

# The Right to Due Process in Sports Disciplinary Proceedings: Evaluating Procedural Fairness in Indonesian Sports Organizations

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## Abstract

Sports organizations exercise disciplinary authority over athletes, coaches, officials, and clubs, often determining sanctions that may have significant professional and financial consequences. Despite the importance of such decisions, internal disciplinary procedures may lack sufficient guarantees of independence, transparency, and procedural fairness. This article examines the application of due process principles in disciplinary proceedings conducted by Indonesian sports organizations. Employing normative juridical research, the study analyzes sports regulations, administrative justice principles, natural justice, and international standards of fair procedure. The research identifies several potential concerns, including conflicts of interest, inadequate notice of allegations, limited access to evidence, lack of independent adjudicators, and insufficient appeal mechanisms. The article argues that sports disciplinary authority should be constrained by minimum procedural guarantees regardless of whether proceedings occur within private sporting organizations. A sports-specific due process framework is proposed, incorporating prior notice, impartial decision-makers, the right to respond, access to relevant evidence, reasoned decisions, proportional sanctions, and independent appeal mechanisms. These safeguards would not prevent sports organizations from maintaining discipline but would enhance the legitimacy and credibility of disciplinary decisions. Strengthening procedural justice is essential to ensure that athlete governance remains compatible with fundamental legal principles and does not permit institutional authority to operate without meaningful accountability.

*[Organisasi olahraga menjalankan wewenang disiplin terhadap atlet, pelatih, ofisial, dan klub, seringkali menentukan sanksi yang dapat memiliki konsekuensi profesional dan finansial yang signifikan. Terlepas dari pentingnya keputusan tersebut, prosedur disiplin internal mungkin kurang memiliki jaminan independensi, transparansi, dan keadilan prosedural yang memadai. Artikel ini mengkaji penerapan prinsip-prinsip proses hukum yang adil dalam proses disiplin yang dilakukan oleh organisasi olahraga Indonesia.]*

*Dengan menggunakan penelitian yuridis normatif, studi ini menganalisis peraturan olahraga, prinsip-prinsip keadilan administratif, keadilan alamiah, dan standar internasional tentang prosedur yang adil. Penelitian ini mengidentifikasi beberapa potensi masalah, termasuk konflik kepentingan, pemberitahuan tuduhan yang tidak memadai, akses terbatas terhadap bukti, kurangnya hakim independen, dan mekanisme banding yang tidak memadai. Artikel ini berpendapat bahwa wewenang disiplin olahraga harus dibatasi oleh jaminan prosedural minimum terlepas dari apakah proses tersebut terjadi di dalam organisasi olahraga swasta. Kerangka kerja proses hukum yang adil khusus untuk olahraga diusulkan, yang mencakup pemberitahuan sebelumnya, pengambil keputusan yang tidak memihak, hak untuk menanggapi, akses terhadap bukti yang relevan, keputusan yang beralasan, sanksi yang proporsional, dan mekanisme banding yang independen. Pengamanan ini tidak akan mencegah organisasi olahraga untuk menjaga disiplin, tetapi akan meningkatkan legitimasi dan kredibilitas keputusan disiplin. Memperkuat keadilan prosedural sangat penting untuk memastikan bahwa tata kelola atlet tetap sesuai dengan prinsip-prinsip hukum mendasar dan tidak memungkinkan otoritas institusional beroperasi tanpa akuntabilitas yang berarti.]*

**Keywords:** Due process, sports discipline, procedural fairness, athlete rights, sports governance

## Introduction

Professional sport operates through a complex system of rules, contracts, disciplinary codes, federations, clubs, leagues, and dispute-resolution institutions. Within this system, sports organizations exercise authority that may extend well beyond the technical regulation of competitions. They can suspend athletes, impose fines, revoke eligibility, restrict participation, invalidate registrations, or affect contractual and professional opportunities. Such decisions may consequently have consequences comparable to decisions made by public authorities, even when the institution exercising power is formally private. The legal problem is therefore not simply whether sports organizations possess disciplinary authority, but whether that authority is exercised through procedures capable of protecting the rights of those subjected to it. Due process becomes particularly important where sanctions affect employment, income, reputation, or the ability to continue a sporting career. The legitimacy of sports governance ultimately depends not only upon substantive sporting rules but also upon the fairness of the procedures through which those rules are interpreted and enforced (Gardiner et al. 2012; Foster 2006).

The Indonesian legal framework recognizes the institutional autonomy and organizational structure of sport while simultaneously placing sports governance within a statutory framework. Law Number 11 of 2022 concerning Sports replaced

Law Number 3 of 2005 and establishes a contemporary framework for sports administration, participation, organizations, professional sport, sports industry, supervision, and dispute resolution. The statute expressly emphasizes the development of sports governance responsive to national and international developments and directed toward the welfare and development of sports participants. This statutory position is significant because it demonstrates that Indonesian sports organizations cannot be conceptualized entirely as private associations operating outside the legal order. Their authority exists within legislation, contractual relationships, constitutional principles, and general legal doctrines. Consequently, disciplinary procedures should be evaluated not merely according to internal organizational rules but also according to broader principles of legality, fairness, accountability, and protection of legal rights.

Due process in sports has both substantive and procedural dimensions. Substantively, disciplinary rules must provide a sufficiently clear basis for sanctions and should not authorize arbitrary or disproportionate punishment. Procedurally, affected persons must receive adequate notice, have an opportunity to present their case, obtain access to relevant evidence, and receive a decision from an impartial and independent decision-maker. These requirements correspond to the broader concept of natural justice, which traditionally incorporates the rule against bias and the right to be heard. Wade and Forsyth explain that procedural fairness functions as a central constraint on administrative power because legal authority does not automatically imply unlimited discretion (Wade and Forsyth 2014). Craig similarly emphasizes that procedural fairness protects individuals against arbitrary exercises of public power and requires decision-makers to provide meaningful opportunities for affected persons to participate in decisions concerning their interests (Craig 2016). Although sports organizations are frequently private bodies, their disciplinary authority may generate sufficiently serious consequences to justify comparable procedural expectations.

International human-rights law reinforces the importance of procedural guarantees where proceedings determine civil rights and obligations. Article 14 of the International Covenant on Civil and Political Rights establishes the right to a fair and public hearing by a competent, independent, and impartial tribunal in the determination of rights and obligations in a suit at law. Indonesia became a party to the ICCPR through Law Number 12 of 2005. The constitutional framework likewise protects equality before the law and the recognition, guarantee, protection, and certainty of fair legal treatment. These provisions do not necessarily mean that every internal sports proceeding automatically constitutes a judicial proceeding governed identically by Article 14 ICCPR. Nevertheless, they provide important normative standards for assessing institutions that exercise disciplinary authority capable of producing serious legal and professional consequences. The distinction between public and private institutions should therefore not become a mechanism for eliminating minimum standards of fairness where private regulatory power substantially affects individual rights (Nowak 2005; Joseph and Castan 2013).

Previous studies have demonstrated that sports governance presents distinctive problems of independence and accountability. Foster argues that sports organizations have developed regulatory systems capable of operating across national boundaries and sometimes claiming substantial autonomy from domestic courts (Foster 2006). Nafziger identifies fairness as a fundamental principle in the development of *lex sportiva* and sports adjudication (Nafziger 2012). Duval describes *lex sportiva* as an important example of transnational private regulation while simultaneously questioning its legitimacy and accountability (Duval 2013). More specifically, research concerning sports dispute resolution has demonstrated that independence and impartiality are essential to the legitimacy of self-regulating sports organizations. The literature on the independence of sports dispute mechanisms emphasizes that procedural justice affects whether participants perceive sports institutions as legitimate authorities rather than merely powerful institutions capable of imposing sanctions (Mills and others 2021). doi.org These studies provide a conceptual foundation for evaluating Indonesian disciplinary procedures.

Comparative jurisprudence further demonstrates that sports autonomy cannot eliminate procedural requirements. In *Ali Rıza and Others v. Turkey*, the European Court of Human Rights found structural deficiencies in the Arbitration Committee of the Turkish Football Federation because the governing board exercised excessive influence over its organization and operation, while adequate safeguards against external pressure were absent. The Court considered these deficiencies sufficient to undermine the independence and impartiality required under Article 6 of the European Convention on Human Rights. The case is particularly relevant because it involved professional sporting disputes concerning employment and disciplinary consequences. Its reasoning demonstrates that the private or specialized nature of sports adjudication does not by itself resolve the question of procedural legitimacy. The institutional structure of the decision-maker must be examined, particularly where the same organization creates rules, investigates violations, prosecutes allegations, and ultimately determines sanctions.

This article employs normative juridical research through 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 11 of 2022 concerning Sports, relevant contractual and employment legislation, and regulations governing sports administration. The conceptual approach examines due process, natural justice, administrative fairness, independence, impartiality, proportionality, legal certainty, and *lex sportiva*. The comparative approach considers international standards and jurisprudence concerning sports arbitration and disciplinary proceedings, particularly *Ali Rıza and Others v. Turkey*, *Mutu and Pechstein v. Switzerland*, and jurisprudence concerning the Court of Arbitration for Sport. The objective is not to transplant foreign legal standards mechanically into Indonesia

but to identify principles capable of strengthening the legitimacy of Indonesian sports disciplinary institutions.

The contribution of this article lies in developing a specific due process framework for Indonesian sports disciplinary proceedings. Rather than treating procedural fairness as an external principle applicable only to courts or administrative bodies, the article argues that minimum procedural guarantees should accompany the exercise of disciplinary authority within sports organizations whenever sanctions materially affect the legal, economic, or professional interests of participants. The framework proposed consists of legality and clear rules, adequate notice, disclosure of relevant evidence, an effective opportunity to respond, independent and impartial adjudication, reasoned decisions, proportional sanctions, and meaningful appeal or external review. This approach seeks to reconcile two principles that are sometimes presented as contradictory: sporting autonomy and individual rights. The central argument is that procedural accountability does not weaken sports governance; instead, it provides the institutional legitimacy necessary for sports organizations to exercise regulatory authority responsibly.

## **Sports Autonomy and the Legal Basis of Disciplinary Authority**

The disciplinary authority of sports organizations originates from several overlapping sources, including legislation, organizational statutes, competition regulations, contractual arrangements, and membership relationships. In professional sport, athletes frequently agree to comply with federation rules and club disciplinary codes as a condition of registration or employment. This contractual and regulatory structure is necessary because sport requires specialized rules that cannot be administered effectively through general law alone. Competition integrity, eligibility, doping control, match conduct, technical regulations, and athlete discipline require specialized institutional knowledge. The existence of specialized rules, however, does not mean that sports organizations possess unlimited legal authority. As Valero explains, the concept of *lex sportiva* must be understood carefully because its existence cannot be used as a strategy for excluding general law from the sphere of sport (Valero 2014). [irep.ntu.ac.uk](http://irep.ntu.ac.uk) Sports-specific rules may constitute *lex specialis* in particular contexts, but they continue to operate within the broader national legal order.

Law Number 11 of 2022 provides an important statutory foundation for Indonesian sports governance. The law recognizes sports organizations and establishes a comprehensive framework for the administration and development of sport. Its policy objectives include improving sports management, increasing sporting quality, and developing a sports climate responsive to national and international developments. The statute therefore supports institutional autonomy but does not create an independent legal sphere immune from general principles of law. Government Regulation Number 46 of 2024 further develops the

organization of sports administration. Within this framework, disciplinary authority should be interpreted as delegated or institutionally recognized regulatory power rather than an unlimited private prerogative. The distinction matters because delegated authority must be exercised consistently with the legal purposes for which it exists. A federation established to organize sport cannot reasonably interpret its regulatory mandate as authorization to impose arbitrary sanctions unrelated to legitimate sporting objectives.

The concept of *lex sportiva* further illustrates the dual character of sports regulation. De Oliveira explains that *lex sportiva* has developed through the interaction between regulations issued by sports governing bodies and the jurisprudence of the Court of Arbitration for Sport (CAS) (de Oliveira 2017). Springer Duval similarly characterizes *lex sportiva* as a form of transnational legal ordering that raises questions of legitimacy and accountability because important rules may be generated by private organizations rather than states (Duval 2013). This transnational dimension does not eliminate national legal principles. Instead, it creates a form of legal pluralism in which domestic law, international norms, contractual rules, and sporting regulations interact. Indonesian sports organizations should consequently interpret disciplinary rules in harmony with mandatory domestic law and fundamental procedural principles. The more severe the sanction, the stronger the justification for ensuring that the procedure used to impose it satisfies basic standards of fairness.

The autonomy of sport is also constrained by the principle of the rule of law. Serby argues that modern sports regulation creates a complex relationship between sporting autonomy, *lex sportiva*, and national legal systems, particularly where sports organizations exercise disciplinary authority that resembles public regulatory power (Serby 2017). This observation is particularly important for Indonesia because sports federations may control access to competitions, athlete registration, eligibility, and professional opportunities. An athlete who is suspended may lose income, sponsorship opportunities, rankings, or the ability to participate in professional competitions. The consequences can therefore extend beyond the internal association. Where an institution exercises such extensive control, procedural safeguards become necessary not because the institution has become a public authority in the technical constitutional sense, but because the exercise of private regulatory power can materially affect legally protected interests.

Contractual consent does not eliminate the need for procedural fairness. An athlete may have agreed in advance to the disciplinary jurisdiction of a federation, but consent to a regulatory system should not automatically constitute consent to arbitrary procedures. Contract law generally recognizes limits upon freedom of contract where mandatory law, public order, good faith, or fundamental legal principles are implicated. In sports, this issue becomes particularly important because athletes may possess substantially weaker bargaining power than clubs and federations. The athlete may have no realistic alternative if participation in a particular sport requires membership in a specific federation. The resulting

relationship is therefore not equivalent to a freely negotiated commercial transaction between parties with equal economic power. Procedural safeguards can compensate partially for this structural inequality by ensuring that institutional authority is exercised transparently and subject to review.

## **Notice, Hearing Rights, Evidence, and the Principle of Natural Justice**

The first substantive component of due process is adequate notice. A person cannot meaningfully defend against an allegation without knowing what conduct is alleged to violate which rule and what sanctions may follow. Notice must therefore identify the factual allegations, applicable regulations, potential consequences, and relevant procedural deadlines. Vague accusations such as “conduct detrimental to the organization” or “behavior inconsistent with sportsmanship” are problematic when they do not provide sufficient information to enable a meaningful response. The principle of legal certainty requires disciplinary rules to be sufficiently predictable, particularly where violations may result in significant professional consequences. This principle is consistent with broader administrative-law doctrine, under which individuals should not be subjected to unpredictable exercises of discretionary power (Craig 2016; Wade and Forsyth 2014). In sports, clear notice also contributes to competitive legitimacy because athletes should understand in advance the behavioral standards governing their participation.

The right to be heard is the second essential component. Natural justice traditionally requires that a person affected by an adverse decision be given a genuine opportunity to present arguments before the decision is finalized. This opportunity should not be merely formal. The athlete must have sufficient time to prepare a response, identify relevant evidence, challenge allegations, and explain mitigating circumstances. In serious cases, representation by counsel or an authorized representative should be permitted, particularly where the athlete faces suspension, contract termination, substantial fines, or exclusion from competition. The purpose is not to transform every disciplinary proceeding into a judicial trial but to ensure that the decision-maker receives the information necessary to make an informed determination. Procedural efficiency may justify simplified procedures for minor violations, but procedural simplification should not become procedural deprivation.

Access to evidence is closely connected to the right to be heard. A disciplinary proceeding becomes fundamentally unequal if the organization possesses evidence that the athlete cannot inspect or challenge. The athlete should ordinarily be permitted to access the evidence materially relied upon by the disciplinary body, subject to legitimate limitations involving privacy, confidential sources, minors, security, or protected investigative information. The principle should be one of disclosure sufficient to permit effective participation rather than unrestricted disclosure in every case. This distinction is familiar in administrative and judicial procedures, where confidentiality may sometimes be justified but cannot ordinarily

be invoked as a blanket reason for withholding material evidence. A disciplinary decision based upon undisclosed evidence risks becoming unreviewable because the affected person cannot effectively challenge the factual basis of the decision.

Evidence should also be assessed according to reasonable standards of reliability. Digital evidence presents particular difficulties because social-media content, video footage, screenshots, messages, and recordings may be edited, incomplete, or taken out of context. Sports organizations increasingly rely upon digital evidence to investigate misconduct, but technological accessibility should not replace evidentiary reliability. A screenshot without authentication, for example, may not establish who created the content, when it was created, or whether it has been altered. Similarly, a short video may omit the events immediately preceding or following an alleged violation. Due process therefore requires decision-makers to consider the completeness, authenticity, relevance, and reliability of evidence. The objective is not to impose the exact evidentiary rules of criminal trials but to prevent serious sanctions from being based on weak or uncontested material.

The right to respond should include the ability to challenge both factual and legal assumptions. An athlete should be able to argue not only that the alleged conduct did not occur but also that the conduct falls outside the relevant disciplinary provision, that the provision is ambiguous, that mitigating circumstances exist, or that the proposed sanction is disproportionate. This distinction is important because disciplinary liability and disciplinary sanction are separate questions. An organization may establish that a rule was technically violated but still determine that the appropriate consequence is a warning rather than a suspension. Nafziger's discussion of fairness in *lex sportiva* emphasizes that sporting justice cannot be reduced to mechanical application of rules because fairness may require contextual assessment of the circumstances (Nafziger 2012). A meaningful hearing must therefore permit arguments concerning both liability and sanction.

The hearing requirement should also operate before an adverse decision whenever circumstances reasonably permit. Emergency measures may occasionally be necessary, particularly where immediate participation could endanger other athletes, compromise an investigation, or threaten competition integrity. However, temporary preventive measures should be distinguished from final disciplinary sanctions. Where an athlete is provisionally suspended, the organization should provide a prompt opportunity to challenge the measure and should reassess whether continued suspension remains necessary. Otherwise, a provisional measure may effectively become a punishment imposed without a hearing. Procedural fairness therefore requires temporal proportionality: the longer a provisional restriction continues, the stronger the justification and review requirements should become.

## Independence, Impartiality, and Institutional Conflicts of Interest

Independence is arguably the most difficult procedural requirement in sports governance because sports organizations frequently combine regulatory and adjudicative functions. A federation may create the rules, investigate alleged violations, initiate disciplinary proceedings, appoint the disciplinary panel, and control the appeal mechanism. This concentration of functions does not automatically establish unlawful bias, but it creates a structural risk that the institution may become both interested in and responsible for the outcome. Independence therefore requires institutional safeguards against inappropriate influence. The concept does not necessarily require complete separation from the sports organization; specialized adjudicators may remain institutionally connected to sport while possessing sufficient security of tenure, decision-making autonomy, conflict-of-interest rules, and procedural protections to decide cases impartially.

The most instructive comparative authority is *Ali Rıza and Others v. Turkey*. The European Court of Human Rights examined the Turkish Football Federation's Arbitration Committee and identified structural deficiencies arising from the significant power of the TFF Board of Directors over the organization and operation of the Committee. The Court also noted the stronger representation of football clubs in the governing bodies of the federation and the absence of sufficient safeguards protecting arbitrators from external pressure. The case demonstrates that formal adjudicative independence is insufficient when institutional design creates reasonable grounds to doubt impartiality. For Indonesia, the lesson is particularly relevant where federation officials, clubs, athletes, and other stakeholders participate simultaneously in governance and dispute resolution. Structural conflicts should be addressed through appointment rules, fixed tenure, disclosure obligations, recusal mechanisms, and external review.

The distinction between actual bias and apparent bias is essential. An adjudicator need not demonstrate actual prejudice before a proceeding becomes procedurally problematic. The appearance of dependence can itself undermine confidence in the process because participants must have reasonable grounds to believe that the dispute will be decided objectively. The institutional legitimacy of disciplinary decisions depends heavily upon this perception. The literature on sports dispute resolution similarly emphasizes that independence involves both the absence of inappropriate institutional relationships and the practical ability of adjudicators to determine cases without pressure from governing bodies (Mills et al. 2021). doi.org Accordingly, Indonesian sports organizations should establish explicit rules requiring disclosure of relationships with athletes, clubs, officials, sponsors, and other interested parties. An adjudicator with a material conflict should be required to recuse himself or herself.

The problem of independence is particularly serious when the sanctioning organization is effectively monopolistic. In many sports, an athlete cannot simply move to an alternative federation without losing the ability to compete at the

relevant professional or elite level. The organization consequently possesses structural bargaining power that resembles a regulatory monopoly. This increases the importance of independent adjudication because the athlete may have no realistic contractual alternative to the federation's disciplinary system. A compulsory internal procedure is legitimate only if it contains sufficient safeguards to prevent the organization from becoming the final judge of its own authority. *Ali Rıza* is therefore relevant beyond its specific Turkish context because it illustrates the broader principle that compulsory sports dispute mechanisms require meaningful institutional independence when they determine professional rights and obligations.

The Court of Arbitration for Sport provides a useful comparative model, although its institutional structure cannot simply be transplanted into Indonesia. CAS operates ordinary and appeal arbitration procedures for sports-related disputes, including appeals from decisions rendered by federations and sports bodies where applicable rules provide such a mechanism. [tas-cas.org](http://tas-cas.org) Its significance lies in the principle that specialized adjudication can coexist with procedural safeguards. International sports arbitration demonstrates that expertise and independence are not mutually exclusive. A sports-specific tribunal may understand the technical realities of competition while still providing procedures concerning notice, submissions, evidence, hearings, impartiality, and review. Indonesian organizations could similarly strengthen domestic sports adjudication without abandoning specialized expertise.

The case of *Mutu and Pechstein v. Switzerland* further illustrates the relationship between compulsory sports arbitration and fair-hearing guarantees. The European Court of Human Rights examined the CAS system in the context of professional sport and emphasized the importance of an independent and impartial tribunal where the dispute concerns civil rights and obligations. Although the Court did not invalidate the CAS system as such, the case confirms that the private arbitration structure of sport must be assessed against procedural fairness requirements when it determines significant professional interests. The principle is directly relevant to Indonesia because disciplinary bodies frequently rely upon compulsory institutional jurisdiction. Compulsion strengthens rather than weakens the justification for procedural safeguards: when participants cannot realistically opt out of a dispute-resolution system, the system must provide credible guarantees of independence.

## **Reasoned Decisions, Proportionality, and Independent Appeals**

A reasoned decision is another essential element of procedural fairness. An athlete should know why a disciplinary body concluded that a violation occurred, what evidence it relied upon, which rules it applied, and why it selected the particular sanction. Reason-giving serves at least three functions. First, it allows the athlete to understand the decision. Second, it disciplines the decision-maker by requiring the

reasoning process to be articulated. Third, it enables meaningful appeal or external review. A decision stating merely that “the committee finds the athlete guilty and imposes a six-month suspension” provides little basis for determining whether the organization properly interpreted the rules or considered relevant circumstances. Reasoned decisions therefore operate as a form of accountability. They make disciplinary power visible and contestable rather than opaque.

Reason-giving is particularly important where disciplinary rules confer broad discretion. Terms such as “serious misconduct,” “damage to the reputation of sport,” or “unsportsmanlike conduct” necessarily require interpretation. The broader the discretion, the greater the need for the decision-maker to explain how the rule applies to the facts. This is consistent with administrative-law principles concerning discretionary authority. Dicey’s classical conception of the rule of law emphasized the importance of legal accountability, while contemporary administrative-law scholarship recognizes reason-giving as a mechanism for controlling arbitrary decision-making (Craig 2016; Wade and Forsyth 2014). Sports organizations should therefore avoid the assumption that internal decisions require less reasoning merely because they occur within a private institution. Where sanctions materially affect an athlete’s livelihood, the justification should be correspondingly rigorous.

Proportionality should govern the relationship between the seriousness of misconduct and the severity of the sanction. A disciplinary system that treats every violation as grounds for maximum punishment risks becoming arbitrary even when the underlying rule is valid. Proportionality requires consideration of factors such as intent, seriousness, actual harm, repetition, prior disciplinary history, cooperation with the investigation, mitigating circumstances, and the athlete’s position. The sanction should also be necessary to achieve the legitimate objective of the disciplinary system. A warning may be sufficient for a first minor violation, whereas repeated serious misconduct may justify suspension or exclusion. The principle of proportionality is particularly important in sports because sanctions may indirectly affect employment, sponsorship, ranking, and career progression. A sanction that appears moderate in sporting terms may have severe economic consequences for an individual athlete.

Proportionality also requires consideration of consistency. Similar cases should ordinarily receive similar sanctions unless relevant differences justify different treatment. Inconsistent disciplinary outcomes can undermine confidence in the system and create perceptions of favoritism. A transparent body of disciplinary decisions can therefore strengthen procedural legitimacy. Publishing decisions, subject to legitimate privacy protections, would allow athletes and organizations to understand how rules are interpreted and sanctions calibrated. Such publication would also contribute to the development of Indonesian *lex sportiva* by creating a coherent body of institutional jurisprudence. De Oliveira observes that the development of sports jurisprudence is closely connected to the interpretation of sporting rules by specialized adjudicative institutions (de Oliveira

2017). Springer Indonesian sports organizations could similarly develop internally consistent principles through reasoned and accessible decisions.

The right of appeal is the final structural safeguard. A first-instance disciplinary body may make factual or legal errors, and the existence of an appeal mechanism allows such errors to be corrected. An effective appeal must, however, possess sufficient independence and authority. An appeal body that merely confirms the decision of the original institution without meaningful review provides limited protection. It should be able to reassess the legal basis of the sanction, procedural fairness, factual findings where appropriate, and proportionality. The appeal body should also have authority to reduce, annul, or replace sanctions. CAS illustrates the value of appellate review in international sports disputes because disciplinary decisions rendered by federations may be subject to specialized external adjudication where the applicable regulations provide for it. [tas-cas.org](http://tas-cas.org)

Independent review becomes particularly important where the original disciplinary body is structurally connected to the organization that initiated the proceedings. The *Ali Rıza* judgment provides a clear warning: where the decision-maker lacks sufficient independence and there is no adequate judicial or external review, the entire dispute-resolution structure may fail to satisfy fundamental standards of fairness. [hudoc.echr.coe.int](http://hudoc.echr.coe.int) Indonesia should therefore develop a layered model in which ordinary disciplinary matters can be handled efficiently by sports organizations, while serious sanctions affecting employment, eligibility, substantial financial interests, or long-term professional status are subject to independent appellate review. This approach would preserve administrative efficiency while preventing sports organizations from becoming effectively unaccountable adjudicators of their own disputes.

A sports-specific due process framework should consequently combine procedural minimums with institutional safeguards. Every disciplinary system should establish clear rules concerning jurisdiction, prohibited conduct, available sanctions, notice, investigation, evidence, hearings, representation, conflicts of interest, decisions, and appeals. The system should distinguish emergency provisional measures from final sanctions and should require prompt review of provisional restrictions. Decision-makers should be independent from the investigation and prosecution of the case wherever reasonably possible. Written decisions should explain factual findings, applicable rules, reasoning, and sanctions. Finally, serious sanctions should be reviewable by an independent body possessing authority to correct procedural and substantive errors. Such a framework would not transform sports organizations into ordinary courts. Instead, it would establish a minimum legal architecture within which specialized sports discipline can operate legitimately.

## Conclusion

The right to due process should be recognized as an essential component of legitimate sports governance in Indonesia. Sports organizations require disciplinary authority to protect competition integrity, regulate professional conduct, and maintain the orderly operation of sporting institutions. Nevertheless, the existence of disciplinary authority does not justify procedures that are arbitrary, opaque, structurally dependent, or incapable of meaningful review. Law Number 11 of 2022 establishes a comprehensive statutory framework for Indonesian sports governance, but its recognition of sports organizations should be understood within the broader Indonesian legal order and its principles of legality, equality, human rights, and legal certainty. Comparative jurisprudence demonstrates that the private and specialized character of sport does not automatically exempt sports dispute-resolution mechanisms from procedural scrutiny. *Ali Rıza and Others v. Turkey* is particularly instructive because the European Court of Human Rights identified structural deficiencies where a federation's governing body exercised excessive influence over its arbitration committee. [hudoc.echr.coe.int](https://hudoc.echr.coe.int) The Indonesian context therefore requires a model in which sporting autonomy is accompanied by institutional accountability.

A credible Indonesian sports disciplinary framework should guarantee adequate notice, a meaningful opportunity to respond, access to relevant evidence, impartial decision-makers, conflict-of-interest safeguards, reasoned decisions, proportionate sanctions, and effective independent appeals. These guarantees should be graduated according to the seriousness of the potential consequences rather than imposed identically upon every disciplinary matter. Minor violations may be addressed through simplified procedures, whereas sanctions affecting employment, eligibility, substantial financial interests, or long-term professional careers require stronger safeguards. Such an approach reconciles efficiency with fairness and specialized sporting expertise with legal accountability. The objective should not be to judicialize sport but to ensure that sports governance remains compatible with the rule of law. By embedding due process within disciplinary structures, Indonesian sports organizations would strengthen the legitimacy of their decisions, increase athlete confidence, reduce arbitrary sanctions, and contribute to the development of a more coherent national sports-law system. Procedural fairness should therefore be regarded not as an external limitation upon sports autonomy but as one of the legal conditions through which legitimate sports autonomy can be exercised.

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### **Generative AI Statement**

N/A