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THE POSITION OF FIFA REGULATION IN THE SPORTS REGULATION SYSTEM IN INDONESIA

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Abstract: In various football issues, one of the classic problems that often occurs in Indonesia is unpaid player salaries or salary arrears. For instance, there is the case of Bambang Pamungkas and Leo Saputra, who filed civil lawsuits against the Persija Jakarta club due to salary arrears that had been outstanding for over a year. The case was brought before the Central Jakarta District Court under case numbers 523/PDT.G/2013/PN.JKT.PST and PDT.G/2013/PN.JKT.PST. Additionally, Budi Sudarsono sued the Deltras Sidoarjo team for unpaid salaries dating back to 2011. This case was filed in the Sidoarjo District Court under case number 216/Pdt.G/2022/PN Sda. These cases highlight a common issue regarding disputes between the players' rights and the clubs' obligations, as agreed upon in the initial contracts between the two parties. With players' rights remaining unfulfilled, as illustrated by these cases, the question arises as to whether such disputes should be resolved through the courts or in accordance with the regulations of the national football organization, the Indonesian Football Association (PSSI), which is a member of the Fédération Internationale de Football Association (FIFA). In such cases, if a football player opts to resolve the dispute through legal proceedings, it raises the issue of whether the court's decision can be considered final and what the authority of the district court is in resolving disputes between players and football clubs. This is particularly important considering that in professional football, the principle of *lex sportiva* applies, where sports-related laws are governed autonomously.

Keywords: Football, PSSI, FIFA, Regulations

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Introduction

The concept of a rule of law state, as outlined in Article 1 Paragraph 3, which states that Indonesia is a rule of law state, serves as a fundamental basis for developing and building a legal system that is functional and just. This development is reflected in the structuring of political, economic, and social institutions that are orderly and aligned with the nation's culture and rational legal awareness, providing protection for the lives of the Indonesian people [1]. In law-making, three essential elements must be considered: the history of the nation's formation, adapting to contemporary developments, and ensuring that it does not conflict with local customs while aligning with the aspirations of the Indonesian people. Generally, the law-making process as a reflection of continuous legal development and reform begins with planning, proposing, discussing, and enacting. This entire process is carried out by authorized institutions within the democratic system, namely the executive and legislative bodies, in this case, the President and the House of Representatives (DPR). In a democratic law-making process, the interests of the people must take precedence, without favoring any particular institution or group.

Regarding various sports-related issues in Indonesia, the government enacted Law No. 11 of 2022 on Sports, which regulates the rights of professional athletes. Previously, the rights of professional athletes were regulated in Law No. 3 of 2005 on the National Sports System, which has been repealed. The amendments to the Sports Law impact the rights of professional athletes, particularly regarding wages. These changes benefit professional athletes, as after the enactment of Law No. 11 of 2022, professional athletes now have specific wage standards that align with their respective sports. Clubs, as employers, are required to provide wages according to the standards set by the professional sports organization. This requirement is clearly stipulated in Article 59 Paragraph 3 of Law No. 11 of 2022 on Sports, which states that professional athletes must be paid a fair wage in accordance with the standards of their respective sports. These changes ensure legal certainty and provide the greatest possible benefits for the welfare and improved quality of life for professional athletes [2].

The right to engage in sports for every individual highlights that sports are an effort to improve the quality of human life, including physical, mental, emotional, and social health. Besides serving as a means of maintaining health, sports are also a profession that provides income for professional athletes. Professional athletes, who make sports their profession, have the right to a fair income, as stated in Article 28D Paragraph 2 of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), which declares: "Every person has the right to work and to receive fair and proper remuneration and treatment in the context of employment." According to Article 1 Point 6 of Law No. 11 of 2022 on Sports (hereinafter referred to as the Sports Law), an athlete is defined as "an individual who regularly, systematically, and continuously participates in training and sports competitions to achieve excellence." Meanwhile, the definition of a professional athlete can be found in Article 1 Point 8 of Government Regulation No. 16 of 2007 on the Organization of Sports (hereinafter referred to as the Sports Organization Regulation), which states that "A person who engages in sports to earn income in the form of money or other forms based on sports skills." This definition indicates that professional athletes make sports their livelihood [3].

In Indonesia, the national football governing body, commonly referred to as the Indonesian Football Association (PSSI), functions to oversee and regulate the operation of the sports system, particularly football, ensuring that all elements, including players, facilities, referees, and professional clubs, fulfill their roles properly. The PSSI also enforces rules and obligations that all members must adhere to. Indonesia is part of the global football organization, the Federation Internationale de Football Association (FIFA), through PSSI, which became a member of FIFA during its congress in Finland on November 1, 1952. All FIFA members are obliged to comply with the legal rules established by FIFA through agreements among all members, including PSSI. These rules universally apply to all FIFA members participating in professional football competitions. In football, there is a principle called "lex ludica," which ensures that every football match is conducted according to the rules, and the "lex sportiva" principle ensures that football organizations do not deviate from the established regulations. Lex sportiva can be defined as an independent, international legal system created by the global football governing body, which, in this case, is FIFA. In the realm of football, many disputes arise between players and football club management in Indonesia, often due to a lack of legal awareness and socialization among football stakeholders in Indonesia [4].

One of the classic issues in Indonesian football is the non-payment of players' wages or salary arrears. For example, the cases of Bambang Pamungkas and Leo Saputra, who filed civil lawsuits against Persija Jakarta after the club had been in arrears for more than a year. The cases were filed in the Central Jakarta District Court under case numbers: 523/PDT.G/2013/PN.JKT.PST and PDT.G/2013/PN.JKT.PST. Another example is Budi Sudarsono's lawsuit against Deltras Sidoarjo for unpaid wages dating back to 2011, as recorded in case number 216/Pdt.G/2022/PN Sda at the Sidoarjo District Court. These cases highlight the issue of resolving disputes between players' rights and club obligations, as agreed upon at the beginning of their contract. With players' rights unfulfilled, as shown in these cases, the question arises whether such disputes should be resolved through the courts or according to the rules of the football governing body in Indonesia, namely PSSI, which is affiliated

with FIFA. In such cases, if players choose to go through the courts, questions arise about whether a court ruling can be considered final and what authority the district court has in resolving disputes between football players and clubs, considering that professional football operates under the principle of *lex sportiva*, which governs its legal matters independently.

Previous research studies play an important role in this study. For example, Khairul Amar, S.Pd., M.Or., AIFO and Dr. Ridwan, SH., MH. conducted a study on the application of the *Lex Sportiva* principle in resolving criminal cases in football in Bima, West Nusa Tenggara. Their study aimed to explore the legal resolution of violent incidents in Indonesian football, where two different legal domains – positive state law and *lex sportiva* – both claim competence. In their research, the authors prioritize the principle of *lex specialis derogat legi generali* because PSSI's sanctions under *lex sportiva* were considered inadequate due to the violent elements in football [5]. Another previous study by Benitto Emanuelle Bevansara HB, A.A. Sri Utari, and I Gde Putra Ariana examined the legal consequences of unpaid football players' salaries from an international law perspective. The aim of their research was to understand and analyze the legal consequences of salary arrears for professional football players and the resolution of disputes over unpaid wages [6]. A subsequent study by Rahman Pananto, Purnwan Dwikora Negara, and Zulkarnain, titled "Analysis of Unilateral Wage Reductions for Football Players During the COVID-19 Pandemic," focused on the impact of the pandemic on the employment relationship between players and the Persik Kediri football club. The pandemic forced the suspension of football competitions in Indonesia, resulting in issues of unmet contractual obligations between players and the club [7].

In conclusion, the question arises whether the principle of *lex specialis derogat legi generali* should take precedence over the principle of *lex sportiva* in resolving sports-related disputes, particularly in football in Indonesia. The difference between this study and previous research lies in its focus on civil cases or wage arrears experienced by football players in Indonesia and whether the same principles apply as in previous research. The research question is which principle should be prioritized in resolving football-related disputes in Indonesia, and what is the position of FIFA regulations in the context of sports law in Indonesia?

Methods

The type of research used by the author in completing this study is normative juridical research. This method aims to find answers to the research based on legal materials and literature, with a focus on examining the law based on existing regulations and legal doctrines. The approach taken is a statutory approach. Systematic interpretation is applied to the Sports Law Number 11 of 2022 and specific regulations in the field of football established by FIFA as the governing body of football worldwide. In this context, the interpretation of the law and the analysis employed by the author use deductive reasoning

Results and Discussion

A. THE STATE'S POSITION TOWARDS PSSI AS A SPORTS ORGANIZATION IN INDONESIA AND AS A MEMBER OF FIFA

1. The Development of Football in Indonesia

Initially, football in Indonesia was played only by Westerners, especially the Dutch. Later, the Chinese ethnic group followed suit, while native Indonesians, or *bumiputra*, participated on a more limited scale. Only *bumiputra* individuals of equal status to the Dutch were allowed to play football. As football became more commonly played by the Dutch, the *bumiputra* community began to take interest in the sport. The native population quickly grasped the rules of the game. As football gained popularity in the Dutch East Indies, the desire to form clubs or football associations grew. The first club to emerge in the Dutch East Indies was *Root-Wit* ("red-white"). *Root-Wit* was founded by a group of Dutch people in 1894. The establishment of this club inspired the creation of more football clubs in the Dutch East Indies. In 1896, a football club named *Victory* was founded in Surabaya [8].

The club was established by John Edgar, a student of HBS. Over time, football clubs formed in Dutch-controlled cities began to create bonds or football associations, such as the West Java Voetbal Bond (later renamed Voetbalbond Batavia en Omstreken), Soerabajas Voetbal Bond, Bandoeng Voetbal Bond, and Semarang Voetbal Bond. These football associations regularly organized football championships known as Stedenwedstrijden starting in 1914. Initially, these championships were managed by the leaders of one of the member associations. In 1919, an organization was finally established to oversee the championship with formal rules. This organization, created by the Dutch, was called the Nederlands Indische Voetbal Bond (NIVB) [9].

2. The History of PSSI's Formation

PSSI, as a football sports organization in Indonesia, was initially formed by the Indonesian people, not by the government. Therefore, this section will discuss the history of football's development to understand why the Indonesian people felt the need to establish a football organization in Indonesia. It will then explore the growth of PSSI itself as a football organization responsible for organizing football activities in Indonesia.

3. The Birth of PSSI

Seeing the discrimination practiced by NIVB, there was a desire among the leaders of native football clubs to form their own football associations. In 1924, the Vortstenlandsche Voetbal Bond was established in Surakarta, composed of local native football teams. This was followed by the establishment of the Soerabajasche Indonesiasche Voetbalbond in Surabaya in 1927, Voetbalbond Indonesia Jacatra (VIJ) in Jakarta in 1928, Bandoengsche Indonesiasche Voetbalbond (BIVB) in Bandung, Madioensche Voetbalbond (MVB) in Madiun, Persatuan Sepakbola Mataram in Yogyakarta, and Persatuan Sepakbola Indonesia Solo (Persis) in Solo.

At the beginning of 1930, Ir. Soeratin from PSIM Yogyakarta visited Jakarta and met with Soeri, the chairman of VIJ. The two held intense discussions about the idea of establishing a native football organization. They agreed to quickly realize this idea by organizing a meeting with other native football associations. On April 19, 1930, a meeting was held in Yogyakarta attended by representatives from seven native football associations, including those from Bandung, Jakarta, Magelang, Yogyakarta, Surabaya, Madiun, and Surakarta. The meeting, held at the Hande Projo meeting hall, resulted in the formation of a native football organization that rivaled NIVB. This organization was named Persatoean Sepakraga Seloeroeh Indonesia (PSSI). During the meeting, Ir. Soeratin was chosen as PSSI's first chairman [10].

Driven by nationalism, the conflict between PSSI and NIVB became increasingly sharp. Initially, NIVB underestimated PSSI, believing it would not last long and that PSSI's tournaments would not attract many spectators. However, NIVB's own matches began to lose audience interest, while PSSI, with its struggle program known as the Stridij Program, successfully competed with NIVB. PSSI set an eight-year program (1930-1938) aiming to surpass NIVB in terms of organization and game quality. Even before the eighth year (1938), PSSI managed to make NIVU (NIVB changed its name to Nederlandsche Indische Voetbal Uni in 1937) sign an agreement known as the Gentleman Agreement. One of the terms in this agreement was to remove the ban on NIVU members from playing against PSSI members, marking Dutch recognition of PSSI's existence [11].

4. Football Sports Organizations in Indonesia

PSSI is recognized in Indonesia as a sports organization based on the provisions in Article 35, paragraph 1 of the Republic of Indonesia Law No. 3 of 2005 on the National Sports System, which states that the public may form the main organization for branches of sports. However, the presence of sports organizations in Indonesia is also coordinated with the Indonesian National Sports Committee (KONI). As explained in Article 36, paragraph 1 of Law No. 3 of 2005: "The main sports organization as referred to in Article 35 shall form a national sports committee." Article 36, paragraph 4 of Law No. 3 of 2005 outlines one of the functions of the national committee, which is to coordinate the main sports organizations, functional sports organizations, as well as provincial and district/city sports committees.

In the establishment of the main branch sports organizations and functional sports organizations in Indonesia, these organizations are formed by the public, as regulated in Article 47, paragraph 1 of Government Regulation (PP) No. 16 of 2007, which explains: "In the management of sports, the public may form the main branch sports organizations and functional sports organizations." By observing the use of the word "may" in this Article, it can be concluded that the formation of these organizations is based on the will of Indonesian society, showing that their creation is not driven by government interests, but rather represents freedom of association in society, where people form organizations to accommodate all activities related to the respective sports branches.

PSSI, in its MUNASLUB (Extraordinary National Conference), explains that PSSI is a sports organization engaged in football, as stated in Article 1, paragraph 5 of the 2009 MUNASLUB decree: "The Football Association of Indonesia is the sole national football organization within the legal territory of the Republic of Indonesia." In the PSSI statutes, it is referred to as PSSI or "The Football Association of Indonesia." Based on this, PSSI is regarded as the main body for the national football branch [12].

Aside from its role as a sports organization, PSSI also serves as a legal entity, as outlined in Article 47, paragraph 2 of Government Regulation No. 16 of 2007 on sports management: "Each central branch sports organization and central functional sports organization referred to in paragraph 1 must have legal status following the prevailing legal regulations." This establishes PSSI as a legal entity. As a legal entity, PSSI functions as a key figure in football. According to civil law, a legal entity can be either a person or a legal institution. PSSI's role as a football sports organization grants it broad autonomy to carry out programs to develop football in Indonesia, but this autonomy must be within limits, with supervision from both the government and society. The existence of PSSI in Indonesia is also linked to the presence of the Indonesian National Sports Committee (KONI), which was established based on Article 36, paragraph 1 of Law No. 3 of 2005 [13].

5. FIFA as the World Football Federation

As the global football federation, PSSI in Indonesia is a member of FIFA. To understand the relationship between PSSI and FIFA, it is important to first understand what FIFA is and the legal framework that serves as the basis for FIFA's governance of international football.

6. FIFA and Transnational Sports Law

FIFA is an example of a transnational institution. Although FIFA is a global football organization, it is not an international body like the United Nations (UN) or UNICEF. Instead, FIFA represents a transnational organization, as suggested by its exclusive governance and worldwide influence. The transnational nature of football means that its governance involves domestic, global, and transnational institutions that must work together harmoniously without interference from one another [14].

An example of transnational governance in football can be seen in the case of disturbances during the Indonesia vs. Bahrain match during the 2014 World Cup qualification round. In this case, Rudyamo, the head of Persis Solo, stated: "As of Thursday, FIFA has not decided the sanctions to be imposed on PSSI. According to FIFA statutes, there are three possible sanctions for Indonesia related to the incident of fireworks during the match between Indonesia and Bahrain in the Group E qualification round for the 2014 World Cup. These three possible penalties are matches without spectators, matches held outside Indonesia, or a fine." Since FIFA operates based on its own regulations, domestic law cannot intervene in transnational organizations like FIFA, as doing so could result in penalties for the national team. This situation demonstrates that neither national nor international laws have jurisdiction over FIFA, which operates under the principles of transnational law, also referred to as *Lex Sportiva* [15].

B. EXECUTIVE AUTHORITY OVER SPORTS ORGANIZATIONS IN INDONESIA

1. State Power in General

Throughout historical political evolution, the authority to avoid abuse of sovereignty by officials has become essential. In contemporary times, the perception of state institutions in continental Europe was greatly influenced by Julius Sthal. Sthal's perception of the rule of law

includes four main points: the protection of human rights, equal distribution of authority, government based on law, and administrative judiciary. These four points suggest that in a rule of law state, the equal distribution of authority must be implemented. In the core principle of presidential governance, which has a global character, there is a differentiation of powers between the legislative and executive branches. Charles O. Jones states that the principle of differentiated powers follows the doctrine of checks and balances, where each branch supervises and counterbalances the others [16].

The division of powers creates an exclusive benefit for accurately executing laws in state activities. The executive function refers to the implementation of laws or regulations. This executive function is exercised by the government in a limited sense. According to the Indonesian Constitution, "The President of the Republic of Indonesia holds executive power in accordance with the Constitution." This indicates that the power to govern the Republic of Indonesia lies in the hands of the President. From the perspective of the separation of powers theory, executive power refers to the President's role in governance. The exercise of executive authority can be divided into general governance powers and specific governmental powers [17].

2. Government Authority in Indonesia in the Field of Sports

Initially, the administration of sports in Indonesia was handled solely by the Indonesian Football Association (PSSI). However, as described earlier, the state is expected to play a role in the administration of football activities in the country. The role of the government is crucial in ensuring the general welfare of its citizens, including in the realm of sports. The state must strive to improve public welfare and promote social well-being. In this context, modern governance demands innovative and creative actions from the state to maintain public welfare [18].

The Indonesian government, in carrying out its functions, is tasked with promoting the general welfare, as outlined in the Preamble to the 1945 Constitution. General welfare here has a broad meaning, encompassing not only material well-being but also other aspects of human life, including sports. Promoting general welfare requires ensuring that all social prerequisites are met, allowing individuals to develop fully in all aspects of life. Social justice, as intended within the framework of Pancasila, is aimed at achieving harmony between the spiritual and physical well-being of citizens, including in sports activities.

In promoting public welfare, the government, as the executive authority, has responsibilities and powers in the field of sports to advance public welfare. The government also has duties in providing public services, which include creating the necessary conditions and infrastructure to ensure that citizens have adequate access to sports activities. Therefore, the government is established not merely to create public welfare but to advance it [19].

3. Authority of the Minister of Youth and Sports

The authority of the youth and sports cabinet official refers to the state position with duties similar to a state minister. The official enforces provisions based on wisdom. The position of the Republic of Indonesia's youth and sports official serves as an intermediary between the government and matters related to youth and sports. The division of power by the youth and sports official is outlined in Article 4 of Law No. 39 concerning state ministries [20].

With the allocation of power for managing sports to the official, it is necessary to have regulations in the form of laws, which analytically must explain the duties and responsibilities of the official in carrying out sports activities in Indonesia. The law governing the duties and responsibilities of the official is Law No. 3 of 2005 on the National Sports System. The authority of the youth and sports official in the implementation of sports is regulated in Article 14, paragraph 1 of Law No. 3 of 2005 concerning the domestic sports system, stating: "The role in implementing sports activities as outlined in Article 13 at the local level is well executed and consistently coordinated by the official." Article 13 of Law No. 3 of 2005 outlines the responsibilities of the youth and sports official, stating, "The authority has the right to regulate, lead, develop, execute, and monitor the implementation of local sports" [21].

Thus, the explanation above can be concluded that the youth and sports official of the Republic of Indonesia acts as a delegate in the management of ongoing sports activities in Indonesia.

Their duties and authority are regulated by Law No. 3 of 2005 on the National Sports System, as well as Regulation No. 16 of 2007 concerning the implementation of sports activities.

4. Legal System in Indonesia

The Civil Law is a system where law gains binding power because it is manifested in regulations in the form of laws and systematically codified. This basic characteristic is adopted, considering that the primary value and purpose of law is legal certainty. Legal certainty can only be realized when human actions in social interactions are governed by written legal regulations. Given this legal goal and the adopted legal system, judges cannot freely create laws with general binding power. Judges only function to determine and interpret regulations within the limits of their authority. A judge's decision in a case only binds the parties involved in the case. Countries that follow the Continental European or Civil Law system include France, Germany, the Netherlands, and former Dutch colonies like Indonesia, Japan, and Thailand. In this system, court decisions are based on applicable legislation, such as the 1945 Constitution, MPR decrees, laws, government regulations, presidential decrees, supreme court rulings, ministerial decisions, and others. Hence, court decisions are flexible depending on the judge's ruling based on the facts presented.

In this context, judges are strengthened by the principle of *Ius Curia Novit*. According to the adage *Ius Curia Novit* or *Curia Novit Jus*, judges are presumed to know and understand all laws. Thus, judges have the authority to determine which objective law should be applied according to the core subject matter involving legal relations between the disputing parties. A judge must possess deep and broad knowledge of law, including the most recent legal developments; therefore, judges must continuously update their knowledge and understanding of law and its dynamics. Judges cannot passively accept inadequate regulations because justice-seekers always place high expectations on them. The belief that the cases presented will be examined and decided in accordance with law and justice remains strong. Judges, as guardians of justice, are obligated to apply the principle of *Ius Curia Novit* in every ruling. A judge's decision, as a form of declaration in their role as a state official, must resolve the dispute, thereby marking the end of the legal examination process..

5. The Role and Legal Capacity of PSSI within Indonesia's Legal Framework

The rapid growth of sports, especially football, is evident, but the development of theories on the legal basis of physical activities lags behind. Observations show that the legal position on this issue is still unclear and highly complex, with two major concerns overshadowing its progress: legal disputes and normative principles. Regarding the discourse on legal position, Franck Latty describes *Lex Sportiva* as outside the scope of national law and without an international legal basis, distinguishing it as a transnational principle. Hınca Pandjaitan, in his book, presents a similar view, addressing issues in law enforcement related to professional football, including penalties, bans for specific reasons, and host team disturbances, as seen in FIFA Disciplinary Code cases. Such cases frequently occur in Indonesia, and the PSSI's Disciplinary Committee has issued similar decisions, banning participation in football competitions under its jurisdiction, as outlined in the PSSI Disciplinary Code aligned with FIFA's [22].

The development of National Sports Law in Indonesia is marked by legislation specifically regulating sports, including Law No. 3 of 2005 on the National Sports System and Government Regulation No. 16 of 2007 on the Organization of Sports. Both laws govern all aspects of sports-related fields. These regulations, similar to the National Sports Law framework, highlight how sports are governed in Indonesia.

The delay in paying players' salaries in the Indonesian League, such as at Deltras Sidoarjo, automatically violates the players' rights. Article 72(b) of the League Regulations states that if a club fails to meet its obligations, including player salaries, it will face penalties before the competition begins. The basis of the legal position in this matter stems from PT Liga Indonesia Baru's obligation under Article 72(b), which states that if a club fails to meet its players' rights beyond two 30-day periods, it will face a three-point deduction. This provision is essential in determining PSSI's authority in handling issues related to players' salaries.

However, PSSI's handling of professional footballers' issues remains inconsistent with the national sports legal system as outlined in Article 121, paragraphs 1 and 2 of Government Regulation No. 16 of 2007. It states that the competent authority to resolve disputes outside football competitions includes the Ministry of Youth and Sports, governors, mayors, and regents. Thus, PSSI's legal authority in resolving professional football player issues outside the competition does not align with the goals of justice, as legal certainty has not been fulfilled.

The National Sports Law in Indonesia is further reflected in the District Court ruling No. 216/Pdt.G/2022/PN Sda, which proceeded to the High Court ruling No. 468/PDT/2023/PT SBY, involving PT Delta Raya Sidoarjo (Deltras Sidoarjo). This decision, related to salary arrears, declared the plaintiff's claim inadmissible due to ambiguity. The ruling emphasized that PSSI's rules as a governing body for football are not equivalent to state law, as outlined in Law No. 10 of 2004 on the Formation of Legislation [23].

The author believes that PSSI's position as *Lex Sportiva* should not merely expand the field of professional football but also align with Indonesia's legal system. PSSI's independence as *Lex Sportiva* should be acknowledged, but its principles must adhere to the laws within Indonesia's legal framework. While PSSI's role as a governing body follows "rules of the game," it is not considered part of the "rule of law," as mentioned in Article 7, paragraph 1 of the law on legislative formation.

In this case, the judge's decision in resolving the aforementioned matter is final, considering the principle of judicial independence in carrying out their duties as a party adjudicating a case. It can be interpreted that the judge, in executing the mandate of Article 24, Paragraph 1 of the 1945 Constitution as a judicial authority, must not be bound by or pressured by anyone. Judges are free from extrajudicial interference, whether from executive or legislative powers, or any other authority, including PSSI.

Conclusion

Based on the existence of FIFA law adopted in PSSI regulations as a component of FIFA, it is only appropriate that Indonesia ensures compliance with this legal system. Therefore, the sports legal system in the country should begin to mandate greater sovereignty for local sports organizations, in accordance with the principles outlined in Law No. 3 of 2005 on the National Sports System. Every sport, including football, has "ratified" and is subject to the rules of its respective international federation. In this case, football adheres to PSSI regulations, which are based on FIFA statutes and regulations as the governing law for football worldwide.

Regarding the management of sports at the local level, the regulation, leadership, development, execution, and supervision of sports management must involve the characteristics of sports organizations in Indonesia. This is important because these organizations are the ones directly managing sports activities in the country. Furthermore, these groups have their own internal legal frameworks, which must be respected, so the state is obligated to honor the legal processes within these groups. In this context, it is important to emphasize that while the government has a role in the organization of sports, it does not mean that the government has full control over sports. In both *lex sportiva* (international sports law) and domestic sports law, sports organizations still require support from the state to function effectively. The alignment between domestic law and FIFA regulations can be described as follows: a) In football regulation, the government must ensure synchronization with PSSI as the organization representing the sport of football in Indonesia. b) There must be coordination between the government and sports organizations in setting standards for each sport. c) The government must collaborate with sports organizations in exercising state sovereignty in regulating, leading, developing, executing, and supervising sports activities. In this regard, both the government and sports organizations have equal roles, with sports organizations supporting the government. d) Government intervention should be limited to overseeing the implementation of football activities, without interfering in the internal affairs of sports organizations or the game itself. Thus, while the

state has a responsibility to regulate and oversee sports activities, local sports organizations retain autonomy in managing their sports activities in accordance with the applicable international regulations

References

- [1] J. Laws, *Penguin Class. Diterjemahkan dan diberi kata pengantar oleh Trevor J, Saunders.*
- [2] J. Raad Kertha, vol. 5, no. 2.
- [3] I. A. Hakim, "No Title," 2022.
- [4] K. Amar, Aifo, and Ridwan, "Pelaksanaan Prinsip Lex Sportiva dalam penyelesaian Kasus Tindak Pidana pada Sepak Bola di Bima NTB".
- [5] A. Syahrin, *Lex Spesialis Dragot Legi Generalis Bahan Ajar Hukum Pidana*. Medan: Fakultas Hukum Universitas Sumatera Utara, 2003.
- [6] B. E. Bevansara, S. Utari, and I. G. P. Ariana, "Akibat Hukum Penunggakan Gaji Pemain Sepakbola Dilihat Dari Hukum Internasional (Studi kasus Sergei Litvinov)".
- [7] R. Pananto, P. D. Negara, and Zulkarnain, "Analisis Terhadap Pemotongan Gaji Secara Sepihak Pada Pemain Sepak Bola Dalam Masa Pandemi Covid-19 (Studi kasus pemotongan gaji pemain di klub sepak bola Persik Kediri)," 2021.
- [8] S. A. Palupi, *Politik dan Sepak Bola*.
- [9] "61 PSSI, 60 Tahun PSSI," p. hlm 41.
- [10] Ibid, "No Title," p. hlm 16.
- [11] H. Pandjaitan, "No Title," *op cit*, p. hlm 343-344.
- [12] PSSI, "Surat keputusan Musyawarah Nasional Luar Biasa Persatuan Sepak Bola Seluruh Indonesia Tahun 2009," p. ps. 1 ayat (5).
- [13] U.-U. tentang S. K. N. Republik Indonesia, "Induk organisasi cabang olahraga sebagaimana dimaksud dalam Pasal 35 membentuk suatu komite olahraga nasional," *op cit*, p. ps. 36 ayat 1.
- [14] FIFA, "FIFA is an association registered in the Commercial Register in accordance with art. 60 ff. of the Swiss Civil Code."
- [15] H. Pandjaitan, "No Title," *op cit*, p. hlm 72.
- [16] J. Stahl, *Pokok-Pokok Hukum Tata Negara Indonesia (Pasca Reformasi)*. Jakarta: PT Bhuna Ilmu Populer, 2008.
- [17] J. Asshidiqqie, *Pergumulan Peran Pemerintah dan Parlemen Dalam Sejarah (Telaah Perbandingan Konstitusi Berbagai Negara)*. Jakarta: UI-Press, 1996.
- [18] Pandjaitan, "No Title," *op cit*, p. hlm 1.
- [19] P. Purbacaraka and S. Soekanto, *Renungan Tentang Filsafat Hukum*. Jakarta: Rajawali, 1982.
- [20] J. Ashidique, "Pokok-Pokok Hukum Tata Negara Indonesia (Pasca Reformasi)," *op cit*, p. hlm. 368.
- [21] "Republik Indonesia, Peraturan Pemerintah tentang Penyelenggaraan Keolahragaan," *op cit*, p. ps. 2.
- [22] M. James, *Sports Law, Hampshire: Palgrave Macmillan*. 2010.
- [23] B. Susanti, "Menyoal Jenis Dan Hierarki Peraturan Perundang-Undangan Di Indonesia," vol. 1, no. 2, p. hlm. 130, 2017.