



The Dynamics of Good Sport Governance in the Sports Law System in Indonesia

Nina Silvana¹, Endra Wijaya², Cindy Aulia Fatharani³, Muhammad Hasbi⁴, Syafara Azahwa⁵, Zakia Syarika Zulkifli⁶

^{1,2,3,4,5,6,7} Faculty of Law, Pancasila University, Jakarta, Indonesia.

a) endrawijaya333@univpancasila.ac.id

Abstract. The sports sector in Indonesia is not only related to issues of physical activity, achievement and feelings of pride in the country. Furthermore, sport is also closely related to financial well-being and income. Therefore, the sports sector must be managed well, guided by the concepts or principles of good governance. When these concepts or principles of good governance are put into practice in a sports activity in its broader context, they will establish to what are called concepts or principles of Good Sport Governance. The aim of the study focuses on the issue of how are the principles of Good Sport Governance adopted into the sports law system in Indonesia? What are the dynamics? What are the obstacles of it? This study will use doctrinal legal research methods. The secondary data that will be examined comes from several laws and regulations that regulate the governance of sports activities in Indonesia. The conclusions from this study are: *first*, the principles of Good Sport Governance have been adopted into the Indonesian legal system, starting from the statutory level to government regulations. Most of the principles of Good Sport Governance adopted are the same as the principles of Good Sport Governance that have been developed previously in European and North American countries. However, in the Indonesian context, there are also unique Indonesian elements that are included in the concept and principles of Good Sport Governance. *Second*, the development of Good Sport Governance in Indonesia still faces a number of obstacles, such as political intervention and institutional problems.

Keywords: Consumer Protection; Digital Literacy; Harmonization; Online Loan Agreement; Technology; Regulation.

1. Introduction

The sports sector in Indonesia is not only related to issues of physical activity, achievement and feelings of pride in the country. Furthermore, sport is also closely related to financial well-being and income. Therefore, the sports sector must be managed well and guided by

guided by the concepts or principles of good governance. When these concepts or principles of Good Governance are put into practice in a sports activity in its broader context, they will establish what are called concepts or principles of Good Sports Governance.[1]

There is the main legal foundation for the Indonesian sports system, and it is regulated by Law Number 11 of 2022 concerning Sports. Generally, it can be said that Law Number 11 of 2022 has a focus or aims to conduct sustainable management and good and also fair practices in sports activities in Indonesia. For that reason, the principles of good governance are implemented in the context of sports activities in Indonesia. Such governance principles in sports law encompass accountability, transparency, and fairness as well as integrating unique cultural elements like “*musyawarah mufakat*” (deliberative dialogue).[2]

For several reasons, the implementation of Good Governance in the context of sports activities in Indonesia also faces some obstacles or challenges, such as political intervention and institutional limitations that impact the effective implementation of Good Governance. Based on that background, the aim of the study focuses on the issue of how are the principles of Good Sports Governance adopted into the sports law system in Indonesia and what are the dynamics.

2. Methods

This study will use doctrinal legal research methods. The secondary data that will be examined come from several laws and regulations that regulate the governance of sports activities in Indonesia. In addition, secondary data in the form of study reports from previous researchers are also examined in this study. For analyzing the data as well as drawing a conclusion, conceptual and statutory approaches will be used. The conceptual itself especially pointed to Good Governance and Good Sport Governance concept.

3. Results And Discussions

How does the dynamic occur in sport governance in Indonesia? Several laws have already been issued for managing sports activities in Indonesia, namely Law Number 3 of 2005 concerning the National Sports System and Law Number 11 of 2022 concerning Sports. Then, those laws are attached by several important regulations, among others: Ministry of Youth and Sports Affairs Regulation Number 1516 of 2015 concerning Organization and Work Procedures of the Ministry of Youth and Sports Affairs; Ministry of Youth and Sports Affairs Regulation Number 10 of 2022 concerning Development of Sports Achievement Centers in the Regions; Ministry of Youth and Sports Affairs Regulation Number 19 of 2023 concerning Coaching and Development of Educational Sports in the Regions; Ministry of Youth and Sports Affairs Regulation Number 2 of 2023

concerning Long Term Athlete Development Programs; and Ministry of Youth and Sports Affairs Regulation Number 3 of 2023 concerning Coaching and Development of the Sports Industry.

If we closely look at those laws and regulations, we can understand that the Indonesian sports law system is developed according to these principles, among others: first, athletes are created and developed starting from an earlier age; second, sports and their athletes are developed in all regions in Indonesia. Local athletes and sports activities are encouraged and managed professionally to support the whole national sports achievement; and third, development in sports has aim to reach or get achievement as well as profit.[3] All those points of coaching and development normatively have in line with the principles of Good Sport Governance.

What is the relevance between the concept of Good Sport Governance and the substance of Law Number 11 of 2022 concerning Sports within the context of Good Governance in the sports sector in Indonesia? To answer that question, we have to understand first the concept and principles of Good Sport Governance. From some studies, it can be concluded that Good Sport Governance is consists of several principles, among others: the role of the governing body; structure, responsibility and accountability; democracy; transparency and communication; decisions and appeals; non-conflicts of interest; and solidarity.[4]

Article 5 and Article 11 from Law Number 11 of 2022 concerning Sports consist and manage several principles related to the efforts, development as well as management need to be implemented in sports activities in Indonesia. Such articles state the principles, among others: nationalism, mutual cooperation (“gotong-royong”), justice, benefit, diversity (“kebhinnekaan”), public participation, sustainability, accessibility, fairness, democracy, accountability, transparency, and legal certainty. The unique point consisted in Law Number 11 of 2022 concerning Sports related to the Good Sport Governance in Indonesia is that in such law there is also a principle, namely deliberation dialogue (“musyawarah mufakat”), which could be considered as a Good Sport Governance principle based on Pancasila values as Indonesian state philosophy.

In practice, there are several challenges in Indonesian sports law when it has strong desire to implemented Good Sport Governance. First, political interference: frequent political involvement in sports decisions undermines independent governance and affects transparency.[5] An example of such kind of “political interference” to “sport independence” in Indonesia can be seen from the dispute raised between Football Association of Indonesia (Persatuan Sepak Bola Seluruh Indonesia (PSSI)) and Ministry of Youth and Sports Affairs (Kementerian Pemuda dan Olahraga Republik Indonesia) because of issuance of Decree freezing all activities conducted by PSSI.[6] The Decree which was formalized in form of Decree of The Minister of Youth and Sports Affairs Number 01307 of 2015 then ended with the Decision of Administrative Court of Jakarta stated that Decree was null and void and could not be implemented.[7] Second, resource limitations: limited funding and infrastructure development constrain the ability to implement governance

reforms effectively. Third, lack of unified standards: the absence of cohesive standards across regions complicates enforcement and diminishes governance consistency.

Based on those challenges mentioned, future directions for Indonesian sports law need to be drafted by adapting optimally Good Governance for emerging needs. First, increased local autonomy: future trends suggest a shift towards empowering local sports bodies, allowing for governance that aligns with regional contexts.[8] Second, enhanced legal reforms: ongoing reforms aim to clarify roles and strengthen accountability within sports organizations.[9] Third, focus on sustainability: adopting sustainable practices to manage sports resources, emphasizing environmental and social responsibility.

Another aspect that needs to be utilized is the role of technology in sports governance in enhancing transparency and efficiency.[10] This aspect able to provide, among others: data management systems to streamline athlete management, improve resource allocation, and track performance metrics; and digital transparency tools providing stakeholders with access to governance processes and decision-making related to sports development policy both in national and local level.

4. Conclusion

Indonesia has adopted robust sports governance principles, though challenges remain in implementation. The principles of Good Sports Governance have been adopted into the Indonesian legal system, starting from the statutory level to government regulations. Most of the principles of Good Sport Governance adopted are the same as those of Good Sport Governance developed previously in European and North American countries. However, in the Indonesian context, unique Indonesian elements are included in the concept and principles of Good Sports Governance. The development of Good Sport Governance in Indonesia still faces several obstacles, such as political intervention and institutional problems. Future reforms in many aspects, including law and management and technology, offer pathways to enhance transparency and accountability in sports law development in Indonesia.

References

1. N. Silvana, A. Surono & E. Wijaya. Mewujudkan *Good Sport Governance* Melalui Lembaga Arbitrase Keolahragaan di Indonesia. *Jurnal Legal Reasoning* **6** (2024). <https://doi.org/10.35814/jlr.v6i2.6602>
2. E. Wijaya & N. Silvana. *Good Sport Governance: Perspektif Teoretis, Yuridis dan Kontekstualisasinya di Indonesia*. *Jurnal Hukum & Pembangunan* **54** (2024). DOI: [10.21143/jhp.vol54.no1.1588](https://doi.org/10.21143/jhp.vol54.no1.1588)

3. Setiyawan. Implementasi Undang-Undang Sistem Keolahragaan Nasional. *Jendela Olahraga* **1** (2016). <https://doi.org/10.26877/jo.v1i1%20Juli.1100>
4. E.T.C. Lam. The Roles of Governance in Sport Organizations. *Journal of Power, Politics and Governance* **2** (2014); D. Cabello-Manrique & E. Puga-González. A Review of the Level of Good Governance in International Sport Federations. *Journal of Human Sport and Exercise* **18** (2023). <https://doi.org/10.14198/jhse.2023.181.15>
5. E.N. Kristiyanto. Peranan Hukum Nasional Dalam Penyelenggaraan Kompetisi Sepak Bola Profesional di Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* **5** (2016). <http://dx.doi.org/10.33331/rechtsvinding.v5i3.154>
6. PSSI. Tentang Posisi PSSI Terhadap Putusan PTUN dan UU Nomor 3 Tahun 2005 SKN. <https://www.pssi.org/news/tentang-posisi-pssi-terhadap-putusanptun-dan-uu-nomor-3-tahun-2005-skn> Accessed: 3 March 2024.
7. PSSI. PSSI Menangkan Gugatan di PTUN. <https://www.pssi.org/news/pssi-menangkan-gugatan-di-ptun> Accessed: 27 December 2023.
8. Z. Amali. Kebijakan Olahraga Nasional Menuju Indonesia Emas Tahun 2045. *Jurnal Olahraga Pendidikan Indonesia* **2** (2022). <https://doi.org/10.54284/jopi.v2i1.197>
9. E.N. Kristiyanto. Urgensi Pembentukan Badan Penyelesaian Sengketa Antara Klub Sepak Bola dan Pesepak Bola Profesional Dalam Rangka Mendukung Pembangunan Ekonomi Nasional. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* **7** (2018). <http://dx.doi.org/10.33331/rechtsvinding.v7i1.222>
10. M.F. Bafadal, F.I. Riyanto, A.W.D. Nanda, D. Darmo & S. Febrianti. Review Aplikasi Teknologi Digital dalam Olahraga Sepakbola. *Jurnal Pendidikan Olahraga* **14** (2024). <https://doi.org/10.37630/jpo.v14i3.1656>

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

