

Who Is Liable for Athlete Abuse? Institutional Responsibility for Safeguarding Failures in Indonesian Sports Organizations

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Abstract

Abuse within sporting institutions is often addressed as individual misconduct, yet athlete vulnerability may also result from institutional failures to prevent, detect, or respond to abusive behavior. Sports organizations may possess significant authority over athletes' careers, training environments, contracts, and opportunities, creating structural power imbalances that can facilitate abuse. This article examines the extent to which Indonesian sports organizations should bear legal responsibility for safeguarding failures resulting in athlete abuse. Employing normative legal research, the study analyzes institutional liability, organizational governance, duty of care, athlete protection, and relevant principles of sports law. The research argues that institutional responsibility should arise where organizations fail to establish reasonable preventive measures, ignore credible complaints, inadequately supervise personnel, or retaliate against reporting athletes. Such responsibility should be distinguished from the individual criminal or disciplinary liability of perpetrators. The article proposes a layered accountability model incorporating individual misconduct, supervisory negligence, governance failure, and organizational responsibility. It further recommends mandatory safeguarding policies, independent complaint mechanisms, documented risk assessments, and transparent disciplinary procedures. Establishing institutional accountability would prevent sports organizations from treating abuse solely as an individual problem and would encourage systemic prevention. Such a framework is necessary to strengthen athlete protection and promote a culture of integrity within Indonesian sports governance.

[Penyalahgunaan dalam institusi olahraga seringkali dianggap sebagai pelanggaran individu, namun kerentanan atlet juga dapat disebabkan oleh kegagalan institusional dalam mencegah, mendeteksi, atau menanggapi perilaku penyalahgunaan. Organisasi olahraga mungkin memiliki otoritas yang signifikan atas karier atlet, lingkungan pelatihan, kontrak, dan peluang, menciptakan ketidakseimbangan kekuasaan struktural yang dapat memfasilitasi penyalahgunaan. Artikel ini mengkaji sejauh mana organisasi

olahraga Indonesia harus memikul tanggung jawab hukum atas kegagalan pengamanan yang mengakibatkan penyalahgunaan atlet. Dengan menggunakan riset hukum normatif, studi ini menganalisis tanggung jawab institusional, tata kelola organisasi, kewajiban untuk berhati-hati, perlindungan atlet, dan prinsip-prinsip hukum olahraga yang relevan. Penelitian ini berpendapat bahwa tanggung jawab institusional harus muncul ketika organisasi gagal menetapkan langkah-langkah pencegahan yang wajar, mengabaikan pengaduan yang kredibel, tidak memadai dalam mengawasi personel, atau melakukan pembalasan terhadap atlet yang melaporkan. Tanggung jawab tersebut harus dibedakan dari tanggung jawab pidana atau disiplin individu dari pelaku. Artikel ini mengusulkan model akuntabilitas berlapis yang menggabungkan pelanggaran individu, kelalaian pengawasan, kegagalan tata kelola, dan tanggung jawab organisasi. Lebih lanjut, artikel ini merekomendasikan kebijakan pengamanan wajib, mekanisme pengaduan independen, penilaian risiko yang terdokumentasi, dan prosedur disiplin yang transparan. Membangun akuntabilitas kelembagaan akan mencegah organisasi olahraga memperlakukan pelecehan semata-mata sebagai masalah individu dan akan mendorong pencegahan sistemik. Kerangka kerja seperti itu diperlukan untuk memperkuat perlindungan atlet dan mempromosikan budaya integritas dalam tata kelola olahraga Indonesia.]

Keywords: Institutional liability, athlete abuse, safeguarding, sports governance, duty of care

Introduction

Athlete abuse presents a distinctive legal problem because sporting institutions are not merely neutral locations where misconduct happens. They are organizations that structure athletes' daily lives, regulate access to training and competition, determine selection, control professional opportunities, and often influence financial and social resources. The relationship between an athlete and a sports organization therefore contains elements of dependency that can amplify the consequences of abuse. International safeguarding research increasingly emphasizes that interpersonal violence in sport must be understood through the interaction between individual behavior, organizational culture, power relationships, and institutional responses (Tuakli-Wosornu et al. 2024). This perspective changes the legal question from simply asking who committed the abusive act to asking whether the organization created or failed to prevent conditions in which the abuse became possible.

Indonesian sports law provides an important starting point for addressing this issue. Law No. 11 of 2022 concerning Sports regulates the rights and obligations of sports actors, governmental responsibilities, sports management, sports organizations, supervision, dispute settlement, and sanctions. The breadth of this

framework indicates that sports organizations operate within a regulated governance environment rather than outside the ordinary legal order. Consequently, an organization that exercises authority over athletes may reasonably be expected to establish procedures capable of preventing foreseeable risks to athlete safety. The legal significance of safeguarding therefore lies in connecting general sports-governance obligations with concrete duties concerning prevention, supervision, reporting, investigation, and institutional response.

The problem becomes more complicated when abuse is treated exclusively as an individual's criminal or disciplinary responsibility. Criminal law is principally concerned with the conduct and culpability of the perpetrator, whereas institutional liability asks whether an organization fulfilled its own obligations. An organization might not have committed the abusive act itself but may nevertheless have failed to screen personnel, ignored previous warnings, allowed unsupervised interactions, failed to establish complaint mechanisms, or retaliated against a reporting athlete. Indonesian scholarship on sports governance identifies transparency, democracy, control, solidarity, and deliberative governance as important principles for sports institutions (Wijaya and Silvana 2024). These principles provide a conceptual basis for examining organizational failure independently from individual wrongdoing.

The distinction is also important because athletes frequently encounter institutional dependence. Professional sports contracts can place athletes in relationships involving selection, remuneration, training access, and disciplinary authority. Research on Indonesian professional football contracts shows that athletes' legal relationships with clubs are shaped simultaneously by *lex sportiva* and general contract law (Hanafie, Amin, and N. 2021; Safara et al. 2024). Other research has similarly demonstrated uncertainty concerning the legal position and protection of athletes within contractual relationships (Efendi and Sulubara 2024). When the same institution controls an athlete's livelihood and receives complaints against its personnel, the possibility of institutional conflict of interest becomes significant.

The legal framework concerning sexual violence strengthens the basis for institutional prevention. Law No. 12 of 2022 concerning Sexual Violence expressly regulates prevention, handling, protection, recovery of victims' rights, coordination, and community participation. The legislation therefore moves beyond a purely punitive model and recognizes that preventing recurrence requires institutional measures. Applied to sport, this principle means that organizations cannot reasonably define their responsibility solely by cooperating with law enforcement after an allegation arises. Their responsibility should include creating an environment in which abuse is less likely to occur and victims can report misconduct without suffering additional institutional harm.

The protection of children adds another layer to institutional responsibility. Many sports-development programs involve athletes who begin intensive training while still minors. Law No. 35 of 2014 strengthens the state's responsibility to protect children from violence and emphasizes the restoration of physical,

psychological, and social conditions following victimization. Where a sports organization recruits, trains, houses, transports, or supervises children, its responsibility should consequently be assessed against the heightened vulnerability of minors. The organizational duty is not necessarily identical to parental responsibility, but the intensity of supervision expected from an institution should increase when it assumes significant authority over a child's sporting environment.

Athletes with disabilities also demonstrate why institutional responsibility cannot be reduced to ordinary disciplinary rules. Law No. 8 of 2016 establishes rights to equality, protection, accessibility, and reasonable accommodation for persons with disabilities. A complaint mechanism that is technically available but practically inaccessible may constitute a governance deficiency. Safeguarding responsibility therefore includes designing reporting, communication, investigation, and support systems that can be used by athletes with different physical, sensory, cognitive, and communication needs.

Previous Indonesian studies have predominantly addressed athlete protection through employment contracts, welfare, dispute settlement, and sports governance. Saputra and Tohari (2022) identified weaknesses in the protection of athlete welfare under the earlier sports-law framework, while Yustyana et al. (2024) found that Law No. 11 of 2022 does not automatically guarantee long-term welfare and pension protection. Research on football contracts similarly identifies difficulties in protecting athletes when clubs fail to meet contractual obligations (Safara et al. 2024; Yanutama 2025). These studies are relevant because they reveal a recurring structural problem: formal recognition of athlete rights does not necessarily establish effective institutional responsibility for realizing those rights.

Recent Indonesian scholarship has begun to address sexual violence against athletes more directly. Kusnanto, Haryono, and Saefullah (2025) identify gaps between legal protection and implementation in cases involving sexual violence by coaches. Their analysis is particularly relevant to the present study because the coach-athlete relationship involves a significant power imbalance. However, the question of organizational responsibility remains underdeveloped. Establishing that a coach can be individually liable does not resolve whether the federation, club, training center, or other institution should also bear responsibility when it failed to supervise, prevent, investigate, or respond appropriately.

This article contributes by developing an institutional-liability perspective that complements existing athlete-protection research. The central proposition is that liability should be distributed according to the organization's own duties rather than automatically transferred from the individual perpetrator to the institution. An organization should not be strictly liable for every abusive act merely because the perpetrator operates within it. However, where the organization had authority, knowledge, opportunity, and a reasonable capacity to prevent or respond to foreseeable risks, institutional failure can provide an independent basis for responsibility.

The research employs normative juridical analysis using statutory, conceptual, and comparative approaches. Primary legal materials consist of Indonesian legislation concerning sports, sexual violence, children, disability, employment, and civil responsibility. Secondary materials consist of Indonesian legal scholarship, sports-governance literature, athlete-protection studies, and international safeguarding research. The analysis focuses on four questions: what duties do sports organizations owe athletes; when does a failure to discharge those duties become legally significant; how should institutional responsibility be distinguished from individual perpetrator liability; and what accountability model could be integrated into Indonesian sports governance?

The Legal Foundation of Institutional Responsibility in Indonesian Sports

Institutional responsibility begins with the recognition that sports organizations possess legally relevant authority. A federation, club, training center, or other sports institution may determine who receives training, who participates in competitions, who is selected for teams, and who obtains access to facilities and professional opportunities. Law No. 11 of 2022 establishes a broad regulatory framework for sports management, supervision, athletes, organizations, dispute resolution, and sanctions. This regulatory structure demonstrates that sports organizations cannot be treated solely as private associations insulated from public legal standards. Their authority generates corresponding responsibilities toward the athletes whose careers depend upon their decisions.

The concept of institutional responsibility becomes stronger when the organization exercises continuing control over the athlete. A temporary event organizer may have a narrower responsibility than a federation that supervises an athlete throughout a national training cycle. Similarly, a club that employs an athlete, controls training, provides accommodation, and determines selection occupies a different legal position from an independent competition organizer. The intensity of organizational control should therefore be relevant to determining the scope of the duty of care. Indonesian research concerning athlete contracts supports this contextual approach because athletes can occupy hybrid positions involving sporting regulation and employment law (Hanafie, Amin, and N. 2021; Efendi and Sulubara 2024).

The duty of care should not be understood as an obligation to guarantee that abuse will never occur. Such an absolute standard would effectively create strict liability for organizations regardless of their conduct. Instead, the appropriate standard is whether the organization adopted reasonable measures proportionate to the foreseeable risks associated with its activities. This approach is consistent with the broader logic of civil responsibility, where liability generally depends upon an unlawful act, fault or negligence, harm, and a causal connection. Indonesian research concerning athlete protection under Article 1365 of the Civil Code

demonstrates that sports-related responsibility can be analyzed through the integration of reasonable-care standards and athletes' subjective rights (Dwisari, Noer, and Effendi 2025).

Foreseeability is central to institutional liability. Organizations cannot be expected to prevent risks that are genuinely unforeseeable and beyond their reasonable control. However, certain risks are inherent in the structure of organized sport. Coaches routinely exercise authority over athletes, young athletes may spend significant time away from parents, and selection systems can create dependency. International safeguarding literature identifies power imbalance, organizational culture, and authority relationships as recurring conditions associated with maltreatment (Tuakli-Wosornu et al. 2024; Newman and Rumbold 2024). Where such risks are foreseeable, organizations should be expected to adopt corresponding preventive measures.

Institutional duties also arise from the principle of good sport governance. Wijaya and Silvana (2024) argue that Indonesian sports governance should incorporate transparency, democracy, control, solidarity, and deliberative decision-making. These principles are relevant to safeguarding because an organization that lacks transparent decision-making or effective internal control may be unable to detect abuse. Governance failures are therefore not merely administrative defects. When weak governance allows misconduct to continue or prevents athletes from accessing protection, governance deficiencies may acquire direct legal significance.

Government Regulation No. 46 of 2024 reinforces the public-governance dimension of Indonesian sport. The regulation implements Law No. 11 of 2022 and establishes governmental responsibilities concerning sports policy, coordination, supervision, and evaluation. The existence of these supervisory functions means that safeguarding cannot be conceived exclusively as a matter internal to individual clubs or federations. Public authorities possess a regulatory role in ensuring that the sports system operates consistently with statutory standards. Institutional accountability should consequently exist at both organizational and regulatory levels.

The connection between governance and athlete protection becomes especially clear when organizations control dispute mechanisms. Indonesian research on sports disputes has shown that Law No. 11 of 2022 provides mechanisms including mediation, conciliation, and arbitration, while the practical relationship between sports dispute mechanisms and general courts remains a matter of legal discussion (Wowiling 2024; Silvana, Surono, and Hamid 2025). These mechanisms may be useful for contractual and sporting disputes, but safeguarding complaints involving sexual abuse cannot automatically be treated as ordinary organizational disputes. The institution must distinguish disciplinary, civil, contractual, and criminal dimensions of a complaint.

Institutional responsibility also has a preventive dimension. An organization that knows that a particular coach has previously been accused of inappropriate

behavior but takes no protective action may be in a different legal position from an organization that had no warning and maintained reasonable preventive controls. The relevant question is therefore not simply whether abuse occurred but whether the organization responded reasonably to information available to it. This distinction allows liability to be tied to organizational fault rather than automatically imposed whenever an employee or official commits misconduct.

Documentation is another important component of institutional responsibility. Organizations should maintain records concerning recruitment, safeguarding training, complaints, risk assessments, disciplinary decisions, and personnel restrictions. Without documentation, it becomes difficult to establish whether an institution acted reasonably or ignored warnings. Indonesian studies concerning sports governance emphasize transparency and accountability as institutional requirements (Wijaya and Silvana 2024; Silvana, Surono, and Wijaya 2024). Documentation converts these abstract governance principles into evidence capable of supporting accountability.

The organizational duty becomes particularly strong where institutions create environments of concentrated authority. One-on-one coaching, residential training, travel, medical examinations, and private communication may all involve circumstances where athletes have limited capacity to refuse interaction with authority figures. Safeguarding literature emphasizes that interpersonal violence cannot be understood independently of such contextual conditions (Tuakli-Wosornu et al. 2024). An organization that deliberately creates high-dependency environments should correspondingly implement stronger supervision and boundary controls.

Employment relationships further reinforce institutional responsibility. Safara et al. (2024) demonstrate that football athletes can fall within employment-law protections concerning contractual relationships with clubs. Yanutama (2025) likewise highlights legal protection concerning unpaid salaries within professional football contracts. If organizations can be responsible for contractual obligations toward athletes, it is conceptually consistent to recognize that they may also owe organizational duties concerning workplace safety. The legal characterization of the relationship should not permit an institution to enjoy extensive control over an athlete while disclaiming responsibility for the conditions created by that control.

Institutional responsibility also exists independently of the question of whether an athlete wins a dispute. Indonesian research on sports-dispute settlement identifies concerns regarding overlapping authorities and access to justice (Nugroho et al. 2023; Wahyunitha, Wijaya, and Nugraha 2025). A safeguarding framework should therefore ensure that organizational procedures do not become barriers to other legal remedies. An internal investigation may determine organizational discipline, while criminal authorities determine criminal responsibility and civil proceedings address compensation where appropriate. The existence of one mechanism should not extinguish the others unless the law expressly provides otherwise.

The legal foundation for institutional liability can consequently be summarized through a combination of statutory authority, governance principles, reasonable-care obligations, and specific protective legislation. Sports organizations exercise authority over athletes; that authority creates foreseeable risks; Indonesian law establishes obligations concerning sports governance and athlete protection; and civil and administrative principles provide mechanisms for evaluating institutional failure. The resulting duty is not unlimited, but it is sufficiently substantial to justify an independent inquiry into whether an organization failed to safeguard athletes.

When Does Organizational Failure Become Institutional Liability?

The first indicator of institutional liability is failure to implement reasonable preventive policies. A policy alone, however, should not be treated as sufficient evidence of compliance. An organization may possess an impressive written safeguarding document while failing to train personnel, communicate reporting channels, conduct risk assessments, or monitor implementation. Institutional responsibility should therefore be evaluated through actual practice. Research on sports governance in Indonesia repeatedly emphasizes the gap that can exist between formal governance principles and organizational implementation (Wijaya and Silvana 2024; Rusmana et al. 2025). Safeguarding should be assessed in the same manner.

Risk assessment should form part of the organization's preventive duty. Sports institutions should identify situations in which athletes are particularly vulnerable, including residential training, travel, private coaching, medical interactions, digital communication, and selection decisions. A risk assessment does not require organizations to predict every possible form of abuse. Its purpose is to identify foreseeable structural risks and determine reasonable controls. The 2024 international safeguarding consensus similarly emphasizes the complexity of interpersonal violence and the need for context-sensitive prevention rather than reliance on simplistic rules (Tuakli-Wosornu et al. 2024).

A second basis for institutional liability is inadequate personnel supervision. Coaches and officials occupy positions of trust and authority, meaning that organizations should exercise reasonable care in recruitment, training, supervision, and disciplinary monitoring. The organization may not be able to know every aspect of an employee's private conduct, but it can establish standards governing professional boundaries and interactions with athletes. Where repeated complaints, warning signs, or previous disciplinary findings exist, failure to act becomes increasingly difficult to justify. Institutional responsibility therefore increases with the organization's knowledge of risk.

The third basis is failure to respond to credible complaints. An organization that receives a complaint cannot simply refer the athlete back to the same individual or hierarchy implicated in the allegation. The first organizational duty should be to

protect against further harm while preserving procedural fairness. Law No. 12 of 2022 provides a broader legal framework emphasizing prevention, protection, handling, recovery, and integrated responses to sexual violence. Sports organizations should incorporate these principles into their own procedures rather than treating complaints solely as internal disciplinary matters.

Failure to preserve confidentiality may also constitute institutional wrongdoing. Athletes may hesitate to report abuse if information about the complaint is distributed unnecessarily among coaches, teammates, administrators, or other individuals. The resulting exposure can create stigma and professional consequences even when an allegation has not been resolved. A responsible organization should restrict access to sensitive information to those with legitimate procedural roles. Confidentiality does not mean suppressing allegations; it means protecting the integrity and dignity of the process.

Retaliation provides another clear basis for organizational responsibility. If an athlete loses selection, training access, contractual opportunities, or institutional support after making a good-faith complaint, the organization may have transformed a safeguarding problem into a second institutional violation. The legal significance of retaliation lies in its capacity to undermine the reporting system itself. An institution that formally invites complaints but informally punishes complainants creates a governance contradiction. The duty to protect therefore includes a duty to prevent adverse treatment resulting from legitimate reporting.

Institutional liability should also be considered where organizations ignore patterns rather than individual complaints. Suppose several athletes independently report boundary violations by the same coach, yet the organization treats each report as an isolated interpersonal disagreement. The organization may fail to recognize a systemic risk. International safeguarding research stresses that maltreatment can become embedded in organizational cultures where inappropriate behavior is normalized or minimized (Newman and Rumbold 2024). Pattern recognition should consequently become part of organizational supervision.

The quality of investigation is equally important. An organization may technically investigate a complaint but conduct the investigation through individuals who have personal, professional, or financial relationships with the accused. Such structural conflicts can undermine the legitimacy of the process. Indonesian sports-governance scholarship identifies control and accountability as essential elements of good governance (Wijaya and Silvana 2024). An investigation that lacks independence may therefore represent a governance failure even if the institution formally complied with its own complaint procedure.

Failure to provide reasonable support can also contribute to institutional liability. Victims of abuse may experience psychological, medical, educational, or professional consequences. Law No. 12 of 2022 expressly recognizes protection and recovery as elements of the state's response to sexual violence. Sports organizations should therefore establish referral mechanisms and appropriate

temporary measures. An institution does not necessarily need to provide every service directly, but it should ensure that victims can realistically access competent support.

The heightened vulnerability of children strengthens the organizational duty. The child-protection framework recognizes children's right to protection from violence and requires measures directed toward recovery and special protection. When an organization operates a youth training program, the standard of reasonable care should reflect the child's age, dependency, and limited bargaining power. An organization that allows a coach to maintain unsupervised access to children without appropriate controls may therefore face a stronger argument for institutional fault than an organization dealing exclusively with independent adult athletes.

Disability may similarly affect the standard of organizational care. Under Law No. 8 of 2016, persons with disabilities have rights to equality, protection, accessibility, and reasonable accommodation. If a sports organization provides a complaint system that cannot be accessed by a deaf athlete, visually impaired athlete, or athlete requiring communication assistance, the organization may fail to provide substantive rather than merely formal protection. Safeguarding must therefore be evaluated according to actual accessibility.

Contractual dependency can also affect the assessment of institutional conduct. An athlete who relies upon a club for income, accommodation, medical treatment, or selection may face significant consequences from challenging a coach or official. Indonesian scholarship has demonstrated that athletes' contractual relationships can already involve unequal bargaining positions and uncertainty concerning legal protection (Hanafie, Amin, and N. 2021; Efendi and Sulubara 2024). An organization should therefore recognize that an athlete's silence cannot automatically be interpreted as evidence that no misconduct occurred.

The causal connection between institutional failure and harm requires careful analysis. Institutional liability should not become automatic simply because an organization employed or affiliated with the perpetrator. The claimant should ordinarily demonstrate a meaningful relationship between the organization's failure and the resulting harm, subject to applicable legal doctrines. For example, failure to act on repeated warnings may establish a stronger causal connection than a completely unforeseeable act by an individual. This requirement protects organizations against unlimited liability while preserving accountability for negligent governance.

A layered approach is consequently preferable to a binary model of liability. The first layer concerns the perpetrator's individual criminal or disciplinary responsibility. The second concerns supervisors who failed to exercise reasonable oversight. The third concerns institutional governance failures involving policies, risk assessment, complaint systems, or organizational culture. The fourth concerns the responsibility of governing bodies or public authorities where systemic supervisory failures exist. This approach reflects the principle that different actors

can contribute to the conditions surrounding abuse without possessing identical legal culpability.

A Layered Accountability Model for Indonesian Sports Organizations

The proposed accountability model begins by identifying the organization's duty profile. Each organization should have duties proportionate to the degree of authority it exercises over athletes. A national federation supervising athletes across multiple training centers would have broader safeguarding responsibilities than a short-term event organizer. A club providing accommodation and employment would have responsibilities concerning workplace safety in addition to sporting rules. This differentiated model avoids both extremes: treating organizations as automatically liable for everything and allowing powerful institutions to disclaim responsibility for conditions under their control.

The next element is a formal safeguarding standard. Every sports organization should maintain written rules addressing prohibited conduct, reporting procedures, investigation, protection against retaliation, confidentiality, and disciplinary consequences. The purpose is to establish an objective benchmark against which organizational conduct can be assessed. Without a defined standard, liability may become unpredictable. Indonesian sports-governance research emphasizes that effective governance depends on institutional standards concerning transparency, control, accountability, and participation (Wijaya and Silvana 2024). Safeguarding policies should therefore form part of ordinary governance documentation.

The third element is mandatory risk assessment. Organizations should periodically identify situations in which athletes face elevated risks and document the measures adopted to reduce those risks. The assessment should cover physical facilities, travel, accommodation, coaching arrangements, medical interactions, digital communication, recruitment, and selection. It should also consider age, disability, gender, and dependency. The purpose is not bureaucratic compliance but the creation of an institutional record demonstrating that foreseeable risks were actively considered.

The fourth element is personnel accountability. Coaches, administrators, medical staff, and other personnel with athlete access should be subject to appropriate screening, safeguarding training, professional codes, and disciplinary procedures. An organization should not be able to argue that it exercised reasonable care if it appointed personnel to positions of substantial authority without basic safeguards. This is particularly important where the organization has previously received complaints or where the position involves regular unsupervised contact with minors.

The fifth element is an independent complaint pathway. Internal complaint mechanisms remain useful for less serious matters, but allegations involving senior officials, sexual abuse, minors, repeated misconduct, or significant conflicts of interest should trigger independent review. Indonesian scholarship on sports

dispute settlement demonstrates the importance of institutional clarity and accessible procedures (Wowiling 2024; Silvana, Surono, and Hamid 2025). Safeguarding complaints should similarly have clearly defined jurisdictional pathways so that an athlete does not have to negotiate organizational politics merely to obtain an investigation.

The sixth element concerns interim protective measures. Once a credible complaint is received, an organization should assess whether temporary separation, changes in training arrangements, alternative accommodation, or other protective steps are necessary. Such measures should not be framed as punishment before guilt is established. Their purpose is risk management. This distinction is essential because safeguarding requires immediate protection while disciplinary or criminal processes may take considerably longer.

The seventh element is independent investigation. Investigators should possess appropriate expertise and have no material conflict of interest with the parties. Their mandate should include evidence collection, interviews, assessment of organizational conduct, and recommendations concerning both individual and institutional responsibility. The investigation should not be limited to the question of whether the alleged perpetrator committed misconduct. It should also examine whether organizational systems contributed to the incident or failed to respond adequately.

The eighth element is institutional disclosure and accountability. Organizations should publish anonymized information about the number and general categories of safeguarding complaints, the existence of investigations, and the measures taken. Such transparency must protect personal data and the privacy of victims. The objective is to allow athletes, regulators, and the public to evaluate whether an organization is actually implementing its safeguarding commitments. Good sport governance requires transparency and control, and safeguarding provides a concrete area in which these principles can be operationalized (Wijaya and Silvana 2024).

The ninth element is a structured disciplinary framework. Sanctions should distinguish between individual abuse, supervisory negligence, retaliation, failure to report, deliberate concealment, and systemic governance failures. Treating every violation identically can produce both excessive punishment and insufficient accountability. The organization should instead establish proportionate consequences based on the seriousness of the conduct and the actor's role. Where criminal conduct is alleged, organizational discipline should not replace reporting to competent law-enforcement authorities.

The tenth element concerns remedies for affected athletes. Institutional accountability should not end with punishment. Depending on the circumstances, remedies may include psychological support, medical assistance, educational continuity, protection of contractual rights, reinstatement of lost opportunities, compensation where legally appropriate, or institutional measures to prevent recurrence. The emphasis on recovery in Law No. 12 of 2022 supports this broader

conception of remedy. The organization should therefore assess the consequences of abuse from the athlete's perspective rather than only from the institution's disciplinary perspective.

The eleventh element is regulatory supervision. Law No. 11 of 2022 and PP No. 46 of 2024 establish governmental responsibilities involving policy, coordination, supervision, and evaluation. These powers should be used to establish minimum safeguarding standards and evaluate whether sports organizations meet them. Government supervision should not micromanage every disciplinary case, but it should ensure that organizations possess functioning systems and that serious systemic failures receive regulatory attention.

The twelfth element is differentiated protection for vulnerable athletes. Children require heightened protection under the child-protection framework, while athletes with disabilities require accessibility and reasonable accommodation. Other forms of vulnerability may arise from economic dependence, immigration status, language barriers, or isolation from family. A single standardized procedure may therefore be formally equal but substantively inadequate. Institutional responsibility should include identifying and responding to circumstances that increase an athlete's vulnerability.

The final element is organizational learning. After every substantiated safeguarding case, the institution should conduct a structured review of how the incident occurred, whether warning signs were missed, whether policies worked, and whether organizational practices need modification. The purpose is to transform individual cases into institutional knowledge. International safeguarding scholarship emphasizes that maltreatment is influenced by organizational environments rather than isolated individual actions (Tuakli-Wosornu et al. 2024; Newman and Rumbold 2024). A learning obligation therefore prevents institutions from treating each incident as an exceptional event with no implications for governance.

The layered accountability model ultimately establishes a distinction between responsibility for the abuse and responsibility for the conditions surrounding the abuse. The perpetrator remains responsible for unlawful conduct. Supervisors may be responsible for negligent oversight. Organizations may be responsible for governance failures. Public authorities may bear responsibility where statutory supervision is systematically inadequate. These forms of responsibility should not be collapsed into a single category because they arise from different duties and require different legal standards. Such differentiation makes institutional accountability more legally defensible.

The model also creates a more precise answer to the title question: who is liable for athlete abuse? The answer is not automatically the coach, club, federation, or government. Liability depends upon the actor's legal duty, knowledge or foreseeability, failure to take reasonable measures, causal contribution to harm, and available remedies. This approach is consistent with Indonesian legal reasoning concerning athlete protection, which increasingly recognizes the importance of

reasonable-care standards, contractual duties, governance, and institutional accountability (Dwisari, Noer, and Effendi 2025; Wijaya and Silvana 2024). The organization becomes legally relevant not because it happens to employ the perpetrator but because it possesses an independent duty to govern a safe sporting environment.

Conclusion

The central problem examined in this article is whether athlete abuse should be treated exclusively as individual misconduct or whether sports organizations can also bear legal responsibility when their own failures contribute to the occurrence or continuation of abuse. The analysis demonstrates that Indonesian sports organizations should not automatically be considered liable for every abusive act committed within their institutional environment. Nevertheless, the existence of an individual perpetrator does not extinguish the organization's own duties. Where a club, federation, training center, or other sports institution exercises substantial authority over athletes, it assumes corresponding responsibilities concerning reasonable prevention, supervision, reporting, investigation, and protection. Law No. 11 of 2022 and PP No. 46 of 2024 provide the broader governance foundation, while Law No. 12 of 2022 strengthens the preventive and victim-protection dimension of the legal framework.

The appropriate legal approach is therefore a layered accountability model. Individual criminal or disciplinary liability should remain distinct from supervisory negligence and institutional governance failure. An organization should face greater exposure to liability when it fails to conduct reasonable risk assessments, ignores credible warnings, inadequately supervises personnel, permits unsafe practices to continue, obstructs reporting, or retaliates against athletes. The proposed model also requires independent complaint pathways, documented safeguarding policies, accessible procedures, institutional transparency, protection for children and athletes with disabilities, and meaningful remedies. Such a framework would shift Indonesian sports governance from a reactive model that responds primarily after abuse occurs toward a preventive model in which organizations are evaluated according to the quality of the systems they establish and maintain.

Future research should empirically test the proposed accountability model against actual cases involving Indonesian clubs, federations, training centers, and athlete-development programs. Socio-legal studies should examine how athletes understand institutional responsibility, why complaints remain underreported, how organizations respond internally, and whether existing disciplinary systems adequately distinguish perpetrator misconduct from governance failure. Comparative research could also assess independent safeguarding institutions in other jurisdictions and determine which elements can be adapted to Indonesia's decentralized sports structure. Particular attention should be given to child athletes,

athletes with disabilities, women athletes, and athletes whose economic or contractual dependence makes reporting particularly difficult. Empirical evidence would allow future legal reform to identify measurable institutional duties and develop a more predictable standard for determining when safeguarding failure becomes legally actionable.

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