
Kanjuruhan Tragedy From A Criminal Law Prespective

Shabrial Aura Putra¹, Muchamad Iksan²¹ Muhammadiyah University of Surakarta (C100190384@student.ums.ac.id)² Muhammadiyah University of Surakarta (mi214@ums.ac.id)

ABSTRACT

This journal discusses the Kanjuruhan tragedy from the perspective of criminal law. The Kanjuruhan tragedy refers to the events that took place in the Kanjuruhan area, where a number of serious crimes and violations of criminal law have occurred. The purpose of this journal is to analyze the event in criminal law and identify the responsibilities and consequences that may arise. In this journal, the authors use a normative method of analysis to examine various laws and regulations relevant to the Kanjuruhan tragedy. In addition, the author also considers similar cases in criminal law and explains the legal concepts that apply in the context of the Kanjuruhan tragedy. The results of the analysis show that the Kanjuruhan tragedy involved several criminal offenses that violated the law such as murder, vandalism, extortion, and human rights violations. The author identifies several responsible parties, including individuals who committed criminal acts, supervisors who failed to carry out their duties, and a legal system that may have weaknesses.

Keywords: Probation of tragedy, criminal offense, judiciary, legal system improvement.

INTRODUCTION

The Kanjuruhan tragedy is an event that occurred in Kanjuruhan, an industrial area located in a fictional country. This tragedy involved a series of events that resulted in the loss of many human lives and large material losses. This tragedy has a broad impact both socially and legally, especially in the context of criminal law. In this case, the government, society and authorities were faced with major challenges in dealing with the legal consequences of the tragedy. Aspects of criminal law are very important to analyze in order to understand the relevant legal perspectives in handling cases like this. Therefore, this research aims to analyze the Kanjuruhan tragedy from a criminal law perspective (Mulyadi, 2023).

Research on the Kanjuruhan tragedy from a criminal law perspective is important because it can provide a better understanding of how criminal law is applied in similar cases in the real world. In this context, various aspects of criminal law become relevant, such as criminal acts that may occur, individual and corporate responsibility, legal accountability, judicial processes, as well as prevention and law enforcement efforts.

Brawls and riots are behavior that involves violence between groups of individuals or masses in society. From the perspective of criminal law in Indonesia, brawls and riots are considered serious criminal acts and violate public order. Brawls, or as they are also called fights between groups of individuals, can be considered a violation of criminal law depending on their severity and the context in which the brawl occurs. Brawls often involve the use of physical violence, such as punching, kicking, or the use of weapons, which can cause serious injury or even death. In this case, brawls can fall into the category of abuse, murder or other acts of violence regulated in the Indonesian Criminal Code (KUHP).

Riots, on the other hand, refer to incidents where crowds or groups of people engage in activities that involve violence, vandalism, or destructive acts that can disrupt public order and threaten public security. Riots can involve various forms of violence, such as throwing objects, destroying property, or even arson. In the context of criminal law in Indonesia, rioting can be considered a criminal act that violates Article 170 of the Criminal Code, which regulates criminal acts of vandalism.

By analyzing the Kanjuruhan tragedy from a criminal law perspective, it is hoped that this research

can contribute to enriching our understanding of legal protection for society and corporations in an industrial context. It is hoped that the results of this research can be used as reference material to increase awareness of the importance of criminal law in maintaining security, safety and justice in social life.

In criminal law enforcement, brawls and riots are considered serious criminal acts that can be subject to legal sanctions. If proven guilty, perpetrators of brawls or riots can be subject to prison sentences, fines, or both, in accordance with applicable legal provisions. In addition, in some more serious cases, the perpetrator may be subject to additional punishment such as the death penalty or life imprisonment, depending on the severity of the act.

Apart from criminal penalties, law enforcement against brawls and riots also focuses on prosecuting and arresting perpetrators to maintain public order and community security. Authorities, including the police, have an important role in identifying, investigating and arresting perpetrators of brawls and riots to ensure they are held accountable for their actions.

RESEARCH METHODS

This research uses a legal research method focusing on the analysis of relevant legal texts, including laws, statutory regulations, court decisions and other legal documents. Writing The research method used in this research is normative legal research, with an approach method normative juridical. Normative research is research on secondary data by studying and reviewing the legal principles of laws and regulations and concepts associated with criminal acts. To produce relevant patterns, this research uses a qualitative approach. This approach focuses on general principles that underlie the formation of a collection of symptoms that exist in human life. Legal research must always be preceded by looking at documents or library materials (Soekanto, 1986).

RESULTS AND DISCUSSION

Context and Description of the Kanjuruhan Tragedy

Riots at the Kanjuruhan Stadium in Malang erupted after the match between Arema FC lost 2-3 against Persebaya. East Java Regional Police Chief Inspector General Nico Afinta explained the chronology of the Malang Kanjuruhan Stadium tragedy which occurred on Saturday 1 October 2022. The supporters were disappointed that their team had lost, they then went down to the middle of the field and tried to find the players and officials to vent their disappointment. Due to security measures taking preventive measures and diverting them so that they do not enter the field to target the players, East Java (Jatim) Police Chief Inspector General Nico Afinta revealed that the cause of the Malang Kanjuruhan Stadium tragedy which resulted in the victims dying was due to the buildup of crowds (Wibawana, 2022).

The Relevance of Criminal Law in the Kanjuruhan Tragedy

The relevance of criminal law in the Kanjuruhan tragedy is very important to ensure legal accountability for perpetrators of criminal acts and protection for victims. Several aspects of the relevance of criminal law in this tragedy can be discussed as follows (Putra, 2023):

1. Law Enforcement: Criminal law plays a role in upholding justice by identifying perpetrators of criminal acts, investigating cases, and prosecuting and punishing them in accordance with applicable regulations. In the Kanjuruhan tragedy, the application of criminal law is important to ensure that the perpetrator is responsible for his actions.
2. Prevention: The relevance of criminal law also lies in its role in preventing the recurrence of similar tragedies in the future. By enforcing criminal law against perpetrators, both individuals and corporations, the penalties imposed can have a deterrent effect on other perpetrators who might commit similar acts.
3. Victim Protection: Criminal law has an important role in protecting the rights of victims of tragedy. Through the prosecution and trial process, victims can obtain justice and recovery. Criminal law also

provides a basis for providing compensation to victims, both financially and in the form of rehabilitation assistance.

4. Deterrence (Deterrent Effect): The application of criminal law to the perpetrators of the Kanjuruhan tragedy also has the aim of a deterrent effect. By prosecuting and punishing perpetrators fairly, this can provide a warning and raise awareness among the public of the consequences of criminal acts, thereby preventing similar acts from occurring in the future.
5. Justice: The relevance of criminal law is also related to the principles of justice in dealing with the Kanjuruhan tragedy. Through the application of fair and proportional criminal law, justice can be achieved for victims, victims' families and society as a whole.

In the Kanjuruhan tragedy, the relevance of criminal law lies in efforts to uphold justice, prevent similar crimes, protect victims, achieve a deterrent effect, and ensure fair treatment of perpetrators (Aliyah, 2017). Through the proper application of criminal law, people can have confidence in the legal system and get the justice they need.

In the context of the Kanjuruhan Stadium tragedy, where criminal acts of violence and tear gas riots occurred, the relevance of criminal law can be seen from several perspectives as follows:

1. Physical Violence and Violence Against Others:
 - a. Acts of physical violence committed by individuals or groups in this tragedy can be considered criminal acts, such as abuse, beatings or murder if a victim dies.
 - b. Criminal law has a role in upholding justice by identifying the perpetrators of violent acts and providing legal accountability to them.
2. Riots and Public Order Violations:
 - a. Acts of unrest that occur at the Kanjuruhan Stadium, such as property damage, damage to facilities, or arson, can be considered a violation of public order and detrimental to society.
 - b. Criminal law is relevant in determining and prosecuting perpetrators involved in these riots, to maintain social order and ensure their responsibility for these actions.
3. Uses of Tear Gas:
 - a. The use of tear gas in riot situations can be an object of analysis in the context of criminal law. If the use of tear gas is not in accordance with protocol and causes injury or death to someone, this can be considered a criminal act of abuse of power or negligence in carrying out official duties.
 - b. Criminal law plays a role in examining whether the use of tear gas was carried out in accordance with established procedures and whether any legal violations occurred in the context of its use.
4. Application of Law and Law Enforcement:
 - a. The relevance of criminal law lies in law enforcement efforts against perpetrators of violence and riots in the Kanjuruhan Stadium tragedy. Through proper investigation, prosecution and trial, criminal law can ensure legal accountability of perpetrators and provide justice to affected victims.

In the context of the Kanjuruhan Stadium tragedy, criminal law plays a role in dealing with criminal acts of violence, riots and the use of tear gas that may occur. Through the appropriate application of criminal law, victims can obtain justice, perpetrators can be held accountable for their actions, and society can feel safe and protected.

Protection for Football Supporters during the Kanjuruhan Tragedy seen from an Indonesian Legal Perspective

Protection for football supporters in the Kanjuruhan tragedy, seen from an Indonesian legal perspective, is an important aspect that must be considered. Indonesian law has several relevant protection mechanisms to protect supporters' rights in the context of events like this. First, the 1945 Constitution of the Republic of Indonesia guarantees the right to freedom of association, opinion and peaceful assembly, which also includes football supporters. This right must be respected and protected by the government and law enforcement officials. Apart from that, there is Law Number 8 of 1999 concerning Consumer Protection which provides protection to consumers, including supporters as users of football services (Delyarahmi, 2023).

This law stipulates obligations for match organizers to maintain the safety and security of supporters and provide accurate information regarding matches. Furthermore, from a criminal law perspective, acts of violence or abuse against supporters that harm their lives, physical or health can be charged with applicable criminal provisions, such as articles regarding abuse, murder or damage. In addition, effective law enforcement against perpetrators of violence and violence in sports is important to provide a sense of justice for supporters and society as a whole and provide a deterrent effect against perpetrators of crime. In this case, it is important for law enforcement officials to collaborate with related parties, including football clubs, security forces and supporters, in order to maintain and increase protection for football supporters.

The implications of the Kanjuruhan tragedy for efforts to prevent and enforce criminal law in Indonesia

The Kanjuruhan tragedy has significant implications for efforts to prevent and enforce criminal law in Indonesia. This incident has reminded us of the importance of strengthening the legal system and law enforcement to prevent similar tragedies from recurring in the future. First of all, the Kanjuruhan tragedy has highlighted the need for increased security and safety in sporting events, especially in football matches involving large crowds of supporters. In this context, prevention efforts must be carried out by increasing supervision and monitoring during matches, ensuring adequate physical security, and strengthening established security protocols. Increasing human resources and technology in security enforcement can help identify and contain potential riots or violence before they escalate into greater tragedies.

Furthermore, the Kanjuruhan tragedy also shows the importance of strict law enforcement against perpetrators of violence and law violations at sporting events. An in-depth and transparent investigative process must be conducted to identify perpetrators and determine their accountability. In addition, a fair and effective judicial process must be guaranteed to ensure that criminals receive appropriate punishment commensurate with their actions. Strong law enforcement will provide a deterrent effect for criminals and give confidence to the public that the legal system is functioning well.

The Kanjuruhan tragedy also provides momentum for the government and related institutions to improve and improve regulations and policies related to the regulation of sporting events, including the protection of supporters. A thorough evaluation of existing regulations, strict monitoring of compliance with them, as well as close cooperation between relevant parties, such as the police, football clubs and event organizers, will help prevent the recurrence of similar tragedies in the future.

Apart from that, the Kanjuruhan tragedy also raised awareness of the importance of education and outreach about correct behavior and social responsibility in sporting events. Education involving supporters, football clubs and society in general needs to be improved to promote respect for security, safety and fair play in sporting events.

Justice and rehabilitation

Justice and rehabilitation are two very important aspects in the criminal justice system. Justice includes the principle that each individual must be treated fairly and appropriately according to his actions, while rehabilitation focuses on efforts to recover criminals and reintegrate them into society (Ibipurwo, 2022).

In the context of the Kanjuruhan tragedy, the justice aspect is related to fair and transparent law enforcement against the perpetrators of violence or law violators involved. Authorities must conduct thorough and objective investigations to identify perpetrators and determine their responsibility in accordance with applicable law. A fair and open judicial process must be guaranteed, providing an opportunity for all parties involved to present their arguments and evidence, and ensuring that the punishment given is commensurate with the actions committed.

In addition, rehabilitation is also important in the context of this tragedy. Once criminals are arrested and tried, rehabilitation efforts must be undertaken to help them change their behavior and improve their relationships with society. This involves a variety of rehabilitation programs aimed at changing thinking patterns, developing skills and providing psychological support for criminals. The main goal is for them to return to being members of society who contribute positively and avoid crime in the future.

Justice and rehabilitation are two complementary principles in the criminal law system. Justice must be the basis of any legal process, while rehabilitation is an effort to prevent reoffending and promote social reintegration. In the Kanjuruhan tragedy, it is important for the authorities to uphold justice through a fair trial process and provide opportunities for rehabilitation for those involved. In this way, it is hoped that similar tragedies can be prevented in the future and the community can feel the positive impact of prevention efforts, fair law enforcement and effective rehabilitation.

Kanjuruhan Case Analysis

The abuse of authority and use of tear gas carried out by police officers in the Kanjuruhan tragedy can be considered a violation of the law and an abuse of power that has the potential to violate human rights. This action can be categorized as an abuse of authority by police officers responsible for crowd control.

From the perspective of criminal law in Indonesia, this action may violate several relevant articles. For example, Article 351 of the Criminal Code regulates abuse that is carried out intentionally using violence or threats of violence (Margono, 2016). If the actions of a police officer result in injury or injury to the victim, the perpetrator may be subject to legal action under this article. In addition, these actions can also be considered a violation of human rights, especially if there is a disproportionate use of force or violates the principles of justice and safety. In this case, Law Number 39 of 1999 concerning Human Rights (HAM) can be a reference in dealing with human rights violations committed by police officers. Articles 7 and 8 of the Law provide a legal basis for prosecuting and processing perpetrators of human rights violations, including in the context of the Kanjuruhan tragedy.

Possible sanctions for police officers involved in abuse of authority and use of tear gas in violation of criminal law and human rights may vary depending on the available evidence and the assessment of the judicial process. These sanctions can be in the form of criminal penalties, such as detention or imprisonment, or administrative and disciplinary sanctions for the police officers concerned.

As a result of the use of tear gas by police officers in the Kanjuruhan tragedy, if it results in the death of the victim, then this is a very serious and heartbreaking situation. The victim's death is a very tragic impact of this action and requires an in-depth investigation to reveal the cause and responsibility for the incident.

The death toll in this case shows an escalation of violence that goes beyond acceptable limits in handling crowd control situations. Disproportionate use of tear gas or not in accordance with applicable crowd control guidelines can result in adverse effects, including respiratory problems or fatal events such as heart attacks. This shows that the use of tear gas should not be done carelessly or without careful consideration of the risks and potential dangers involved.

In cases where victims die as a result of tear gas used by police officers, it is important to conduct a thorough and objective investigation to determine who is responsible for the victim's death. Authorities must ensure that judicial processes are conducted with transparency, fairness and free from undue influence. Perpetrators who are proven responsible for the victim's death can be subject to criminal sanctions in accordance with applicable law.

There is also a need to evaluate and change policies and mass control protocols that are stricter and pay attention to the principles of justice, safety and human rights. It is important for authorities to ensure that police officers tasked with crowd control receive adequate training and understand the limitations of the use of force. Good crowd control protocols must prioritize the use of the minimum necessary force, as well as considering the health and safety of all individuals involved, including supporters and police officers themselves.

This case should also serve as a reminder to the authorities and society as a whole about the importance of supervision, accountability and monitoring of the actions of law enforcement officers. Transparency and accountability in law enforcement are very important principles for maintaining public trust in the legal system and ensuring that actions that violate human rights or exceed the limits of authority do not occur.

This tragedy must be a momentum for change and improvement in the law enforcement system, including in terms of crowd control and protecting human rights. Strict action must be taken to prevent the recurrence of similar cases in the future and to provide justice to the victims who have lost their lives in this very sad tragedy.

CONCLUSION

The Kanjuruhan tragedy highlights the importance of prevention, law enforcement and protection efforts in the context of criminal law in Indonesia. This incident has significant implications for various legal aspects, including victim protection, upholding justice, individual and corporate responsibility, crowd control, and rehabilitation efforts.

This tragedy shows the need for firm and fair law enforcement against criminals, both individuals and corporate negligence. Police officers involved in abuse of authority and use of tear gas in violation of criminal law and human rights must be held accountable for their actions before a transparent and fair judicial process.

Additionally, this tragedy calls for improvements in police crowd control procedures to prevent excessive or disproportionate use of force. Strict protocols and adequate training must be implemented to ensure the safety and security of all parties involved in a crowd control situation.

Furthermore, protection for football supporters must be the main concern in the context of the Kanjuruhan tragedy. The public must be guaranteed security and safety when participating in sporting events, and protective measures must be taken through adequate regulations and policies.

The Kanjuruhan tragedy also provides valuable lessons about the importance of efforts to prevent and enforce criminal law in Indonesia. The handling of this case must provide a clear example of strict sanctions against law violators and the establishment of fair justice for the victims.

REFERENCES

1. Aliyah, H. (2017). Upaya pusat pelayan terpadu pemberdayaan perempuan dan anak dalam mewujudkan keadilan restoratif terhadap rehabilitasi korban tindak kejahatan perkosaan: Studi Kasus di Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2A) Kabupaten Malang. *Diss. Universitas Islam Negeri Maulana Malik Ibrahim*.
2. Delyarahmi, S. a. (2023). PERLINDUNGAN TERHADAP SUPPORTER SEPAK BOLA DITINJAU DARI PERSPEKTIF HAK ASASI MANUSIA: STUDI KASUS TRAGEDI KANJURUHAN. *UNES Journal of Swara Justisia* 7.1, 89-102.
3. Ibipurwo, G. T. (2022). Pencegahan Pengulangan Kekerasan Seksual Melalui Rehabilitasi Pelaku Dalam Perspektif Keadilan Restoratif. *Jurnal Hukum Respublica* 21.2, 155-178.
4. Margono, P. (2016). indakan Penganiayaan Terhadap Pelaku Kejahatan. *Jurnal Independent* 4.2, 1-7.
5. Mulyadi, M. e. (2023). Analisis Peristiwa Kanjuruhan Ditinjau Dari Aspek Hukum Dan Masyarakat Indonesia. *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora* 1.3, 210-228.
6. Putra, K. P. (2023). Analisis Framing Pemberitaan Tragedi Stadion Kanjuruhan Di Media Kompas. com. *Diss. IAIN PONOROGO*.
7. Soekanto, S. (1986). *pengantar penelitian hukum*. Jakarta.
8. Wibawana, W. A. (2022, Oktober 2). *Tragedi Kanjuruhan: Kronologi, Penyebab dan Jumlah Korban*. Retrieved from detik.com: <https://news.detik.com/berita/d-6324274/tragedi-kanjuruhan-kronologi-penyebab-dan-jumlah-korban>