



Review of Legal Decisions on the Protection of Human Rights of Indonesian Football Supporters in a Juridically Normative Way

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Abstract

The need for human rights protection remains a fundamental issue. Therefore, justice in the implementation of human rights is supported by a juridical-normative approach. This is to ensure justice for every individual, regardless of their status or group. However, this has not received a sufficiently positive response in several human rights violation cases. One example is the human rights violation case involving football supporters in Kanjuruhan in 2022. The perceived inadequate response is reflected in reports stating that the charges against the suspects did not result in fair sanctions. This has led to statements of insensitivity towards the effects suffered by the victims of the football tragedy. Therefore, it is crucial to analyze, both generally and specifically, the justice received by the football supporters in the Kanjuruhan tragedy of 2022 using a Juridical-Normative approach accompanied by a qualitative method. The analysis process uses primary data, including journalistic reports related to the tragedy and various human rights laws. Secondary data is obtained from several other journals. From this research, it was concluded that, in general, the defendants in the Kanjuruhan supporter case were subjected to criminal law. This is based on the element of unintentionality and the fact that the defendants still have human rights equivalent to those of the supporters. As a result, the supporters have received their rights, even though there are still statements of insensitivity, and the law is enforced, albeit with some overlap. Subsequently, this issue becomes an evaluation for various parties involved in event management, particularly security personnel. The hope is that such incidents will not recur in the future, while still upholding human rights values.

Keywords: Human Rights, Kanjuruhan Tragedy, Yuridis Normatif

INTRODUCTION

The need for human rights protection is still a key issue. This is regardless of who and what elements of society are subjected to it. Understanding this statement, it turns out that human rights protection in Indonesia is still considered insufficient. Its effectiveness does not guarantee all actors, and can even be considered one-sided for some parties. Even though this right is needed by humans, in protecting themselves. Especially on his human dignity. So that fair treatment of human rights becomes a moral foundation in associating and relating between humans^[1]. Fair treatment of human rights, which is used as a foundation, then has a legal basis. The legal basis can provide a measure that is right on target as well as firm against things that are not appropriate. However,

this will not be appropriate when faced with the interests of each individual. So that there can be violations of the law that do not bring justice to every human being.

Human rights justice for every human being is a measure that human rights violations that occur do not look at individuals, but also state institutions or other institutions. All of them also look at the human rights of other individuals without any basis or juridical and rational reasons on which they are based."[\[1\]](#) There is one among many examples related to human rights violations in Indonesia that includes human rights without a basis and without a juridical basis. These two human rights issues can also occur simultaneously in one fairly complete case event involving agencies. The event in question in this case of human rights violations occurred in the field of Indonesian Football. Football is considered a sport that is also an entertainment for the general public. But this general thing does not involve the defense of human rights in general in the annual agenda of Indonesian football. If examined in depth, human rights violations that occur in football can be seen when the mass media *uploads* information that is actually not taboo. In short, human rights cases that occur in Indonesian football apparently involve all elements, both individuals without ties and with agency ties. A case that is enough to open the eyes of the Indonesian people at large is the case of human rights violations that occurred in 2022 at Kanjuruhan in Malang. It turns out that it still has a tail in 2023.

Reporting from the discussion of Kompas journalists (2023), the verdict against the three perpetrators named as defendants in the Kanjuruhan supporter case drew criticism from a number of parties. The legal verdict received is fairly light. Legal expert Azmi Syahputra considered it insensitive to victims[\[1\]](#). This statement if judged in general without basis is true. Victims as many as 135 people died in a layman's perspective cannot be comparable to any charges. This is not just losing the right to be safe as a supporter, but also losing the right to life. This right is also an important point of how basic human rights are eliminated. Given that this has been regulated in the 1945 Republic of Indonesia (after being amended), human rights are listed in articles 28 a to 28 j.[\[2\]](#) This discussion is the subject matter of human rights violations in the field of football in Indonesia. Juridically it has been implemented, but justice that is not sensitive to victims needs to be re-analyzed. Special attention is needed so that similar cases do not occur in the next Indonesian soccer match.

One of the studies that discussed the case of soccer supporters in Kanjuruhan, mentioned this problem quite a lot of international attention. In brief, the chronology states that Arema FC supporters suffered more casualties when competing against Persebaya FC. This certainly caused great sadness. International media, one of them The Guardian with its headline reported that more than 120 supporters died in the riots.[\[1\]](#) In the aftermath of this incident, the Indonesian football match is threatened with FIFA sanctions in the U20 match in 2023.[\[2\]](#) Meanwhile, the PSSI and Komdis (PSSI Disciplinary Committee) imposed the first sanction in 2022, namely Arema FC is prohibited from holding home matches until the League 1 season 2022/2023.

Similar research was also conducted by Rasyid, et al. in 2024 with the title “Analysis of the Legal Settlement of the Kanjuruhan Tragedy on October 1, 2022: Viewed in Human Rights Aspects.” In their research, various aspects were discussed to review the tragedy at Kanjuruhan soccer in 2022. The researchers revealed that their research looked at how the phenomenon of diversity emerged in the tragedy, public opinion expressed on YouTube pages, and included the objectivity of public news about the tragedy, both nationally and internationally. Due to the broad and complex impact of the research, the researchers came to the conclusion that the tragedy in Kanjuruhan is a human rights violation that has a wide scope so that it needs firmness in sanctioning.”^[1] The results of the research can be considered as a reference in the research conducted here. However, due to the breadth of results that have not been generalized, making research does not focus on just one object. Instead, all aspects are discussed. So that research by Rasyid, et al., is not the same as the research that will be carried out at this time

The next comparison is Khuza and Nafi'ah's research (2023). The researchers discussed the same event, with the research title “Law Enforcement against Football Supporters in the Kanjuruhan Tragedy Viewed from a Human Rights Perspective.” The results of his research emphasized more on case analysis with a broader discussion of human rights in international law and national law.”^[1] The third previous research by Delyarahmi and Siagian is entitled “Protection of Football Supporters Viewed from a Human Rights Perspective: Case Study of the Kanjuruhan Tragedy.” This research was conducted in 2023 with results that suggest that the Kanjuruhan tragedy needs to be given more clarity regarding the legal position and responsibility of the state for human rights violations for soccer supporters in the tragedy, in order to get justice.”^[2]

RESEARCH METHOD

This research uses a normative juridical approach with normative legal research methods with the collaboration of qualitative methods. The approach process uses the law and conceptually analyzes the case under study. Normative research methods illustrate that the process of looking for principles, principles, or legal doctrines can answer legal problems. Meanwhile, what is meant by the normative juridical method in this case is sought to show that the law is seen only as a principle or basis. The normative juridical method has characteristics that focus on the law, and is often associated with relevant laws and court decisions^[1].

Research data in this case researchers use literature studies. Literature study has the scope of activities to collect information both online from journalistic reports, as well as secondary data sourced from previous research. With this literature study, researchers can analyze more data, as well as strengthen explanations related to the focus and object of research taken. The form of data taken from literature studies in the form of news and written documentation has two forms. Among them are primary data and secondary data. Primary data will focus on the facts of the case that can be discussed juridically normative. This primary data is accompanied by legal materials. This legal

material will also be the basis for analyzing the data. The legal basis used includes the 1945 Indonesian Constitution, Law No. 39 on Human Rights, Law No. 26 of 2000 on Human Rights Courts, and Law No. 11 of 2022 on Sports.

Meanwhile, secondary data is taken based on continuous information in the case chronology. Furthermore, data processing is qualitative which is generalized descriptively. This data management includes social phenomena, thus showing the analysis experienced by the perpetrator. Chronological and relevant patterns that are described are general principles in qualitative data analysis methods. This analysis process is very relevant, considering that the normative juridical method has the advantage that researchers can find legal solutions to existing problems. Furthermore, this research can provide an understanding of information related to human rights with one case in soccer. The further benefit is that informants get comprehensive research information that can be used to uphold human rights justice both individually and in groups.

ANALYSIS AND DISCUSSION

The Football Supporter Tragedy in Kanjuruhan in General Normative Juridical Review

In general, the tragedy in Kanjuruhan is a violation of human rights. Even with no legal basis, ordinary people can judge the loss of life to someone as a loss of rights to that person. In this case, the violation in question when viewed juridically normative includes all components involved in the tragedy. First, supporters have rights as citizens. This right emphasizes that supporters are recognized as having the authority of rights as citizens guaranteed by the state. This is regulated in the 1945 Constitution in an article that explains the freedom of speech and assembly. The right to gather in the tragedy has been given, but the disadvantage in this case is that it does not guarantee security in gathering. So that when gathering should be a safer and more pleasant atmosphere, it turns into a catastrophe.

The context of these actions caused losses to many parties, mainly changing the situation. Officials who are supposed to protect, but fired tear gas which caused supporters to panic and get out of control. So that supporters run to save each other without regard to safety. Whereas juridically normative, the rights contained in the 1945 Constitution in the article mentioned earlier must be protected by the state and law enforcement (Budiarjo, 2021)."[\[1\]](#) Furthermore, the police officers in the case are juridically normative and are also subject to being suspects as many as three people. The three include the Head of Operations of Malang Police, Head of Samapta Police of Malang Police, and the Company Commander (Danki) of Brimop Polda East Java. They are charged with violating Article 359 and/or Article 360 of the Criminal Code with a maximum sentence of 5 years in prison."[\[2\]](#)

Second, in this case the responsibility of the match organizer is very noteworthy. When the organizer wants to hold an activity, it means that it is necessary to guarantee the safety of many people, especially in this case football supporters. Especially when viewed in general, soccer matches it is very necessary to have supporters to provide support to the players. PSSI rules and regulations are to regulate the organizer's duties. The failure of the organizers to provide security for football supporters should be sanctioned as a violation of human rights. Juridically normative organizers are involved as suspects, including the chairman of the Arema Malang organizing committee, and Security Officer Steward. Both are suspected of violating the provisions of Article 359 and / or Article 360 and / or Article 103 paragraph (1) in conjunction with Article 52 of Indonesian Law Number 11 of 2022 concerning Sports.

The explanation above shows that violators of human rights cases against supporters have been subject to normative juridical law. However, several stages of the implementation of the sentence, the results of the trial turned out that the five suspects who became defendants received light sentences with a maximum sentence of 3 years in prison and 2 other defendants were acquitted. Two people were sentenced to 1 year and 6 months, and another person was sentenced to 1 year in prison. [1] This is certainly normative without looking at the order of the article, humanly speaking it seems unfair for supporters who have suffered many losses. Unfortunately, according to Tempo's news, the 2023 follow-up hearing was held behind closed doors and prohibited from being broadcast. So this allows not much of the general public to know about it. Moreover, the trial and verdict were carried out the following year.

The Football Supporter Tragedy at Kanjuruhan in a Special Normative Juridical Review

The special discussion in this case is the insensitivity to the victims. If we look at the verdicts against five people compared to 135 deaths, 96 serious injuries, and 484 minor injuries from the tragedy reported by Tempo Magazine in the March 26, 2023 edition [1], we think this researcher can be declared insensitive to the victims. This researcher's subjective assessment is based on the comparison of numbers, the condition of supporters who may leave deep trauma and long-term effects. As for those who were convicted, in the opinion of the researcher, they did not get the same thing. Perhaps the researcher's statement in this case, analyzing cannot be a strong basis. However, if viewed juridically normative and / or human rights itself, this is not sensitive and has less justice.

Judging from the State law that guarantees the right of every person to special facilities and treatment in order to obtain benefits to achieve justice, the researcher's statement about trauma and long-term effects for victims has an objective basis. This is in accordance with Article 28D paragraph (1) of the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia which states,

“Everyone has the right to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law.”

In addition, this article is supported by Article 28G paragraph (1) of the 1945 Constitution which states that,

“Every person shall have the right to the protection of his or her person, family, honor, dignity, and property under his or her control, and shall have the right to security and protection from the threat of fear in order to do something which is a fundamental right.”

It should be emphasized that the sentence *“entitled to equal treatment before the law,”* in article 28D paragraph (1) of the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia, and the sentence *“Everyone has the right to protection of self, family, honor, dignity, and property under his control ...”* in 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, show empirical injustice . This means that the legal balance is not implemented properly. However, according to the researchers, in this case the defendant also has the same rights as the victim. So in this case, legal justice overlaps. When the convicted person should get a fair sentence, but the convicted person also has the same rights as the victim. So the verdict given is not equal in normative effect, but equal in ownership of human rights between individuals.

Since the report was closed, Law No. 26/2000 on Human Rights Courts has been analyzed in this regard. Objectively, the implementation has been included in the investigation, summoning, and trial. In short, judging from articles 10 to 22 in Law Number 26 of 2000, which regulates the Law of Procedure has been implemented properly for the benefit of supporters. However, victims are sensitive to the implementation of equal law, in this case long imprisonment or the death penalty cannot be implemented. This can be seen in articles 7 to 10 of Law Number 26 of 2000 concerning Human Rights Courts, as follows.

Article 7

“Gross human rights violations, including:

- a. *The crime of genocide;*
- b. *Crimes against humanity”*

Article 8

The crime of genocide as referred to in Article 7 letter a is any act committed with the intent to destroying or exterminating all or part of a national group, race, ethnic group, religious group, by:

- a. *killing members of the group;*
- b. *causing severe physical or mental suffering to*
- c. *causing severe physical or mental suffering to members of the group;*
- d. *creating conditions of group life that will result in*
- e. *physical destruction in whole or in part;*
- f. *impose measures aimed at preventing births within the group; or*
- g. *within the group; or*
- h. *forcibly transferring children from a particular group to*
- i. *another group.*

Article 9

Crimes against humanity as referred to in Article 7 letter b is one of the acts committed as part of a widespread or systematic attack of which it is known that a widespread or systematic attack of which it is known that the attack is directly directed against a civilian population in the form of:

- a. *murder;*
- b. *extermination;*
- c. *enslavement*
- d. *expulsion or forcible transfer of population;*
- e. *deprivation of liberty or other deprivation of physical freedom in an arbitrary deprivation of liberty or other deprivation of physical freedom in violation of (the principles of) the principal provisions of international law*
- f. *international law;*
- g. *torture*
- h. *rape, sexual slavery, forced prostitution, coercion pregnancy, forced spaying or sterilization or other equivalent forms of sexual violence or other equivalent forms of sexual violence;*
- i. *the persecution of any group or association based on political opinion, race, nationality, ethnicity, culture, religion, sex or any other grounds universally recognized as prohibited under international law;*
- j. *enforced disappearance of persons; or*
- k. *the crime of apartheid.*

CHAPTER IV

THE LAW OF PROCEDURE

Section One

General

Article 10

In the event not otherwise provided for in this Law, the procedural law on procedure in cases of gross human rights violations shall be carried out based on the provisions of criminal procedure law.^[1]

In the chronology of events written by Tempo, the police conducted security after the long whistle for Persebaya's 3-2 victory, because more and more spectators entered the field. One form of security in question was firing tear gas. This caused panic among the spectators still inside the stadium, who left the stadium in droves through the main doors. So that in the end at doors 10, 11, 12 and 13 of the South Tribune of the Kanjuruhan Stadium there were victims.^[1] The chronology does not explain the element of intent to commit acts of human rights violations. On this basis, the criminal procedure was then applied to follow up justice for human rights violations. However, the shooting of gas to secure, in the sense that the "right to security" is also a human right owned by every individual, is not justified. On the one hand, security is secure, on the other hand, this security takes its toll. This is like a double-edged knife, which in any case the criminal law that is applied is overlapping even though the sensitivity to victims is not satisfactory. So in this case it is very necessary to strive for good security regulations and rules for enforcing the use of safety equipment. With the hope that the new rules do not make it difficult for both parties to carry out

their rights and obligations. If there is justice, it does not create overlap and misunderstanding in the public.

CONCLUSION

The conclusion that can be drawn from the analysis of human rights violations received by football supporters in the Kanjuruhan tragedy in 2022 is the need for protection of security and protection from the threat of fear. In this case, basic human rights laws are also applied as owned by every individual regardless of status and class. The insensitivity of justice for supporters who were victimized in the tragedy is indeed unfortunate. But this cannot be imposed juridically normative, that the defendant can be applied the same effect. The basis is that the defendant also has human rights and the sanctions received become overlapping.

Furthermore, the events that occurred at Kanjuruhan really need to apply definite rules for all existing elements. Both organizers, players, spectators, as well as the authorities. So that the security and rights of everyone are guaranteed in the event. If there is a violation, human rights justice still provides the best results for all parties, and then human values are maintained as a guarantee of human rights.

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