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THE CONSTRUCTION OF THE *LEX SPORTIVA* PRINCIPLE IN INDONESIA'S SPORTS LAW: IMPLICATIONS AND FUTURE ARRANGEMENTS

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ABSTRACT

Lex sportiva is a fundamental legal principle in sports law that emphasises autonomy in regulating and enforcing law in sports. The sports law in Indonesia has not yet accommodated the aspect of *lex sportiva*, failing to guarantee legal certainty and affecting the suboptimal regulation and enforcement of law in sports. This research aims to analyse the position of *lex sportiva* in sports law and the state's authority in sports, as well as the implications and future regulation for strengthening this principle. This is doctrinal legal research employing conceptual and statutory approaches. The findings of this research indicate that the position of the *lex sportiva* principle in sports law is associated with the state's authority in the field of sports, which potentially causes conflicts between laws made by a sport and by the state in organising sports. The practical implication is that implementing the *lex sportiva* principle in sports law may lead to legal uncertainty due to too much state intervention in sports-related arrangements in Indonesia. This research is expected to contribute to future regulatory efforts related to the affirmation of the principle in this context. Moreover, strengthening the *lex sportiva* principle in Sports Law and the Indonesian sports legal system can be done by revising the Sports Law and providing interpretation by the Constitutional Court, which involves the judicial review process.

Keywords: Conflict in sports law, *lex sportiva*, sports law.

INTRODUCTION

This research mainly focuses on the lack of accommodation of the *lex sportiva* principle in sports law in Indonesia. The use of this principle in sports law has to assert that in a sports activity, special rules are autonomous, and, in this context, state law cannot intervene in the principle of *lex sportiva* in sports law (Prasetio et al., 2024). However, a less harmonious relationship often happens between the internal arrangements in sports law (*lex sportiva*) and the positive law of a country. For instance, in 2015, the Fédération Internationale de Football Association (FIFA) imposed sanctions following a conflict between the Indonesian Football Association (PSSI) and the Ministry of Youth and Sports (Kemenpora) (Prayoga, 2022). The conflict between PSSI and Kemenpora caused FIFA to sanction the Indonesian national football team in various age groups, including seniors, concerning competitions organised by FIFA.

These sanctions on the Indonesian national football team have had an impact on the decline in the achievements of the Indonesian national football team and the economy of other parties engaged in the sports industry, ranging from the manufacturers of jerseys for sports players and jerseys for commercial purposes, ticket purchase services, to food and beverage businesses selling their products at football stadiums during football matches. These sanctions should improve sports law in Indonesia, considering that Kemenpora's intervention in making a decree freezing PSSI contradicts the principle of *lex sportiva*, a fundamental principle in sports law.

The political will of the state, especially the government, to organise and regulate sports law in Indonesia has been seen with the enactment of Law No. 11 of 2022 concerning Sports (Sports Law Legislation) (Sumertajaya & Setyaningsih, 2023). Although the *lex sportiva* principle is not explicitly set out in the Sports Law, the substance of this principle is contained in the formulation of Article 102 of the Sports Law, confirming that the settlement of sports disputes is principally within the domain of the federation of each sport while the authority of the regional and central governments only facilitates sports dispute resolution.

The problem in this research is that the substance of *lex sportiva* in the Sports Law is deemed unclear or suboptimal (*pseudo-lex sportiva*) because this principle should be reinforced in the Sports Law as a fundamental aspect of sports and a guideline for the government to determine when governments can facilitate or regulate the aspects of sports without violating *lex sportiva*. This research analyses the orientation of the reconstruction of the *lex sportiva* principle to be affirmed in Sports Law, ensuring it serves as the basis and guide for sports practices in Indonesia. Three legal aspects were analysed in this research: (i) the position of *lex sportiva* in sports law associated with state authority in the field of sports, (ii) the implications of not affirming the principle of *lex sportiva* in the Sports Law in Indonesia, and (iii) future regulatory efforts related to the principle of *lex sportiva* in the Sports Law in Indonesia.

Previous research on the principle of *lex sportiva* in the context of sports law has been widely conducted by experts and researchers. Three recent studies on *lex sportiva* include Panagiotopoulos (2023), who addresses the principle of *lex sportiva* in sports dispute resolution. The novelty of Panagiotopoulos's research lies in the fact that, based on *lex sportiva*, sports dispute resolution should be governed by the rules of each sports branch without state intervention. Another study by Nugroho et al. (2023) discusses sports dispute resolution based on the Indonesian Sports Law. The novelty of this research lies in the fact that the Indonesian Sports Law has incorporated the principle of *lex sportiva*, particularly in the context of sports dispute resolution. Riyanto (2024) analyses the transformation of the *lex sportiva* principle into the national sports law system in Indonesia. The novelty of Riyanto's research lies in the

need for harmonisation between internal sports branch laws and state laws to maintain the existence and optimal application of *lex sportiva* in sports law.

Referring to the three previous studies, the discussion of the principle of *lex sportiva* generally focuses on sports dispute resolution and the harmonisation between state laws and *lex sportiva*. This research is original in that it provides a broad analysis of the principle of *lex sportiva*, not only in sports dispute resolution but also in reconstructing the principle of *lex sportiva* within Indonesia's sports law.

METHODOLOGY

With a doctrinal legal research method, this study analyses authoritative legal materials, such as legislation and court decisions, supported by legal theory and doctrines from experts (Negara, 2023). The primary legal material in this research was obtained from Law No. 11 of 2022 concerning Sports (Sports Law), while the secondary legal materials included legal research results on the principle of *lex sportiva* and sports law. Dictionaries were also used as non-legal materials. Legal material analysis is conducted qualitatively and prescriptively by analysing primary legal materials supported by secondary and non-legal materials to formulate a prescription addressing legal issues (Pojanowski, 2021). Conceptual and statutory approaches were used.

RESULTS AND DISCUSSION

The Position of the *Lex Sportiva* Principle in Sports Law Concerning State Authority in Sports

Sports law inherently positions the principle of *lex sportiva* as a fundamental aspect in studying sports law (Prasetio & Al-Farisi, 2024). The importance of *lex sportiva* in sports law is emphasised by P.H. Kahn, asserting that the main essence of *lex sportiva* is the autonomy of sports branches in independently regulating and managing sports activities, separate from positive laws made by the state (Firmansyah & Michael, 2023). This view aligns with Foster's perspective (2019), which underscores that the independence of *lex sportiva* in sports law is meant to assert that sports have autonomy that cannot be interfered with by others, particularly the state. Foster even emphasises that *lex sportiva* is part of global sports law, where sports federations play a crucial role in formulating their own legal rules that often transcend national boundaries (Bützler, 2023).

L. Silance specifically highlights that the existence of *lex sportiva*, as part of global sports law, can be referred to as a "separate legal system" outside state law (Prasetio & Al-Farisi, 2024). In an international context, *lex sportiva* can be categorised as transnational law (Lindholm, 2020). This view of *lex sportiva* as transnational law can be observed from the massive development of international business dynamics, which formulate norms and conventions outside state agreements (Lindholm, 2020). This implies that the essential nature of transnational law consists of legal provisions that transcend national boundaries but are not part of public international law. Efforts to position *lex sportiva* as part of transnational law are appropriate but remain uncertain, as some sports are local to specific countries with unique game rules. In contrast, others are regional, known only in certain areas, and not included in the Olympics. "Pencak Silat," for example, is a regional sports activity popular in Southeast Asia, particularly Malaysia, Indonesia, Singapore, and Brunei Darussalam, with its association named Persekutuan Pencak Silat Antar Bangsa (PERSILAT), founded in 1980 in Jakarta, Indonesia (Duval, 2021).

Regarding efforts to position *lex sportiva* as part of transnational law, considering the development that some sports and their associations are local (existing only in certain countries) and others regional (like “Pencak Silat”), it is more appropriate to position *lex sportiva* as a principle that emphasises autonomy in the regulation of specific sports branches, whether transnational, regional, or national (Windholz, 2022). This assertion emphasises that *lex sportiva*, as a form of global sports law, is not always part of transnational law. However, this principle can be categorised as part of transnational law for sports already familiar to the global community, contested in the Olympics, and with worldwide associations like football with FIFA (Serra, 2020a). From the discussion on *lex sportiva*, it can be concluded that *lex sportiva* holds a significant position in sports law, especially concerning the independence of a sports organisation in formulating various regulations in organising sports.

Konstantinidis and Panagopoulos (2020) categorise *lex sportiva* into broad and narrow meanings. Broadly, *lex sportiva* is understood in two areas: sports and law and sports law (Akinsulore & Akinsulore, 2022). In sports and law, it is broadly understood as legal aspects related to sports, such as racism, human rights, and business and industrial aspects related to sports (Gu, 2023). In this aspect, legal theory and concepts are dominant for application, as in line with Simon’s view that outside *lex sportiva*, general legal practices apply in sports law (Serra, 2020a).

Two types can be distinguished in sports law: special legal rules in sports organisations and the rules of the games (law of the games) (Panagiotopoulos, 2023). In special legal rules in sports organisations, there is a close relationship between positive laws made by the state and special laws in sports, exemplified by safety aspects in sports organisations (Feda et al., 2023). Sports Law is not unique; it is an extension of the existing law and its application in a sports environment. Safety in sports organisations is essentially a special law in sports because security measures are regulated by each sports federation, even though they also involve security forces in each country with specific task divisions (Pierre et al., 2023). In the context of special legal rules in sports organisations, the emphasis is on harmonious relations between the legal rules of each sports branch and the legal rules made by the state. The next aspect is the regulation of the rules of the games, which is entirely the domain of each sports branch (Jones, 2022).

The regulation of the rules of the games is commonly known as *lex ludica*, which can be understood as the “rules of the game,” where a particular sport must refer to and comply with the rules made by the specific sport (Irianto, 2020). Based on that description, it can be concluded that broadly, *lex sportiva* can encompass sports and law, sports law, and the rules of the games or *lex ludica*. Narrowly, *lex sportiva* is only understood as sports law and the rules of the games. Referring to broad and narrow views of *lex sportiva*, the broad view is more practical because one orientation of sports law in the 21st century, particularly with the development of the 4.0 industrial revolution and society 5.0, is directed towards enhancing the sports industry, which is a legal aspect related to sports (sports and law) (Serra, 2020b). This indicates that the broad interpretation of *lex sportiva*—a fundamental principle in sports law—is an effort to accommodate the times, addressing numerous legal issues related to sports, while maintaining the autonomy and independence of a sports branch in formulating and enforcing its rules.

Based on the analysis, it can be understood that *lex sportiva* has three important aspects: independence, autonomy, and harmonisation. Independence relates to the self-reliance and status of a sports branch and its organs in implementing self-standing and autonomous regulations apart from state law (Riyanto, 2022). Autonomy relates to the freedom and status of a sports branch and its organs in forming and formulating legal rules according to its needs (Zholdasbay, 2023). Harmonisation relates to the

relationship and potential conflict between the laws made by a sports branch and those made by the state (Romadhon & Suhartono, 2023).

Regarding harmonisation, especially in sports law, there are often overlaps and even conflicts between the laws made by a sports branch and those made by the state. Such overlaps and conflicts often occur when state law intervenes and specifically negates the legal rules made by a sports branch (Akhtar, 2023). This can be exemplified by practices in Indonesia, where FIFA sanctions against Indonesian football in 2015 occurred due to state intervention (in this case, the Ministry of Youth and Sports) interfering with the internal mechanisms of PSSI by freezing the organisation. Another example of state intervention in the laws made by a sports branch in Indonesia is related to the "2022 Kanjuruhan Tragedy," where FIFA regulated stadium security with a prohibition on the use of tear gas. However, tear gas was used in stadium security as part of the Indonesian Police's Standard Operating Procedure (SOP) in securing the stadium (Amin et al., 2024).

Another example related to the legal uncertainty surrounding the absence of the *lex sportiva* principle in Indonesian sports law is the case of a fight on the football field, causing those involved to receive a prison sentence. This fight happened in 2009 between Nova Zaenal and Bernard Momadao and led to chaos in the football game (Ramadhan & Ruslie, 2023). The case of the fight should ideally have been resolved solely by the disciplinary sanctions imposed by the federation (PSSI) according to the principle of *lex sportiva* (Romadhon & Suhartono, 2023). In its development, the case was considered a criminal offence and became a matter of positive law within the police domain. However, referring to the aspect of independence as the main aspect in the principle of *lex sportiva*, it is only fitting that cases of violence on the playing field fall under the jurisdiction of sports law and not state law.

These three examples in Indonesia demonstrate that in the regulation of sports, there is essentially a "conflict" between the authority of the organs or bodies within a sports branch and the authority of the state in sports. In Indonesia, the state also has authority concerning the organisation of sports, as stipulated in Article 11 of the Sports Law Legislation, where the state (in this case, the central and regional governments) has the obligation to direct, guide, assist, facilitate, and supervise the organisation of sports. The provisions of Article 11 of the Sports Law Legislation potentially lead to conflicts between the laws made by a sports branch and those made by the state because Article 11 of the Sports Law Legislation does not specify the limitations of state authority (in this case, the central and regional governments) concerning the obligation to direct, guide, assist, facilitate, and supervise the organisation of sports (Saputra & Nurhayati, 2020). One of the significant impacts of the absence of the *lex sportiva* principle in Indonesia's sports law is the potential for criminalising various acts of violence on the sports field, which should ideally be resolved through internal mechanisms within sports law, rather than through criminal law as state law.

Referring to the provisions of Article 11 of the Sports Law Legislation, the principle of *lex sportiva* should ideally serve as a principle that limits the provisions of Article 11 of the Sports Law Legislation. Limiting state authority through the principle of *lex sportiva*, as outlined in Article 11 of the Sports Law Legislation, is intended to emphasise harmonisation between the laws made by a sports branch and those made by the state in organising sports. The legal implications of Articles 5, 11, and 102 of the Sports Law Legislation, as well as various other provisions in Indonesia's sports law, essentially indicate that the principle of *lex sportiva* has not yet been incorporated into Indonesia's sports law. This can impact the organisation of sports, which cannot independently regulate its autonomy and independence related to sports administration and is potentially subject to intervention by state law.

The above discussion shows that the position of the *lex sportiva* principle in sports law, concerning state authority in sports, is inherently prone to conflicts between the laws made by a sports branch and those made by the state in organising sports. Efforts to mitigate potential conflicts between state laws in organising sports require harmonisation by limiting government authority in sports governance, with *lex sportiva* as a fundamental principle in sports law.

Implications of Not Affirming the *Lex Sportiva* Principle in the Indonesian Sports Law

The main issue with the Indonesian Sports Law relates to the existence of the *lex sportiva* principle within the law. Explicitly, the term *lex sportiva* is not found in the Sports Law, and the Sports Law only includes the term "sportsmanship" as one of the principles of sports organisation. Although *lex sportiva* and sportsmanship are textually similar, they differ in meaning. *Lex sportiva* generally means the independence and autonomy of a sports branch to formulate its own rules, independent of the legal rules made by the state (Murni et al., 2023). Kamus Besar Bahasa Indonesia (the Indonesian Dictionary/KBBI) defines sportsmanship as fairness, honesty, and recognition of others' superiority (Pusat Bahasa Departemen Pendidikan Nasional, 2008). The meaning of sportsmanship provided by KBBI aligns with the principle of sportsmanship as stipulated in the explanation of Article 5, letter k of the Sports Law, which emphasises that sportsmanship relates to upholding ethics, competence, and professionalism in sports. Although *lex sportiva* and sportsmanship are textually similar, their meanings differ significantly. *Lex sportiva* relates to the independence and autonomy of a sports branch to formulate its own rules, independent of the legal rules made by the state, while sportsmanship relates to honest, fair, and proper behaviour in sports (Riyanto, 2019). In other words, the term *lex sportiva* is implicitly absent from the Sports Law.

Implicitly, the substance of the *lex sportiva* principle is present in the Sports Law Legislation, although not comprehensively. The substance of *lex sportiva* in the Sports Law Legislation generally appears in Article 102, particularly concerning the resolution of sports disputes. Article 102, paragraph (1) of the Sports Law Legislation specifically states that the resolution of sports disputes is conducted through deliberation and consensus by the parent organisation of each sports branch. This is also emphasised in Article 102, paragraph (2) of the Sports Law Legislation, asserting that sports dispute resolution by an arbitration body is final, and its establishment is based on the Olympic Charter (Di Marco, 2022). Another important aspect related to the *lex sportiva* principle is Article 102 of the Sports Law Legislation, which highlights the government's role in facilitating sports dispute resolution. This suggests that Article 102 of the Sports Law Legislation essentially emphasises the existence of *lex sportiva*, which accommodates aspects of independence, autonomy, and harmonisation. Independence and autonomy are evident when Article 102 of the Sports Law Legislation regulates sports dispute resolution by each sports branch's parent organisation. Harmonisation is seen in Article 102 of the Sports Law Legislation, which emphasises the government's role in facilitating sports dispute resolution.

Although the substance of the *lex sportiva* principle is indeed present in Article 102 of the Sports Law Legislation, in the broader sense, this principle is not comprehensively accommodated in the Sports Law. According to Pandjaitan (2013), the principle of *lex sportiva*, in relation to the intersection of the laws made by each sports branch and state laws, is found in three stages of sports organisation: the management stage, the implementation of sports competitions, and the resolution of disputes. In the management stage, which includes: (i) the formation of sports associations, (ii) the formation of competitions, (iii) the formation of clubs, (iv) players, agents, and coaches, (v) organising committees and match officials, and (vi) licensing, only the aspect of licensing is entirely within the domain of state

law. This is because licensing is an administrative law instrument to minimise the risk of certain legal actions (Nida, 2022). This suggests that at the management stage, in general, the laws made by each sports branch apply, and only the aspect of licensing is entirely within the domain of state law (Mavromati, 2023).

The second stage, the implementation of competitions, includes: (i) on the field of play, (ii) inside or around the competition venue/stadium, and (iii) outside the competition venue/stadium. On the field of play, the laws made by each sports branch, particularly the laws of the game or the rules of the game, fully apply. Within or around the competition venue/stadium, the laws made by each sports branch and the laws made by the state apply. This can be exemplified by security regulations around the competition venue/stadium that involve collaboration between security arrangements according to the sports federation's rules and the state's security laws (Goh, 2022). In terms of outside the competition venue/stadium, the state's security laws fully regulate the matter.

The dispute resolution stage includes (i) bad behaviour on the field, (ii) disputes between clubs, players, and coaches, and (iii) business disputes involving third parties. Bad behaviour on the field is fully regulated by the laws made by each sports branch, particularly the laws of the game or the rules of the game. Disputes between clubs, players, and coaches are also fully regulated by the laws made by each sports branch, with facilitation provided by the state, as stipulated in Article 102 of the Sports Law Legislation. Business disputes involving third parties in sports activities are generally resolved proportionally, either based on the laws made by each sports branch or state laws. International law could be applied if the third party in the sports business is an international legal entity.

As constructed by Pandjaitan (2013) regarding the existence of the *lex sportiva* principle, which addresses the intersection of the laws made by each sports branch and state laws above, it can be seen that the provisions of Article 102 of the Sports Law Legislation still partially regulate and facilitate the *lex sportiva* principle. This is because the substance of the *lex sportiva* principle is only formulated in Article 102 of the Sports Law Legislation and is limited to sports dispute resolution. The substance of the *lex sportiva* principle in sports law is thus partial and limited in its formulation concerning sports dispute resolution.

The issue with the *lex sportiva* principle in sports law in Indonesia is primarily due to the fact that the Sports Law does not affirm the principle of *lex sportiva*. The principle of *lex sportiva*, as a fundamental principle in sports law, should be formulated as one of the principles in the organisation of sports (Bützler, 2023). The urgency of incorporating the principle of *lex sportiva* as one of the principles in the organisation of sports in Sports Law involves two views regarding the existence of legal principles in general. As presented by Paul Scholten, the first view posits that legal principles transcend legal norms, thereby justifying legal norms (Xalabarder, 2020).

The second view posits the need to include legal principles in *lex sportiva* legislation to emphasise the importance of legal principles in specific areas of law. Including legal principles in legislation is particularly urgent in specific areas of law with special legal principles (Rasyid et al., 2022). Of the two views on legal principles, this inclusion emphasises the importance of specific legal principles in a particular area of law, which is relevant to the *lex sportiva* principle in sports law. This is because sports law, with its principles, is relatively new in Indonesia, and it is hoped that by including it in legislation, particularly the Sports Law, the *lex sportiva* principle can be understood and optimally applied in sports (Irianto, 2020). The importance of incorporating the *lex sportiva* principle into Sports Law can be compared to the inclusion of the General Principles of Good Governance (AUPB) in Law No. 30 of

2014 concerning Government Administration. Although AUPB, as a legal principle, does not need to be included in the legislation, including AUPB in Law No. 30 of 2014 concerning Government Administration is necessary to emphasise AUPB's position in government administration (Rasji et al., 2024).

The effort to incorporate the *lex sportiva* principle in Sports Law can be compared to the inclusion of AUPB in Law No. 30 of 2014 concerning Government Administration, where the incorporation of the *lex sportiva* principle in the Sports Law is intended to emphasise the *lex sportiva* principle in the Sports Law. This is because the *lex sportiva* principle is often overlooked in sports practice in Indonesia, as evidenced by cases of fights on sports fields that are subject to criminal penalties (Pandjaitan, 2013; Romadhon & Suhartono, 2023). This practice reinforces that the *lex sportiva* principle is often overlooked in sports due to the extensive state intervention in sports-related regulations. The implication of not affirming the *lex sportiva* principle in the Sports Law Legislation is the potential for legal uncertainty regarding the application of the *lex sportiva* principle in sports law due to significant state intervention in sports regulation or legislation in Indonesia.

Future Regulatory Efforts Regarding the *Lex Sportiva* Principle in the Indonesian Sports Law

Future regulatory efforts to affirm the *lex sportiva* principle in the Sports Law Legislation can be undertaken in two ways: through the revision of the Sports Law Legislation or by seeking judicial interpretation by the courts, particularly the Constitutional Court, which can provide an interpretation of the existence of the *lex sportiva* principle in the Sports Law Legislation through a judicial review. Ideally, revising the Sports Law to implicitly formulate the *lex sportiva* principle in the Sports Law Legislation is relevant, although this process also depends on the political will of the legislators—the government and the DPR (House of Representatives in Indonesia) (Aulia et al., 2021). There are two options regarding the effort to implicitly formulate the *lex sportiva* principle in the Sports Law Legislation: by directly using the term *lex sportiva* as one of the principles in sports organisation and by replacing the term *lex sportiva* as one of the principles in sports organisation with another term that carries the same meaning, such as the principle of independence, which is also highlighted in the explanation of the Sports Law Legislation that the principle of independence means that in the organisation of sports, the rules made by each sports federation or association are prioritised (Prasetya & Jaelani, 2023).

Future regulation of the *lex sportiva* principle through the revision of the Sports Law Legislation is ideal because it will strengthen the position of the *lex sportiva* principle in the Sports Law Legislation and the national sports law of Indonesia. However, the main obstacle to revising the Sports Law Legislation is the will of the legislators (in this case, the government and the DPR- the House of Representatives of Indonesia). That is, affirming the *lex sportiva* principle in Sports Law is impossible without support from the legislators. The realistic effort to strengthen the existence of the *lex sportiva* principle in Sports Law Legislation and the national sports law of Indonesia is the judicial interpretation by the courts through judicial review. Judicial interpretation by the courts in the judicial review process is realistic because the court's interpretation in judicial review is legally binding (Prasetyo, 2023; Zubir & Wook, 2024). Although not a legislative body, through its interpretation in judicial review, the courts often function as a negative legislator or "legislation in the bench," so the court's interpretation of certain laws in the judicial review process can become an effort to change the meaning of the law (Satriawan & Lailam, 2019).

The judicial interpretation effort by the courts to affirm the *lex sportiva* principle in Sports Law Legislation and the national sports law of Indonesia can be pursued through judicial review of Sports Law in the Constitutional Court (MK). In the judicial review of Sports Law in the MK, the petitioner can demonstrate the existence of the *lex sportiva* principle in the Sports Law Legislation and the national sports law of Indonesia, as well as the constitutional harm suffered due to the lack of affirmation of the *lex sportiva* principle in the Sports Law Legislation. The primary focus of the petition is to request that the MK declare the Sports Law Legislation conditionally constitutional, on the condition that it is interpreted to mean that the principle of *lex sportiva* must be accommodated in the organisation of sports in Indonesia.

CONCLUSION

The position of the *lex sportiva* principle in sports law, concerning state authority in sports, inherently creates conflicts between the laws made by a sports branch and those made by the state in organising sports. Mitigating potential conflicts between *lex sportiva* and Sports Law Legislation in Indonesia involves limiting government authority in sports governance, with *lex sportiva* as a fundamental principle in sports law.

The implication of not affirming the *lex sportiva* principle in the Sports Law Legislation is the potential for legal uncertainty regarding the application of the *lex sportiva* principle in sports law due to significant state intervention in sports regulation in Indonesia. According to examples of several cases in Indonesia, the conflict between the principle of *lex sportiva* and Sports Law Legislation in Indonesia increases the potential for criminalisation of violence in sports fields, triggers police actions that do not align with sports law, as what happened in the Kanjuruhan tragedy, and allows the intervention of the Indonesian government in sports federations.

Two efforts can be highlighted related to future regulation to reinforce the *lex sportiva* principle in sports law and the Sports Law Legislation of Indonesia: the revision of the Sports Law Legislation in Indonesia by affirming the *lex sportiva* principle as part of the principles of sports organisation and, realistically, judicial interpretation by the courts, namely the MK, in the judicial review of the Sports Law, which declares that the Sports Law is conditionally constitutional, provided it is interpreted that in the organisation of sports in Indonesia, the substance of the *lex sportiva* principle must be accommodated.

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