

Reconstruction of Sports Dispute Settlement Law Through Integrated Sports Dispute Settlement

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Abstract

Sport is a strategic asset in fostering national integration and strengthening social capital due to its inherently democratic nature, prioritizing brotherhood even amidst intense competition in the field. The fundamental values that often save a nation from disunity are deliberation and consensus, and problems in sport are ideally resolved through deliberation and consensus in accordance with true wisdom. In essence, civil disputes are resolved peacefully by seeking agreement between the disputing parties. Civil disputes can be resolved either conventionally through the courts (litigation) or using alternative dispute resolution methods outside the courts. Courts serve as a means of law enforcement, a place of legal protection, and a forum for citizens involved in disputes to seek justice. Current practices for resolving disputes regarding competitive sports are not fully in line with Article 102 of Law Number 11 of 2022 concerning Sports, which states that disputes in sports must be resolved through deliberation and consensus by the parent sports organization. If deliberation and consensus cannot be reached, the disputing parties must enter into a written agreement regarding the chosen dispute resolution method. Dispute resolution is carried out through mediation, conciliation, and arbitration.

I. Introduction

Sports have been a part of social life since ancient times, and this is inseparable from the fundamental human need to always be in motion. Several modern sports that people are familiar with today are similar to existing Indonesian rituals, such as pencak silat, a traditional Indonesian martial art that has become internationally recognized. Pencak silat has been designated as an intangible cultural heritage by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) on December 12, 2019. After going through several stages, this martial art was declared to have met the established requirements, both in terms of culture and history. As human needs and capabilities have advanced, sports have also become a competitive activity.

Although sports have long been a part of social life, it was not until 2005 that the Indonesian government successfully ratified a legal basis for sports activities, namely Law Number 3 of 2005 concerning the National Sports System, which was later revised to Law Number 11 of 2022 concerning Sports (Otje Salma & Anthon F, Susanto, 2004). Every Indonesian citizen has equal rights to sports activities, sports services, choosing sports that suit their interests, receiving guidance and mentoring, becoming a sportsperson, and developing the sports industry. Furthermore, citizens with physical or mental disabilities have the right to receive special sports services. Meanwhile, the obligation is that every citizen is obliged to participate in sports activities and maintain sports infrastructure and facilities, as well as the environment. Implementation of this article has not been achieved, and many people.

The growing interest in sports has driven the commercialization of the sporting sector. This is evident in the large number of athletes who now have managers to manage their careers and activities in the sport for their own future. However, the growth of sports can create friction between the interests of athletes, sports organizations, administrators, and others. The disputes that arise in society today are usually due to problems/conflicts within the community (Jakarta: PT. Gramedia, 1986). Conflicts that occur in society are generally caused by differing interests, mutual attacks, mutual blame, lack of understanding between the two parties, lack of mutual respect, misunderstandings, a desire to win alone, and so on.

The popularity of sports, and the sports sector, often reaps success from every championship or sporting event at national and international levels, bringing honor to Indonesia. In competitive sports, there are athletes. An athlete is someone who participates in competitions or matches using their strength, agility, and speed, through regular training and under the auspices of an organization that facilitates these training activities. An athlete who has won a competition three consecutive times is categorized as a competitive athlete.

The Sports Law explicitly regulates the rights and obligations, as well as the authorities and responsibilities of all parties (central government, regional governments, and the community), as well as synergistic coordination vertically between the central government and regional governments and horizontally between relevant institutions at both the central and regional levels in the management, development, and development of national sports.

As an effort to facilitate and effectively manage sports, the Indonesian government has issued Law Number 11 of 2022 concerning Sports. This law grants the state significant authority to play a role in sports affairs, which includes regulating development patterns, the recruitment of athletes, the provision and procurement of sports facilities and infrastructure, organizing sports, and so forth, including competitive sports. In addition to regulating

development patterns and infrastructure, the Sports Law also regulates national sports standards, accreditation, and certification, which are administered by authorized ministries and/or independent institutions.

The Sports Law also regulates the supervision and control of professional sports, which are carried out by an independent institution established by the government. In this case, the minister is authorized to supervise and control sports, which is carried out by the Indonesian Professional Sports Supervisory Agency (BOPI).

In Indonesia, there is a forum that houses high-achieving athletes, both those with disabilities and those with disabilities, to build character, provide coaching and development, manage related facilities, and monitor athlete development. This forum is the Indonesian National Sports Committee (KONI), as well as each sports organization.

Sports encompasses sports practitioners, sports organizations, sports funding, sports infrastructure and facilities, community participation, and sports support, including science, technology, information, and the sports industry.

All sports regulations are regulated by taking into account the interrelationships with other fields and all systematic and sustainable efforts to address subsystem challenges, including through increased coordination between sports institutions, empowerment of sports organizations, development of facilities and infrastructure, improvement of funding sources and management, and comprehensive structuring of the coaching and development system (Iramaya Suci, A.Kadir & Arifin, I., 2011).

The enactment of the Sports Law was designed to clearly regulate the rights and obligations, as well as the authority and responsibilities of all parties, including the central government, regional governments, and the community. However, it appears that sports development is not evenly and comprehensively implemented in Indonesia (Putu Sudarma Sumadi, 2016). In the development of the world of sports, athlete contracts are a crucial component. These contracts serve as the first step for athletes to attain all their rights and obligations as athletes. nCoaching is a crucial factor, as the development of the world of sports depends in part on coaching itself. Coaching is the result of maximum effort achieved by athletes or groups of athletes (teams) to achieve common goals. The goals of athlete coaching focus on several important aspects, such as mental attitude toward training, including a willingness to put in hard work as an absolute prerequisite for success, a readiness to accept the coach's leadership, and a readiness to collaborate within a team. The most important aspect in athlete coaching is the availability of facilities and infrastructure.

The Sports Law was designed to explicitly regulate the rights and obligations, as well as the authorities and responsibilities of all parties, including the central government, regional governments, and the community. According to Setiawan, sports regulations can be useful in regulating the rights and obligations, as well as the authorities and responsibilities of all parties, including the central government, regional governments, and the community. Issues in the world of sports, both at the national and regional levels, are increasingly complex, intertwined with social, economic, and cultural aspects of society and the nation. The government is comprehensively addressing all aspects related to the development of sports in society, as well as legal instruments capable of supporting the development and promotion of national and regional sports now and in the future. A public policy is a projected program with specific goals, values, and practices.

For athletes, contracts serve as a legal basis for any business relationship or

collaboration that active sports practitioners will soon undertake. As a form of imminent legal consequences, contracts will inevitably give rise to rights and obligations for the parties or legal entities who will soon create and agree to the contents of the contract. Sometimes, intentionally or unintentionally, many errors and mistakes occur and are faced by legal entities in understanding and attempting to comprehend the rights and obligations contained in a contract. This, in turn, can quickly harm one of the parties involved in the contract, especially those who are unfamiliar with the law and who are in a weak, disadvantaged position.

The relationship between players and clubs is driven by business interests between the parties. This relationship creates two legal relationships: the one between the player and the club, which involves an employment agreement. This will impact athlete development fees, bonuses, transfers, and so on. If these contractual issues are not properly resolved, they will trigger and result in significant financial, mental, and physical losses for mixed martial arts athletes themselves. This will undoubtedly tarnish the promoter's reputation, especially if the matter is brought to the media. If legal issues persist for athletes, this will negatively impact their performance.

Under such circumstances, friction between athletes, between sports organizations and athletes, and between sports institutions at the provincial level is also unavoidable. These cases often result in disputes. Dispute resolution is divided into two channels: litigation, which is the process of resolving cases through the courts, often referred to as "litigation," which is a case resolution process carried out through a court proceeding where the authority to regulate and decide is exercised by a judge within the court's jurisdiction. Non-litigation is a dispute resolution process outside the courts that is closed to the public and guarantees the confidentiality of the parties. This out-of-court dispute resolution process avoids delays caused by procedural and administrative procedures, such as those in general courts, and one way to achieve a win-win solution is arbitration. However, disputes resolved through litigation are considered too complicated and do not conform to the principles of speed, simplicity, and low cost, and are able to fulfill a sense of justice and fairness, as are non-litigation channels.

This has led to the need for dispute resolution in the sports sector that handles disputes quickly, simply, and at a low cost, while also ensuring fairness and propriety in decision-making, which cannot be achieved through conventional dispute resolution through the courts. It's important to understand that no one wants to have a dispute with another person. However, in every relationship, especially in business, each party must always be prepared to anticipate the possibility of disputes arising at any time in the future. For example, in an agreement, disputes that need to be anticipated can arise due to differences in interpretation regarding how to implement the clauses of the agreement, the content of the provisions within the agreement, or for other reasons. To resolve potential disputes, you have several options for resolution. In general, several methods can be chosen, including through court and out-of-court settlements, such as negotiation, conciliation, consultation, expert assessment, mediation, arbitration, and others, often referred to as alternative dispute resolution (APS) (Fikahati aneska,1996).

APS methods (except arbitration) typically involve discussing the differences that arise between the disputing parties through "deliberation to reach a consensus" with the goal of reaching a win-win solution. Therefore, whether the dispute can be resolved depends largely

on the desires and good faith of the disputing parties. This means how they are able to resolve their differences. If an amicable settlement has been agreed upon by the parties, they are bound by the outcome of that settlement. (See Article 6 of Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, hereinafter referred to as Law No. 30 of 1999).

In Indonesia, it is difficult to obtain adequate (comprehensive) regulations regarding dispute resolution through alternative dispute resolution (APS). Article 1, number 10 of Law No. 30 of 1999, states: "Alternative Dispute Resolution is an institution for resolving disputes or differences of opinion through procedures agreed upon by the parties, namely out-of-court settlement through consultation, negotiation, mediation, conciliation, or expert assessment." Upon closer inspection, these provisions do not provide much clarity regarding what APS is and how it works, and instead raise many questions and issues. For example, there is no further explanation of what is meant by settlement through negotiation or mediation.

In Indonesia, there are two arbitration institutions that handle sports disputes: the Indonesian National Sports Arbitration Board (hereinafter referred to as BAORI), established by the Indonesian National Sports Commission (hereinafter referred to as KONI). BAORI's establishment is stipulated in the Articles of Association and Bylaws of the Indonesian National Sports Commission (hereinafter referred to as KONI's AD/ART). There is also the Indonesian Sports Arbitration Board (hereinafter referred to as BAKI), established by the Indonesian Sports Commission (hereinafter referred to as KOI) to resolve disputes arising from Olympic sports. Both were established with the hope of resolving athlete disputes quickly, effectively, and efficiently. However, the emergence of these two arbitration bodies appears to have created a dualism, thus preventing legal certainty in resolving sports disputes. This uncertainty stems from the existence of both: the Indonesian National Sports Arbitration Board (hereinafter referred to as BAORI) handles national-level sports disputes, while BAKI handles issues related to international sporting events such as the Olympics, Asian Games, SEA Games, and others.

However, in sports disputes, it is very rare for sports disputes to be resolved through an Arbitration Board. This is due to several factors, one of which is that the sports law does not clearly regulate the resolution of sports disputes in Indonesia. There is no article stating which arbitration institution is the sole authority to handle sports disputes. Article 102 paragraph (3) of the Sports Law Number 11 of 2022 states, "Dispute resolution as referred to in paragraph (2) shall be carried out through mediation, conciliation or arbitration. However, it does not include information about the Indonesian Dispute Resolution Agency (BAORI) or BAKI, resulting in a legal vacuum in resolving sports disputes in Indonesia. Furthermore, sports disputes are not limited to athletes in the capital city; they can also affect athletes from other regions. Meanwhile, the existence of arbitration bodies, currently only based in the capital, makes it very difficult for regional athletes to access them. Therefore, a clear disparity in welfare between athletes in the regions and those in the capital is evident. Furthermore, sports are not just a hobby; many athletes depend on them for their livelihoods, or in other words, sports are a source of livelihood for athletes. The impact of the lack of clarity regarding the procedures or requirements for establishing new arbitration institutions, which should be stipulated in the Arbitration Law and the Sports Law, has resulted in the easy establishment of new arbitration institutions, some of which even operate under different names but resolve the same disputes.

2. Research Method

The research objectives should be clearly formulated at the end of the introduction.. This type of research is normative legal research with a normative juridical approach. Normative juridical research seeks to find coherent truth by examining whether legal rules conform to legal norms and whether norms in the form of commands or prohibitions conform to legal principles. It also examines whether a person's actions conform to legal norms (not just legal rules) or legal principles (Peter Mahmud Marzuki, 2014).

The research used in this study is an analytical perspective, conducted in an evaluative manner, providing explanatory justification. Legal research is explanatory in nature and aims to test a theory or hypothesis to strengthen or even reject existing research findings. The data sources used in conducting the legal research in this dissertation are primary and secondary data. Primary data will be used to support secondary data, and primary data is data obtained directly from the subject (J. Supranto,, 2003).

3. Results and Discussion

a. Legal Mechanisms For Resolving Sports Disputes In Indonesia

In the world of sports, arbitration is known as a common mechanism for resolving problems and disputes involving athletes, known as the Court of Arbitration for Sport (hereinafter referred to as CAS). One of the most common disputes in sports is athlete transfer disputes. Athlete transfer disputes often arise from procedural violations during the transfer process or from objections from athletes due to the rejection of their transfer requests. These disputes are generally resolved through arbitration (Bambang Sutiyo, 2020). Sports disputes are not necessarily resolved directly through arbitration. There must first be an agreement between the parties to resolve the dispute through arbitration or the courts. Depending on the type, arbitration agreements are divided into two types: a Pactum de Compromittendo, an agreement made before a dispute arises, requiring that if a dispute arises, the resolution be submitted to an arbitration institution or ad hoc arbitration, as specified in the main agreement or in a separate agreement¹⁶. An Acta Compromise is an arbitration agreement made after a dispute or dispute arises between the parties. In other words, there is no arbitration agreement in the main agreement.

The impact of the unclear regulations regarding the procedures or requirements for establishing new arbitration institutions, which should be stipulated in the Arbitration Law, has resulted in the easy establishment of new arbitration institutions, some of which even operate under different names but resolve the same disputes. A concrete example is the one in this article that focuses on resolving sports disputes, particularly in Indonesia.

In Indonesia, there are three arbitration bodies that handle sports disputes: the Indonesian Sports Arbitration Board (BAKI), the Indonesian Sports Arbitration Board (BAORI), and the National Dispute Resolution Chamber (NDRC). The establishment of BAORI is stipulated in the Budget and Bylaws of the Indonesian National Sports Commission (hereinafter referred to as KONI). The Indonesian Sports Arbitration Board (BAKI) was established by the Indonesian Sports Commission (KOI) to resolve disputes in Olympic sports. The NDRC was established in 2019 to resolve soccer disputes. These three arbitration bodies were established with the aim of providing a fast, effective, and efficient resolution of athlete disputes. The parties to a specific legal relationship have entered into an arbitration agreement that expressly states that all disputes or differences of opinion arising from the legal relationship will be resolved by arbitration or through alternative dispute resolution.

Article 102 of Law Number 11 of 2022, concerning the rules for resolving sports disputes, explains the following:

- 1) Sports dispute resolution is attempted through deliberation and consensus by the parent sports branch organization.
- 2) In the event that deliberation and consensus as referred to in paragraph (1) cannot be reached, the disputing parties shall make a written agreement regarding the dispute resolution to be chosen.
- 3) Dispute resolution as referred to in paragraph (2) is carried out through mediation, conciliation or arbitration.
- 4) If mediation and conciliation as referred to in paragraph (3) letters a and b are chosen by the disputing parties, the parties may request assistance from the Central Government and/or Regional Government to facilitate the mediation and conciliation process.
- 5) Dispute resolution as referred to in paragraph (3) letter c shall be carried out by one (1) independent sports arbitration body, whose decisions are final and binding, and established based on the Olympic Charter.
- 6) The Central Government shall facilitate the establishment of a sports arbitration body as referred to in paragraph (5) in accordance with the provisions of laws and regulations.

So, there is indeed a legal framework regarding the process of resolving sports disputes in Law Number 11 of 2022. Article 102 paragraph (2) clearly states that sports disputes can be resolved through three methods: mediation, conciliation, or arbitration. Mediation is essentially a method of resolving disputes outside the courts through negotiations involving a neutral (non-interventionist) and impartial third party whose presence is accepted by the disputing parties. This third party is called a mediator or intermediary whose job is to assist the parties disputed parties to resolve their problems, but do not have the authority to make decisions. Through mediation, it is hoped that a common ground can be reached in resolving the issues faced by the parties, which will then be formalized as a mutual agreement. Decision-making does not rest with the mediator, but with the disputing parties (Bambang Sutiyo, 2008).

Conciliation is an effort to bring together the desires of disputing parties to reach an agreement and resolve the dispute. Some define conciliation as an effort to bring disputing parties together to resolve their problems through negotiation. Conciliation is usually conducted to reconcile disputing parties. This can also be done when you cannot reach an agreement on the purchase price of a house and end up in a dispute. To avoid this, legal regulations on conciliation refer to Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Article 1 paragraph 10 of this law mentions several alternative dispute resolution methods outside the courts, including consultation, negotiation, mediation, conciliation, or expert assessment. Settlement of disputes outside the general judicial process is based on a written agreement between the disputing parties, and this law is intended to prevent dispute resolution from becoming protracted.

If the conciliation reaches an agreement, the parties will sign a joint agreement drawn up by the conciliator, which will then be registered with the Industrial Relations Court at the District Court in the jurisdiction where the parties entered into the joint agreement.

Arbitration is the resolution or decision of a dispute by a judge or judges based on an

agreement that the parties will submit to and abide by the decision of the judge they choose.

Arbitration is the resolution or decision of a dispute by a judge or judges based on an agreement that the parties will submit to and abide by the decision of the judge they choose. The use of arbitration institutions in resolving sports disputes is accommodated in Article 102 paragraph (3) letter c of Law Number 11 of 2022, which states that sports disputes can be resolved through an arbitration institution. In Indonesia, there are three arbitration institutions that handle sports disputes: BAORI, established through the Indonesian National Sports Committee (KONI), and BAKI, officially established by the Indonesian National Sports Committee (KOI) The 2012 KOI Member Meeting, Decree No. 08/RAKOI/I/2012, covers sports contested in the Olympics and the National Dispute Resolution Chamber (NDRC), which was formed in 2019 to resolve football disputes.

The Indonesian Sports Arbitration Board (BAORI) is a non-judicial institution specifically established to resolve disputes in the sports sector. BAORI's position is regulated by Law Number 11 of 2022 concerning Sports, specifically Article 88, which states that out-of-court sports dispute resolution is conducted through sports arbitration institutions. As a specialized arbitration institution, BAORI has the authority to resolve various types of sports disputes, both purely sporting disputes such as athlete selection and sports organization decisions, and civil disputes such as contract disputes between athletes and clubs.

This makes BAORI a strategic institution in maintaining justice and order in the national sports world.

Structurally, BAORI is under the auspices of the Indonesian National Sports Committee (KONI) and works independently in handling cases submitted to it. The dispute resolution process at BAORI is conducted through arbitration or mediation mechanisms that are final and binding, as per the general principles of arbitration law. However, BAORI's authority is not unlimited. Under the law, disputes containing criminal elements or involving citizens' constitutional rights remain the jurisdiction of general courts. Furthermore, BAORI also faces challenges in recognizing and enforcing its decisions, given that not all parties fully recognize BAORI's authority, particularly when these decisions conflict with the interests of sports organizations or administrative decisions of government agencies (Dwi Lestari, 2023).

Thus, although BAORI has a strong legal basis and authority as a forum for resolving sports disputes, its effectiveness within the Indonesian legal system still needs to be strengthened, both through strengthening derivative regulations, outreach to sports practitioners, and support from judicial institutions to respect the principle of finality of sports arbitration decisions. Within the context of the national legal system, BAORI's position can be compared to other arbitration institutions such as BANI (Indonesian National Arbitration Board), but with a specific scope in the world of sports. BAORI's existence is The implementation of *lex sportiva*, or sports law, demands a prompt, fair, and efficient dispute resolution mechanism. This aligns with the characteristics of sports activities, which involve time and achievement, which cannot be delayed too long due to protracted legal processes. Therefore, the affirmation that BAORI is a non-litigation dispute resolution institution needs to be continuously strengthened, both in terms of regulation and practice.

However, in practice, BAORI has not yet fully gained strong legitimacy from all sports stakeholders. Many national and regional sports organizations have not yet made BAORI the primary forum for resolving their internal or external conflicts. In some cases, the parties have instead taken disputes to general courts or other arbitration institutions, which can

create jurisdictional conflicts and undermine legal certainty. This demonstrates the need for harmonization of regulations and the affirmation of arbitration clauses in sports contracts so that dispute resolution through BAORI can be implemented consistently and be strongly binding.

b. Reconstruction Of The Establishment Of A One-Stop Sports Dispute Resolution Institution

There is an urgent need for legal reconstruction for sports dispute resolution in Indonesia, as the current system is considered inadequate, tends to be inefficient, and does not provide swift and fair legal certainty for the parties. The need for legal reconstruction aims to create a faster, fairer, and more final dispute resolution system that aligns with the complexity and demands of the ever-evolving world of sports. Duality of Arbitration Institutions: There is a duality between the Indonesian Sports Arbitration Board (BAORI) and the Sports Arbitration and Alternative Dispute Resolution Board (BAKO) which causes confusion and overlapping authority. Existing dispute resolution mechanisms in sports often take a long time, even though sports require rapid and final adjustments to maintain the integrity of competition. There is often uncertainty as to which institution has the authority to handle disputes, and the extent to which arbitral decisions can be enforced at the national level.

The establishment of a single-stop sports dispute resolution body in Indonesia through a reform process from two previous institutions into a single institution called the Indonesian Sports Arbitration Board (BAKI), which was inaugurated in October 2024, to fulfill the mandate of the law and increase legal certainty in the world of sport. This process involved the Ministry of Youth and Sports, which facilitated the discussion of BAKI's Articles of Association and Bylaws (AD/ART), and ensured BAKI became a professional, independent, and self-sufficient body, involving parent sports organizations such as KONI and KOI.

Further efforts can be resolved through arbitration institutions, which are divided into two.

The national level includes BAKI (Indonesian Sports Arbitration Board) and the PSSI Arbitration Board. The final method is through the District Court, which has the authority to adjudicate according to its jurisdiction.

The first method of dispute resolution is through the PSSI. PSSI, as the national federation, will mediate between players and clubs in dispute. PSSI has a Player Status Committee whose duties and authorities are regulated in the PSSI Statutes.

The authority of the PSSI Player Status Committee is based on Article 2 paragraph (1) of the Regulations concerning the Procedural Law for Adjudicating Player Disputes in the Player Status Committee, which states:

"These Regulations lay down general and binding rules for conducting the judicial process in player disputes, and by providing protection for players and clubs in resolving player disputes and facilitating the disputing parties in resolving issues related to player disputes." Article (2) states: "The adjudication process for player disputes shall be conducted in the manner stipulated in these regulations." In accordance with the agreed employment contract, if a dispute arises between the two parties, or if one party fails to fulfill its obligations, a report may be filed with the PSSI in accordance with Article 11, paragraph 2 of the employment contract: "If an agreement cannot be reached regarding the dispute referred to in paragraph 1, both parties mutually agree to resolve it through the PSSI or choose a permanent and general domicile at the District Court clerk's office."

The second method is through the Indonesian Sports Arbitration Board (BAKI). BAKI is an arbitration institution directly affiliated with the Court of Arbitration for Sport (CAS), an international arbitration institution established by the International Olympic Committee, or more commonly known to the sports world as the Supreme Court of World Sport. In other words, BAKI is the CAS counterpart in Indonesia. BAKI accommodates appeals to CAS. For disputes arising from contractual relationships or lawsuits, ordinary arbitration or mediation procedures apply. Furthermore, standard appeals against CAS decisions are permitted only on limited grounds to the Swiss Federal Court, for example, in cases of lack of jurisdiction, violation of basic procedural rules, or inconsistency with public policy. Otherwise, the decision rendered by CAS is final and binding and enforceable like any other arbitral award in accordance with the New York Convention on the Recognition and Enforcement of Arbitral Awards.

The final resolution is to file a lawsuit with the district court, which has the jurisdiction to adjudicate the matter. If a football club fails to pay a player's wages, the lawsuit that can be filed is for breach of contract. Breach of contract means failing to fulfill an obligation as stipulated in a contract. Breach of contract is the act of breaking a promise where there was previously an agreement between the two parties, which constitutes a contract, as stipulated in Articles 1320 and 1338 of the Civil Code. Default is defined in Article 1243 of the Civil Code, which states that "compensation for costs, losses, and interest due to failure to fulfill an obligation is only required if the debtor, after being declared in default, continues to do so, or if something that must be given or made can only be given or made within the time limit that has elapsed."

4. Conclusion

- a. Sport is a strategic asset in fostering national integration and strengthening social capital due to its inherently democratic nature, prioritizing brotherhood even amidst intense competition on the field. The fundamental values that often save a nation from disunity are deliberation and consensus, and problems in sport are ideally resolved through deliberation and consensus in accordance with true wisdom. In essence, civil disputes are resolved peacefully by seeking agreement between the disputing parties. Because disputes arise from conflicting personal interests, their resolution depends heavily on the initiative of the parties involved. Civil disputes can be resolved either conventionally through the courts (litigation) or using alternative dispute resolution methods outside the courts. Dispute resolution through the courts is subject to provisions of civil procedural law, such as the *Herzienne Indonesisch Reglement (HIR)* for the Java and Madura regions, the *RBg (Rechtsreglement Buitengewesten)*, and other regulations governing civil procedure. Courts serve as a means of law enforcement, a place of legal protection, and a forum for citizens involved in disputes to seek justice. Current practices for resolving disputes regarding competitive sports are not fully in line with Article 102 of Law Number 11 of 2022 concerning Sports, which states that disputes in sports must be resolved through deliberation and consensus by the parent sports organization. If deliberation

and consensus cannot be reached, the disputing parties must enter into a written agreement regarding the chosen dispute resolution method. Dispute resolution is carried out through mediation, conciliation, and arbitration.

- b. The use of arbitration institutions in resolving sports disputes and other conflicts related to the development of sports organizations is regulated in Article 88 of the National Sports Law (UU SKN). Under this legal umbrella, BAORI and BAKI were established, each with its own background, basis, and objectives as arbitration institutions for resolving sports disputes in Indonesia. In resolving sports disputes, both disputing parties must agree on which arbitration institution will resolve their dispute, whether BAORI or BAKI. They will continue to examine and decide on disputes submitted to them in accordance with the parties' agreement as stipulated in the arbitration agreement. Although BAKI and BAORI have some of the same authorities in resolving sports disputes, there is no dispute over authority between BAKI and BAORI. There is a need for consolidation of a single sports arbitration institution that has clear and legally recognized authority to avoid dualism and can serve as a reference for dispute resolution.

References

- Abdurrasyid, H. Priyatna, *Penyelesaian Sengketa Komersial Nasional dan Internasional di luar Pengadilan*, (Semarang: Fikahat aneska, 1996), Hal.1
- Bambang Sutiyoso, *Hukum Arbitrase dan Alternatif Penyelesaian Sengketa*, Gama Media, Yogyakarta, 2008, hlm. 58
- Bessy Sitorus Pane, "Peranan Olahraga dalam Meningkatkan Kesehatan", *Jurnal Pengabdian Kepada Masyarakat* Vol. 21, No. 79, 2015, hlm.2
- Doyle Paul. *Teori Sosial; Klasik dan Modern* (Jakarta: PT. Gramedia, 1986), hlm. 231.
- Dwi Lestari, "Kedudukan Hukum Badan Arbitrase Olahraga Indonesia dalam Sistem Peradilan Nasional", *Jurnal Hukum Olahraga dan Arbitrase*, Vol. 4, No. 2, 2023, hlm. 112.
- Fitrianto, I. (2024). Critical Reasoning Skills: Designing an Education Curriculum Relevant to Social and Economic Needs. *International Journal of Post Axial: Futuristic Teaching and Learning*, 245-258
- Fitrianto, I. (2024). Innovation and Technology in Arabic Language Learning in Indonesia: Trends and Implications. *International Journal of Post Axial: Futuristic Teaching and Learning*, 134-150.
- Fitrianto, I. (2024). Strategi Guru Pai Dalam Mengatasi Kesulitan Belajar Pada Mata Pelajaran Hadis Kelas 8 MTS Ibadurrahman Subaim. *IJER: Indonesian Journal of Educational Research*, 356-363.
- Fitrianto, I. (2025). Beyond Competence: Rethinking Education for Holistic Well-Being and Happiness. *International Journal of Post Axial: Futuristic Teaching and Learning*, 1-11.
- Fitrianto, I., & Abdillah, F. M. (2018). MODEL PEMBELAJARAN PROGAM PEMANTAPAN BAHASA ARAB DAN SHAHSIAH (KEMBARA) KE 4 MAHASISWA KOLEJ UNIVERSITI ISLAM ANTAR BANGSA SELANGOR (KUIS) TAHUN 2018. *University of Darussalam Gontor* 15-16 September 2018, 121.
- Fitrianto, I., & Farisi, M. (2025). Integrating Local Wisdom into 21st Century Skills: A Contextual Framework for Culturally Relevant Pedagogy in Rural Classrooms. *International Journal of Post Axial: Futuristic Teaching and Learning*, 109-121.
- Fitrianto, I., & Layalin, N. A. (2025). The Paradigm of Physical Punishment from the Perspective of Islamic Education and Its Implementation in Indonesia and Malaysia. *International Journal of Post Axial: Futuristic Teaching and Learning*, 147-156.
- Fitrianto, I., & Saif, A. (2024). The role of virtual reality in enhancing Experiential Learning: a comparative study of traditional and immersive learning environments. *International Journal of Post Axial: Futuristic Teaching and Learning*, 97-110.
- Fitrianto, I., Al-Faruqi, M. R., & Hanifah, N. A. (2025). The Contributions of Ibn Malik to Arabic Language Education: A Historical and Pedagogical Analysis. *IJAS: International Journal of Arabic Studies*, 1-11.

- Iramaya Suci, A.Kadir & Arifin, I. (2011). Upaya Pemerintah Daerah dalam Pembinaan Olahraga Cabang Taekwondo di Kabupaten Polewali Mandar. *Jurnal Ilmu Pemerintahan*, Vol.4 No.2 (Juli 2011), hlm.79–88
- J. Supranto, *Metode Penelitian Hukum dan Statistik*, (Jakarta: PT Rineka Cipta,2003), hlm. 2
- M. Febry Saputra & Yati Nurhayati, “Dualisme Lembaga Arbitrase Dalam Penyelesaian Sengketa Olahraga Di Indonesia”, *Jurnal Penegakan Hukum Indonesia (JPHI)* Volume 1, Issue 1, October 2020
- Otje Salma & Anthon F, Susanto, *Beberapa Aspek Sosiologi Hukum*, (Bandung: Alumni, 2004), hlm 5
- Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Prenada Media Group, 2014), hlm. 47.
- Putu Sudarma Sumadi, *Hukum Olahraga Dalam Bingkai Hukum Bisnis*, (Denpasar:Udayana University Press,2016), Hlm.2
- Toho Cholik Mutohir dan Ali Maksum, *Sport Development Index: alternatif baru mengukur kemajuan pembangunan bidang olahraga (Konsep, Metodologi, dan Aplikasi)*, (Jakarta :Indeks2007), hlm.5