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The Complexities of Illegal Athlete Transfers: A Challenge to the Integrity of Regional–National Championships and the Implementation of Law Number 11 of 2022

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ABSTRACT

*The practice of illegal athlete transfers is a latent problem that fundamentally threatens the integrity of competition and the sports development system in Indonesia. Despite the enactment of Law Number 11 of 2022, this practice persists due to the complexity of the issue, which has not been fully unraveled. This study aims to deconstruct the systemic pathology of illegal athlete transfers by analyzing the interconnection of the juridical, institutional, and socio-political factors that perpetuate it. Employing a socio-legal research method with a qualitative approach, this study examines statutory regulations, academic literature, and relevant case studies to investigate the topic. The findings indicate that the practice of illegal transfers is a symptom of three main pillars of weakness. First, regulatory fragmentation results from the conflict between national law and *lex sportiva*. Second, the dysfunction of oversight institutions and the absence of a centralized data infrastructure. Third, the functional paralysis of Law Number 11 of 2022 is due to the absence of specific and comprehensive implementing regulations governing inter-regional athlete transfer mechanisms. These weaknesses are actively exploited by a culture of politicization and patronage entrenched in sports governance. It is concluded that piecemeal reforms will not be effective. A comprehensive reform roadmap is required, encompassing regulatory harmonization, institutional strengthening, depoliticization, and the enhancement of legal literacy to build a sports ecosystem founded on integrity and accountability.*

Keywords: *Championship Integrity; Illegal Athlete Transfers; Politicization of Sport; Sports Governance; Sports Law.*

INTRODUCTION

Beneath the surface of celebrated achievements, the Indonesian sports ecosystem harbors a latent problem that fundamentally threatens the integrity of competition: the practice of illegal athlete transfers. This phenomenon not only harms clubs and federations but also erodes the very foundations of sportsmanship (Jonson & Hoye, 2011; Ma'mun et al., 2022). Paradoxically, this illicit practice exploits the transfer mechanism, which is normatively established as a legal instrument to support mobility and professionalization within sports (Casini, 2011; Ma'mun & Mahendra, 2021). The diverse manifestations of these illegal practices—ranging from undocumented recruitment and manipulation of residency status to the instantaneous mobilization of athletes immediately preceding competitions (Subawa & Hermanto, 2023)—signify a systematic exploitation, rather than mere casuistic procedural violations.

The destructive impact of this practice extends beyond the erosion of sportsmanship; it reflects systemic weaknesses in legal oversight and sports governance (Kleef, 2014). Habibulah and Sung (2021) assert that the absence of legal certainty concerning transfer status—particularly in cases of inter-regional transfers—creates manipulative loopholes that are detrimental to both the athletes' regions of origin and their development institutions. Within the Indonesian context, this issue is further complicated by the friction between national legal norms and international *lex sportiva*, as well as the intervention of political actors in the governance of sports authorities (Ulhaq & Rugchatjaroen, 2024).

As a juridical response, the Government enacted Law Number 11 of 2022, a legal framework designed to comprehensively restructure the national sports system, from institutional aspects to the establishment of the Indonesian Sports Arbitration Body or *Badan Arbitrase Keolahragaan Indonesia* (BAKI). However, the efficacy of this legal framework is hindered by serious implementation challenges, such as delays in formulating and implementing regulations, low legal literacy among stakeholders, and institutional resistance from federations accustomed to operating with informal autonomy (Nadiasa & Kurniawan, 2024).

Furthermore, the socio-political dimension serves as a primary accelerator for this governance dysfunction. The involvement of public officials in the governance of sports federations, as analyzed by Fadhlilah et al. (2024), creates inherent conflicts of interest that violate the principles of good governance. This intervention directly undermines autonomy and professionalism in athlete development, selection, and transfer processes, thereby creating opportunities for non-technical influences in strategic decision-making.

A review of the literature indicates that the problem of illegal transfers is rooted in several fundamental factors. *First*, juridical loopholes persist. Ulhaq and Rugchatjaroen (2024) argue that the failure to fully adopt the principles of *lex sportiva* into domestic law has resulted in legal inconsistency and uncertainty. This view is reinforced by Habibulah and Sung (2021), who emphasise the importance of aligning national regulations with international standards to ensure legal certainty in transfer statuses.

Second, institutional governance is dysfunctional. Kusumawardhana and Badaruddin (2018) identify a structural disarray stemming from overlapping authorities among state actors, sports organizations, and international federations. According to García et al. (2017) and Fadhlilah et al. (2024), this disarray is exacerbated by conflicts of interest involving public officials who hold concurrent positions within federations, consequently weakening oversight and creating opportunities for political intervention.

Third, significant barriers hinder the implementation of regulations. The enactment of Law Number 11 of 2022 as a reformative legal framework has yet to prove a definitive solution. Nadiasa and Kurniawan (2024) observe the presence of structural and cultural impediments, including a vacuum in implementing regulations and the continued ineffectiveness of BAKI. Research by N. Silvana et al. (2025) confirms that the principles of good sport governance—transparency, accountability, and fairness—have not been thoroughly internalized. This failure of internalization underscores the necessity for a measurable framework, such as the one developed by

[Geeraert \(2018\)](#) through a series of governance indicators, which could be adopted to reform transfer regulations and establish independent oversight mechanisms.

Although existing literature has separately identified these juridical and political factors, no research has systematically analyzed how juridical weaknesses and political interventions reciprocally reinforce one another to create a pathological syndrome in Indonesian sports governance, particularly in the post-Law Number 11 of 2022 era. This study addresses this lacuna by proposing an interdisciplinary diagnostic framework that examines how legal deficiencies and political interference mutually reinforce each other. Grounded in this urgency, the research aims to comprehensively unravel the complexities of illegal athlete transfers in Indonesia. *First*, it will identify the legal and institutional challenges associated with implementing athlete transfer regulations following the enactment of Law Number 11 of 2022. *Second*, it will analyze the socio-political dynamics that impede law enforcement. *Third*, it will assess the effectiveness of the existing legal framework in formulating an ideal governance model. Through the achievement of these objectives, this research is expected to yield two principal benefits. Theoretically, it offers a novel interdisciplinary analytical model for understanding the pathology within Indonesian sports law. Practically, its findings are designed to generate prescriptive and actionable policy recommendations for the government and stakeholders, with the ultimate goal of building a resilient and integrity-driven sports governance foundation that ensures legal certainty for all involved.

METHOD

This study employs a socio-legal research method with a qualitative approach. The cornerstone of this methodology is a juridical-normative approach focused on the analysis of legal texts (law as it is written in the books) to conduct an in-depth examination of the principles, norms, and synchronization of statutory regulations ([Hermanto, 2023](#)). However, recognizing that sports law issues do not operate in a vacuum, this research is enriched by a limited empirical analysis. This empirical support serves specifically to contextualize legal norms and validate legal interpretations, thereby enabling an analysis of why the law in the books often fails to operate in practice (law in action). This hybrid approach is crucial for bridging the gap between *das sollen* (the law as it ought to be) and *das sein* (the law as it is in practice) ([Qamar & Rezah, 2020](#)).

To systematically examine the complexity of the issue, this study employs multiple approaches simultaneously. A statute approach is used to scrutinize the hierarchy, substance, and both vertical and horizontal harmonization among regulations, particularly Law Number 11 of 2022 and its implementing regulations.

Subsequently, a conceptual approach is employed to analyse the meaning, scope, and implications of fundamental legal doctrines and principles, including good governance, legal certainty, and institutional autonomy. Finally, a comparative approach is applied to contrast national legal norms with the principles of *lex sportiva* and the best practices from other jurisdictions with established sports arbitration systems. This approach is selected because athlete transfer issues are often cross-jurisdictional, thus requiring benchmarks from international practice to formulate globally relevant recommendations (Paramitha et al., 2021).

The legal source materials for this research consist of primary and secondary legal materials gathered through intensive library research and document review (Sampara & Husen, 2016). Primary legal materials include all relevant statutory regulations about sports and athlete transfers. Meanwhile, secondary legal materials comprise a variety of documents that provide context and interpretation, such as the rulings of sports arbitration bodies, official organizational documents, academic literature in the form of books and scholarly journals, and investigative reports from credible mass media. The empirical dimension of this study is supported by secondary data from documented case studies (Sudiarawan et al., 2020) and semi-structured interviews with key informants selected via purposive sampling. The selection criteria for informants include direct involvement in regulation (regulators), organizational management (federation officials), or sports dispute resolution (legal practitioners). The purpose of these interviews is to explore the rationale behind existing practices and to validate normative interpretations.

All data are analyzed qualitatively through several stages (Irwansyah, 2020). Data from interviews and document reviews are initially processed using thematic analysis to identify recurring patterns and key issues. The results of this analysis are then used as supporting data to reinforce or challenge interpretations of legal norms. The subsequent stage involves inventorying and classifying this data based on its relevance to the research questions. It is followed by a substantive analysis using systematic legal interpretation, which involves construing a norm by linking it to other norms within a cohesive statutory framework. The analysis is also conducted in a normative-comparative manner to evaluate the effectiveness of national law about international standards. To ensure the validity and reliability of the findings, this study employs an active source triangulation technique. This process involves cross-verifying information between norms within statutory regulations, findings in academic literature, and practical perspectives from interview data, in order to confirm or challenge initial interpretations. Throughout the research process, the researcher strictly adheres to the principles of objectivity and academic ethics, including maintaining informant confidentiality and ensuring accurate source attribution by the APA 7th Edition citation standard.

RESULTS AND DISCUSSION

A. Juridical and Institutional Challenges: An Analysis of Systemic Pathology

Juridical and institutional analysis reveals that the practice of illegal athlete transfers constitutes a systemic pathology originating from three fundamental pillars of weakness. *First*, the fragmentation and voids within the regulatory framework. *Second*, the dysfunction of oversight institutions. *Third*, the failure to implement the legislative mandate. This section will examine each of these pillars in detail to reveal how their combination fosters an environment that is conducive to this illicit practice.

1. Regulatory Fragmentation: Normative Conflict between National Law and *Lex Sportiva*

The most fundamental weakness in Indonesia's sports law system is the normative fragmentation caused by the discrepancy between positive national law and the private transnational legal regime known as *lex sportiva*. This condition can be theoretically explained through the lens of legal pluralism, wherein two or more legal systems—in this case, state law and the autonomous law of the global sports community—operate simultaneously within a single social space, often without coordination and sometimes in direct conflict. More specifically, an “inter-regime competition” occurs, where weak national law competes with the more rigid *lex sportiva*. Actors within the sports ecosystem then engage in “strategic accommodation,” selecting the rules that are most advantageous to them, which often entails disregarding the principles of sporting justice promoted by *lex sportiva*. This normative friction creates ambiguity and uncertainty, which becomes fertile ground for opportunistic behavior in the athlete transfer process. This practice of “forum shopping” enables actors to strategically select the most favorable legal regime for their interests—for instance, utilizing weak national law to evade compensation obligations stipulated under *lex sportiva*—thereby directly undermining the principles of legal certainty and competitive fairness.

As a concrete example, the Bosman ruling by the European Court of Justice in 1995 has become a global jurisprudence that revolutionised the transfer market for athletes (Windholz & Hodge, 2019). This ruling not only upheld the principle of freedom of movement for workers (athletes) but also laid the foundation for a fair training compensation system. In contrast, Indonesian national law, including within the context of the National Sports Week, lacks a firm, standardized, and legally binding mechanism to guarantee compensation for the regions or home clubs that have invested in an athlete's

development. Consequently, the legitimate expectation of a developing club to receive returns on its long-term investment is often nullified by the short-term, pragmatic interests of the recruiting club. As emphasized by [Ulhaq and Rugchatjaroen \(2024\)](#), the failure to adopt these universal standards creates a “grey area” that legitimizes exploitative practices. Theoretically, this is a manifestation of dysfunctional legal pluralism: rather than complementing each other, national law and *lex sportiva* mutually negate one another, ultimately eroding predictability and delegitimizing the national sports law regime itself.

2. Dysfunctional Legal Infrastructure: The Absence of a National Registration System

The aforementioned normative weakness is exacerbated by the absence of the most essential legal infrastructure: a centralized, integrated, and transparently accessible national athlete registration and verification system. From the perspective of [Friedman \(1975\)](#), legal system theory, an effective legal system requires synergy among substance (rules), structure (institutions), and legal culture. In this case, the absence of a structured approach, such as a single database, directly undermines the effectiveness of the substance of existing transfer rules. Without a credible system, the verification of crucial data such as domicile, contract status, transfer history, and club affiliation becomes objectively and accurately impossible.

This condition opens the door to various manipulative practices, including identity falsification and simultaneous duplicate athlete registrations across multiple provinces, as well as dual ownership claims that lead to prolonged disputes. In many identified cases, illegal transfers are often legitimised through informal justifications, such as emotional ties, declarations, or verbal permissions, which are difficult to contest due to the lack of verified formal data for comparison. Thus, the absence of this digital infrastructure is not merely a technical failure but a structural one that creates an administrative “dark space.” For example, a young athlete from one province can easily be “transferred” to another simply by issuing a new Indonesian Identity Card, without any centralized digital trail to track and verify their original development history. It is this dark space that forms the operational foundation for the majority of illegal transfer cases, where an athlete’s legal status becomes fluid and can be traded without accountability or oversight.

3. Institutional Inertia: Ineffective Oversight Authorities

The problems of regulation and infrastructure culminate in the dysfunction of oversight institutions, particularly the Indonesian National

Sports Committee or Komite Olahraga Nasional Indonesia (KONI). By institutional design, KONI's role is more coordinative and ceremonial than regulatory and punitive. The institution lacks the necessary legal authority or coercive power (*pouvoir de contrainte*) to conduct independent investigations, adjudicate disputes in a final and binding manner, or impose effective sanctions for transfer violations. Consequently, the fundamental principles of good sport governance—such as accountability, transparency, and rule enforcement—become challenging to realize in practice.

This phenomenon can be analyzed through the concept of organizational inertia, where an institution fails to adapt to dynamic environmental demands due to its entrenchment in old structures, cultures, and routines (Fadhilah et al., 2023). In this context, KONI is trapped in its role as an event facilitator rather than a guardian of the rules. In practice, transfer disputes that should be resolved through precise legal mechanisms often end up in informal negotiations and behind-the-scenes political compromises. Such resolutions are more reflective of power relations among regional elites than the application of sporting justice principles. This inertia is not a passive failure, but rather a status quo actively maintained by actors who benefit from the existing system. The absence of firm rule enforcement enables political patronage and the mobilization of athletes for electoral interests or regional prestige—a dynamic that will be the focus of the subsequent section. Ultimately, this institutional inertia renders the oversight mechanism a mere formality, while the practice of illegal transfers continues largely unimpeded, mainly due to a weak legal framework.

4. Implementation Failure: Law Number 11 of 2022 as a Paper Tiger

The final and most crucial challenge is the implementation failure of Law Number 11 of 2022. This phenomenon reflects the classic gap between law in the books and law in action, a concept popularized by the sociological school of jurisprudence, particularly by Roscoe Pound. Although this law progressively mandates the principles of integrity, fairness, and transparency, these lofty mandates become inoperative and lose their coercive power without the implementation of regulations (Mulyana et al., 2025)—such as a Government Regulation or Ministerial Regulation—that detail the technical procedures.

To date, no derivative regulations have been issued to specifically and comprehensively govern the mechanisms for inter-regional athlete transfers, the formula for calculating fair training compensation, or the minimum standard clauses required in athlete contracts. This technical regulatory vacuum directly paralyzes the key articles in Law Number 11 of 2022 that govern the rights

and obligations related to athlete transfers (Prasetio & Al-Farisi, 2024). This regulatory void, compounded by weak coordination between the Government and the Ministry of Youth and Sports, KONI, and the national sport federations (R. Silvana et al., 2025), places Law Number 11 of 2022 at risk of becoming a “paper tiger”—legislation that appears strong and impressive on paper but is, in reality, blunt and toothless in its enforcement. Consequently, the spirit of governance reform championed by the law has yet to penetrate the practical reality on the ground, which remains dominated by old habits and pragmatic interests.

B. Socio-Political Dynamics: The Cultural and Structural Roots of Illegal Transfers

The analysis now shifts from what is wrong within the legal system (juridical-institutional weaknesses) to why these weaknesses persist and are exploited. This section argues that the legal pathologies previously detailed are not the primary cause, but rather “symptoms” of a deeper dysfunction at the politico-economic level of sport in Indonesia. These weaknesses are actively exploited and perpetuated by socio-political dynamics deeply embedded in the structure of Indonesian sports organizations. Political intervention, a culture of patronage, and regional resource disparities create an ecosystem in which formal legal rules can be easily sidelined for pragmatic interests. This section will deconstruct how these non-legal factors serve as the primary drivers behind the prevalence of illegal athlete transfers. To provide concrete empirical evidence, this conceptual analysis will be followed by an in-depth case study of athlete transfer practices during the 2015 Bali Provincial Sports Week.

1. The Politicization and Instrumentalization of Sport

A primary characteristic of the socio-political dynamics within Indonesian sports organizations is the high degree of co-optation by political interests. In many instances, strategic positions such as the head of a regional KONI or the leader of a sports federation are held by active public officials, including regents, mayors, or heads of government agencies (Ma'mun, 2019). This practice of holding dual roles inherently creates acute conflicts of interest, where the logic of bureaucracy and politics overrides the logic of sport development. Sport is no longer viewed as an end in itself, but is instrumentalised as a tool to achieve other objectives, such as political image-building, the consolidation of power, and the mobilisation of electoral support.

This instrumentalization creates a perverse incentive structure, where an instant victory in a competition becomes more valuable than a sustainable,

long-term development process. Within this framework, an illegal athlete transfer is no longer viewed as a violation, but rather as a rational strategy and the most effective shortcut to achieving political goals. The prestige gained from securing the overall championship title in an event like the National Sports Week or a Provincial Sports Week is considered a “political achievement” for a regional leader, which can be converted into electoral capital in the next election ([Fadhilah et al., 2023](#)). Consequently, public budgets that should be developmental (for grassroots development) are instead diverted for predatory purposes (purchasing ready-made athletes from other regions). This practice fundamentally corrupts the national development ecosystem.

2. Patron-Client Culture and Transactionalism

The second layer of this problem is a deeply entrenched patron-client culture, where relationships within sports organizations are not based on meritocracy or formal rules but on personal loyalty and transactionalism. In this system, organizational elites (federation officials, regional officials) act as “patrons” who control access to resources—such as development funds, competition opportunities, and bonuses—while athletes and coaches are in the position of “clients” dependent on the patron’s benevolence. Loyalty to the patron often becomes more important than adherence to formal rules or even athletic achievement itself.

This culture directly fosters a tacit acceptance of illegal transfer practices and undermines athlete autonomy. An athlete with a personal connection to a “patron” in another region can be easily “transferred” administratively without undergoing proper legal procedures. The relationship is no longer about professional development but about a financial or political transaction cloaked in the rhetoric of “providing opportunities.” This phenomenon aligns with [Geeraert \(2018\)](#), which highlights that weak sports governance is often characterised by high levels of personalistic intervention and low institutional accountability. The dependency on government funding, as revealed by [Kusumawardhana and Badaruddin \(2018\)](#), makes sports federations highly vulnerable to political pressure from patrons, which ultimately weakens the independence of their decision-making processes.

3. Resource Asymmetry and Structural Exploitation

The political and cultural factors above are exacerbated by the existence of extreme resource disparity, or asymmetry, between regions. Regions with significant financial power and strong political access tend to become “predators,” recruiting the best athletes from poorer, more

marginalized regions. Conversely, regions that have invested heavily in long-term development are often powerless when their best talents are “poached” without fair compensation. It is not merely a transaction between individuals, but a form of systematic and structural exploitation.

This disparity creates a destructive cycle: wealthy regions grow stronger by purchasing ready-made athletes, while poorer regions lose the incentive for development because their investment can be easily appropriated by others. To date, as noted by [R. Silvana et al. \(2025\)](#), there is no national-level regulatory mechanism designed to ensure a more equitable distribution of development resources or to protect the intellectual property rights of developing regions over the athletes they produce. The existing decentralized system, lacking effective central oversight, perpetuates this imbalance, allowing autonomous regions to allocate their budgets to pragmatic, short-term sporting interests.

4. Institutional Impunity and Weak Accountability

This series of problems persists due to institutional impunity stemming from weak accountability mechanisms. Key institutions, such as the Ministry of Youth and Sports, the central KONI, and national federations, lack practical, independent, and transparent systems for handling complaints, investigations, and sanction enforcement in cases of illegal transfers. Reported violations often evaporate or are resolved through “deliberation to reach consensus” among elites, which is essentially a political compromise aimed at maintaining superficial harmony rather than upholding justice.

The absence of credible accountability mechanisms creates an environment where perpetrators face no real consequences. As emphasized by [Geeraert \(2018\)](#), the foundation of good sport governance lies in the existence of independent ethics and audit committees. In Indonesia, this concept has not been seriously adopted. The majority of sports organizations remain opaque, resistant to external criticism, and reluctant to strengthen their internal control systems. As a result, actors involved in illegal transfers can continue to operate with the conviction that their actions will never be thoroughly investigated or fairly punished, perpetuating the same cycle of violations year after year.

5. Case Illustration: Athlete Transfers at the 2015 Bali Provincial Sports Week

To provide concrete empirical evidence of how the four preceding factors operate in the real world, the case of the 2015 Bali Provincial Sports Week in Buleleng serves as a representative case study. This case demonstrates

the interconnection of politicization, patronage, resource asymmetry, and institutional impunity in facilitating the practice of illegal athlete transfers. Based on media investigative reports and official documents from KONI Bali, a massive mobilization of athletes was found to have occurred in violation of prevailing domicile and transfer procedure rules, culminating in a dispute between the Buleleng Regency and Denpasar City contingents.

The most apparent manifestation of the politicization and instrumentalization of sport was seen in the recruitment of high-achieving athletes for pragmatic purposes. Local media reports highlighted how several regions with minimal development track records were suddenly able to recruit a Taekwondo athlete who had just competed for Indonesia in the 2015 Southeast Asian Games (SEA Games), despite the athlete's official registration still being held by another province. This act was driven by the ambitions of regional leaders to seize the overall championship title for political prestige, with financial inducements and job offers used as recruitment tools. The same logic applies to other sports, where national-level athletes are recruited shortly before the competition without undergoing a quarantine period or following proper transfer procedures, thereby sacrificing the principle of long-term development for the sake of instant victory.

Furthermore, the culture of patron-client relationships and resource asymmetry was manifested in the practice of athlete "distribution." Denpasar City, which possessed a surplus of quality athletes due to superior development resources, was reported to have informally "loaned" its athletes to other regencies that lacked them. This practice was cloaked in the rhetoric of "giving them a chance to compete." However, it was fundamentally a transaction wherein the athletes and their families, who had invested heavily, could receive achievement bonuses from the region they represented. It is a classic example of a patronage relationship, where personal loyalty and short-term financial incentives override formal administrative rules and the spirit of home-region representation.

Finally, this case serves as a stark portrait of institutional impunity. Procedural violations occurred overtly, from transfers conducted outside the legitimate window to the manipulation of residency administration to meet domicile requirements. However, rather than being resolved through a firm legal mechanism with deterrent sanctions, the dispute was settled politically. According to local media reports, the conflict was resolved through "deliberation to reach consensus" among political elites and KONI officials. This approach, while seemingly peaceful, is in essence a form of impunity that perpetuates similar practices in the future, as there were no real legal consequences for the

violators. Thus, the 2015 Bali Provincial Sports Week case becomes a perfect microcosm for understanding how the structural and cultural weaknesses in Indonesian sports governance collectively create a fertile environment for the practice of illegal athlete transfers.

C. The Functional Paralysis of Law Number 11 of 2022: An Analysis of Implementation Failure

An evaluation of the implementation of Law Number 11 of 2022 reveals a significant paradox: although the law provides a progressive normative framework, its practical effectiveness is functionally paralysed. It is caused by a combination of four interconnected factors that inhibit its implementation: the absence of operational implementing regulations, low legal literacy among stakeholders, weak oversight mechanisms, and the lack of an integrated data infrastructure. The analysis in this section will deconstruct how each of these factors contributes to the implementation failure, rendering Law Number 11 of 2022 more symbolic than transformative.

1. Absence of Implementing Regulations: A Paralyzing Legal Void

The most fundamental barrier to implementing Law Number 11 of 2022 is the absence of technical and operational regulations concerning the mechanism for inter-regional athlete transfers. From the perspective of the theory of legal effectiveness, a statute (substance) cannot function without the support of an institutional apparatus (structure) capable of translating it into concrete action ([Friedman, 1975](#)). To date, the crucial mandates within the law have yet to be supported by derivative regulations, either in the form of a Government Regulation or a Ministerial Regulation. This legal void exists in vital areas such as a fair registration and transfer mechanism for inter-regional athletes, a formula for calculating compensation for developing clubs, and minimum protection standards in athlete contracts.

The absence of these technical rules creates a serious regulatory vacuum. Consequently, the key articles in Law Number 11 of 2022, which aim to protect athletes and ensure fairness, are paralysed, as there are no implementation guidelines or technical directives for stakeholders on the ground to reference. As analyzed by [Nadiasa and Kurniawan \(2024\)](#), without implementing regulations, Law Number 11 of 2022 is merely an “aspirational framework” that is incapable of addressing technical issues in the field, particularly at the regional level, where the majority of athlete development and competition activities occur. It causes the spirit of reform championed by the law to stall at the normative level, failing to touch the reality of practice.

2. Low Legal Literacy: A Failure of Legal Culture

The second factor hindering implementation is the low level of legal awareness and literacy among sports actors. Referring back to [Friedman \(1975\)](#) about the theory of legal systems, the effectiveness of law is also heavily dependent on the legal culture—that is, the attitudes, values, and understanding of the public towards the law. Data indicate that dissemination efforts for Law Number 11 of 2022 by the Ministry of Youth and Sports and KONI have mainly been ceremonial and top-down, thus failing to reach the technical and grassroots levels, which include club managers, coaches, athletes, and even officials in regional sports agencies.

This low literacy often leads to violations occurring not only due to malicious intent but also due to ignorance or disregard for applicable rules. Sports actors tend to continue operating based on old habits (business as usual) and entrenched informal norms because they do not understand the substance, objectives, or legal consequences of the new regulation. As highlighted by [Qomarrullah et al. \(2024\)](#), without systematic and continuous legal education and dissemination programs, a legal culture that supports the rule of law in sports will never be established, and Law Number 11 of 2022 will remain a foreign document to those responsible for implementing it.

3. Oversight Dysfunction: A Blunted Enforcement Mechanism

The reform mandate within Law Number 11 of 2022 is also weakened by ineffective oversight and law enforcement mechanisms. One of the main innovations in the law is the strengthening of BAKI's role as a formal dispute resolution body. In practice, however, BAKI's jurisdiction is not yet well-established, and it has not become the primary choice for resolving athlete transfer disputes, which are often considered internal organizational matters.

Furthermore, oversight bodies like KONI and national federations lack professional and independent legal units to conduct investigations and impose firm administrative sanctions. Consequently, the majority of conflicts are not resolved through transparent and accountable legal channels, but rather through informal mechanisms that involve negotiation and political compromise. This lack of clear consequences for rule violators creates a cycle of impunity, where illegal practices recur because there is no deterrent effect. It demonstrates that the current oversight structure remains blunted and is not yet capable of performing the law enforcement function as mandated by the statute.

4. Absence of an Information System: Lack of Data Infrastructure

The final structural barrier is the absence of an integrated National Sports Information System, as mandated by Law Number 11 of 2022. This system is designed to serve as the backbone for enforcing transfer rules, providing a single, accurate data source for athlete status, development history, and club affiliation. Without this national data platform, verifying an athlete's status becomes exceedingly difficult, if not impossible.

This data infrastructure void directly enables manipulation. Practices such as identity falsification, dual ownership, or false claims over development history become difficult to detect and prove. The management of athlete data, which remains manual, fragmented, and uncoordinated among regions, creates an administrative “dark space” that is exploited by actors to conduct illegal transfers without a traceable digital footprint. The failure to build this information system is not just a technical problem but a fundamental structural failure, which leaves all efforts to enforce transfer rules fragile and without a solid foundation.

D. A Reform Roadmap: Building a Governance Framework for Athlete Transfers with Integrity

Based on the analysis of the systemic pathology, this study formulates a comprehensive and actionable reform roadmap. This agenda focuses not only on improving rules but also on strengthening institutions and changing the governance culture. These recommendations are directed at policymakers (legislative and executive), regulatory bodies (the Ministry of Youth and Sports, KONI, and sports federations), and key stakeholders, including athletes, coaches, and club managers.

1. Technical Regulations on Inter-Regional Athlete Transfers

The Ministry of Youth and Sports must immediately formulate and enact a Ministerial Regulation that specifically governs inter-regional athlete transfers. This regulation must include:

- Mandatory transfer windows that must be adhered to before a competition (currently often treated as a formality).
- A clear and enforceable compensation system for the region or club of origin, supported by the Ministerial Regulation.
- Verification of valid residency documents and domicile claims, involving independent academic institutions as part of the verification team.
- A prohibition on “instant transfers” immediately preceding major competitions (a mandatory waiting or cooling-off period).

- An appeal and dispute resolution mechanism, with the possibility of escalation to the criminal domain in cases of identity or document falsification.

The provisions of the FIFA Regulations on the Status and Transfer of Players can serve as a model, particularly the clauses concerning youth development, contracts, and the prohibition of exploitative transfers involving underage athletes.

2. Establishment of an Integrated National Athlete Information and Registration System

The Government, in cooperation with KONI, must build a National Sports Information System to digitally and verifiably record data on athletes, coaches, clubs, and competition history. This system must:

- Provide a unique national athlete identification number.
- Be integrated with the National Civil Registry (*Dukcapil*) system and the Indonesian Identity Card database.
- Record development contracts and transfer histories.
- Provide restricted access to federations, KONI, and regional authorities.

Such a system would help prevent identity falsification and dual registration, while also ensuring that transfer processes are transparent, verified, and documented.

3. Structural and Ethical Reform of Sports Organizations

To minimize conflicts of interest and the politicization of athlete development, structural reforms within sports organizations are necessary:

- Prohibit public officials (such as regional heads, civil servants, or legislators) from holding dual roles within the management of KONI or sports federations. Although Law Number 3 of 2005 explicitly prohibited this practice, Law Number 11 of 2022 re-legalized it under an unclear justification.
- Implement a fit-and-proper test mechanism for strategic leadership positions.
- Establish an independent Sports Ethics Committee at the national and regional levels to evaluate ethical violations and conflicts of interest.

According to [Geeraert \(2018\)](#), transparency, participation, and accountability are the core principles of good sport governance. Indonesia

must implement these principles not only as formal declarations but also in concrete practices such as recruitment, reporting, and the performance evaluation of sports officials.

4. Strengthening BAKI and Dispute Resolution Mechanisms

BAKI, as mandated by Law Number 11 of 2022, must be transformed from an alternative institution into a primary, authoritative forum for dispute resolution. This strengthening includes:

- Granting mandatory jurisdiction over transfer disputes through standard arbitration clauses in federation regulations.
- Enhancing the capacity and independence of arbitrators through certification and sports law training.
- Publishing rulings that are not only binding but also transparently accessible to build jurisprudence.

Furthermore, an annual review and revitalization of the internal legal units within KONI (both central and regional) are needed to handle complaints of illegal transfers, audit athlete contracts, and mediate development disputes. These units currently exist but are often not impartial due to long-held positions and limited oversight.

5. Sports Law Education and Legal Literacy

Systemic reform will not be effective without building the capacity of actors at the field level ([Russell, 2011](#)). Therefore, it is necessary to:

- Organize sports law training programs for KONI officials, federation managers, and club administrators.
- Introduce modules on contract literacy and athlete rights in sports schools and clubs.
- Involve the law and sports science faculties in developing training materials and sports ethics clinics.

Collaboration between the Ministry of Youth and Sports, the Ministry of Law and Human Rights, and law universities will help foster a national community of critical and professional sports law practitioners and academics ([Adams, 2002](#)).

Ultimately, reforming the regulation of illegal athlete transfers is not merely a technical or juridical issue, but a fundamental test of the political will to build professional and integrity-driven sports governance. Without a systemic

transformation that encompasses regulatory, institutional, and cultural aspects, this illicit practice will continue to recur, not only damaging the integrity of competition but also undermining public investment and the future of national athlete development. The reform agenda proposed herein is a crucial first step toward that vision.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, several fundamental conclusions can be drawn. *First*, the practice of illegal athlete transfers in Indonesia is not a series of random incidents but a systemic pathology rooted in a complex interconnection of juridical weaknesses, institutional dysfunction, and a permissive socio-political culture. Weaknesses at the regulatory level, such as normative fragmentation and the absence of data infrastructure, are actively exploited by a culture of politicization and patronage that is deeply entrenched in national and regional sports governance.

Second, Law Number 11 of 2022, designed as an instrument of reform, is experiencing functional paralysis in practice. The absence of specific and comprehensive implementing regulations to govern inter-regional athlete transfer mechanisms, combined with low legal literacy among stakeholders, and weak oversight and sanction enforcement mechanisms, has rendered this law incapable of changing the reality on the ground. Consequently, a significant gap exists between the law in the books and the law in action, where the spirit of reform has failed to penetrate the fortress of entrenched practices.

Third, the impact of this phenomenon is destructive and multidimensional. In addition to injuring the principles of fair play and the integrity of competition, this practice systematically undermines the sustainability of the national athlete development ecosystem. Developing clubs or regions often lose the incentive to invest in long-term talent development, while athletes frequently become vulnerable to exploitation without adequate legal protection.

To break this pathological cycle and build a healthy governance foundation, this study formulates a series of strategic and actionable policy recommendations:

1. **Expediting Regulatory Implementation.** The Government and the Ministry of Youth and Sports must prioritise the issuance of implementing regulations for Law Number 11 of 2022, which explicitly governs athlete transfer mechanisms, including compensation systems and firm sanctions for violators.
2. **Development of a Digital Athlete Information System.** KONI and national sports federations must build an integrated, technology-based athlete information system to ensure transparency, traceability, and accuracy of data across regions.

3. Institutional Reform and Depoliticization. Structural reforms are necessary to reduce political intervention in sports management. It includes enforcing the prohibition of dual roles for public officials and establishing independent ethics committees to safeguard integrity.
4. Strengthening the Legal and Operational Authority of BAKI. BAKI must be empowered as a credible and binding entity for dispute resolution. This effort includes expanding its legal mandate, staffing it with qualified sports law professionals, and integrating it more deeply into the national sports governance structure.
5. Legal Literacy and Sports Management Training. Enhancing awareness of sports law and improving management skills among administrators, coaches, and athletes must be an integral component of Indonesia's human resource development strategy in the sports sector.
6. Involvement of Academics and Civil Society. Academics and civil society organizations play a crucial role in overseeing the implementation of governance reforms, promoting social accountability, and fostering a culture of transparency and fairness in sports management.

This study has its limitations, particularly in terms of the scope of primary empirical data, which still relies on case studies and secondary reports. Therefore, future research is strongly recommended to conduct more in-depth ethnographic studies within sports federations or to carry out quantitative surveys to map the scale of stakeholder perceptions on this issue. Further analysis could also focus on comparing the effectiveness of dispute resolution mechanisms between BAKI and state courts in other sports-related cases.

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