/20221002093820-4-376552/nambah-lagi-korban-tragedi-kanjuruhan-jadi-130-orang>, 2022

<sup>10</sup>CNN Indonesia, Belasan Mobil Hancur dan Gosong di Tragedi Kanjuruhan, accessed from <https://www.cnnindonesia.com/teknologi/20221003114723-384-855619/belasan-mobil-hancur-dan-gosong-di-tragedi-kanjuruhan>, 2022

<sup>11</sup>CNN Indonesia, *Media Asing Soroti Tragedi Kanjuruhan yang Tewaskan 127 Orang*, accessed from <https://www.cnnindonesia.com/olahraga/20221002071313-142-855203/media-asing-soroti-tragedi-kanjuruhan-yang-tewaskan-127-orang>, 2022

<sup>12</sup>Ervan Yudhi Tri Atmoko, Kesaksian Pemain Persebaya soal Tragedi Kanjuruhan: 5 Menit ke Ruang Ganti Lalu Masuk Barracuda, accessed from <https://www.kompas.com/sports/read/2022/10/02/20410088/kesaksian-pemain-persebaya-soal-tragedi-kanjuruhan-5-menit-ke-ruang-ganti?page=all>, 2022

<sup>13</sup>Andri Saubani, Ini Kronologi Tragedi Kanjuruhan Menurut Keterangan Kapolri, accessed from <https://www.republika.co.id/berita/rjc9mu409/ini-kronologi-tragedi-kanjuruhan-menurut-keterangan-kapolri>, 2022

<sup>14</sup>Inge Klara Safitri, Berbagai Versi Kronologi Tragedi Kanjuruhan di Malang, accessed from <https://grafis.tempo.co/read/3104/berbagai-versi-kronologi-tragedi-kanjuruhan-di-malang>, 2022

<sup>15</sup>Tim CBS News, 125 die as tear gas triggers crush at Indonesia soccer match, accessed from <https://www.cbsnews.com/news/indonesia-soccer-stampede-tear-gas-police-fifa-arema-fc-persebaya/>, 2022

<sup>16</sup>*Op. Cit*, Rahmawati.

<sup>17</sup>Ibid.

<sup>18</sup>*Op. Cit*, Inge Klara Safitri.

<sup>19</sup>Muhammad Hafli, Kronologi Tragedi di Stadion Kanjuruhan Malang Versi Saksi Mata dan Polisi, accessed from <https://www.republika.co.id/berita/rj3pys430/kronologi-tragedi-di-stadion-kanjuruhan-malang-versi-saksi-mata-dan-polisi>, 2022

<sup>20</sup>Ibid.

<sup>21</sup>Rizky Kurniawan Pratama, Pintu Keluar Stadion Terkunci, Kesaksian Aremania: Gate 13 jadi Kuburan Massal, accessed from <https://www.timesindonesia.co.id/read/news/430946/pintu-keluar-stadion-terkunci-kesaksian-aremania-gate-13-jadi-kuburan-massal>, 2022

<sup>22</sup>Rebecca Tan *et.al*, *How police action in Indonesia led to a deadly crush in the soccer stadium*, accessed from <https://t.co/NjDx18CgZt>, 2022

Arema players and officials helping to evacuate the victims who were still in the stadium. The victims were taken to hospital by Indonesian Army ambulance and truck.<sup>23</sup>

Various reports show that the cause of mass death was the lack of oxygen (hypoxia) when the supporters were struggling to get out of the stadium. It was caused by the stampede while the exit door was too small so there was a high number of people stuck in the tunnel. Even though it still needs further investigation, the hypoxia being the main cause is highly possible.<sup>24</sup> “Brain is the most vital organ because it controls other organs, while so, brain needs oxygen supply to work. If the brain lacks of oxygen supply, it will reduce the function of the brain, and if it continues to happen, it will eventually damage the brain. Mass crowd concentrated in a tiny room will cause oxygen deficiency, and supporters would pass out and trampled by other supporters, that is why the casualties were so high”, said dr. Badrul Anam.<sup>25</sup> Ironically, while the number of supporters stucked in a tiny tunnel could cause massive hypoxia, the tear gas could make the effect way worse. In a study in 2017, Centers of Disease Control and Prevention (CDC) said that long exposure to tear gas on a high dosage can cause serious damage. The chemicals from the tear gas have scientifically proven that they can cause temporary damage, permanent damage and even death. There are two deaths from 5.910 people in the research, and the first one was caused by difficulty of breathing.<sup>26</sup>

Ironically, police later announced that they admitted they used an expired tear gas for the action.<sup>27</sup> Head of Police Public Relations Department, Inspector General Dedi Prasetyo, said that the compounds in tear gas are different from food. He explained that if the tear gas entered its expiration date, the chemical levels would decrease. On the other hand, Professor of Chemistry at Simón Bolívar University, Venezuela, Mónica Kräuter, said that expired tear gas was more dangerous than unexpired tear gas. After passing the expiration date, various components in tear gas will decompose into simpler compounds. Initially, it was thought that it would decrease the effectiveness of tear gas when used. However, instead of reducing their effectiveness, expired tear gas compounds can actually break down into cyanide, phosgene, and nitrogen gasses, making them even more dangerous. Mónica found that the compounds produced by tear gas decomposition are toxic to humans.<sup>28</sup> The result of an investigation from the TGIPF stated that tear gas was the main factor in the mass deaths in the Kanjuruhan Stadium tragedy. Coordinating Minister for Political, Legal and Security Affairs, Mahfud MD, said all the victims that are dead and heavily or permanently injured were caused by the stampede after the tear gas was fired. Although the toxicity level of the expired tear gas is being examined by BRIN (National Research and Innovation Agency), whatever the results of the examination from BRIN, cannot reduce the conclusion that the mass deaths were caused by tear gas.<sup>29</sup>

Apart from the excessive use of tear gas being one of the reasons of why the tragedy happened, there are also other factors that significantly made fatal impacts. After the incident, Indonesian government formed Joint Independent Fact-finding Team/Tim Gabungan Independen Pencari Fakta (TGIPF) to gather information regarding on how the incident could happen. As of October 10<sup>th</sup> 2022, TGIPF revealed some new facts. TGIPF stated that Kanjuruhan Stadium, located in city of Malang, East Java, is not eligible to hold a high risk match and only limited to low to medium risk match. Meanwhile, being one of the oldest derby in Indonesia, match between Persebaya Surabaya dan Arema Malang on October 1<sup>st</sup>, 2022 was considered to be a high risk match, as

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<sup>23</sup>Suci Rahayu, Kericuhan di Kanjuruhan, Pemain Arema FC Bantu Evakuasi Korban, accessed from <https://bola.kompas.com/read/2022/10/02/01452648/kericuhan-di-kanjuruhan-pemain-arema-fc-bantu-evakuasi-korban>, 2022

<sup>24</sup>dr. Badrul Munir, Hipoksia dalam Tragedi Memilukan di Kanjuruhan, accessed via <https://www.jawapos.com/opini/03/10/2022/hipoksia-dalam-tragedi-memilukan-di-kanjuruhan/>, 2022

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

<sup>26</sup>Khadijah Nur Azizah, Benarkah Gas Air Mata Tidak Mematikan? Pakar Ungkap Fakta Sebaliknya, accessed via <https://health.detik.com/berita-detikhealth/d-6341431/benarkah-gas-air-mata-tidak-mematikan-pakar-ungkap-fakta-sebaliknya>, 2022

<sup>27</sup>Hamdan Cholifudin Ismail, Tragedi Kanjuruhan, Polri Akui Gunakan Gas Air Mata Kedaluwarsa, accessed from <https://nasional.tempo.co/read/1643703/tragedi-kanjuruhan-polri-akui-gunakan-gas-air-mata-kedaluwarsa>, 2022

<sup>28</sup>Nadia Intan Fajarlie, Profesor Kimia Sebut Gas Air Mata Kedaluwarsa Lebih Berbahaya, Komponennya Bisa Jadi Gas Sianida, accessed from <https://www.kompas.tv/article/336780/profesor-kimia-sebut-gas-air-mata-kedaluwarsa-lebih-berbahaya-komponennya-bisa-jadi-gas-sianida>, 2022

<sup>29</sup>Fajar Pebrianto, Kesimpulan TGIPF: Gas Air Mata Penyebab Utama Kematian di Tragedi Kanjuruhan, accessed from <https://nasional.tempo.co/read/1645293/kesimpulan-tgipf-gas-air-mata-penyebab-utama-kematian-di-tragedi-kanjuruhan>, 2022

said by Nugroho Setiawan, one of TGIPF members.<sup>30</sup> He said that high risk matches require comprehensive calculation, for example, exitway in case of emergency. While Kanjuruhan Stadium held the high risk match, it did not have the proper facility. Nugroho said that Kanjuruhan Stadium's entrance door also acts as an exit door, meaning that it does not have exit door for emergency purposes.<sup>31</sup>

Kanjuruhan Stadium also does not have proper staircase access for high number of attendants and staircase railing is not in a good condition. Nugroho stated that there is a specific size and quality for staircase in a stadium based on safety discipline. He said "normally based on safety discipline, the height of a single stair in a staircase must be 18 cm and 30 cm wide to sustain the safety measure during an emergency. Kanjuruhan Stadium does not meet the requirements of a proper staircase. The staircase also does not have proper railing that could harm the attendant".<sup>32</sup> The improper condition of the exit and the staircase was revealed also in a camera footage that was disclosed to public after the incident. On the footage, it was shown that gate 13, the location of where the victims were stuck, was the only exitway for the supporters during the emergency. "The door was open, but it was only half-opened, so everyone was struggling to get out, while the others passed out, stuck, trampled and could not breath because of the tear gas, it is such a terrible thing to watch" said Nugroho.<sup>33</sup>

Choirul Anam, the Commissioner of Human Rights National Committee/Komnas HAM, stated that one of the reasons of why the tragedy happened is that the stadium was overcapacity. "Kanjuruhan Stadium only has a capacity of 38.054 seats, but the number of tickets sold on that day was way more than that. The stadium only has small exit to be used by 38.000 attendants, but the overly-sold tickets shows that it surpassed the safety procedure. This is one of the reasons why the tragedy occurred" he said on press release, October 12<sup>th</sup> 2022.<sup>34</sup> Anam said that because of the overcapacity, Malang Police Department coordinated with PT Liga Indonesia Baru (Indonesian football league organizer) to decrease the number of tickets for sale. But it is said that the number of the tickets printed had reached 43.000, sold for 42.516 and cannot be decreased.<sup>35</sup>

#### **4. Related Regulations**

Save Our Soccer Coordinator, Akmal Marhali stated that the parties responsible for the deaths of many supporters after the Arema versus Persebaya match at Kanjuruhan Stadium, Malang, East Java, are facing possible heavy criminal charges. He said that the punishment could be up to 5 years in prison. This refers to Articles 359 and Article 360 of the Criminal Code (KUHP) regarding negligence that causes another person to die. Article 359 of the Criminal Code says: "Whoever because of his mistake (negligence) causes another person to die, is threatened with a maximum imprisonment of five years or a maximum one year of confinement". Moreover, Article 360 paragraph (1) and (2) of the Criminal Code says: "(1) Whoever because of his mistake (negligence) causes another person to be seriously injured, is threatened with a maximum imprisonment of five years or maximum one year of confinement; (2) Whoever because of his mistake (negligence) causes another person to be seriously injured in such a way as to cause illness or an obstacle to carrying out work for a certain period of time, is threatened with a maximum imprisonment of nine months or a maximum six months of confinement or a maximum fine of four thousand and five hundred rupiahs". If the organizers are not able to secure the match, they can be subject to criminal law in the form of a maximum prison sentence of 5 years or a maximum fine of Rp 1 billion.<sup>36</sup>

In addition to Articles 359 and 360 of the Criminal Code, the suspects in the Kanjuruhan tragedy could also be charged with Article 103 and Article 52 of the Indonesian Sport Acts Number 11 of 2022. Article 52 states: "Organizers of sports championships are required to fulfill branch technical requirements, health, safety, local regional regulations, security, public order and public interest." Furthermore, Article 103 states: "(1) the

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<sup>30</sup>Tim TvOne, 4 Temuan Terbaru TGIPF, Mulai dari Stadion Kanjuruhan Tak Layak hingga Rekaman CCTV di Pintu 13 yang Mengerikan, accessed via <https://www.tvonenews.com/berita/nasional/73446-4-temuan-terbaru-tgipf-mulai-dari-stadion-kanjuruhan-tak-layak-hingga-rekaman-cctv-di-pintu-13-yang-mengerikan?page=1>, 2022

<sup>31</sup>Ibid.

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.

<sup>34</sup>Achmad Al Fiqri, Komnas HAM: Kelebihan Kapasitas Stadion Kanjuruhan Pemicu Banyak Korban, accessed via <https://nasional.okezone.com/read/2022/10/12/337/2685780/komnas-ham-kelebihan-kapasitas-stadion-kanjuruhan-pemicu-banyak-korban>, 2022

<sup>35</sup>Ibid.

<sup>36</sup>Kompas.com, Tragedi Stadion Kanjuruhan Malang, Pengamat: Pihak yang Bersalah Terancam Pidana, accessed from <https://nasional.kompas.com/read/2022/10/02/21072711/tragedi-stadion-kanjuruhan-malang-pengamat-pihak-yang-bersalah-terancam>, 2022.

organizer of a sports championship that does not meet the technical requirements for branching, health, safety, local regional regulations, security, public order, and public interest as referred to in Article 52 shall be punished with imprisonment for a maximum of two years and/or a maximum fine of Rp 1 billion; (2) organizers of a sport championship that directly invites a mass of supporters who do not receive a recommendation from the Main Organization of the Sport Branch concerned and do not comply with the provisions of the legislation as referred to in Article 54 paragraph (1) shall be punished with imprisonment for a maximum of two years and/or a maximum fine of Rp. 1 billion.”

The Kanjuruhan tragedy could be considered as a crime against humanity according to the act of Human Rights Court. On the article 9, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack such as (a) murder; (b) extermination; (c) enslavement; (d) deportation or forcible transfer of population; 3 (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) torture; (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph; (i) enforced disappearance of persons; (j) the crime of apartheid; (k) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. Because the phrase “systematic attack” and “directed against any civilian” could be included to the actions of the police who fired tear gas over the SOP against the supporters.

FIFA also bans the use of tear gas for crowd control purposes on stadiums. Citing the official FIFA document on safety and security, the governing body's Article 19 overseeing pitchside stewards states that: “No firearms and 'crowd control gas' shall be carried or used.” In addition, the safety and security document also oversees other security aspects, namely the position of medical officers and police during a match. Officers are not encouraged to immediately wear shields or masks for certain conditions as well as the rules for the number of field officers and/or police officers on duty.<sup>37</sup>

Although, fans' behavior of invading the pitch after the game is also considered an offense. Article 70 Number 1 PSSI Discipline Code 2018 says that “fans’ misconduct is considered an unlawful act. This unlawful act including but not limited to; harassment towards person or object, use of flammable objects (fireworks, smoke bomb, flare and etc.), use of laser tool, missile launcher, derogatory,, religious or political sign in any kind (such as flag, banner, slogan, attributes, choreography and etc. during match), derogatory slur or saying and illegally entering the pitch.” pitch invader can also be facing fine charges up to Rp 30.000.000 per person and Rp 50.000.000 for 2 to 5 pitch invaders. Indonesia football analyst, Muhammad Rais Adnan says that pitch invasion is against the law and can be fined according to regulations.”<sup>38</sup> Article 170 number (1) of the Criminal Code also states that “Whoever publicly and forcefully act together to do violence towards person or object shall be punished by 5 years and 6 months of maximum imprisonment.” This article can also be implemented towards the action of illegal pitch invaders after the match which significantly ensued the chaos that later became a mass death.

## 5. Legal Responsibility

According to Akmal, there were several violations committed by the Competition Organizing Committee (Panpel). These violations include procedural violations, regulatory violations, and security violations that have been regulated by FIFA.<sup>39</sup> For example, the Competition Organizing Committee sold tickets that did not comply with the instructions from the police. Before the match, the police instructed that the Competition Organizing Committee could only print up to 25.000 tickets. However, they ended up printing 45.000 tickets. This made the Kanjuruhan Stadium overcapacity. Other violations, the schedule of matches held at night. Initially, the National Police suggested that the match start at 3 pm. However, the instructions were ignored and the Arema Malang versus Persebaya Surabaya match continued at 8 pm. In consequence. The Chairman of the Competition Organizing Committee should become a suspect. Because he can be subject to Article 359 of the Criminal Code, Article 360 of the Criminal Code, and also Article 103 paragraph 1 in conjunction with Article 52 of Indonesian Sport Act Number 11 of 2022. It is stated in Article 3 from Indonesian Sport Act that the Competition

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<sup>37</sup>Ricky Mohammad Nugraha, Kanjuruhan Football Tragedy, Use of Tear Gas, and FIFA Regulations, accessed from <https://en.tempo.co/read/1641163/kanjuruhan-football-tragedy-use-of-tear-gas-and-fifa-regulations>, 2022

<sup>38</sup>VOI, Penonton Masuk ke Lapangan Tidak Dibenarkan, Sudah Diatur dalam Kode Disiplin PSSI, accessed via <https://voi.id/amp/215141/penonton-masuk-ke-lapangan-tidak-dibenarkan-sudah-diatur-dalam-kode-disiplin-pssi>, 2022

<sup>39</sup>Op.Cit., Kompas.com

Organizing Committee is fully responsible for the match. They have a responsibility to make safety and security documents for stadium spectators, but they did not. Therefore, they violated Article 6 paragraph 1 of the safety and security regulations. The Competition Organizing Committee has an obligation to make the stadium safe in accordance with the regulations. In fact they ignored the requests from the police forces with the conditions and capacity of the existing stadium, there was an overcapacity ticket sale. Supposedly 38.000 viewers, but sold for 42.000 tickets.

Besides that, Chairman of the Governing Body of the Indonesian Legal Aid and Human Rights Association (PBHI) Julius Hebrew considered that there was potential for the Kanjuruhan Stadium Tragedy, Malang, to fulfill elements of gross human rights violations. At least, in the tragedy that occurred on Saturday (1/10/2022), there was a systematic effort from the armed forces that led to massive casualties. "There was a systematic effort from the incident, where hundreds of supporters were attacked," said Julius at a press conference for the Civil Society Coalition for Security Sector Reform, Wednesday (5/10/2022). The Malang Legal Aid Institute (LBH), on the same occasion, acknowledged that the survivors of the Kanjuruhan Tragedy are now very vulnerable to terror and intimidation. "There is an effort to clean up the evidence. The state must step down, President Joko Widodo must step down, there are elements of human rights violations," said Julius. Elements of gross human rights violations are considered more real if the repressive actions of the armed forces at the stadium are on the orders of superiors. "It remains only to identify whether there is a command so that it fulfills the elements of gross human rights violations. The context of human rights violations is very strong, so it needs to be investigated," he added.<sup>40</sup>

On the other hand, the founder of the Lokataru Foundation, Haris Azhar, assessed that this incident occurred systematically and that accountability must be carried out in a structured manner. The orders given to the officers in the field are not only to shoot, but can also give orders to stop shooting. In the investigation carried out by the coalition through a number of videos obtained and the testimony of witnesses, according to Haris, it was very clear that there were police and military officers who entered the stadium. Therefore, it is important to ask for accountability in a structured manner, not just to the 6 people who have been designated as suspects. Haris emphasized that Law Number 26 of 2000 concerning Rights Court explained that serious human rights violations included the crime of genocide and crimes against humanity. The tragedy of the Kanjuruhan Stadium is clearly a crime against humanity. The definition of tragedy against humanity as referred to in Article 9 of Law Number 26 of 2000 is one of the acts committed as part of widespread or systematic attack aimed directly at the civilian population. According to Haris, the systematic attacks that took place at the Kanjuruhan Stadium included murder and torture. There were systematic actions starting from preparations to orders to mobilize the officers into the stadium and carry weapons including tear gas. Must ask for accountability in a structured manner, not just for the 6 actors in the field who have been designated as suspects.<sup>41</sup>

Moreover, the stakeholder of PT LIB, Security Officer and the police are also among the parties who should be held accountable for the incident. PT LIB is responsible for maintaining the safety measure of stadiums to hold football matches. They need to make sure that the facility, procedural process and safety calculations are in order. Kanjuruhan Stadium's improper condition on the particular day of the incident shows that PT LIB had neglected their responsibility to supervise the safety measurements in Kanjuruhan Stadium as the highest governing body. The oversold number of tickets also shows that PT LIB had neglected their responsibility to maintain safest condition for Kanjuruhan Stadium to hold high risk match, which the stadium itself does not have the capability of. Security Officers should be held accountable for poor emergency plan and exitway during the incident. From 4 entrance gates, which also act as exit gates, only one gate was open during the particular incident, and it was only half-opened. That also significantly made the chaos to ensue because of the stucked crowd on the only exitway available. The police are also being the main party to be held accountable for the excessive use of tear gas. TGIPF has announced that the main cause of mass death is because of the tear gas. The use of tear gas is also banned by FIFA. Last but not least, the pitch invader who also happened to cause the clash to ensue after the match should also be responsible for the incident. Their misconduct violates Article 170 of the Criminal Code and also made serious impact on the mayhem.

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<sup>40</sup>CNN Indonesia, PBHI Duga Ada Unsur Pelanggaran HAM di Tragedi Kanjuruhan, accessed from <https://www.cnnindonesia.com/nasional/20221005152135-12-856715/pbhi-duga-ada-unsur-pelanggaran-ham-di-tragedi-kanjuruhan>, 2022.

<sup>41</sup>Ady Thea DA, Tragedi Kanjuruhan Dinilai Masuk Kategori Pelanggaran HAM Berat, accessed from <https://www.hukumonline.com/berita/a/tragedi-kanjuruhan-dinilai-masuk-kategori-pelanggaran-ham-berat-lt6343a435e2960>, 2022.

## 6. Similar Cases Comparison

Football disaster has happened many times before in different countries with various causes and casualties. Similar incident happened 58 years ago in the Peruvian capital Lima. The Estadio Nacional Disaster, also known as Lima Disaster, occurred on the 24<sup>th</sup> of May in 1964. At least 328 people lost their lives, with about 500 others seriously injured, making it the worst football disaster in history. The match was Peru going against Argentina to qualify for Summer Olympics that was due to be held in Tokyo later that year. The Peruvians needed to at least draw the game to give them the best possible position to make it through and qualify for the Olympics. With few minutes left on the clock, one of Peru's players, Kilo Lobaton, scored an equalizer but then ruled out by the referee, Ángel Eduardo Pazos, because he declared it to be a foul.<sup>42</sup>

Not impressed with the result, the home crowd started to express their disappointment by running to the pitch but then were assaulted by the police. At that moment, police began to launch tear gas canisters into the ground which resulted in people from the stands running towards the same exit to escape, but they merely ran into locked gate. The tear gas canisters were mostly shot into the North Grandstand, caused those in the stand to panic and a mass exodus ensued. With so many people were inside the tunnel while the gate was locked, they were pinned against the shutters with no way of escaping, crushing them slowly, and eventually killed them from internal haemorrhaging or asphyxia. The sheer pressure of the bodies pushing up against the shutters caused a few of them to escape, but then those who had survived began to engage in a battle with armed police on the streets. The official number of deaths was 328, but it is likely to be significantly more than that, with so many reports of civilians being killed by gunshot wounds.<sup>43</sup>

Peru has never made a serious attempt to solve the disaster, with only few people held accountable and punished for the incident. Jorge Azambuja, the police commander who gave the order to fire the tear gas, was sentenced to only 30 months in jail. The other was Judge Castaneda, who was appointed to investigate the disaster, fined for submitting his report six months late, and for failing to attend all the 328 autopsies as he ought to have done.<sup>44</sup> This displays that the attempt on the disaster was poorly done, with the Peruvian government failing to show the best way possible to solve the issue.

Another similar incident happened in 1989, and is called the Hillsborough Disaster. The incident, known to be one of the deadliest football incident, ultimately resulted in 97 deaths and hundreds of injuries, caused by a crush of football fans. The crushing occurred during a match at Hillsborough Stadium in Sheffield, England, on April 15<sup>th</sup>, 1989. The tragedy has been widely attributed to mistakes made by the police.<sup>45</sup>

A match was scheduled between Liverpool and Nottingham Forest on April 15<sup>th</sup>, 1989, at Hillsborough, a neutral venue. The match was expected to be attended by more than 53,000 supporters. To prevent clash and misbehaviour, the supporters from opposing teams were directed to enter the stadium from different gate. Later on, a bottleneck formed due to the limited number of turnstiles, as approximately 10,100 supporters attempted to enter the stadium on the Leppings Lane side. With initial intention to ease the congestion, Yorkshire Police Chief Superintendent David Duckenfield, who at that time had little to no experience policing football matches at Hillsborough, approved the opening of exit gate C. With so many people rushing to the main tunnel and the already crowded pens 3 and 4, a deadly crush began to happen, with people frantically trying to escape. A poor communications and coordination further complicated rescue efforts, and the police never actually activated the major incident procedure, that later made the incident worse. In total, 97 people lost their lives, with one of the victims died in 1993 when he was taken off life support, and another in 2021 from brain damage. More than 760 were mildly or seriously injured.<sup>46</sup>

Immediately after the disaster, police blamed the incident on Liverpool fans, whom they alleged to be drunk and misbehaving on particular time of the incident. On the following year, an inquest held that there was insufficient evidence to file criminal charges, and the deaths were announced to be accidental. In 2009, a further investigation was called and an independent panel was formed to review the incident. Three years later, it was exposed that the police had engaged in a extensive cover-up, blaming fans and made false reports to hide their own mistakes. The panel also found there was no evidence of alcohol or unruly behaviour played a part in the incident. In 2015, Duckenfield testified that he had lied about fans opening gate C, and admitted his failure to close the main tunnel that had caused the deadly crush. In 2016, the jury found that the 96 victims were

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<sup>42</sup>Football Stadiums, The Estadio Nacional Disaster, accessed from <https://www.football-stadiums.co.uk/articles/the-estadio-nacional-disaster/>

<sup>43</sup> Ibid.

<sup>44</sup>Piers Edwards, Lima 1964: The world's worst stadium disaster, accessed from <https://www.bbc.com/news/magazine-27540668>, 2014

<sup>45</sup>Amy Tikkanen, Hillsborough disaster, accessed from <https://www.britannica.com/event/Hillsborough-disaster>, 2016

<sup>46</sup> Ibid.

unlawfully killed, and criminal charges brought against the six parties connected to the disaster. Duckenfield was found not guilty in 2019, and the only person convicted was Graham Mackrell, the then stadium safety officer, and fined for failing to provide an adequate number of turnstiles.<sup>47</sup>

Kanjuruhan Stadium Tragedy, which happened in modern time – years after those two aforementioned incidents, should be seen and solved seriously. The similarity of the two incidents is that poor coordination and misconduct from the police officers made a serious impact on the deaths, which was absolutely avoidable. They also had poor investigation and examination process, with so many involved parties obstructing the actual information to cover-up their misconduct, to avoid being held accountable and filed with criminal charges. Kanjuruhan Stadium Tragedy also could happen because of poor coordination and communications between parties that eventually led the deaths of more than a hundred of innocent people, so decisive and bold actions must be conducted to prevent the same mistakes to happen again.

## 7. Conclusion

After analyzing throughout the topics, it can be concluded that the incident was caused by various factors, from overcapacity, inability of Kanjuruhan Stadium to hold high risk match, improper condition of the stadium's safety and security measures, unruly acts from pitch invaders that caused the chaos, with excessive use of tear gas being the main cause of why more than a hundred people unnecessarily killed. According to the related regulations, multiple parties has violated few rules and need to be held accountable for the incident. The police's decision to shoot a massive number of tear gas canisters had led to hundred of deaths, which violates Article 359 and Article 360 of the Criminal Code. PT LIB and Competition Organizing Committee have the responsibility to maintain the safety measure and facilities on stadiums, and they failed to maintain the procedure on Kanjuruhan Stadium which also led to the incident. Overselling of the tickets also was a violation to the safety procedure, which falls under the accountability of Competition Organizing Committee. And last but not least, pitch invaders who significantly escalated the situation also violated Article 170 of the Criminal Code which led the mayhem to ensue.

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