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## Management of the Security of Football Matches in Poland: Selected Legal and Organizational Aspects

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### **Abstract:**

**Purpose:** The objective of the article was to conduct analysis and evaluation of selected legal regulations pertaining to the management of safety during football matches, considered as a specific category of mass sporting events.

**Design/Methodology/Approach:** The research conducted for the purposes of this article primarily employed the dogmatic-legal method, which was supplemented by the sociological method and the case study approach.

**Findings:** In light of the objective pursued in this study, it can be concluded that contemporary social transformations, coupled with the dynamic advancement of modern technologies, may constitute both a valuable asset for football match organisers and a potential instrument for individuals aiming to disrupt public order during or within the premises of a mass sporting event. Nonetheless, it should be emphasised that the currently binding legal framework provides adequate and effective mechanisms for preventing and mitigating potential risks associated with the organisation of football matches classified as mass sporting events.

**Practical implications:** The findings of the study facilitate a comprehensive understanding of the specific risks associated with the organisation of football matches designated as mass sporting events, as well as elucidate the significance of the legal regulations governing this domain within the Polish context.

**Originality/Value:** The subject matter addressed in this article is aligned with the contemporary demands stemming from the dynamic transformations in security management within Central and Eastern Europe.

**Keywords:** Safety, safety law, security management, illegal behavior.

**JEL codes:** J28, K32, K42.

**Paper type:** Research article.

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## **1. Introduction**

The first quarter of the 21st century is a period of dynamic and global transformation in many areas of daily life. These changes are primarily related to technological development, which currently plays a key role in the broadly understood progress of civilization.

It is important to note that, in addition to the opportunities offered by the development of areas such as automation in everyday life and the widespread availability of artificial intelligence, it's also important to recognize that under current conditions, the scale and severity of threats may generate greater negative consequences for society as a whole.

In this context, it is pertinent to pose the following question: Do the legal regulations currently in force concerning the management of football match security in Poland provide an adequate framework for the effective prevention and mitigation of risks associated with the organization of such mass events?

Therefore, maintaining a sense of security, considered one of the fundamental human needs and a human right that boils down to eliminate situations that threaten them in any way, is one of the most important current tasks of public administration bodies, as well as entities in the private sector obligated to do so by law (Gierszewski, 2013, p. 7).

Referring to the content of legal regulations concerning security, it is first appropriate to cite Article 5 of the Constitution of the Republic of Poland (Journal of Laws 1997, No. 78, item 483, as amended), which stipulates that the Republic of Poland safeguards the independence and inviolability of its territory, ensures human and civil freedoms and rights, and the security of its citizens, safeguards the national heritage, and ensures environmental protection, guided by the principle of sustainable development.

Despite the very general wording of this legal provision, it should be concluded from the outset that citizen security is one of the most important tasks of the Polish state. At the same time, this provision serves as a starting point for detailed regulations relating to security management in various areas of everyday life. One of such areas are football matches, considered as one of the types of mass sporting events during which dangerous incidents have occurred in the past both worldwide and in Poland.

The purpose of this study is to conduct a theoretical and practical analysis of selected legal provisions pertaining to the management of safety at football matches in Poland. To this end, the research primarily employed the doctrinal-legal method, supplemented to a lesser extent by sociological methods and case study analysis.

The attainment of the aforementioned objective will facilitate a comprehensive evaluation of the Polish legal framework in specific aspects concerning the safety of football matches.

## **2. Football Match Safety: A Literature Review**

In conducting a review of the academic literature concerning the safety of football matches organized as mass sporting events, it is appropriate to first highlight scholarly publications that take the form of theoretical and practical commentaries on the Act on the Safety of Mass Events. Notable contributors in this field include C. Kałol, M. Dróżdż, as well as W. Kotowski in collaboration with B. Kurzepa.

Moreover, attention should be directed to the works of P. Suski, which address the legal framework governing assemblies and mass events, and to the publications of B. Wiśniewski, R. Socha, and M. Gracz, who explore the legal and organizational dimensions of mass sporting event security.

With regard to the risks that may arise during football matches, it is also pertinent to consider the perspective of J. Jedynak in the context of stadium hooliganism, as well as the analyses provided by M. Dróżdż concerning tort and contractual liability of mass event organizers.

## **3. Research Methodology**

In order to conduct an analysis of Polish legal regulations concerning the safety of football matches as mass sporting events, the dogmatic-legal method was primarily employed. This methodological approach enables a detailed examination and interpretation of the normative acts currently in force within the discussed area.

The dogmatic-legal method is supplemented by the sociological method, which facilitates the exploration of public perceptions regarding the applicable legal provisions, as well as the case study method, which allows for the identification and illustration of both past and potential contemporary threats that may arise during football matches.

## **4. The Concept of a Football Match as a Mass Sporting Event in Poland**

The issue of ensuring and managing the security of football matches in Poland is regulated by the Act of 20 March 2009 on the Security of Mass Events (consolidated text: Journal of Laws of 2023, item 61, hereinafter referred to as *BezImpMas*). Its entry into force repealed the then-current Act of 22 August 1997 on the Security of Mass Events (consolidated text: Journal of Laws of 2005, No. 108, item 909), and was conditioned, among other things, by Poland being awarded the role of co-holder of one of the most important and largest sporting events, namely the EURO 2012 European Football Championship.

As P. Chlebowicz rightly points out, it was the decision to co-organize EURO 2012 between Poland and Ukraine that meant that maintaining public order at Polish stadiums was no longer just an internal problem in Poland, but acquired an international character (Chlebowicz, 2018, p. 110).

When conducting a legal analysis of the concept of football match security, it is first worth pointing out that, in accordance with Article 3, point 1 of the BezImpMas Act, the legislator has defined that, in principle, a mass event is a mass artistic and entertainment event and a mass event, including a football match.

As can be easily ascertained, the legislator did not provide a direct definition of a mass event, but only specified that it can take two forms: an artistic, entertainment, or a sporting event (Suski, 2014, p. 304).

In connection with the subject of this study, it is reasonable to point out that, in accordance with Article 3 point 3 of BezImpMas, a mass sports event is understood as a mass event aimed at sports competition or the promotion of physical culture, which is organised in a stadium or in another facility other than a building, where the number of places made available by the holder for persons, determined in accordance with the provisions of construction law and fire protection regulations, is no less than 1,000, and in the case of a sports hall or other building enabling the organisation of a mass event - no less than 300.

Furthermore, such an event may also be organised in an area enabling its organisation, where the number of places made available by the organiser for persons is no less than 1,000.

With respect to football matches, it should be emphasized that although they are legally classified as mass sporting events, the legislator decided to separately regulate both the definition of a football match as a mass sporting event and a number of conditions related to its management.

Pursuant to Article 3, point 4 of the BezImpMas, a football match is a mass sporting event whose purpose is to conduct a football competition, held in a stadium or other sports facility where the number of seats provided by the organizer, determined in accordance with building law and fire safety regulations, is no less than 1,000.

To supplement the above topic, it is also advisable to cite the statutory definition of a high-risk mass event, as football matches are often classified in this way (e.g., in the case of so-called derby matches).

Pursuant to Article 3 point 5 BezImpMas a high-risk event is an event during which, according to information on anticipated threats or previous experience regarding the behaviour of participants, there is a fear of acts of violence or aggression.

## **5. Selected Examples of Security Threats to Football Matches**

The organization and conduct of any mass event generates a number of conditions that must be met in order to conduct it as safely as possible. Therefore, it is worth mentioning first that, in accordance with the general wording of Article 5 of the BezImpMas Act, the holder is responsible for the safety of the mass event at its location and during its duration.

However, it should be noted beyond any doubt that the overall safety of mass events is often significantly influenced by the behavior of its participants (Leciak, 2017, pp. 17-18). As M. Dróżdź rightly points out, the increasing number of threats associated with organizing, among others, mass sporting events means that holders of such events have become responsible not only for providing entertainment to the public, but primarily for ensuring that said entertainment is conducted in a safe manner for its participants (Dróżdź, 2024, p. 176).

The difficulty of this task is determined, among other things, by various emotions, which quite often play a key role in generating threats. During sports competitions, fans are particularly likely to experience extreme emotions, such as sadness, joy, anger, and even fear of failure. As P. Szreniawski points out, it is precisely these emotions that can often underlie behaviors interpreted as aggressive (Szreniawski, 2012, p. 219). This demonstrates how challenging it is, from an organizer's perspective, to properly manage a mass event.

Football is currently one of the most popular sports in the world, and the adrenaline rush associated with competitive sports intensifies emotions among both athletes and fans. This significantly increases the risk of potential danger during a football match, especially one at a mass event.

These dangers can take various forms, which directly suggests that potential threats can originate both externally—such as terrorist attacks—and directly from the organization of a given match, meaning they can stem from negative behavior by participants or be the result of conscious or unconscious mismanagement of security by the organizer of the mass event.

As 21st-century experience demonstrates, terrorism is one of the greatest threats to public order in modern society, and has historically also affected mass sporting events, including football matches. It's worth noting that the organization and execution of a mass event can be a particular target for terrorists.

This stems directly from such fundamental aspects as the potential to harm a large number of people attending the event, as well as to influence the subconscious of the entire society through relatively easy media coverage (often in real time) by causing a global decline in public safety (Wiśniewski *et al.*, 2010, pp. 12-13).

Some of the most high-profile global terrorist attacks targeting the football community include the events that took place in Paris in 2015 and in Dortmund in 2017. The first case involved a series of terrorist attacks on November 13, 2015, in several locations in Paris. One of these was the stadium in Saint-Denis, where a friendly match between the French and German national teams was being played.

According to current findings, the attackers were unable to gain direct access to the stadium stands at the last minute and decided to detonate bombs near the security gates, which contributed to the death of a bystander (Polish Press Agency, 2022).

The second terrorist attack occurred on April 11, 2017, near the bus carrying the Borussia Dortmund players to their Champions League match against AS Monaco. Three explosive devices exploded. Among the injured, the well-known footballer Marc Bartra was seriously injured in the attack (Polish Press Agency, 2017).

A separate threat to the safety of football matches is the inappropriate behavior of participants, namely acts of stadium hooliganism. It's worth noting that the term "hooligan" is used primarily in everyday language and in the media, and is attributed to individuals who ostentatiously and aggressively violate the rules of social coexistence by, among other things, destroying property or physically attacking others (Drozd, 2018, p. 30).

According to J. Jedynak, violence is now becoming one of the tools used to achieve desired goals, and the perpetrators themselves do not identify their behavior as wrongdoing; in fact, they blame others for their behavior (Jedynak, 2012, p. 224).

Based on the experience gathered, this is one of the most common safety issues at football matches held in Poland in recent decades. This problem is particularly noticeable in inter-club football competitions where intense hostility often erupts between fans of the two teams in the stadium stands. Examples include recent events during the Lech Poznań vs. Legia Warszawa match in May 2024, the Siarka Tarnobrzeg vs. Sandecja Nowy Sącz match in September 2024, and the match between the Argentine and Moroccan national teams at the 2024 Olympic Games in Paris.

The first of the negative examples cited above concerns the illegal behavior of hooligans who, during the match between Lech Poznań and Legia Warszawa in the 32nd round of the PKO Ekstraklasa, threw previously lit flares at Legia goalkeeper Kacper Tobiasz.

Due to these incidents, match referee Szymon Marciniak briefly suspended the match, requested that players from both teams return to their locker rooms for safety, and then ordered that if such an incident occurred again, he would forfeit the match. These actions proved effective, as after the match resumed, there were no further major violations of the law by the participants (Gol24, 2024).

Another example of dangerous experiences resulting from illegal and inconsistent social coexistence were the events that took place on September 7, 2024, during a match played in Poland's third division between Siarka Tarnobrzeg and Sandecja Nowy Sącz. Hooligans present at the match destroyed, among other things, part of the stadium infrastructure and behaved aggressively towards police officers and security personnel at this mass event (GOV, 2024).

Referring to globally recognized cases of stadium hooliganism, it is worth mentioning the series of events that occurred during the football competition at the 2024 Olympic Games in Paris. At the end of the match between Argentina and Morocco, a group of fans (dissatisfied with the teams' athletic performance) first began throwing dangerous objects at the Argentine players and coaches and then began running onto the pitch.

Concerned about the safety of those taking part in this football match, the referee decided to interrupt the match, which was then resumed after approximately 2 hours, but without spectators (Eurosport, 2024).

The final type of security threat to football matches as mass sporting events involves various types of failures by the event organizer or inadequate risk assessments in the implementation of specific measures by the security services responsible for football matches in response to the threat. In these two contexts, it is worth citing the events that have taken place in France and Indonesia in recent years as examples.

The first example is the story of the shameful organization of the French Cup semi-final match between lower-ranked club S.C. Bastia and the then-champion of the French league, Olympique Marseille. The match was ultimately cancelled in May 1992 when a temporary stand collapsed just before kick-off, resulting in the deaths of 18 people and the injuries of approximately 2,300.

The tragedy in question was a consequence of the irresponsible decision of the Bastia club's management, who, completely unwisely, decided to expand the capacity of their stadium by several thousand additional seats for spectators in a very short time and especially for this match (Sport.pl, 2020).

Another example of a violation of football match safety regulations is the incident that occurred during the match between Arema FC and Persebaya Surabaya at the stadium in Kanjuruhan, Indonesia. Immediately after the match, thousands of fans, dissatisfied with the match's outcome, invaded the pitch.

Local police fired tear gas at them, which only exacerbated the chaos, causing panic among a significant portion of the match attendees. Furthermore, media reports indicate that the organizer sold more tickets for this match than there were seats in the stadium, and the stadium's infrastructure also left much to be desired (e.g., in the

context of very narrow emergency exits). The correlation of these events ultimately resulted in 135 deaths and over half a thousand injuries (Gazeta prawna, 2023).

As P. Wyszynska-Ślufińska aptly points out, the obligation of the organiser of a football match to ensure the safety of a mass event, including the protection of public order, ensuring appropriate medical protection, as well as the proper technical condition of buildings and technical equipment, should be considered symmetrically in relation to the division of obligations that, in the field of safety, the Act on the Safety of Mass Events imposes on participants of, among others, football matches (Wyszynska-Ślufińska, 2022, p. 113).

## **6. Selected Legal Regulations Regarding Football Match Security Management**

When analyzing legal regulations regarding football match security management, it is first important to emphasize that Polish legislators have recognized that, based on accumulated experience, this is an area particularly vulnerable to potential threats to public safety and order. This opinion is supported by the fact that football matches are the only type of mass event to which the legislature has devoted a separate chapter in the current Act on the Security of Mass Events (Kotowski and Kurzępa, 2012, p. 84).

Chapter 3 of *BezImpMas* entitled "Football Match Security" regulates the issues such as the identification of football match participants, ticket sales (including admission for minors under 13), and the conditions for providing standing room to football match participants.

Regarding the first aspect of football match security management mentioned above, namely the issue of identifying participants at this type of mass sporting event, it is appropriate to first outline the content of Article 13, paragraphs 1-2 of the *BezImpMas* Act, which states that, by law, the holder of a football match of a club participating in one of the three highest league divisions of men's competition, regardless of the type of competition (domestic or international), is obligated to ensure the identification of individuals participating in that event.

Furthermore, the facilities used to organize these football matches should be equipped with compatible electronic systems for, among other things, identification of individuals, ticket sales, monitoring presence at the venue and during the football match, and access control to specific areas.

It should also be emphasized that, in accordance with the Act in question, in parallel to the previously mentioned system for identifying participants in football matches, which the holder of a given football match is obligated to ensure, there is also a compatible central system to identify participants in football matches played in the top league division of men's competitions, and a central system to identify

participants in football matches played in the second and the third highest league divisions of men's competitions. The specified central system dedicated to the top league division of men's competitions and, similarly, the second and the third highest league divisions of men's competitions is a result of the separate controllers responsible for the personal data processed in these systems, which are the relevant entities managing specific competitions within sports competitions.

Another important issue in the management of this type of mass sporting event is the sale of tickets to football matches and the admission of minors under the age of 13. Pursuant to Article 15 of the *BezImpMas*, the sale of a ticket to a football match or the provision of another document authorizing attendance by a specific person shall be subject to the receipt of the following personal data: first and last name, and the PESEL numer (Personal ID Number) (if one has not been issued, the type, series, and number of the document confirming identity).

This data should match the document confirming identity. It is worth noting that, as a rule, the holder of a football match, by operation of law, refuses to sell tickets to individuals who, among other things, have been issued a ruling prohibiting entry to the mass event, have been banned by a club, or have been banned from entering a foreign country. Furthermore, this rule also applies to individuals with reasonable suspicion that they may pose a threat to the safety of the mass event at the venue and during the event.

When analyzing the cited regulations, it should be noted that the first part of them concerns clearly defined conditions related to the effect of previously imposing a sanction on a specific person in the form of a ban on participation in specific football matches. A separate issue is the content of Article 15 paragraph 3 item 3 of the *BezImpMas*, based on which, as a rule, the holder individually decides whether there is a reasonable suspicion that a person wishing to purchase a ticket to a football match may pose a threat to their safety during and at the venue of the given sports competition (Kurzępa, 2020, p. 44).

With regard to the issue of entry and participation in football matches, the current wording of Article 16 of the *BezImpMas* Act raises some doubts, according to which an entry to a football match of a minor under the age of 13 is only possible if accompanied by an adult. It can be assessed that the legislator intended to provide special care to the youngest participants in football matches, but the direct meaning of this provision assumes that the aforementioned care of an adult is limited solely to entry to the football match and does not entail any specific further care during the match (Drózd, 2020, p. 184).

This may, of course, raise doubts about the validity of this regulation, but it should be treated as a general principle, which will be further clarified within the internal legal acts of individual football clubs.

The final issue analyzed in football match security management will be the one of whether the holder provides standing areas for participants of this type of mass event. This possibility emerged with the thorough amendment of the Mass Event Security Act, which took place under the Act of September 11, 2015, amending the Act on Mass Event Security and certain other acts (Journal of Laws of 2015, item 1707).

Specifically, pursuant to the currently applicable Article 17a of the *BezImpMas* Act, the holder of a football match is authorized to provide standing areas for participants of a football match provided that strictly defined conditions are met, which are generally intended to ensure the safety and public order of all fans at the stadium.

These conditions include the following:

- the number of standing areas provided may not exceed 25% of the total capacity of the stadium, determined in accordance with building law and fire safety regulations;
- one seat may only be converted into one standing area, with the possibility of restoring it to its previous condition;
- the holder of a football match may make standing areas available to fans of the home and away teams, in a 4:1 ratio, ensuring that the standing areas provided for both groups of fans remain separated from each other in a manner that minimizes the possibility of creating a safety hazard at the football match.

When interpreting the above principles, it should be stated that the legal regulations, thus constructed by the legislator, are intended to minimize the risk of negative incidents, both hooligan-related and to prevent a situation when the holder, by providing standing areas for fans, could artificially increase the number of seats in the stadium (Kąkol, 2020, p. 238), and thus, at the expense of safety rules, intend to, for example, obtain higher profits from the sale of admission tickets.

## **7. Conclusions**

The ability to responsibly and effectively manage the organization and security of mass sporting events is one of the most important responsibilities facing football match holders. This stems directly from the scale and diversity of threats that can occur during this type of mass event. When analyzing the current legal regulations and the views developed over the years in legal literature, it can be concluded that, in recent years, the Polish legislature has been striving to respond to the changing reality surrounding mass event security.

Based on the considerations presented in this paper, it is fair to conclude that the currently noticeable social changes and dynamic developments in the field of modern technologies can both support football match holders, for example, by increasing the effectiveness of preventive measures, and can also be misused by

those seeking to disrupt public order during and on the premises of a mass sporting event.

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