

Social Media, Athlete Speech, and Disciplinary Sanctions: Balancing Freedom of Expression and Sports Governance in Indonesia

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Abstract

Social media has transformed the relationship between athletes, sports organizations, fans, sponsors, and the public. Athletes increasingly use digital platforms to express opinions on sporting issues, institutional decisions, social matters, and personal experiences. However, sports organizations may impose disciplinary sanctions when athletes' online statements are considered damaging to institutional reputation or contrary to internal regulations. This article examines the legal limits of disciplinary sanctions imposed on athletes for social media expression in Indonesia. Using normative juridical research, the study analyzes freedom of expression, contractual obligations, sports disciplinary rules, and proportionality principles. The study argues that athletes do not lose their fundamental rights to expression merely because they participate in professional sport. Nevertheless, legitimate restrictions may apply where expression involves threats, discrimination, confidential information, or serious contractual violations. The central legal issue is therefore determining whether disciplinary restrictions are necessary, proportionate, and clearly established in advance. The article proposes a proportionality-based framework requiring clear rules, individualized assessment, procedural fairness, and meaningful appeal mechanisms. Such a framework would prevent disciplinary authority from becoming an instrument for suppressing legitimate criticism while preserving the legitimate governance interests of sports organizations. Balancing athlete expression and institutional integrity is essential for rights-based sports governance in Indonesia.

[Media sosial telah mengubah hubungan antara atlet, organisasi olahraga, penggemar, sponsor, dan publik. Atlet semakin banyak menggunakan platform digital untuk mengekspresikan pendapat tentang isu-isu olahraga, keputusan institusional, masalah sosial, dan pengalaman pribadi. Namun, organisasi olahraga dapat menjatuhkan sanksi disiplin ketika pernyataan daring atlet dianggap merusak reputasi institusional atau bertentangan dengan peraturan internal. Artikel ini mengkaji batasan hukum sanksi disiplin yang

dikenakan pada atlet atas ekspresi di media sosial di Indonesia. Dengan menggunakan penelitian yuridis normatif, studi ini menganalisis kebebasan berekspresi, kewajiban kontraktual, aturan disiplin olahraga, dan prinsip proporsionalitas. Studi ini berpendapat bahwa atlet tidak kehilangan hak fundamental mereka untuk berekspresi hanya karena mereka berpartisipasi dalam olahraga profesional. Meskipun demikian, pembatasan yang sah dapat diterapkan jika ekspresi tersebut melibatkan ancaman, diskriminasi, informasi rahasia, atau pelanggaran kontrak yang serius. Isu hukum utama adalah menentukan apakah pembatasan disiplin tersebut diperlukan, proporsional, dan ditetapkan dengan jelas sebelumnya. Artikel ini mengusulkan kerangka kerja berbasis proporsionalitas yang membutuhkan aturan yang jelas, penilaian individual, keadilan prosedural, dan mekanisme banding yang bermakna. Kerangka kerja seperti itu akan mencegah otoritas disiplin menjadi instrumen untuk menekan kritik yang sah sekaligus menjaga kepentingan tata kelola yang sah dari organisasi olahraga. Menyeimbangkan ekspresi atlet dan integritas kelembagaan sangat penting untuk tata kelola olahraga berbasis hak di Indonesia.]

Keywords: Freedom of expression, athlete speech, social media, sports discipline, proportionality

Introduction

The rapid expansion of social media has altered the legal relationship between professional athletes and sports organizations. An athlete can now communicate directly with millions of followers without relying upon journalists, broadcasters, clubs, or federations as intermediaries. This transformation creates opportunities for public engagement but also exposes athletes to intensified institutional control. A post criticizing a club, a federation, a referee, a coach, or a public policy may be treated as ordinary personal expression, yet the same post may be characterized by a sports organization as misconduct, reputational damage, breach of loyalty, or violation of a code of ethics. The emergence of this conflict demonstrates that the athlete is simultaneously a rights-bearing individual, contractual participant, public figure, and regulated participant in an institutional sporting system. The legal problem is consequently more complex than the conventional assumption that athletes must simply comply with organizational rules. It concerns the extent to which private sports governance may restrict a fundamental freedom and the conditions under which such restrictions can be considered legally legitimate.

Freedom of expression has a particularly strong constitutional position in Indonesia. Article 28E of the 1945 Constitution guarantees the freedom to associate, assemble, and express opinions, while Article 28F protects the right to communicate and obtain information. At the same time, Article 28J establishes that the exercise of rights must respect the rights of others and may be subject to

limitations established by law for constitutionally legitimate purposes. Law Number 39 of 1999 concerning Human Rights reinforces freedom of opinion and expression as a protected human right, while Law Number 12 of 2005 incorporates the International Covenant on Civil and Political Rights into Indonesia's domestic legal order. Article 19 of the ICCPR protects the freedom to seek, receive, and impart information and ideas through any media, while allowing restrictions only when provided by law and necessary for specified legitimate interests. The Indonesian constitutional structure therefore does not establish an absolute freedom of expression; it establishes a protected freedom subject to legally justified limitations.

The legal position becomes more complicated when expression occurs within a privately regulated sporting environment. Sports organizations possess legitimate interests in maintaining competition integrity, protecting athletes and officials from abuse, preventing discrimination, protecting confidential information, preserving commercial relationships, and ensuring orderly competition. The Sports Law recognizes the institutional organization of sport, sports participants, sports organizations, sports industry, supervision, and dispute resolution. Law Number 11 of 2022 concerning Sports replaced the former national sports system and expressly addresses the management and governance of Indonesian sport. Government Regulation Number 46 of 2024 subsequently developed the regulatory framework concerning sports administration. These instruments establish that sports organizations operate within a regulated legal environment rather than existing entirely outside public law. The existence of institutional autonomy, however, does not automatically authorize unlimited restrictions upon an athlete's constitutional and contractual rights.

Previous scholarship has examined the tension between athlete expression and sports governance from different perspectives. Di Marco argues that the traditional principle of political neutrality in sport is increasingly difficult to reconcile with contemporary human-rights standards and the growing social role of athletes (Di Marco 2021). Shahlai similarly argues that sports organizations may legitimately regulate political expression in certain circumstances but should not automatically prohibit expression concerning fundamental human-rights values (Shahlai 2017). Bayliss demonstrates the practical difficulties associated with speech-related disciplinary regulation, particularly where social-media expression is interpreted without sufficient consideration of linguistic, cultural, and contextual factors (Bayliss 2022). Rebustini and Machado, examining athlete use of Twitter, found that sports organizations have developed various forms of control, restriction, and punishment in response to athlete communication through social media (Rebustini and Machado 2020). These studies establish the international relevance of the problem, but the Indonesian context requires separate analysis because the interaction between constitutional rights, private sports governance, employment relationships, and Indonesian electronic-information law has not been sufficiently integrated.

This article employs normative juridical research using statutory, conceptual, and comparative approaches. The statutory approach examines the 1945 Constitution, Law Number 39 of 1999 concerning Human Rights, Law Number 12 of 2005 concerning the ICCPR, Law Number 9 of 1998 concerning Freedom of Expression in Public, Law Number 40 of 1999 concerning the Press, Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016 and Law Number 1 of 2024, Law Number 11 of 2022 concerning Sports, Government Regulation Number 46 of 2024, the Civil Code, and relevant labor legislation. The conceptual approach examines freedom of expression, horizontal application of fundamental rights, contractual autonomy, proportionality, sports autonomy, *lex sportiva*, and procedural fairness. The comparative approach considers European human-rights jurisprudence involving disciplinary sanctions against athletes and sports officials, particularly *imuni v. Croatia*, *Naki and AMED Sportif Faaliyetler Kulübü Derne i v. Turkey*, *Sedat Do an v. Turkey*, and *brahim Tokmak v. Turkey*. These cases are especially useful because the European Court of Human Rights has directly considered disciplinary sanctions imposed by football authorities for statements made through traditional and social media.

The contribution of this article is to propose that Indonesian sports discipline should be evaluated through a structured proportionality framework rather than through a binary assumption that organizational rules either completely control athletes or have no authority over them. The article conceptualizes disciplinary power as legally legitimate only where the restriction has a sufficiently clear normative basis, pursues a legitimate institutional objective, is suitable and necessary to achieve that objective, and imposes no excessive burden upon the athlete. This framework also requires procedural safeguards because proportionality cannot be meaningfully assessed where disciplinary bodies operate without transparent reasons, impartial decision-makers, evidence-based assessment, or effective appeal mechanisms. The article therefore connects substantive freedom of expression with procedural justice in sports governance. The central argument is that sports autonomy should be understood as institutional autonomy subject to rights-based limitations, not as an independent source of authority to override fundamental rights.

Constitutional Protection of Athlete Expression in the Indonesian Legal Order

The starting point for evaluating athlete speech is that an athlete remains a rights-bearing person after entering a professional or organized sporting relationship. Neither employment status nor membership in a sports federation inherently extinguishes constitutional rights. Article 28E and Article 28F of the Indonesian Constitution provide broad textual protection for expression and communication, while Article 28J establishes the conditions under which rights may be restricted.

This structure is consistent with the ICCPR, which Indonesia ratified through Law Number 12 of 2005. General Comment No. 34 of the UN Human Rights Committee emphasizes that freedom of expression is indispensable to individual development and democratic accountability and that restrictions must satisfy legality, necessity, and proportionality. The Committee specifically emphasizes that restrictions cannot be overbroad and should constitute the least intrusive means of achieving the relevant protective purpose (Human Rights Committee 2011). Docstore+1 Therefore, an athlete's status as a public figure cannot by itself justify a presumption that organizational control over speech is unlimited.

The constitutional framework also requires distinguishing between the content of speech and the consequences of speech. Not every controversial or reputationally inconvenient statement constitutes unlawful expression. Political criticism, criticism of sports administrators, discussion of working conditions, complaints concerning unfair treatment, and participation in public debate ordinarily occupy a stronger position within freedom of expression than threats, incitement, discriminatory harassment, or deliberate disclosure of protected information. Barendt argues that the value of free expression lies not only in protecting individual autonomy but also in enabling democratic deliberation and accountability (Barendt 2005). Alexy's theory of rights as principles similarly suggests that fundamental rights require optimization rather than absolute application because competing principles must be reconciled according to the circumstances of each case (Alexy 2002). Applied to sport, this means that the organizational interest in reputation cannot automatically prevail over athlete expression. A disciplinary authority must identify the specific harm created by the speech and demonstrate why restricting that speech is justified in the particular circumstances.

Article 28J is especially important because it prevents an overly simplistic interpretation of freedom of expression. The constitutional right is not unlimited, and sports organizations may have legitimate interests capable of justifying certain restrictions. However, Article 28J refers to limitations established by law and designed to protect specified interests within a democratic society. This creates a legal difficulty for purely private disciplinary rules. A club code of conduct is not equivalent to legislation enacted through the constitutional law-making process. Consequently, contractual consent cannot automatically transform every restriction into a constitutionally legitimate limitation. Private parties possess contractual autonomy, but contractual freedom operates within mandatory law and public-order limitations. The more severe the restriction, the stronger the justification required. A contractual clause prohibiting all criticism of a club, for example, should not be treated in the same manner as a narrowly drafted confidentiality obligation protecting medical records, tactical information, or commercially sensitive data.

The horizontal dimension of human rights is particularly relevant in this context. Traditional constitutional doctrine primarily conceptualizes fundamental

rights as protections against the state, but modern legal systems increasingly recognize that private actors may possess substantial power capable of affecting individual rights. A professional sports federation may control eligibility, registration, competition participation, licensing, and disciplinary status, while a club may control employment, remuneration, training opportunities, and commercial exposure. The practical consequences of their decisions can therefore resemble those of public authorities even where the institution is formally private. Gardiner et al. describe sports governance as a complex interaction among public law, private regulation, contractual arrangements, and transnational sporting rules (Gardiner et al. 2012). Foster similarly argues that modern sports law cannot be adequately understood through a purely private-law model because sports organizations exercise forms of regulatory authority with significant public consequences (Foster 2006). The greater the regulatory power exercised by an organization, the stronger the justification for rights-sensitive procedural and substantive constraints.

The athlete's status as a public figure also requires careful treatment. *imuni v. Croatia* demonstrates that an athlete's prominence may legitimately affect the assessment of harmful expression because professional athletes can function as role models and their statements may reach large audiences. In that case, the European Court of Human Rights accepted the restriction concerning a fascist-associated chant made by a prominent football player at a stadium, emphasizing the context, audience, and anti-discrimination objectives. Yet the decision should not be transformed into a general proposition that public figures possess weaker freedom of expression. Rather, it demonstrates that context matters. An athlete's public influence may strengthen the justification for restricting discriminatory or hateful conduct, but it does not eliminate the requirement to establish a legitimate purpose and proportionate response. The legal analysis must therefore distinguish between the athlete's influence as a reason for heightened responsibility and the athlete's status as a reason for generalized censorship.

Social Media Regulation, Contractual Authority, and the Autonomy of Sports Organizations

Social media presents a particular regulatory challenge because the boundary between professional and private expression is increasingly difficult to identify. An athlete may post from a personal account outside working hours, yet the account may identify the athlete as a member of a club or national team. A statement criticizing a federation may consequently be perceived by sponsors as institutional criticism even when the athlete expressly states that the opinion is personal. Sports organizations may respond by adopting social-media policies that regulate statements concerning clubs, teammates, coaches, officials, sponsors, and competitions. Such policies can serve legitimate purposes, but their legality depends upon precision. A rule prohibiting "statements damaging the reputation of

the organization” is potentially problematic because almost any criticism could be characterized as reputational harm. A more defensible rule would identify prohibited conduct, such as disclosure of confidential information, knowingly false allegations presented as fact, threats, discriminatory abuse, or statements creating a demonstrable and serious conflict with contractual obligations.

Contract law cannot be ignored because many professional athletes voluntarily accept specific obligations in exchange for remuneration and sporting opportunities. The Civil Code establishes contractual principles concerning agreement, capacity, lawful object, and binding force, while employment law regulates the employment relationship where the athlete qualifies as a worker. Yet contractual autonomy has limits. A contract may legitimately require an athlete to preserve confidential information or comply with reasonable media protocols, but a clause that effectively prohibits all criticism may conflict with mandatory legal principles and public policy. The distinction is between regulation of conduct necessary for the sporting relationship and suppression of expression merely because it is inconvenient. McArdle emphasizes that sports disputes frequently involve contractual, disciplinary, and institutional dimensions simultaneously, making the characterization of the relationship critical to determining applicable remedies (McArdle 2011). In Indonesia, contractual interpretation should therefore consider not only literal wording but also good faith, proportionality, the legitimate interests of both parties, and mandatory human-rights standards.

The autonomy of sports organizations is a legitimate legal principle but should not be misunderstood as absolute immunity from general law. International sport has developed the concept of *lex sportiva*, referring broadly to transnational rules, principles, and decisions generated through sporting institutions and dispute-resolution mechanisms. Nafziger describes international sports law as a field in which private sporting regulations interact with national and international legal orders (Nafziger 2004). Blackshaw likewise emphasizes the distinctive regulatory character of sports organizations while recognizing that their autonomy operates within broader legal systems (Blackshaw 2017). In Indonesia, the Sports Law expressly regulates sports organizations, athletes, professional sport, sports industry, supervision, and dispute resolution. This statutory recognition strengthens organizational authority but simultaneously subjects sports governance to the legal principles established by national legislation. Sports rules should therefore be interpreted consistently with constitutional rights rather than treated as an autonomous legal universe.

The Electronic Information and Transactions framework adds another dimension because social-media statements constitute electronic information. Law Number 11 of 2008, as amended by Law Number 19 of 2016 and Law Number 1 of 2024, regulates certain forms of electronic communication and unlawful online conduct. The existence of these provisions, however, should not encourage sports organizations to treat every offensive, controversial, or critical online statement as an electronic crime. Criminal restrictions on expression are subject to legality and

should be interpreted narrowly because criminal sanctions constitute particularly serious interference with fundamental rights. The disciplinary sphere is legally distinct from criminal law. A sports federation may establish internal obligations that are narrower than criminal prohibitions, but it must still demonstrate that the rule is sufficiently clear and that its application is proportionate. Conversely, the absence of criminal liability does not automatically prevent legitimate disciplinary consequences where an athlete has violated a clearly established contractual or sporting obligation. The two systems should therefore remain conceptually separate while recognizing their interaction.

Comparative Jurisprudence and the Proportionality of Athlete Speech Sanctions

Comparative jurisprudence provides particularly valuable guidance because European human-rights institutions have already confronted disciplinary sanctions imposed by sports authorities for athlete expression. In *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey*, the European Court of Human Rights examined disciplinary sanctions imposed upon a professional footballer for a Facebook message concerning events in southeastern Turkey. The footballer received a twelve-match suspension and a fine from the Turkish Football Federation. The Court found a violation of Article 10 because the sporting authorities had failed to provide adequate justification for the interference with freedom of expression. The same 18 May 2021 judgment series included *Sedat Doğan v. Turkey* and *Brahim Tokmak v. Turkey*, involving statements and social-media activity by football officials and a referee. Lexploria+1 These cases are highly relevant to Indonesia because they demonstrate that sports disciplinary power can constitute a meaningful interference with freedom of expression even where the sanction originates from a private sporting institution.

The significance of *Naki*, *Sedat Doğan*, and *Tokmak* lies not merely in their outcomes but in their methodology. The European Court did not conclude that sports authorities have no disciplinary jurisdiction over speech. Instead, it examined whether the interference was adequately justified and compatible with Article 10. This approach is consistent with the broader proportionality framework under which a restriction must be prescribed by law, pursue a legitimate objective, and be necessary in a democratic society. General Comment No. 34 similarly emphasizes that restrictions must be narrowly tailored and proportionate to the interest being protected (Human Rights Committee 2011). Docstore+1 For Indonesian sports governance, the lesson is that the existence of a disciplinary rule cannot end the legal inquiry. Decision-makers must explain why the specific expression falls within the rule, what legitimate interest is threatened, why a restriction is necessary, and why the particular sanction is proportionate to the harm.

The first component of proportionality should therefore be legality and foreseeability. Athletes should be able to know in advance what forms of expression may trigger disciplinary consequences. Vague terms such as “disrespect,” “bringing the organization into disrepute,” or “inappropriate social-media behavior” can provide excessive discretion when not accompanied by objective criteria. Legal certainty requires sufficient clarity concerning prohibited conduct, applicable sanctions, and procedural mechanisms. This is particularly important because disciplinary consequences may affect an athlete’s income, eligibility, career trajectory, reputation, and contractual status. A rule that permits an organization to impose an indefinite suspension for any statement considered harmful to its reputation creates a structural risk of arbitrary enforcement. The principle of legality should therefore operate as a preliminary filter before proportionality is considered: if the prohibited conduct cannot reasonably be identified from the rule, the disciplinary sanction should be presumptively invalid or at least interpreted narrowly.

The second component is legitimate purpose. Sports organizations may have several legitimate objectives, including protecting competition integrity, preventing discrimination and harassment, safeguarding confidential information, protecting minors, preventing threats and violence, fulfilling contractual sponsorship commitments, and maintaining orderly competition. However, “institutional reputation” should not automatically be treated as a sufficient justification for every restriction. Reputation is a legitimate interest, but organizations operating in professional sport must tolerate a greater degree of criticism because criticism can contribute to accountability and institutional improvement. The European human-rights tradition generally affords stronger protection to expression concerning public affairs and matters of public interest, although that protection is not absolute. Di Marco’s analysis of athlete speech similarly argues that political neutrality cannot be treated as an automatic justification for suppressing all political expression by athletes (Di Marco 2021). In Indonesia, criticism concerning athlete welfare, governance, selection procedures, safety, discrimination, or corruption should therefore receive stronger protection than personal attacks unrelated to a matter of public concern.

The third component is necessity and proportionality *stricto sensu*. Even where a disciplinary restriction serves a legitimate purpose, the organization should consider whether a less restrictive measure could achieve the same objective. A warning may be sufficient where a temporary suspension would unnecessarily impair an athlete’s career. A requirement to remove confidential information may be appropriate where deletion resolves the harm, whereas a lengthy competition ban would require much stronger justification. Similarly, an athlete’s isolated emotional statement should not automatically receive the same sanction as repeated discriminatory abuse or a credible threat. Bayliss’ analysis of the Cavani social-media controversy illustrates why linguistic and cultural context can be decisive in evaluating whether online expression genuinely warrants punishment

(Bayliss 2022). Springer The disciplinary authority should therefore consider intent, context, audience, repetition, actual or foreseeable harm, position of the athlete, prior conduct, and whether an apology or corrective measure can adequately remedy the consequences.

Procedural Fairness and a Rights-Based Model of Sports Discipline

Substantive proportionality cannot operate effectively without procedural fairness. An athlete accused of violating a social-media rule should receive clear notice of the allegation, access to the relevant rule, an opportunity to respond, reasonable access to evidence, an impartial decision-maker, a reasoned decision, and an effective appeal. This principle becomes particularly important because sports organizations often combine regulatory, prosecutorial, and adjudicative functions. The ECtHR's sports jurisprudence illustrates the danger of allowing disciplinary institutions to operate without sufficient independence and impartiality. In *Naki and AMED*, the Court found not only an Article 10 violation but also an Article 6 issue concerning the independence and impartiality of the sporting arbitration structure. Similar concerns had arisen in *Ali Rıza and Others v. Turkey*, where the Court identified structural problems concerning the independence of the Turkish Football Federation's arbitration mechanism. Consejo de Europa+1 Although the institutional arrangements in Indonesia differ, the principle is transferable: sports autonomy must be accompanied by credible adjudicative safeguards.

The need for procedural safeguards is heightened where the sanction affects employment and livelihood. Professional athletes frequently depend upon participation rights for income, bonuses, sponsorship opportunities, ranking points, and career development. A suspension may therefore have consequences extending beyond the immediate sporting event. The disciplinary process should consequently distinguish between minor misconduct and serious violations. A proportionate system might employ graduated sanctions, beginning with education or warnings for minor breaches and escalating to fines, temporary suspension, or termination only where conduct is sufficiently serious and repeated. Such differentiation is consistent with the broader principle that punishment should correspond to the seriousness of the violation. Gardiner et al. argue that modern sports law increasingly requires procedural mechanisms capable of reconciling institutional efficiency with fairness to participants (Gardiner et al. 2012). The same principle should guide Indonesian sports organizations in designing social-media disciplinary regimes.

The appeal mechanism is equally significant. An internal appeal should not merely reproduce the decision of the first disciplinary body. Effective review requires an institution capable of reassessing facts, legal interpretation, procedural compliance, and proportionality. The reviewing body should have authority to reduce or annul sanctions that are excessive even when a violation has been established. Where sports organizations possess significant monopolistic or quasi-

monopolistic control over participation in a sport, access to independent dispute resolution becomes particularly important. The Sports Law expressly recognizes dispute resolution within the sports system, but sector-specific rules should ensure that disciplinary procedures comply with principles of independence, impartiality, transparency, and accessibility. The objective is not to judicialize every sporting disagreement but to ensure that disciplinary autonomy does not become synonymous with unreviewable authority.

A rights-based disciplinary model should also distinguish between professional speech and private speech. The closer an expression is to the performance of contractual duties, official team communications, or conduct occurring during competition, the stronger the organization's regulatory interest may be. By contrast, personal political opinions expressed through an athlete's private account outside working hours should generally receive greater protection unless they create a specific and demonstrable conflict with a legitimate sporting obligation. This distinction does not create an absolute private sphere because public statements can affect clubs and sponsors, but it requires contextual assessment. Park's study of student-athlete expression demonstrates a related principle: institutional attempts to regulate expression concerning public issues warrant greater scrutiny than restrictions concerning purely private or institutional matters (Park 2022). The Indonesian framework should similarly differentiate public-interest expression from conduct directly interfering with sporting operations.

A further safeguard should address whistleblowing and criticism concerning institutional misconduct. Athletes may possess information about unsafe facilities, discrimination, unpaid remuneration, corruption, match manipulation, harassment, doping administration, or other serious wrongdoing. A disciplinary system that treats such statements as disloyalty may create a chilling effect that discourages legitimate reporting. Freedom of expression is closely connected to accountability because individuals must be able to communicate information concerning matters of public interest. The UN Human Rights Committee has expressly recognized the role of expression in transparency and accountability (Human Rights Committee 2011). Accordingly, sports organizations should distinguish good-faith reporting of alleged wrongdoing from knowingly false accusations made with malicious intent. The former should receive heightened protection, while the latter may legitimately attract sanctions where the relevant legal and contractual requirements are satisfied.

The Indonesian framework should ultimately adopt a four-stage proportionality test for athlete social-media discipline. First, the organization must establish a clear legal or contractual basis for restricting the expression. Second, it must identify a legitimate objective directly connected to sports governance, such as safety, integrity, confidentiality, equality, or protection of another person's rights. Third, it must demonstrate that the restriction is necessary and that less restrictive measures would not adequately address the identified harm. Fourth, the sanction

must be proportionate to the seriousness of the conduct, taking into account context, intent, actual harm, repetition, audience, and the athlete's position. This test should be supplemented by procedural guarantees concerning notice, hearing, impartiality, reasoned decisions, and appeal. Such a framework would preserve the institutional autonomy necessary for professional sport while preventing vague disciplinary authority from becoming a mechanism of censorship.

Conclusion

Professional athletes in Indonesia do not surrender their freedom of expression merely because they participate in professional, organized, or commercially regulated sport. The constitutional protection of expression under Articles 28E and 28F of the 1945 Constitution, reinforced by Law Number 39 of 1999 and Indonesia's ratification of the ICCPR through Law Number 12 of 2005, establishes a rights-based starting point for evaluating restrictions on athlete speech. At the same time, sports organizations possess legitimate regulatory interests in maintaining competition integrity, protecting participants, preventing discrimination, safeguarding confidential information, and fulfilling contractual obligations. The legal question is therefore not whether sports organizations possess disciplinary authority but whether that authority is exercised within legally recognizable boundaries. Indonesian sports governance should reject both extremes: unrestricted organizational control over athlete speech and the proposition that athletes are immune from legitimate discipline. The appropriate approach is a contextual assessment based upon legality, legitimate purpose, necessity, proportionality, and procedural fairness.

The comparative experience of European sports jurisprudence demonstrates the practical importance of this approach. *imuni v. Croatia* illustrates that restrictions may be justified where an athlete's expression promotes discriminatory or hateful ideology in a sporting context, particularly where the athlete has significant public influence. Conversely, *Naki and AMED Sportif, Sedat Do an*, and *brahim Tokmak* demonstrate that disciplinary sanctions imposed by sports authorities may violate freedom of expression when the authorities fail to provide adequate justification or conduct a genuine proportionality assessment. Lexploria+1 Indonesia should develop a comparable rights-sensitive model through clearer social-media regulations, individualized sanctions, independent appeals, and transparent disciplinary reasoning. Rules should distinguish criticism from abuse, political expression from threats, good-faith reporting from malicious allegations, and private communication from conduct directly interfering with sporting operations. Such reform would strengthen rather than weaken sports governance because institutional legitimacy depends not simply upon the power to discipline but upon the ability to exercise disciplinary power fairly, predictably, and consistently with fundamental rights.

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