

ALSA
INDONESIA
NEWSLETTER
2023



Sports **LAW**





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ABOUT ALSA INDONESIA



ALSA is a non-political, non-profit association that welcomes cultural diversity, advances the professionalism and hard-working ethic in which are the evident characteristic of Asians. ALSA has become and is continually improving as a premier association that provides the venue for bright law students to connect and develop as future leaders and major players of Asia. The Constitution of ALSA, as the enabling law that creates the association, is in accordance with the provisions of the Swiss Civil Code. As provided for in Article 2 Section 2 of the ALSA Constitution, ALSA has its official seat in Zurich, Switzerland and is therefore recognized under Swiss law. Founded in 1989, ALSA Indonesia is a full and founding member of ALSA and divided into 15 Local Chapters of Universities in Indonesia, and continues to grow and set examples on how law students should be prepared to fit in the global area.



GREETINGS

From ALSA Indonesia



Warm Greetings, ALSAians!

With pride and joy, I welcome readers to enjoy ALSA Indonesia Newsletter, comprehensively compiled by ALSA Indonesia. This Newsletter contains article about Sports Law arranged by ALSA Indonesia members and Public. I invite readers to broaden their knowledge and insights about legal issues through the content presented in this article.

I hope through this article, readers can always feel the presence of ALSA Indonesia through its positive impact on its members and the society. May further works like this continue to be produced and become a source of entertaining, educational, and easily accessible information for the public. Additionally, I would like to express my highest appreciation to every individual who is involved in the making of this article.

Happy reading and enjoy!

ALSA, Always be One!

Sincerely,
Adhiqhy Putera Imansyah
President ALSA National Chapter Indonesia periode 2023-2024

Warm Greetings, ALSAians!

I am honored to introduce the very first ALSA Indonesia Newsletter.

Law permeates every facet of life, sports included; indeed, sports and law are both profoundly fascinating subjects for discussion. In line with the National Sports Day festivities this month, we are delighted to introduce a newsletter themed 'Sports Law' as a tribute to National Sports Day.

ALSA Indonesia truly humbled by the incredible support we have received. I want to offer my heartfelt appreciation to all who contributed to the launch of the ALSA Indonesia Newsletter, especially our contributors. Their unwavering dedication and hard work were essential in making the Legal Newsletter a reality

In conclusion, I want to express my deep appreciation to all the readers and supporters who have made this newsletter possible.

Sincerely,
Widya Naomi Sitorus
Vice President of Academic Activities and Training ALSA Indonesia



NATURALIZATION PLAYERS: A SHORTCUT TO VICTORY

Written by: **Muhamad Hendriyadi Purna Purba Anom, Universitas Sriwijaya**

In recent years, international sports have witnessed an intriguing intersection between national identity and sporting success. In this specific context, the intersection of player naturalization and citizenship is most notable, as foreign athletes navigate the process of acquiring new citizenship and representing their adopted nation. While many nations have opted to grant citizenship to athletes from abroad, some critics see this as a ploy for victories. As a melting pot of cultures and a growing sports powerhouse, Indonesia must navigate the intricate legalities of naturalization.

The intricate legal landscape surrounding player naturalization in Indonesia is anchored to the provisions in Law No. 12 year 2006. Legally speaking, a foreign athlete must adhere to specific guidelines when pursuing Indonesian citizenship. Residency, language competency, and dedication to national values are necessary to fulfill the standards. Athletes must meet these requirements: avoiding threats to national security while possessing critical abilities that boost Indonesia's human resource development.

Throughout the 2023 Sea Games, Indonesia undertook the process of naturalizing 37 athletes across diverse sporting fields. The Sea Games policy does not impose a ceiling on the number of naturalized athletes that participating countries may send. This situation has sparked heated debate, as some nations have exceeded the quota of locally developed athletes with naturalized counterparts in specific sports. The emerging pattern is perceived as undermining the essential values of the Sea Games, a highly regarded sporting spectacle in Southeast Asia, potentially diminishing its esteemed dignity and deeply held spirit of sportsmanship.



In conclusion, player naturalization has become a common practice in the world of sports. This is utilized by countries to maximize the strength of their teams. However, this has become controversial due to the prevalence of countries prioritizing naturalized athletes over local ones, which is facilitated by the lack of strict regulations regarding the limit of the number of naturalized athletes that can be fielded. In this transformative landscape, ethics hold undeniable sway, especially in the assimilation of athletes on an international scale, an aspect the nation should be acutely attuned to. Upholding the very core of sportsmanship, fair play, and mutual respect necessitates genuine conversations among the global sports community as it moves forward. With these discussions, our objective is to recognize and honor the triumphs that embody the essence of competition, while fostering a sense of unity among nations with varied cultural heritage.



TO REPAY THEIR MERIT: INDONESIA'S ENDEAVOR IN PROTECTING RETIRED ATHLETES'

Written by: Amanda Putri Janitra, Universitas Indonesia

When most of them spend their half life with practices and strong commitment to make Indonesia famous in the international world, as an athlete, they should have been granted a secured life—at least in their late age. As they have a short span of productive days, the government should be prepared and be aware of transition from athlete to retired athlete because this may lead to identity loss.¹ According to Kompas, there are 63,5 percent of retired athletes as of September 2021 who still feel precarious. 41,6 percent of respondents also expect the government to provide pension funds and insurance for their late age.

But recently in July 2023, 27 athletes from various sports branches were appointed as civil servants by the Ministry of Youth and Sports.³ The aforementioned is given as a way of appreciation from the government regarding their achievements in the name of Indonesia. In contrast, Hariyanto Arbi recently revealed that his brother, famed Indonesian badminton star Eddy Hartono, who is in his late 40s, uses a cane owing to knee issues.⁴ Hariyanto emphasizes the importance of pension funds, considering that the majority of retirees may not have jobs, such monies might be utilized for saving or at the least, for medical expenses.

In Indonesia, this issue has been addressed with the Law Number 11 of 2022 concerning Sports ("Law No. 11/2022"), which one of the objectives is to improve the quality of life and general welfare in the realm of sports through numerous approaches. Moreover, Article 99 mentioned that each athlete or individual that is considered to have accomplished or/and deserved in improving the sports shall be granted with a Sport Award. The Sport Award could be in the form of facilities, scholarship, profession, honor, welfare, and others, which this Sport Award also shall be accompanied by any life skill guidance.

Additionally, Article 100 provided athletes with social security protection. Since retired athletes can experience identity loss or, worse, long-term injuries that render them unemployed throughout the rest of their lives, it is the government's responsibility to provide them with social security protection in the form of work, financial, and insurance. However, in fact, the implementation of Law No. 11/2022 is not yet evenly distributed which as can be seen from the two cases mentioned before. This may be made better by updating the information on outstanding athletes on a monthly or annual basis, allowing the government to stay on track for giving out Sport Awards or/and social security protection.



MATCH-FIXING IN INDONESIAN FOOTBALL: THE IMPERATIVE FOR REGULATORY ACTION



Written by: Abdullah Royyan, Universitas Diponegoro

Match-fixing is a consequential issue that has plagued the world of sports, including football, and this is happening in many countries as well as Indonesia. Match-fixing often thrives in an environment of financial instability within the football industry. When players and clubs face financial difficulties, they may be more susceptible to involvement in match-fixing as a means to alleviate their financial burdens. This perpetuates a vicious cycle, further exacerbating the financial instability within Indonesian football. The prevalence of match-fixing not only undermines the integrity of the sport but also has a negative impact on the development of football in the country. Efforts to fight match-fixing in Indonesia have involved the establishment of the football anti-mafia task force. The aim is to tackle organized criminal activities that infiltrate football competitions and manipulate match outcomes, while there have been notable cases and efforts to address match-fixing in Indonesia, there is still a need for further regulation and legislation to fight this issue.

The impact of match-fixing on Indonesian football necessitates the implementation of robust regulations and measures to combat this issue effectively. Stricter regulations can act as a deterrent, imposing severe penalties on those involved in match-fixing. The existing laws in Indonesia, such as Law Number 3 of 2005 Article 89, which regulates the provision of crime in sports, need to be strengthened and expanded to cover all aspects of match-fixing and corruption in football. On the other hand, Indonesia indeed has a mechanism to fight this match-fixing by using Law No. 11 of 1980 about bribery. Moreover, it is important to note that there must be an act of bribery to execute match-fixing, there must be an act of giving something or making a promise to an athlete or coach with the purpose of fixing a match result.

This can be done because there is a phrase “concerning the public interest” in Articles 2 and 3 which can be interpreted broadly as long as it contains the interests of the community, nation and state. In conclusion, the impact of match-fixing on Indonesian football is far-reaching, affecting the integrity, reputation, and financial stability of the sport. The urgent need for regulation and stricter measures to combat match-fixing is evident. Further regulation and legislation are necessary to effectively fight match-fixing, restore the integrity of sport in Indonesia and bring back Indonesia as the Asian Tiger.



REACTUALIZING ATHLETE RIGHTS: A PILLAR OF HUMAN RIGHTS FULFILLMENT IN INDONESIAN SPORTS

Written by: Rahmat Fatih Rosyidin, Universitas Jember

In the realm of sports, athletes are not merely physical and technical representations in competitions; they also stand as ambassadors of their nation. Hence, it is fitting for the state to pay heed to these athletes who uplift Indonesia's name through their achievements. Yet, becoming an athlete is far from easy. For professional athletes, the rigorous daily training consumes most of their time, often leaving them with little opportunity for formal education. Due to this lack of formal education, athletes, both current and former, often struggle to find employment in many Indonesian companies and institutions that require educational certificates. This situation is paradoxical, considering that an athlete's career is relatively short-lived due to the physical factors that deteriorate with age. Most athletes tend to retire around the age of 35, while their living expenses continue to rise over time.

Therefore, it is imperative for Indonesia to prioritize the fulfillment of athlete rights as an integral part of the broader effort to uphold human rights. In this perspective, Indonesia has legislations that underscore this very notion. The Law No. 3 of 2005 concerning the National Sports System, later amended to Law No. 11 of 2022 concerning Sports, serves as the legal foundation empowering the government to provide rights and welfare to athletes.

The Law No. 3 of 2005 doesn't solely regulate technical and competitive aspects of sports; it also recognizes the rights and welfare of athletes. Article 13 of this law isn't just ink on paper; it provides a strong framework that dictates the responsibilities, rights, and duties of various entities: the central government, local governments, and society. This collaboration facilitates the development and nurturing of national sports, including equitable and proportional provision of athlete rights, such as access to education, training, protection, and recognition for their achievements.

Furthermore, an essential facet of fulfilling athlete rights is acknowledging their efforts and achievements in advancing national sports. Article 86 of the Law No. 3 of 2005 establishes a robust legal basis for awarding recognition to athletes who excel and contribute to sports. These accolades can take the form of scholarships, ease of access, employment opportunities, insurance, extraordinary rank promotions, honors, citizenship, pension plans, welfare benefits, or other forms of valuable recognition for recipients.



Additionally, the government's efforts to fulfill athlete rights are further evident through the Law No. 11 of 2022 concerning Sports, which supersedes the Law No. 3 of 2005. This amendment solidifies the athlete's status as a recognized profession and establishes a legal basis for social security through the National Social Security System. Consequently, athletes and former athletes can feel more secure and assured in their socio-economic aspects.

In the conclusion, the fulfillment of athlete rights is not merely policy; it is a tangible manifestation of human rights. Athlete rights mirror the principles of human rights, which encompass respect, protection, and fulfillment of individual rights. As such, the state, through laws and policies, bears the responsibility of ensuring these rights are respected and granted to every individual, including athletes and former athletes.



MATCH-FIXING SCANDAL IN FOOTBALL: HOW THE LAW REGULATES IT?

Written by: Ni Made Ayu Gita Lestari Astawa , Universitas Udayana

Match-fixing is a term used to describe an act of manipulating a match score in order to obtain a certain goal. The act is based on several reasons, but mostly for money and revenge. In the world of sports, sportsmanship and fair play are valued and upheld, however, as competitive growth, all parties put hands on deck for victory, even normalizing an indecent act. Match fixing indeed brings some disadvantages, the act does not only affect the club's performances in the long run but also jeopardizes the essence of sports itself.

These past years, several news have covered the scandal of match-fixing in football, for example, The 2006 Calciopoli Scandal, and the West Germany vs. Austria Game in the 1982 World Cup considered as some of the most shocking match-fixing scandals in football history. In Indonesia's football history, some match-fixing has happened. Match-fixing scandals that shocked Indonesia such as the Persebaya vs. Persipura match scandal, the PSMP Mojokerto Putra vs. Aceh United match scandal, and the PSS Sleman vs. PSIS Semarang match scandal which drew the attention of FIFA.

Taking into account the disadvantages of match-fixing, how does the law regulate match-fixing? FIFA as an international organization of football has its own institutions and rules much like a country. FIFA Code of Ethics 2018 Article 29 on manipulation of football matches or competitions regulates match-fixing in a scope of international. In Indonesia, rules regarding match-fixing are regulated on Kode Etik Disiplin PSSI 2018 Article 72. Moreover, the act of match-fixing is inseparable from the act of bribery, thus the Law of Republic Indonesia Number 20 Year 2001 on the amendment to Law Republic Indonesia Number 31 Year 1999 on Eradication of Corruption and the Law of Republic Indonesia Number 11 Year 1980 on Bribery can be implemented.

Through existing regulations, law enforcement officers are expected to enforce the law related to match-fixing cases in order to deter the criminal from committing the crime and uphold sportsmanship and fair play.



RECKONING LIABILITY OF ATHLETE INJURY RESPONSIBILITY

Written by: Ayu Regina Teresa Kawatu, Universitas Sam Ratulangi

Sports injuries are a frequent occurrence and can have a big effect on players, teams, and leagues. In some cases, athletes may be held liable for injuries they cause to others. Despite the fact that the legal rules governing injured sportsmen differ from one country to the other, but there are some general principles that apply in most cases.

The most common basis for holding an athlete liable for an injury is negligence. Negligence is a failure to use reasonable care to avoid causing harm to others. An athlete may be deemed negligent in sports if they act in a reckless, careless, or purposeful manner. An athlete might be responsible for an injury, for instance, if they: failing to adhere to the game's regulations, use too much force, fail to adequately warm up, and playing while hurt.

Athletes may occasionally be held accountable for intentional torts like violence or assault. These offenses involve the deliberate wrongdoing of another person. Athletes, for instance, could be held accountable for an intentional tort if they: Kicking or punching another player, To intentionally hurt another player, swing a ball towards them, Use a weapon or other potentially harmful item to harm another player.

The assumption of risk doctrine applies when an athlete voluntarily participates in a dangerous activity, knowing that they may be injured. To establish assumption of risk, the defendant must show that;

- The plaintiff was aware or ought to have been aware that the behavior was risky. The plaintiff agreed to engage in the action voluntarily.
- The plaintiff was informed of the dangers involved.



The legal implications of an athlete's liability are complicated. Athletes should be aware of the potential legal repercussions of their behavior and take precautions to shield themselves from responsibility. This involves abiding by the game's rules, using caution, and refraining from careless or malicious behavior. This includes following the rules of the game, using reasonable care, and avoiding reckless or intentional behavior. Athletes should also be aware of the assumption of risk doctrine and how it may apply to their situation.



SPECIAL NATURALIZATION FOR FOREIGN ATHLETES IN INDONESIA



Written by: Azalia Zahira Zohar, Universitas Gadjah Mada



Last May, three foreign football players officially became naturalized athletes for the Indonesian national team by taking an oath and pledge of allegiance to the citizenship of a naturalized football athlete. This naturalization of citizenship is granted to Justin Quincy Hubner, Ivar Jenner, and Rafael William Struick. Their participation in the Indonesian national team is expected to improve their performance in the U20 World Cup.

However, what does a Naturalized Athlete mean? In Article 1(3) Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, naturalization means procedures for foreigners to obtain Indonesian citizenship through a plea. Thus, naturalized athletes refer to athletes who had foreign citizenship status to obtain new citizenship status in the targeted country.

Then what are the regulations regarding the granting of citizenship status to these athletes? The law on the process of granting Indonesian citizen status on naturalization is stipulated under Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia. This law covers two types of granting Indonesian citizen status to foreigners, namely, General Naturalization and Special Naturalization. General Naturalization is intended for ordinary citizens. Whereas Special Naturalization is aimed at foreigners who have contributed and also made extraordinary contributions to the country, for example, in this context, athletes.

In contrast to General Naturalization, which contains several requirements regulated in Article 9 Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, Special Naturalization is intended for athletes that can be obtained directly with the rights and obligations of citizens of the same country. This is also valid in Article 13(2) of Government Regulation No. 2 of 2007 concerning Procedures for Obtaining, Losing, Canceling, and Reacquiring Citizenship of the Republic of Indonesia, that considered athletes as those who may get Special Naturalization.

Through these regulations it can be understood that naturalized athletes have their exclusive regulations, it can be seen with the law regarding Special Naturalization. The existence of this regulation clarifies the process of accepting foreign athletes to become Indonesian citizens so that they can help the Indonesian national team bring Indonesia's name to the world of international sports.



INDONESIAN CRIMINAL LAW RULES FOR PUNISHING PERPETRATORS OF MATCH FIXING IN SPORTS

Written by: Novelia Ellianna Anwar,
Universitas Andalas

In the current era of modernization and globalization, all aspects of human life are experiencing very rapid development, both in the fields of society, nationality, statehood, science, technology, social society, and others. This development is of course motivated by the necessities of life for all components of society such as the economy, social politics and culture which continue to increase over time. So that to meet all these needs, there is a development to facilitate the increasing human needs as well. However, on the other hand the demands of the times are followed by the growing development of criminal acts that occur in society. The types or forms of criminal acts that occur in the current era are very diverse, and can not only be carried out individually, but can also be carried out in groups with a mature strategy.

One form of crime that is currently developing in the field of sports is match fixing. The European Union tries to formulate the meaning of match fixing, namely as follows: "match manipulation includes fixing or changing the results of matches or any manipulation that occurs related to the course of the match so that there is an advantageous time, financial or non-financial, for oneself or others, and removing all or part of the uncertainty usually associated with matches." In Indonesia itself, there is a law that can provide criminal sanctions for perpetrators of score fixing.

Law enforcement officials can use Law Number 11 of 1980 concerning the Crime of Bribery as a legal basis to prosecute the score fixers. Several articles that can ensnare perpetrators of match fixing or match fixing in the law are as follows:

- Article 2: Whoever gives or promises something to someone with the intention of persuading that person to do something or not to do something in his duties, which is contrary to his authority or obligation which concerns the public interest, shall be punished for giving bribes with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 15,000,000 (fifteen million rupiah).
- Article 3: Whoever accepts something or a promise, while he knows or should reasonably suspect that the giving of something or the promise is intended so that he will do something or not do something in his duties, which is contrary to his authority or obligations which concern the public interest, shall be punished for accepting a bribe with imprisonment for - maximum 3 (three) years or a maximum fine of Rp. 15,000,000.- (fifteen million rupiah).



With this regulation, the perpetrators of match fixing can be punished with imprisonment or a fine. Because their actions have violated the principles of sports activity itself, namely cooperation, sportsmanship and fair play.





NATURALIZATION BECOMES THE FIRST STEP IN INDONESIAN FOOTBALL PERFORM



Written by: Siti Saka Shakira, Universitas Syiah Kuala

In Indonesia, football can be said to be a favorite sport for Indonesian people. The enthusiasm of the community is very high as seen by so many young people who play football in the field around the house, children who from an early age are entered into football school by their parents, to families who gather in front of the television to watch football matches or watch with strangers in coffee shops.



The high interest of the community has also made great expectations of the Indonesian people for Indonesian football, especially the national team, to develop better and obtain many achievements. The Indonesian Football Association commonly called PSSI continues to strive to realize the dreams of the Indonesian people by looking for superior seeds of young footballers who are abroad with the help of the Indonesian national team coach, Shin Tae-yong.

Extensive knowledge and experience as well as a more ideal posture make Indonesia aggressively naturalize players for quality footballers. Naturalization itself is the process of citizenship of a person becoming an Indonesian citizen through an application submitted and meeting the requirements for naturalization based on Law Number 12 of 2006. There are two types of naturalization, namely ordinary naturalization special naturalization. For soccer athletes, special naturalization provides convenience for granting citizenship because footballers are considered to have contributed to the country by having achievements that make Indonesia proud.

During the 2023 Asian Cup qualifiers, the Indonesian national team brought several naturalized players, including Stefano Lilipaly, Elkan William Tio Baggott, Marc Klok.

They made it through the qualifying stage after being in a team containing Jordan, Nepal, and hosts Kuwait.

To strengthen the Indonesian national team in the 2023 Asian Cup match which will be held from January 12 to February 10 2024, in Qatar. PSSI carried out additional naturalization of football players who are included in the *Ius Soli* Principle or the principle that determines a person's nationality based on descent not based on place of birth, namely, Jordi Amat a footballer of Spanish-Indonesian descent who had played for the Spanish U-17 national team, Dutch-born Rafael William Struick who has Indonesian blood from both sides of his parents, Shayne Pattynama has Indonesian ancestry from his father, Sandy Walsh draws Indonesian descent from his grandfather, Ivar Jenner has Indonesian descent from his grandmother. The naturalized players have participated in FIFA Match Day and are expected to adapt quickly in Indonesia.



QUESTIONING THE PROBLEM OF TRAINING FACILITIES FOR ATHLETES WITH DISABILITIES

Written by: Defian Putri Tiara, Universitas Terbuka

Disability is a medical condition in which a person experiences abnormal physical or mental function [1]. This abnormality is not a problem in today's sports system; people with disabilities around the world can participate in sports competitions across all disciplines.

In Indonesia, according to Law No. 8 of 2016 concerning Persons with Disabilities, one of the recognized rights for people with disabilities is the right to engage in physical exercise (Article 15). Disabilities also encompass the right to receive guidance and development in the realm of sports, aimed at enhancing health, self-confidence, and sports achievements. One mode of development involves the provision of training facilities tailored to the requirements of athletes with disabilities.



The Indonesia Olympic Association (IOA) received complaints and aspirations from disabled athletes, who are members of the National Paralympic Committee (NPC)-an organization for athletes with disabilities - regarding inadequate training facilities for disabled athletes. This complaint was submitted on July 21, 2023 when the association forum held a meeting at the Dwisoto Warso Building, North Alun-alun Jogjakarta [2]. The issue with training facilities is primarily due to the unavailability of the government's budget.

Upon review, this is not aligned with the government's efforts to empower athletes with disabilities. In Law No. 11 of 2022 concerning Sports, citizens with physical, intellectual, mental and/or sensory disabilities have the right to receive services in sports activities according to their needs, dignity and worth (Article 7). Moreover, athletes with disabilities have the right to access sports infrastructure and facilities services that adhere to disability standards and are accessible (Article 60). In the Disabilities Act, the accessibility of sports facilities and infrastructure applies to all athletes, including those with disabilities (Article 15 letter d). Budget should no longer be a problem in providing training facilities for athletes.

This is because the budget for athletes with disabilities has been regulated in the Central Revenue and Expenditure Budget which is channeled through the Main Sports Branch Organization, in this case the NPC. Supervision of efforts to improve accessibility for athletes with disabilities in Indonesia must continue. Collaborative efforts are required to establish a disability-friendly and non-discriminatory sports environment in Indonesia.



SAFEGUARDING INTEGRITY THROUGH TACKLING MATCH-FIXING AND BETTING THEARTS

Written by: Muhammad Fawwaz Farhan Farabi, Universitas Indonesia



In the dynamic realm of sports, integrity stands as a cornerstone, ensuring fair play and maintaining the trust of millions of fans. However, the rise of match-fixing and betting-related misconduct has cast a shadow over this integrity, prompting the intersection of law and sports to combat these threats. Sports law has emerged as a vital instrument in the fight against match-fixing and betting integrity breaches.



Match-fixing, deliberately manipulating the outcome of a sporting event, and betting-related corruption poses severe challenges to the purity of sports. These activities undermine the competitive spirit and erode fans' confidence in the authenticity of the games they cherish. To address these concerns, sports law has evolved to implement stringent measures to prevent, detect, and punish such misconduct.

The emergence of technology has introduced a multifaceted impact on the field of sports law. Online gambling platforms have paved the way for quickly disseminating internal information and large-scale gambling schemes. In response, sports law is confronted with the imperative of strategic adaptation to navigate this digital landscape judiciously. This calls for effective measures to avert the proliferation of online gambling practices.

One of the key legal tools in this battle is criminalizing match-fixing and betting. Many jurisdictions have introduced laws targeting these offences, enabling law enforcement agencies to investigate and prosecute those involved. Collaborative efforts between sports organizations, law enforcement, and legal bodies have led to establishment of specialized units focused on tackling match-fixing, bolstering the global fight against this menace. For instance, in Indonesia, the criminalization of match-fixing in Indonesian football is stipulated under Law No. 11 of 1980 concerning Bribery Offenses.

In conclusion, the intertwining of sports and law has become essential in combating the twin threats of match-fixing and betting integrity breaches. The evolution of sports law to address these challenges underscores the commitment to upholding sports' sanctity and preserving fans' trust worldwide. As technology continues to reshape the sports landscape, the dynamic nature of sports law will remain crucial in maintaining the integrity that underpins the spirit of competition.

Furthermore, various sports governing bodies have implemented comprehensive regulations to safeguard their integrity. These regulations encompass player education on the risks and consequences of match-fixing or betting-related activities. They also mandate reporting mechanisms that encourage individuals with information about potential breaches to come forward, shielding whistleblowers from retaliation.



NATURALIZATION PROCESS REGARDING CHANGE OF NATIONALITY TO REPRESENT INDONESIAN FOOTBALL TEAM IN FIFA COMPETITION

Written by: Raden Maulana Damarjati, Universitas Padjadjaran

Football is one of the most popular sports in Indonesia that the people and government support. In developing this sport, Indonesia's governing body of football, the Football Association of Indonesia, has tried to bring several international players to the Indonesian national team purposefully to build a stronger team to compete in international competition. Regardless, to play on the national team of a state, foreign athletes are required to go through naturalization as an administrative process regarding their nationality. Naturalization is a process by which foreigners obtain citizenship and nationality in Indonesia.¹ Nevertheless, players such as Ezra Walian, who has gone through naturalization by the municipal laws of Indonesia, are still not eligible to play for the 2019 Asian Cup Qualification U-23 due to the Fédération Internationale de Football Association ("FIFA") Regulations.

However, do the FIFA regulations allow naturalization athletes to be eligible to represent different national teams with the player's current nationality in international football competitions? In recent regulations, FIFA has changed several provisions regarding a player's eligibility to play for a national team, such as implementing naturalization. The modification could provide a bright future for foreign athletes like Thom Haye, who could join Indonesia's national team. Thus, some players have fulfilled the requirements and obtained Indonesian nationality; there are differences regarding state and sporting nationality. State nationality is acquired based on the municipal laws of the state. Sporting nationality means an athlete participating in an official competition representing one football association team at any level.

The emergence of technology has introduced a multifaceted impact on the field of sports law. Online gambling platforms have paved the way for quickly disseminating internal information and large-scale gambling schemes. In response, sports law is confronted with the imperative of strategic adaptation to navigate this digital landscape judiciously. This calls for effective measures to avert the proliferation of online gambling practices.

If a player wishes to represent another association different from their state nationality, they must consider their sporting nationality. FIFA provisions state that a player who wishes to represent another association must fulfill several requirements. According to the Rules Governing Eligibility to Play for Representative Teams by FIFA, players could change associations even if they did not have the nationality they wished to represent, provided they had not turned 21 years old when fielding in any official football competition.

In addition, they must fulfill one of the requirements: that the player, one of his biological parents, or one of his grandparents was born on the territory of the association, or the player has lived on the territory of the association. Hence, players like Thom Haye could play for the Indonesian national football team if they have fulfilled any requirements written in the 2021 FIFA Rules Governing Eligibility to Play for Representative Teams.



SPORTS GAMBLING: UNRAVELING CASES OF BASKETBALL MATCH FIXING IN INDONESIA

Written by: Nailah Shafa Kamilah, Universitas Indonesia

Match-fixing is dishonest behavior to guarantee that one team or person wins a specific sports match. In a nutshell, they will set up the game to get advantages as they desire. Match-fixing could happen in any sport, including basketball. As stated by Fédération Internationale de Basketball Amateur (“FIBA”), basketball players are prohibited by law from participating in any kind of sports betting or match-fixing, including betting on basketball games. Basketball players are not allowed to associate with bettors in sports, according to FIBA rules. This means that players are not permitted to interact with bookmakers or other people working in the sports betting industry in any way.

Match-fixing on basketball also happens in Indonesia. The most recent case happened to the Louvre club basketball Surabaya. The Louvre Surabaya club's activities were suspended by the Central Board of the Indonesian Basketball Association or Pengurus Pusat Persatuan Bola Basket Seluruh Indonesia (“PP Perbasi”). This was done due to evidence that the squad engaged in match-fixing in the 2023 ASEAN Basketball League (“ABL”).

Other match-fixing cases in Indonesia that were revealed and exposed by the media occurred in the 2017 Indonesian Basketball League (“IBL”) competition. At that time, there were eight basketball players from the JNE Siliwangi Bandung club plus one official who did match-fixing during the competition. They cheated during the fourth and fifth matches, also they allegedly received up to 900 million rupiah in one match. Those who are involved in match-fixing are then punished and banned from IBL competitions for two to five years.

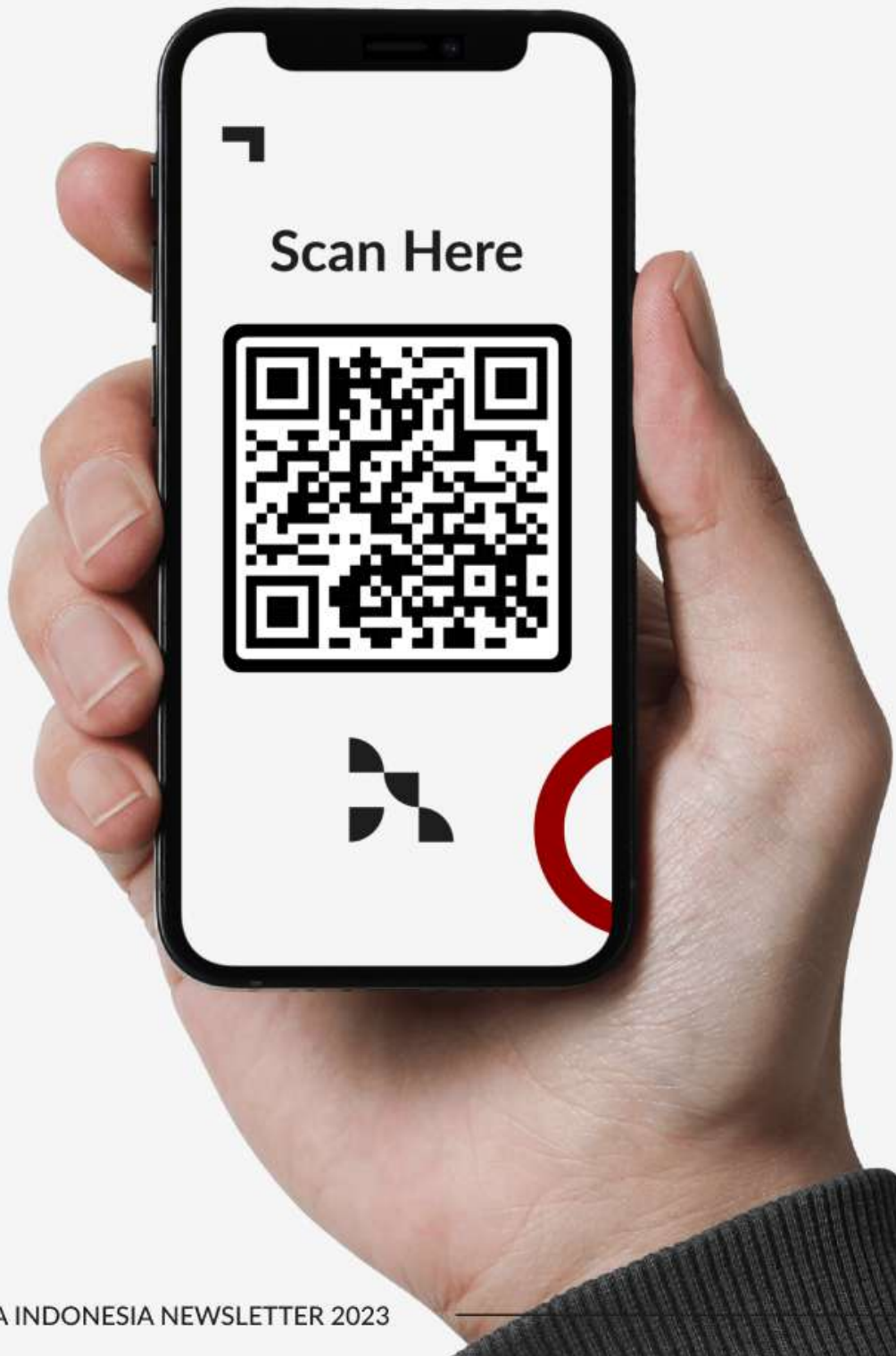
In another case, in 2021, 5 basketball players from the Pacific Caesar club, as well as one player from Bali United, was fined 100 million and banned from appearing in IBL for the rest of their life for doing match-fixing according to the IBL Regulations Chapter 4 Article 7 Section 2 and the disciplinary code of ethics. The basketball players were proven to have committed violations in the regular competition season. Their actions were uncovered after IBL and Perbasi investigated the perpetrators.



After all, cheating during a game is strictly forbidden, especially given how closely this match-fixing relates to gambling. According to Erick Thohir, in order to get rid of mafias in the sports world, he will threaten match-fixing offenders with a life sentence. This is in compliance with IBL regulations that threaten lifelong match suspensions and fines for match-fixing offenders.



REFERENCE





Thank You
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