

# Legal Protection of the Welfare of Sports Athletes in the Perspective of Law Number 3 of 2005

**Indra Saputra\***<sup>1</sup>

**Mohamad Tohari**<sup>2</sup>

<sup>1,2</sup> Universitas Darul Ulum Islamic Centre Sudirman GUPPI

\*e-mail: [dr.putra88@gmail.com](mailto:dr.putra88@gmail.com)<sup>1</sup>, [mohamadtohari.undaris@gmail.com](mailto:mohamadtohari.undaris@gmail.com)<sup>2</sup>

\*Correspondence: [dr.putra88@gmail.com](mailto:dr.putra88@gmail.com)

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**Abstrak.** Sports law in Indonesia has been inadequate, with the absence of comprehensive regulations governing various aspects of national sports. This has resulted in the lack of legal protection and unfulfilled welfare for sports actors who demand their rights. The Sports Law (SKN Law) emphasizes the need to position sports clearly in the national legal system as part of the process and achievement of national development goals. This research adopts a normative approach, using both statutory and conceptual methods. Secondary data serves as the primary source, and qualitative descriptive analysis is employed. Conclusions are drawn deductively, focusing on the topic of Legal Protection for the Welfare of Sports Athletes in relation to Law Number 3 of 2005. The findings reveal that Law Number 3, which established the National Sports System, encompasses interconnected elements such as sports actors, organizations, infrastructure, facilities, community participation, and supporting aspects like science, technology, information, and the sports industry. These elements require support from decision-making institutions, organizational empowerment, human resource development, sports facilities improvement, and adequate funding. The ultimate objective of sporting activities is to ensure the welfare of athletes.

**Keywords:** Legal Protection; Welfare of Sports Athletes; Law No. 3 of 2005.

## INTRODUCTION

Indonesia as a state in light of regulation, as expressed in Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia which expresses that: The Province of Indonesia is a state in view of the law so Indonesia has the privilege to maintain the basic liberties of each and every resident. Indonesia as a sacred state in view of Pancasila, which guarantees the legal status of every citizen by law, has the goal of becoming a peaceful, safe, orderly, and prosperous country in realizing the order of life for the Indonesian state. Every citizen must be treated and given the same position before the law for the security of his life and safety, honor, and property. Article 27 passage (1) of the 1945 Constitution ensures that all residents have a similar situation under the watchful eye of the law and government and are obliged to maintain the law and government no matter what (Paramitha & Ramdhani, 2018).

The law has not played a full role in the field of sports in Indonesia. The sports sector has so far been regulated by statutory regulations under laws that as a whole have not regulated all aspects of national sports, or are only partial. In addition, in the field of sports, an orderly legal order has not been reflected. So that many sports actors' welfare has not been fulfilled and there is no legal protection for them when they demand that their rights be fulfilled. The SKN Regulation as an umbrella for sports regulation in Indonesia makes sense of that in friendly, public, and state life, the presence and job of game

which is essential for the cycle and accomplishment of public improvement objectives should be put in an unmistakable situation in the public overall set of laws (Usdurah, 2019).

In such manner, Regulation Number 3 of 2005 concerning the Public Games Framework underscores that game is essential for the cycle and accomplishment of public improvement objectives, so the presence and job of game in the existence of society, country, and state should be set in an unmistakable situation in the lawful public framework. In the mean time, the execution of sports capabilities to foster physical, otherworldly, and social capacities and profoundly mold family wellbeing by focusing on or completing proactive tasks, actual activity, and sports, as well as framing noble person and character. Organizing sports is a strategic part of the effort to realize the Vision and Mission of regional development. That is, the development and implementation of sports have an equally important role in the development of other fields such as education, health, economy, and others (Winaldi, 2016). Therefore, the implementation of sports needs special attention, both from the Government and Regional Governments.

On the other hand, sports achievement is a benchmark for regional progress, so various efforts are needed to achieve optimal performance. Building sports achievements is not as easy as making physical buildings. A champion in sports does not appear suddenly, but must go through a long process, have strong self-

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discipline, and train hard and continuously from an early age, under the guidance and guidance of a professional trainer. Therefore, efforts to improve and strengthen institutions, foster and train human resources, both athletes and trainers as well as sports financing must be a priority program in sports development both at the central and regional levels. Talking about achievements in the field of sports, many think that the success of sports coaching is only identified with winning medals in an event. This assumption is certainly not wrong, but not entirely true because in every multi-sport competition (multi-event) the acquisition of medals is indeed a measure of the success of a region or country in developing its sporting achievements (Agung Nugroho & Sumaryanto, 2021). However, medals are only one aspect and not everything. In addition, achievement sports are only one of the pillars of sports building. The most important thing here is the very essential and universal basic philosophy of the success of sports coaching is respect for human values (celebration of humanity).

In light of Article 1 point (5) of Regulation Number 3 of 2005 concerning the Public Games Framework, the State Paper of the Republic of Indonesia of 2005 Number 89, an extra Sheet of the Republic of Indonesia Number 4535 hereinafter alluded to as (UU SKN) states, "Sports entertainers are each individual as well as gatherings who are straightforwardly engaged with sports exercises which incorporate games mentors, sports coaches, and sports personnel Every sports actor in carrying out his profession has the

right to receive welfare services (HARTINI et al., 2019). One part of sports actors are athletes. Forms of welfare that can be given to Sports actors are explained by the SKN Law, in Article 86 where every sports actor who has contributed to advancing sports has the right to receive awards in the form of grants of convenience, insurance, scholarships, jobs, honors, extraordinary promotions, honorary citizens, citizenship, welfare, day guarantees. parents, or other forms of appreciation that are beneficial to every athlete who receives an award (Dewi, 2022).

In addition to the welfare provided, every athlete has the right to legal protection from the government. Protection for sports actors is needed based on the applicable statutory regulations. The SKN Law, Article 55 paragraph (3) explains that "Every professional athlete has the right to (a) be accompanied by, among others, managers, coaches, medical personnel, psychologists and legal experts, (b) take part in championships at all levels by provisions, (c) get coaching and development from the parent sports organization, professional sports organization, or functional sports organization, (d) get a decent income". Then in Article 64 explains that sports personnel in carrying out their profession have the right to receive: (a) guidance, development, and improvement of skills through training, (b) safety guarantees, career advancement, welfare services, legal assistance, and/or awards[6].

Article 27 section (1) of the 1945 Constitution ensures that all residents have a similar situation under the steady gaze of

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regulation and government and are obliged to maintain the law and government no matter what. By adhering to the principle of Equality Before The Law, every person or profession should have the right to obtain the same position and treatment to obtain welfare from the state. Because welfare is the economic right of citizens, the state is obliged to provide guarantees of certainty as guarantees for the protection of citizens' human rights. In the context of regional sports actors in the Regency, the Regional Government through the Sports and Youth Service is obliged to fulfill the rights of sports actors. The government's attention can take the form of fostering the social life of high-achieving athletes, such as providing income and facilities to support increased athlete performance, awarding sports awards such as athlete bonuses, and so on (Saputro, 2014). Even though there is already a law that regulates the National Sports System regarding the welfare of athletes, there are still many athletes whose welfare has not been fulfilled.

## **MATERIALS AND METHODS**

This kind of exploration is standardizing research. The methodology utilized is a legal methodology (resolution approach) and a calculated methodology (reasonable methodology). The wellspring of information utilized is auxiliary information. Information examination was done in an elucidating subjective (Anggito & Setiawan, 2018). Concluding is carried out using the deductive method, namely concluding from general to specific, especially those related to the research

topic, namely Legal Protection of the Welfare of Sports Athletes. Subjective information examination is completed on the off chance that the experimental information got is as an assortment of words and not in that frame of mind of a progression of numbers and can't be sorted out into classes. The information might be gathered in different ways (perception interviews, archive occurrences, and tape accounts). Also, normally handled first prior to being utilized in subjective exploration including the consequences of interview records, information decrease, examination, information understanding, and triangulation (Amirudin, 2010).

## **RESULTS AND DISCUSSION**

### **Legal Protection for the Welfare of Sports Athletes in the Perspective of Law Number 3 of 2005**

Articles of the Games Regulation make sense of that Public games plan to keep up with and further develop wellbeing and wellness, accomplishment, human quality, impart virtues and respectable person, sportsmanship, discipline, reinforce and cultivate public solidarity and respectability, fortify public flexibility, and raise public pride and honor. Based on the provisions of Article 3 and the Sports System Law as explained above, the implementation of the National Sports System in the current period has been more or less achieved, however, not many people are aware that sport is a complete picture of life that can increase the standard of living. human quality, so that Indonesian people's knowledge of sports must be

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increased, such as the government's slogan of exercising society and socializing sports (Cholik, 2007).

Article 6 of the Sports System Law explains that every Indonesian citizen has the same rights in sports activities, sports services, chooses sports according to their interests, receives direction and guidance, becomes a sports actor, and develops the sports industry. Apart from that, in Article 7 it is explained that citizens who have physical or mental disabilities have the right to obtain special sports services (Permatasari et al., 2014). In the mean time, Article 8 accommodates the commitment of each and every resident to partake in sports exercises and keep up with sports framework and offices as well as the climate.

The public authority, nearby government, and networks are liable for arranging, securing, using, keeping up with, and directing games foundation. The public authority and provincial states ensure the accessibility of sports framework by the principles and necessities of the focal and neighborhood legislatures. The number and sort of sports foundation constructed should think about the fostering game's likely in the neighborhood. Sports foundation worked in the locales should meet the base amount and guidelines set by the government (HARTINI et al., 2019). Business substances participated in lodging and settlement improvement are committed to furnish sports foundation as open offices with guidelines and prerequisites set by the public authority which are then given over to the territorial government as a resource having a place with the nearby government.

Presidential Regulation No. 95 of 2017 which some things should be obtained by an athlete. Article 18 "The development of the social life of outstanding athletes and outstanding coaches includes the provision of income and facilities and the provision of sports awards. As well as Article 86 of Law No. 3 of 2005 The government previously created the National Sports Standardization and Accreditation Body (BSANK) which was made on the legal basis of Presidential Regulation No. 11 of 2014 which aims to develop, monitor and report on the achievement of national sports standards. BSANK is under and responsible to the Minister and is domiciled in the Capital City of the Unitary State of the Republic of Indonesia. BSANK made a breakthrough in the world of national sports. Relying on Law Number 3 of 2005 concerning the National Sports System in conjunction with Presidential Regulation No. 11 of 2014, BSANK accredits all sports in Indonesia (Paramitha & Ramdhani, 2018).

Regulation Number 3 concerning the Public Games Framework (SKN) gave in 2005 has components that are commonly bound and consistent (sports entertainers, sports associations and sports, sports foundation and offices, local area cooperation, sports support including science, innovation, data, and sports industry). (Winaldi, 2016) All of these elements require support from institutions as decision makers, organizational empowerment as a manager, development of the quality of human resources as activity implementers, development of sports facilities and infrastructure, and

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funding. The ultimate goal of sporting activities is the welfare of the athletes.

### **Juridical Urgency of the Government's Role in the Welfare of Sports Athletes**

In Regulation Number 23 of 2014 concerning Provincial Government, decentralization is deciphered as the exchange of government authority by the focal government to independent areas to control and oversee government undertakings inside the arrangement of the Unitary Condition of the Republic of Indonesia. The main objective of the implementation of the regional autonomy policy is to free the central government from all burdensome and unnecessary governmental tasks because it is more effective if it is handled by the local government. Thus the center has more time to observe and respond to any developments that occur in the global world to be taken into consideration for any policies to be taken. It is time for the Regional Government, in this case, the Provincial/District/City Government, to pay more attention to and regulate in a planned, systematic, and professional manner every form of sports organization due to the demands of global change. Several things can be observed from Government Regulation Number 16 of 2007, namely: There is a spirit of regional autonomy in this government regulation, in which the division of tasks, responsibilities, and authorities of the Government and Regional Governments is regulated. This is a further elaboration of the provisions of Articles 12 to 26 of Law Number 3 of 2005. Related matters are likewise managed in

Article 7 passage (2) letter h of Unofficial law Number 38 of 2007 concerning the Division of Government Undertakings between the Public authority, Common States, and Rule/City Local Government (Herry, 2014).

Support for managing the skills possessed by athletes both in terms of the sports involved or other potential athletes is worthy of being developed when they retire. The government's full support for national athletes adds to confidence. When you become an athlete, various facilities and infrastructure are provided, as living allowances and preparation if you are no longer an athlete. The hope is that apart from being calm when preparing yourself as an athlete to compete, you are also ready when you enter retirement. By the Theory of State Responsibility, in every legal system, there must be responsibility for failure to carry out the obligations imposed by its legal regulations (HARTINI et al., 2019). The lack of clarity on the state's responsibility for athletes, especially retirement benefits, which the state responsibility is divided into five, namely economic responsibility, economic responsibility is a state responsibility that is very important for the government to realize for athletes, considering that athletes are people who have ability and achievement As it is said that an athlete is a hero because one/group of people who can fly the flag in another country is an athlete, therefore an athlete is considered a hero(Permatasari et al., 2014). Therefore, athletes need to get attention from the government, and one of the government's concerns for the welfare of athletes is a

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form of government attention to athletes and former athletes who have achievements.

Achieving these achievements requires a very long process, starting from fostering sports actors, and fulfilling infrastructure facilities, to the government's role in improving the welfare of every sports actor. One of them is an athlete, who must sacrifice time, energy, and material, and even has to be willing to go far away and be separated from his family to fight for achievements so that he can raise the red and white flag on the highest pole in every competition. Therefore, it cannot be denied that athletes also expect material rewards from the government that can support their lives in the future (Usdurah, 2019). The government's full support is needed to increase the athlete's confidence. Adequate infrastructure is also needed. It will encourage athletes to practice. In addition, athletes will feel calm when preparing for the competition and can produce maximum performance.

It shows that the government is serious about reviving sports achievements for Indonesia itself in the eyes of the sports world. With the explanation and elaboration above, it can be concluded that it is necessary to explain the limitations such as what rights athletes will receive for old age security, especially the government's responsibility for economic responsibility, preferably in the Law on sports explaining the limitations of what kind of rights which should be included bearing in mind that economic responsibility is a very sensitive matter if it is not realized, and the reality that athletes are currently receiving is that there is no

state responsibility either economically or socially towards athletes.

## **CONCLUSIONS**

The basic roles and responsibilities of the government in the welfare of athletes in Indonesia are regulated in Law no. 3 of 2005 concerning the National Sports System which regulates the government's responsibility to meet all the needs of athletes in Indonesia.

The needs of the athletes in question are fulfilling the training needs in each sport, the social life of athletes, and respect for outstanding athletes. In addition to athletes who are still active, the government also plays a role and is responsible for former outstanding athletes, by giving awards by the governing rules and regulations.

The government, neighborhood government, and the local area are liable for arranging, getting, using, keeping up with, and managing sports foundation. The public authority and territorial states ensure the accessibility of sports foundation by the guidelines and necessities of the focal government and nearby legislatures. The number and kind of sports framework constructed should think about the fostering game's possible in the neighborhood.

For professional athletes, must read more carefully every work agreement/contract of work that will be signed. Do not let the lack of understanding and carelessness of athletes cause disputes and losses. Athletes must be accompanied by a manager and work agreements made must go through a notary. The Law on the National Sports

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System and the Law on Manpower must be updated because the Law on the National Sports System and the Law on Manpower currently do not accommodate the interests of athletes as workers and especially regarding dispute resolution forums.

It should be even more assertive in applying sanctions to sports branches that commit administrative violations, so that sports can correct their violations and become even better in the future.

It is hoped that the government will provide programs such as education and upgrading/training to the management of sports branch organizations so that they have sufficient competence and qualifications in organizing sports.

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