

THE EXISTENCE OF ARBITRATION INSTITUTIONS FOR PERFORMANCE SPORTS ATHLETE DISPUTES (BAORI, BAKI, NDRC) IN THE PERSPECTIVE OF JUSTICE

¹Sanusi, ²Efridani Lubis, ³Abdul Haris Semendawai

^{1,2,3}Faculty of Law, Universitas Islam Assafiyah, Jakarta, Indonesia
Corresponding Author e-mail address: sanusish64@gmail.com

Abstract: Alternative dispute resolution bodies in the world of sports in Indonesia consist of several entities, namely the Indonesian Sports Arbitration Agency (BAKI), the Indonesian Sports Arbitration Body (BAORI), and the National Dispute Resolution Chamber (NDRC). The process of establishing NDRC Indonesia began with a seminar organized by the Football Association of Indonesia (PSSI) in collaboration with FIFA. Meanwhile, BAORI was established by the National Sports Committee of Indonesia (KONI), and BAKI was initiated by the Indonesian Olympic Committee (KOI). Dispute resolution in the world of sports through arbitration is regulated by Law Number 3 of 2005 concerning the National Sports System. Arbitration institutions such as BAORI, BAKI, and NDRC play a crucial role in resolving various conflicts involving athletes and relevant parties in performance sports in Indonesia. They serve as avenues for seeking justice without going through litigation processes. However, there are challenges in the decisions made by these institutions, where the decisions can favor one party in the dispute or vice versa. In case of dissatisfaction with the decision outcomes, BAKI has a system of appellate bodies that can be utilized, while BAORI and NDRC may lack similar mechanisms. NDRC, as an arbitration institution that focuses more on the sport of football, can be more effective in handling disputes that arise in this performance sport. Moreover, NDRC is affiliated with the Court of Arbitration for Sport (CAS) and has connections with FIFA, making the athlete dispute resolution process more structured compared to other sports that may not have a similar focus like BAORI and BAKI. In terminology, both BAKI and BAORI have equal positions and existences under Law Number 3 of 2005 concerning the National Sports System. Article 88 Paragraph 1 of Law 3/2005 indicates that the resolution of sports disputes should be achieved through consultation and consensus by the parent sports organizations. If consultation and consensus fail, Paragraph 2 states that dispute resolution can be pursued through arbitration or alternative dispute resolution in accordance with the regulations. If all these efforts do not result in a satisfactory resolution, Paragraph 3 states that dispute resolution can be carried out through the appropriate jurisdictional court.

Keywords: The Existence of Arbitration Institutions, Performance Sports Disputes, Justice

I. INTRODUCTION

Currently, the government pays great attention to sports achievements and encourages planned accomplishments for athletes. This effort is evident from the enactment of Law No. 11 of 2022. Previously, in 2021, the government issued Government Regulation (GR) regarding the grand design of Indonesian sports. Law No. 11 serves as a more comprehensive legal foundation, which is much needed to accommodate the ever-evolving needs in the world of sports. This is due to the dynamics within the sports world, which are constantly changing with the times. Furthermore, the sports world always adheres to international rules. Therefore, the government has considered the importance of establishing arbitration institutions that can meet the needs of athletes in achieving justice and assist in resolving sports disputes that may arise. The presence of arbitration institutions such as BAORI, BAKI, and NDRC is highly relevant in this context. These institutions play a crucial role in creating an environment that supports the development of athlete performance. Because sports achievements cannot be easily attained, the government must also provide consistent attention and support to athletes and related parties within it. These arbitration institutions serve as a platform to fairly resolve sports disputes, thereby providing incentives for athletes to improve their productivity and performance in Indonesia. The importance of the government's role in supporting performance sports is also reflected in the definition of performance sports, as regulated in the Republic of Indonesia Law No. 3 of 2005 concerning the National Sports System. Performance sports are planned,

progressive, and sustainable activities to develop athletes through competitions, with the support of sports science and technology. The goal is to enhance the abilities and potential of athletes to elevate the nation's dignity. This definition emphasizes that sports achievements require serious attention and support from the government and relevant institutions. According to the Ministry of Youth and Sports (Kemenpora 2010:18), sports achievements can be accomplished through several components, such as identifying potential athletes, providing proper coaching, and supporting training facilities and infrastructure. Therefore, the government needs to take an active role in providing adequate facilities and offering supportive guidance for the improvement of sports performance in Indonesia.

According to the provisions of Law No. 30 of 1999, Article (1), paragraph (10), alternative dispute resolution is a dispute settlement institution or a difference of opinion through procedures agreed upon by the parties involved. This resolution process can take place outside of the court system and can involve methods such as consultation, negotiation, mediation, conciliation, or expert assessment. In the world of performance sports, there are often various disputes, both between athletes, as well as between athletes and the governing bodies overseeing them, including issues related to athlete contracts, transfers, and mutations. All these issues can be categorized as disputes in the realm of performance sports, and therefore, the law mandates that they be resolved through consultation, consensus, and alternative routes via arbitration institutions. Arbitration institutions play a crucial role as a means to settle disputes between conflicting parties. The arbitration process is nearly similar to that of a court, hence often referred to as a "private court" by the public. However, to submit a dispute to arbitration, consent is required from all parties involved, in line with Article 7 of Law No. 30 of 1999, which states that "The parties may agree to settle a dispute that has arisen or will arise between them through arbitration" (Zaeni Asyhadie, 2009). Arbitration, in itself, is a process of examination, decision-making, and resolution of a civil dispute outside the general court system, based on a written arbitration agreement by the conflicting parties, as stipulated in Article 1, paragraph (1) of Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. According to several experts, arbitration is a method of dispute resolution or decision-making by a judge or a panel of judges based on the agreement of the parties to submit to the decision of the judge they have chosen (Subekti, 1992). Arbitration is often referred to as a form of peaceful adjudication, where the disputing parties hope that their disagreements regarding personal rights that they can fully control will be examined and judged by an impartial judge who is not biased toward either party, and whose decision will be binding on both parties (Harahap, M. Yahya, 2003).

Athletes are individuals involved in sports, participating in competitions or matches using their strength, agility, and speed after undergoing regular training. They are recognized and supported by sports organizations that facilitate their training. Although Law Number 3 of 2005 concerning the National Sports System does not provide a clear definition for the term "athlete," in the General Provisions Article of the Sports Law, some related terminology is as follows:

1. Sports practitioners are any individuals or groups of individuals directly involved in sports activities, including sports organizers, sports coaches, and sports personnel (Article 1, point 5).
2. Sports organizers are individuals who participate in sports with the aim of developing physical, mental, and social potential (Article 1, point 6).
3. Athletes are sports organizers who undergo regular training and participate in championships with dedication to achieve excellence (Article 1, point 7).

Sports itself refers to a series of consciously, intentionally, and regularly performed bodily movements by individuals. This activity is primarily carried out with the main purpose of improving the functional abilities of their bodies, as mentioned in the research conducted by Giriwijoyo S. in 2005. In practice, sports encompass various physical activities such as running, swimming, cycling, and many more, which are systematically performed to enhance physical fitness and health. Sports can also be interpreted as an effort to achieve physical fitness, mental health, and improved performance in daily activities. Thus, sports become an essential aspect in maintaining the well-being and fitness of individuals.

Based on the research findings, it can be concluded that the government's responsibility for the welfare of athletes in Indonesia is detailed in Law Number 3 of 2005 concerning the National Sports System. In this law, the government is mandated to fulfill various needs of athletes, including training needs in every sport, aspects of athletes' social life, and providing recognition to high-achieving athletes. Furthermore, athletes' needs are not limited to their active competitive years. The government also has a role and responsibility towards former high-achieving athletes. This is explained in Article 86 of the National Sports System Law, where every sports practitioner who has contributed to the advancement of sports has the right to receive

recognition. This recognition can take the form of facilities, insurance, scholarships, employment, honorary titles, extraordinary promotions, honorary citizenship, citizenship, old-age benefits, or other beneficial forms of recognition for sports practitioners who receive them. In the constitutional context, Article 27 paragraph (1) of the 1945 Constitution guarantees that all citizens have an equal position before the law and government and are obliged to uphold the law and government without exception. With this principle, every individual, including athletes, has the right to fair and equal treatment in order to achieve well-being and justice. In situations where conflicts or disputes arise among athletes, the state plays an important role in resolving these issues through the arbitration institutions available in the country. These arbitration institutions serve as a platform to help resolve disputes fairly and impartially, thus preserving the principle of Equality Before The Law.

In Indonesia, there are two arbitration institutions responsible for resolving disputes in the field of sports. First, the National Sports Arbitration Board of Indonesia (hereinafter referred to as BAORI), which was established by the National Sports Committee of Indonesia (hereinafter referred to as KONI) in accordance with the provisions stated in the Articles of Association and Bylaws of the National Sports Committee of Indonesia (hereinafter referred to as AD/ART KONI). Second, the Indonesian Sports Arbitration Board (hereinafter referred to as BAKI), which was established by the Indonesian Sports Committee (hereinafter referred to as KOI) to settle disputes related to the sports branches that are part of the Olympics. Both arbitration institutions were established with the hope of providing fast, effective, and efficient resolutions to disputes involving athletes.

In addition to BAORI and BAKI, there is another alternative sports dispute resolution institution known as the National Dispute Resolution Chamber (NDRC). NDRC itself was established in 2019 and specializes in resolving disputes related to football. The dispute resolution process through arbitration is regulated by Law Number 3 of 2005 concerning the National Sports System. Article 88 Paragraph 1 of Law 3/2005 stipulates that the resolution of sports disputes must be carried out through consultation and consensus reached by the parent organization of the sports branch. The importance of the roles and functions of these three arbitration institutions in resolving performance sports disputes in Indonesia cannot be ignored. In the context of BAORI, this institution was established based on Article 38 of the KONI Articles of Association, which states that BAORI has the role of resolving disputes arising from violations of the KONI Articles of Association and Bylaws, as well as other regulations stipulated by KONI or its members. Therefore, disputes of this nature are not allowed to be brought to court in Indonesia. On the other hand, BAKI was established based on the results of the Special Congress of the Indonesian Olympic Committee (KOI) in 2010, which resulted in the transformation of the Foreign Relations Commission of KONI. This is in line with the change in the form of KOI, which was previously part of KONI's functions and was separated in accordance with Law 3/2005. Furthermore, NDRC also plays a significant role in resolving disputes in the world of Indonesian football, especially those related to player contracts, coach compensation, or compensation provided by clubs when signing professional player contracts. Therefore, these three arbitration institutions have different tasks and authorities in handling performance sports disputes in Indonesia, in accordance with the applicable regulations and laws.

II. METHODE

The research method to be used for analyzing the above issues is the normative juridical research method, which is highly relevant in the context of legal aspects. With a focus on the applicable legal norms, in line with the understanding conveyed by Soerjono Soekanto and Sri Mamudji (2009), this method allows us to systematically identify, analyze, and evaluate legal regulations related to the issue under investigation. This approach will ensure that every relevant legal element with the potential to influence the context of the problem will be examined thoroughly.

The research findings in this article will be presented in the form of analytical prescriptions, which provide added value by offering concrete recommendations or advice on steps that can be taken to address or resolve the issues identified in this study. Thus, this research will not only enrich the understanding of the legal issues being discussed but will also make a practical contribution by providing relevant guidance on how to handle these problems. It is expected that this method will enrich the legal framework of thought and provide a stronger foundation for effective policy-making and legal actions in the future.

III. RESULT AND DISCUSSION

In its development, the world of alternative dispute resolution (Non-Litigation) has undergone significant changes. Initially, the focus of non-litigation dispute resolution was more related to business disputes, both on a national and international scale, whether large or small in nature. However, at present, the scope of alternative dispute resolution has expanded to include the world of sports. This indicates the need for a dispute resolution approach in the field of sports that can address issues quickly, simply, affordably, and in line with principles of justice and fairness in decision-making. Unfortunately, these principles are not always applied in conventional dispute resolution through litigation, which is why institutions like BAORI, BAKI, and NDRC have been established to handle disputes in the world of sports. It is important to note that disputes in the field of sports cannot be directly resolved through arbitration; beforehand, all parties involved in the dispute must agree to resolve it through arbitration or through the courts. The types of arbitration agreement clauses can be divided into two categories, namely *Pactum de compromittend* as regulated in Article 2 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. This law governs the resolution of disputes or differences of opinion between parties in a specific legal relationship that have entered into an arbitration agreement that expressly states that all disputes or differences of opinion arising from that legal relationship will be resolved through arbitration or through alternative dispute resolution. Furthermore, the concept of Alternative Dispute Resolution (ADR) emphasizes the importance of consensus-based dispute resolution, which has long been a practice in society. The fundamental principle is to prioritize dialogue, amicability, peace, and so on. By adhering to this concept, it can be concluded that ADR is the result of the voluntary willingness of disputing parties to settle their disputes outside of the courts, avoiding conventional adjudication mechanisms. Under the applicable positive law in Indonesia, ADR has been recognized, as stated in Article 1 point (10) of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. This article defines ADR as a dispute resolution or difference of opinion settlement institution through procedures agreed upon by the parties, which includes consultation, negotiation, mediation, conciliation, or expert assessment.

In practice, ADR can be understood as an alternative to litigation or an alternative to adjudication. An alternative to litigation refers to all dispute resolution mechanisms outside of the courts, including arbitration. Meanwhile, an alternative to adjudication refers to consensus-based or cooperative dispute resolution mechanisms that do not involve filing claims with a third party with the authority to make decisions. ADR includes consultation, negotiation, mediation, conciliation, and expert opinions, while arbitration is not part of ADR. The goal of ADR is to achieve a solution that is acceptable to all parties involved in the dispute, resulting in a win-win solution or mutually acceptable resolution. In this dimension, ADR outside of the courts has been regulated in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, affirming that if consensus through negotiation and mediation cannot be reached, dispute resolution can be pursued through arbitration or alternative dispute resolution in accordance with the prevailing regulations. If both parties cannot reach an agreement through arbitration or alternative dispute resolution, dispute resolution can be carried out through the courts with jurisdiction.

The use of arbitration institutions in resolving sports disputes has been regulated in Article 88 of the National Sports System Law (UU SKN). This article recognizes that disputes in the world of sports can be resolved through arbitration institutions. In Indonesia, there are two arbitration institutions tasked with handling sports disputes, namely BAORI and BAKI. BAORI (National Sports Arbitration Board of Indonesia) was established by the Indonesian National Sports Committee (KONI) and functions as an independent institution that handles disputes in the field of sports performance. It was founded in 2006 based on Decree Number 187 of 2006 concerning the Establishment of BAORI. BAORI has a term of 4 (four) years in each leadership and is independent, not subject to intervention by any party. Decisions issued by BAORI are final and binding on KONI and its affiliates. To resolve sports disputes and render decisions, BAORI requires one or more arbitrators appointed in accordance with Chairman of BAORI Regulation Number 1 of 2017. The qualifications for becoming a BAORI arbitrator include being an athlete, former athlete, coach, or other relevant party. On the other hand, BAKI (Indonesian Sports Arbitration Board) was officially established by the Indonesian Olympic Committee (KOI) in accordance with KOI Member Meeting 2012 Decree Number Kep.08/RA-KOI/I/2012 for sports disciplines contested in the Olympics. Information about the history of the establishment of BAKI is somewhat challenging to trace, but based on several sources, BAKI was founded in 2012 and began official operations on March 26, 2012. BAKI is considered a follow-up to the results of the Special Congress of KOI 03/KI-KOI/IV/2010 and is recognized as a legal fortress for Indonesian sports figures. BAKI is an arbitration institution that collaborates directly with the Court of Arbitration for Sport (CAS), an international arbitration institution established by the International Olympic Committee and

known as the Supreme Court of World Sport. In other words, BAKI is a counterpart to CAS in Indonesia. BAKI's function is to align itself with the provisions of the International Olympic Committee (IOC) for resolving disputes in sports disciplines contested in the Olympics in accordance with the Olympic Charter Year 2015. BAKI serves as an extension of CAS in Switzerland, which is the center for sports dispute arbitration worldwide. The existence of these two Sports Arbitration Boards in Indonesia cannot be separated from changes and developments in the organization of KOI (Indonesian Olympic Committee). KOI was originally a transformation from the Foreign Relations Commission of KONI. The main function of KOI is to oversee Indonesia's participation in international sports events such as the Olympics and Asian Games. This was previously part of the duties and functions of KONI before being separated in accordance with the National Sports System Law and Government Regulation Number 17 of 2007 concerning the Organization of Sports Weeks and Championships. Additionally, NDRC (National Dispute Resolution Chamber) is an internal arbitration institution owned by the Football Association of Indonesia (PSSI) with the primary goal of resolving disputes in Indonesian football related to:

1. Player contracts;
2. Compensation for coaches or compensation provided by clubs when signing professional player contracts, where footballers are trained at a young age while still considered amateurs; and
3. Club solidarity, which involves the mechanism of transfer awards between clubs.

The existence of the National Dispute Resolution Chamber (NDRC) has brought about significant changes in the resolution of disputes related to national football. These disputes no longer have to be brought to the Football Association of Indonesia (PSSI) because NDRC operates based on complaints. NDRC can be considered a specialized arbitration court for football-related issues, and it's important to note that this body is independent, despite being under the umbrella of PSSI. This moment in Indonesian football history is significant as it marks the first time that disputes between players and clubs are resolved through NDRC. The establishment of NDRC is one of PSSI's efforts to improve the administration of Indonesian football. NDRC Indonesia was officially formed at the end of July 2019. Indonesia became one of the four pilot project countries chosen by FIFA for the development of NDRC. This came after a period of suspension in Indonesian football, and the formation of NDRC was divided into four groups: international stakeholders, NDRC arbitrators, club representatives, and APPI arbitrators. The formation of NDRC in Indonesia actually began in February 2017 when representatives from the International Federation of Association Football (FIFA), the International Federation of Professional Footballers (FIFPro), and the European Club Association (ECA) visited Indonesia. FIFA selected Indonesia as one of the four pilot project countries for NDRC and provided financial support amounting to \$40,000 to establish this institution. The individuals involved in these groups have a legal background and represent FIFA, FIFPro, club representatives, as well as the Indonesian Professional Footballers Association (APPI). NDRC handles three types of dispute matters, which include those related to player contracts at clubs, training compensation, and solidarity compensation. Solidarity compensation is the mechanism that governs transfer awards between clubs, which is one of the key aspects of disputes in the world of football.

Here are some examples of athlete dispute resolution cases at arbitration institutions:

1. KONI East Java faced BAORI (Indonesian Sports Arbitration Body) to resolve a dispute among athletes in Jakarta regarding athlete transfers leading up to PON XVIII/2012, which remains unresolved to this day. Nine athletes from East Java planned to transfer, but their transfer process has not been adequately settled. In this context, the transfer process for these nine athletes is considered pending, and no satisfactory agreement has been reached.
2. Riau Muay Thai athlete Qori Muammar Al Syamsi continues to struggle with his uncertain fate. To date, the Indonesian Muay Thai Federation (PB Muay Thai) has not made any decisions, and neither has the Badan Arbitrase Olahraga Republik Indonesia (BAORI), which handles his dispute. The issue began when Qori represented Riau in the Porwil Sumatra competition in November 2019 in Bengkulu. In this competition, Qori competed in the 54 kg category and fought against a representative from Lampung, Zainudin. Although Qori lost the fight and failed to reach the final, it was later revealed that Zainudin was actually an athlete from Banten and had participated in professional competitions, specifically One Pride. In sports regulations, athletes who have competed professionally are prohibited from participating in amateur competitions. The Riau Muay Thai Provincial Committee protested to PB Muay Thai, providing evidence through videos to support their claim. This case then became the subject of a dispute brought before BAORI. However, to date, BAORI has not issued a decision. Qori is disappointed that PB Muay Thai and BAORI have not provided a fair decision in his case, despite concrete evidence being submitted as supporting documents.

3. The first lawsuit filed with BAKI was related to a report made by former national badminton player IcuK Sugiarto regarding alleged irregularities at the PBSI National Congress in Yogyakarta on September 21-21, 2012. IcuK filed his lawsuit on September 28, 2012. BAKI received a second report from the Central Management of the Indonesian Equestrian Sports Association (PP Pordasi), which is also a member of the National Sports Committee (KON) overseeing polo, horse racing, equestrian, and horse farming branches. Interestingly, PP Pordasi reported unsportsmanlike conduct by KOI related to the removal of Pordasi's membership from the International Equestrian Federation (FEI). While media coverage of PP Pordasi's lawsuit against KOI was not particularly intense, it is important to note that the sports-related differences between PP Pordasi and KOI have been ongoing for nearly 4 years without resolution. Therefore, Pordasi exercised its right to file for arbitration with BAKI. This dispute originated from a recommendation letter issued by KOI in March 2010, resulting in the transfer of Pordasi's membership in the Federation Equestre Internationale/FEI, which had been in place since 1975, to the Equestrian Federation of Indonesia (EFI).
4. Since its formation, NDRC has successfully resolved several football-related disputes. According to data compiled by the Indonesian Professional Footballers Association (Asosiasi Pesepak Bola Profesional Indonesia) as of September 14, 2021, there have been 122 decisions issued through NDRC. The majority of cases brought to NDRC are related to delayed salary payments, totaling 103 cases, while the remaining 19 cases involve unilateral contract terminations. Of the 122 cases that have been resolved, 67 cases have been fully settled, 5 cases are in the appeals process, and the remaining 50 cases have not reached a voluntary resolution or have not had payment made yet. In one of the cases handled by NDRC, involving Liga 2 club Kalteng Putra and the late payment of player salaries for Laskar Isen Mulang during the 2019 season, NDRC ruled that the club must pay the outstanding player salaries according to the existing contract. NDRC's decision served as the dispute resolution between the player and the club in this case. NDRC was established as one of PSSI's steps to improve the administration of Indonesian football. The National Dispute Resolution Chamber (NDRC) of Indonesia has received and resolved 20 cases involving 20 players and their respective clubs. In its decisions, NDRC has mandated clubs to comply with the contracts agreed upon. If the club fails to make payments within 45 days of receiving the decision notification, Article 24 Bis in the Regulations on The Status and Transfer of Players will be applied, which means the club will be prohibited from registering new players for three transfer periods, both domestic and international.

The existence and relevance of arbitration institutions in the resolution of sports disputes in Indonesia have been accommodated in Article 88 of the National Sports System Law (UU SKN). This article emphasizes that arbitration institutions are the most appropriate choice for settling sports disputes in the country. In line with this, Article 56 of the Arbitration Law grants authority to the Arbitration Panel to make decisions based on legal provisions or considerations of justice and fairness. Therefore, decisions issued in the arbitration process are generally more capable of achieving a sense of justice for one of the parties involved in the dispute, unlike decisions from conventional judicial bodies, which often only consider legal formalities.

1. The Roles of BAORI, BAKI, and NDRC in Resolving Performance Sports Disputes.

The role of the Indonesian Sports Arbitration Board (BAORI) is crucial as a platform for resolving disputes in the field of sports. One unique aspect is that the panel leading the hearings can be chosen by both disputing parties. It is essential to note that in BAORI, both parties cannot appeal against a final decision. However, there are some exceptions where decisions can be annulled, such as in cases involving forged documents, incomplete documents, or if one party lied during the dispute proceedings. On the other hand, the Indonesian Sports Arbitration Board (BAKI), which is part of the Indonesian Olympic Committee (KOI), also plays a significant role in resolving sports-related issues. BAKI was established by KOI as a judicial body with the primary goal of settling disputes among KOI members that cannot be resolved through consultation and consensus at the organizational level. This institution is expected to provide legal protection for both the central governing body (PB) of sports organizations in Indonesia and the entire sports community. The presence of BAKI is one of the efforts to support the parent organizations in resolving issues involving athletes. Meanwhile, the National Dispute Resolution Chamber (NDRC) is an arbitration institution specifically dedicated to resolving performance sports disputes in the field of football. NDRC has a very specific role and authority in handling disputes in the world of football. Its existence provides a solution for the sport of football in Indonesia, with a primary focus on resolving disputes related to performance in that field. NDRC serves as an institution that facilitates the resolution of disputes in football, complementing the roles of BAORI and BAKI in resolving sports disputes in Indonesia.

And in Law Number 3 of 2005 concerning the National Sports System ("Law 3/2005"), the resolution of sports disputes is regulated in Article 88 of Law 3/2005, which is explained as follows:

- a. The resolution of sports disputes is attempted through consultation and consensus conducted by the parent organizations of sports branches.
- b. If consultation and consensus as referred to in paragraph (1) are not achieved, the resolution of disputes may be pursued through arbitration or alternative dispute resolution in accordance with the prevailing laws and regulations.
- c. If the resolution of disputes as referred to in paragraph (2) is not achieved, the resolution of disputes may be conducted through the appropriate court within its jurisdiction.

So, it is clear that the legal framework for the process of resolving sports disputes is outlined in Law 3/2005.

2. **Overlapping Authority of Arbitration Institutions in Indonesia in Resolving Performance Sports Disputes**
Overlapping authority in resolving sports disputes became an issue when the Football Association of Indonesia (PSSI) and the Indonesian Football Rescue Committee (KPSI) were involved in a dispute related to the selection of an arbitration institution. They had to choose between the Indonesian Sports Arbitration Board (BAKI) and the Sports Arbitration Board of the Republic of Indonesia (BAORI). At that time, PSSI tended to resolve the issue with KPSI through the arbitration mechanism of BAKI. BAKI has a direct affiliation with the Court of Arbitration for Sport (CAS), an international arbitration institution established by the International Olympic Committee. The sports world is more familiar with CAS as the "Supreme Court of World Sport," making BAKI regarded as the counterpart of CAS in Indonesia. It's essential to note that until 2012, BAKI had two representatives recognized by CAS to serve as arbitrators at CAS, namely Dr. Rusiana Anggoro and Dr. Itwan Gani. Although BAORI also has authority as an arbitration institution in Indonesia, the difference lies in the accountability mechanism. BAKI is affiliated with CAS, while BAORI is affiliated with the National Sports Committee of Indonesia (KONI). However, the role of BAORI becomes weaker when there are athletes or dispute cases that feel they did not receive justice. This is due to the lack of an institution that can handle appeals for cases resolved by BAORI, unlike BAKI, which accommodates appellants to file appeals with CAS. With the existence of the National Dispute Resolution Chamber (NDRC) as an internal arbitration institution, PSSI, as the governing body of football in Indonesia, must maintain intensive communication with BAKI and CAS. This is done to avoid potential conflicts between NDRC and BAKI as CAS affiliates in Indonesia. NDRC still has to adhere to FIFA statutes that recognize CAS as the realm for international sports arbitration resolution.

Based on the analysis of the above conditions, the author argues that the existence of NDRC should be strengthened in terms of its functions and authority as an arbitration institution handling performance sports disputes. This is important to prevent a power duality between BAKI and NDRC that could lead to conflicts in dispute resolution, especially in seeking justice for athletes. So far, BAORI does not have an affiliated institution like BAKI, so special attention is needed in addressing situations where athletes or disputing parties involve both BAORI and BAKI. This can lead to differences in final and binding decisions, so it is important to find a fair and efficient solution to resolve sports disputes in Indonesia.

According to the author, although both BAORI and BAKI are arbitration institutions aimed at resolving disputes through alternative means, both of these institutions play a role in handling athlete disputes in Indonesia. The same goes for the football-specific arbitration institution NDRC, which has a more specific focus on mediating disputes in the field of sports. What sets them apart is that NDRC has a specific focus on sports disputes in the football branch. However, both BAORI and BAKI still compete with each other in terms of authority in resolving performance sports disputes for athletes. Both institutions cover all sports branches, as explained earlier. In terms of the position between BAKI and BAORI, they have equal status. The difference lies in the tasks of each institution. BAKI focuses more on Olympic-related sports issues, while BAORI handles disputes across national sports branches.

Sports Arbitration Board

Article 38

1. KONI has a Sports Arbitration Board as an institution to resolve disputes arising from violations of the Articles of Association and Bylaws as well as other regulations established by KONI or its members, so it is not allowed to bring such disputes to the jurisdiction of any court in Indonesia.

2. KONI and its members, including their officials, are bound by the decisions of the Sports Arbitration Board.

Article 39

1. The Sports Arbitration Board is independent.
2. The term of office of the Sports Arbitration Board officials follows the term of office of the Chairman of KONI.
3. The composition of the officials, duties, and functions of the Sports Arbitration Board are determined in the General Assembly.
4. The Sports Arbitration Board is obliged to formulate and establish procedural rules for hearings.
5. Decisions of the Sports Arbitration Board are final and binding on the parties involved within the jurisdiction of the Republic of Indonesia.

During the Coordination Meeting of KONI in Surabaya on October 30-31, 2010, there was actually an agenda prepared to discuss the existence of BAKI as a replacement for BAORI and the reunification of KONI and KOI. However, unfortunately, there was no further news about the results of these discussions. The formation of BAKI was later discussed through several statements by the chairman of BAKI in various mass media and digital reports, stating that the existence of BAORI was no longer considered. This was supported by the fact that the articles in the KONI Articles of Association/Bylaws that served as the basis for BAORI were found to be contradictory to Article 88 Paragraph 3 of the National Sports System Law (Sistem Keolahragaan Nasional), which states that "If dispute resolution as referred to in paragraph 2 is not achieved, dispute resolution can be carried out through the court with jurisdiction."

The existence of NDRC itself is a kind of internal arbitration institution owned by PSSI, with its main purpose being to resolve disputes that cover the following areas:

1. Player contracts.
2. Compensation for coaches or compensation given by clubs when signing professional player contracts, where footballers are trained at a young age while still amateur status.
3. Club solidarity, which is the mechanism for transferring awards between clubs.

In the future, the composition of NDRC will consist of various parties related to the world of football, such as player representatives, club representatives, and PSSI representatives. Information about NDRC is still limited, so the author will try to explain arbitration in general. Arbitration institutions are often chosen as an alternative dispute resolution outside the court system. Indonesia has regulated arbitration in positive law through Law Number 30 of 1999 concerning arbitration and alternative dispute resolution. Article 1 paragraph (1) of this law defines arbitration as follows: "Arbitration is a method of settling a civil dispute outside the general court based on a written arbitration agreement made by the parties concerned." The presence of the National Sports Committee of Indonesia (KONI) and the Indonesian Olympic Committee (KOI) has different responsibilities, tasks, and roles. However, sometimes there is an overlap of conflicting interests between the two, blurring the boundaries between them.

In the perspective of justice within arbitration institutions such as the Indonesian Sports Arbitration Body (BAKI) and the Indonesian Sports Arbitration Board (BAORI), the types of disputes they handle can influence the quality of the decisions they make. Currently, there are alternative sports dispute resolution bodies, namely BAKI and BAORI. Dispute resolution through arbitration is regulated in Law Number 3 of 2005 concerning the National Sports System. Article 88 Paragraph 1 of Law 3/2005 states that the resolution of sports disputes is attempted through consultation and consensus conducted by the parent organization of sports branches. Furthermore, if consultation and consensus are not achieved, the dispute can be resolved through arbitration or alternative dispute resolution in accordance with prevailing laws and regulations. If dispute resolution through arbitration is not successful, the dispute can be resolved through the appropriate court's jurisdiction. BAKI and BAORI are arbitration bodies related to sports dispute resolution. These two arbitration bodies have differences in the types of disputes they handle. First, BAORI is established by the Indonesian National Sports Committee (KONI) and is designated in KONI's Articles of Association, Article 38, as a dispute resolution body that does not allow disputes to be brought to court in Indonesia. Second, BAKI was established based on the results of the Special Congress of the Indonesian Olympic Committee (KOI) on May 26, 2010. The existence of these two sports arbitration bodies is closely related to the emergence of the Indonesian Olympic Committee as a change in form from the KONI Foreign Relations Commission.

In addition to BAKI and BAORI, the existence of the National Dispute Resolution Chamber (NDRC) of the Indonesian Football Association (PSSI) also plays a significant role in facilitating athletes to obtain justice in football-related cases. NDRC allows athletes to resolve football-related issues without going through the general courts. NDRC acts based on complaints and functions as an arbitration court, but specifically for football. Despite being under the auspices of PSSI, NDRC is considered independent and capable of producing valid and fair decisions. The main difference between NDRC and BAKI and BAORI is that NDRC focuses more on performance-related sports disputes in football, while BAKI and BAORI handle disputes in all sports branches. Because NDRC deals with football disputes, players and clubs can resolve their disputes more quickly and efficiently through this institution. This is different from BAKI and BAORI, which have broader coverage and may not always produce decisions that favor one party. BAORI, BAKI, and NDRC are the three sports dispute resolution bodies in Indonesia, where they handle disputes involving specific sports branches and their athletes. BAORI and BAKI, as the two dominant bodies in sports dispute resolution across all sports branches in Indonesia, have the potential to be involved in conflicts, especially if one institution issues a different decision from the other. For example, a dispute decision at BAKI may declare innocence, while at BAORI, it may declare guilt, leading to tension between the two institutions. The main difference between BAORI and BAKI and NDRC is that BAORI and BAKI have broader coverage as they handle disputes in all sports branches in Indonesia. On the other hand, NDRC focuses more on a specific sports branch, which is football. This allows NDRC to achieve a higher level of legal certainty in dispute resolution due to its specific focus. Therefore, the decisions made by NDRC can be more just and contextually appropriate in the context of football.

IV. CONCLUSION

Article 102 of Law Number 11 of 2022 concerning Sports regulates that the resolution of sports disputes is first attempted through consultation and consensus involving the parent organization of the sports branch. If consultation and consensus do not result in a resolution, the next step is through mediation, conciliation, or arbitration. The existence of BAORI in Indonesia is not yet ideal. For example, if a party is not satisfied with BAORI's decision, filing an appeal becomes difficult because there is no clear appellate body. This is different from BAKI, which allows dissatisfied parties to appeal to the Court of Arbitration for Sport (CAS). The establishment of the National Dispute Resolution Chamber (NDRC) is considered a step to enhance the quality of Indonesian football. This independent body aims to resolve disputes that may arise between players and clubs. NDRC serves as a platform for resolving disputes related to player contracts at clubs, training compensation, and solidarity compensation in the inter-club transfer award mechanism. In the context of sports dispute resolution, the existence of BAORI needs to be strengthened while maintaining its independence. In line with Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, the presence of BAORI aligns with the logic of Sports Law, which requires a dispute resolution body for the sports community.

BAKI, or the Indonesian Sports Arbitration Body, is a judicial body established by the Indonesian Olympic Committee (KOI) and began operating on March 27, 2012. Decisions issued by BAKI are final and binding. With the presence of NDRC, it is hoped that the quality of Indonesian football will improve, and all disputes related to national football can be resolved efficiently. NDRC acts as an independent body to handle disputes that may arise between players and clubs, with a focus on training compensation, club solidarity, and club/player contracts. It should be noted that dispute resolution through arbitration is regulated in Law Number 3 of 2005 concerning the National Sports System. Article 88 Paragraph 1 of Law 3/2005 states that the resolution of sports disputes is prioritized through consultation and consensus conducted by the parent organization of sports branches. If consultation and consensus fail, the next step is to resolve the dispute through arbitration or alternative dispute resolution in accordance with the prevailing laws and regulations. Paragraph 3 states that if dispute resolution through these means is also unsuccessful, the dispute may be resolved through the competent court. Currently, there are three arbitration bodies related to sports dispute resolution: BAKI, BAORI, and NDRC. These three arbitration bodies handle various types of disputes in the sports world. The dispute resolution process through arbitration results in an Arbitration Award. In accordance with Law Number 30 of 1999, arbitrators or arbitration panels are required to issue an arbitration award no later than 30 days after the completion of the dispute examination by the arbitrator. If there are administrative errors in the award, the parties are given 14 days after the award is issued to request corrections. The arbitration award is final and binding on the parties directly. For its implementation, the arbitration award must be registered by the arbitrator or their attorney with the clerk of the district court. After registration, the chief judge of the district court has 30 days to issue an enforcement order for the

arbitration award. In addition to arbitration, non-litigation dispute resolution can also be carried out through Alternative Dispute Resolution (ADR) processes.

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