

Doping Sanctions and Athlete Rights: Reconciling Strict Liability with Procedural Justice in Indonesian Anti-Doping Law

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Abstract

The strict liability principle is fundamental to anti-doping regulation because athletes may be held responsible for prohibited substances detected in their samples regardless of intent. While this principle promotes sporting integrity, its application may generate significant concerns regarding fairness, particularly where contamination, inadvertent ingestion, medical treatment, or inadequate information contributes to an anti-doping violation. This article examines the compatibility of strict liability with procedural justice and athlete rights within Indonesia's anti-doping framework. Using normative legal research, the study analyzes anti-doping rules, principles of natural justice, proportionality, evidentiary standards, and athletes' procedural rights. The study argues that strict liability need not be abandoned to ensure fairness, but its consequences should be accompanied by robust procedural safeguards and proportionate sanctions. Athletes should have meaningful opportunities to challenge findings, access relevant laboratory and evidentiary information, present mitigating circumstances, and obtain independent review. The article proposes a rights-sensitive model combining strict liability for the prohibited substance itself with differentiated sanctions based on fault, degree of negligence, harm, and applicable mitigating circumstances. Such an approach can preserve the integrity of competitive sport while avoiding disproportionate consequences for athletes who lack meaningful culpability. Recalibrating anti-doping enforcement around procedural justice would strengthen both legitimacy and athlete confidence in Indonesian sports governance.

[Prinsip tanggung jawab mutlak sangat mendasar bagi regulasi anti-doping karena atlet dapat dimintai pertanggungjawaban atas zat terlarang yang terdeteksi dalam sampel mereka terlepas dari niatnya. Meskipun prinsip ini mendorong integritas olahraga, penerapannya dapat menimbulkan kekhawatiran yang signifikan mengenai keadilan, terutama di mana kontaminasi, konsumsi yang tidak disengaja, perawatan medis, atau informasi yang tidak memadai berkontribusi pada pelanggaran anti-doping. Artikel ini



mengkaji kesesuaian tanggung jawab mutlak dengan keadilan prosedural dan hak-hak atlet dalam kerangka anti-doping Indonesia. Dengan menggunakan penelitian hukum normatif, studi ini menganalisis aturan anti-doping, prinsip-prinsip keadilan alamiah, proporsionalitas, standar pembuktian, dan hak-hak prosedural atlet. Studi ini berpendapat bahwa tanggung jawab mutlak tidak perlu ditinggalkan untuk memastikan keadilan, tetapi konsekuensinya harus disertai dengan perlindungan prosedural yang kuat dan sanksi yang proporsional. Atlet harus memiliki kesempatan yang berarti untuk menantang temuan, mengakses informasi laboratorium dan bukti yang relevan, menyampaikan keadaan yang meringankan, dan mendapatkan tinjauan independen. Artikel ini mengusulkan model yang peka terhadap hak yang menggabungkan tanggung jawab mutlak untuk zat terlarang itu sendiri dengan sanksi yang berbeda berdasarkan kesalahan, tingkat kelalaian, kerugian, dan keadaan yang meringankan yang berlaku. Pendekatan seperti itu dapat menjaga integritas olahraga kompetitif sekaligus menghindari konsekuensi yang tidak proporsional bagi atlet yang tidak memiliki kesalahan berarti. Mengkalibrasi ulang penegakan anti-doping berdasarkan keadilan prosedural akan memperkuat legitimasi dan kepercayaan atlet terhadap tata kelola olahraga di Indonesia.]

Keywords: Doping, strict liability, athlete rights, procedural justice, anti-doping law

Introduction

Anti-doping regulation represents one of the most developed forms of transnational sports governance because it combines private sporting rules with public regulatory interests concerning health, fair competition, integrity, and athlete protection. The contemporary system is principally structured around the World Anti-Doping Code, national anti-doping organizations, international federations, accredited laboratories, and adjudicative institutions such as the Court of Arbitration for Sport. At its core lies the strict-liability principle, under which the presence of a prohibited substance, its metabolites, or markers in an athlete's sample can constitute an anti-doping rule violation without proof that the athlete intentionally doped. Article 2.1 of the 2021 World Anti-Doping Code expressly states that an athlete has a personal duty to ensure that prohibited substances do not enter the body and that intent, fault, negligence, or knowing use need not be demonstrated to establish the violation (WADA 2021). This rule facilitates effective enforcement but simultaneously creates a difficult legal question concerning the relationship between collective sporting interests and individual rights.

The Indonesian anti-doping regime operates within both domestic and international legal structures. Indonesia ratified the UNESCO International Convention against Doping in Sport through Presidential Regulation Number 101

of 2007, thereby incorporating an international commitment to prevent and combat doping into the national legal framework. The contemporary domestic foundation is Law Number 11 of 2022 concerning Sports, particularly Article 98, which requires sports organizations and sports participants to comply with anti-doping regulations and recognizes the national anti-doping organization as an independent, professional, objective, and accountable institution operating consistently with international anti-doping rules. Indonesia's anti-doping governance has consequently developed within the broader WADA framework, with the Indonesian Anti-Doping Organization (IADO) administering national anti-doping rules based on the Code and International Standards. IADO's 2024 Anti-Doping Rules expressly require national federations to recognize IADO's authority and provide for operationally independent hearing panels in national-level anti-doping cases.

The legal difficulty arises because strict liability concerns the establishment of the violation, whereas procedural justice concerns the legitimacy of the process and the consequences imposed upon the athlete. Strict liability does not necessarily mean that every athlete who produces an adverse analytical finding must automatically receive the maximum sanction regardless of circumstances. The WADA framework itself recognizes this distinction. Although fault is unnecessary to establish the basic violation under Article 2.1, Article 10 differentiates consequences according to the athlete's degree of fault and provides mechanisms for eliminating or reducing periods of ineligibility in cases involving No Fault or Negligence or No Significant Fault or Negligence (WADA 2021). The distinction is legally significant because it demonstrates that the anti-doping system is not conceptually committed to absolute punishment. Rather, it combines a strict evidentiary trigger with a differentiated sanctioning regime. The central issue for Indonesian law is therefore whether these safeguards are sufficiently accessible, transparent, and consistently applied to protect athletes from disproportionate consequences.

Previous scholarship has extensively examined the tension between strict liability and athlete rights. Soek argues that strict liability in doping law creates a distinctive legal position in which athletes may face disciplinary consequences without the traditional requirement of proving subjective fault (Soek 2006). Cunha et al. similarly criticize the compatibility of strict liability with fundamental rights where athletes are sanctioned without meaningful consideration of culpability (Cunha et al. 2008). Goldsworthy examines whether strict liability under the WADA Code can be justified as a legitimate public-interest limitation upon individual rights (Goldsworthy 2018). Van der Sloot, Paun, and Leenes approach anti-doping through a broader human-rights framework and demonstrate that privacy, procedural rights, and proportionality are increasingly relevant to the legitimacy of the anti-doping system (van der Sloot, Paun, and Leenes 2020). Springer These studies establish a substantial theoretical foundation but leave room for a more

specific analysis of how strict liability should operate within Indonesia's statutory and institutional environment.

Procedural justice constitutes another important area of scholarship. Star and Kelly demonstrate empirically that procedural fairness in anti-doping proceedings cannot be assumed merely because the WADA Code formally recognizes fair-hearing guarantees (Star and Kelly 2020, 2022). Their research identifies questions concerning access to evidence, timeliness, independence, and equality of arms. Related scholarship on non-analytical positive cases has also questioned whether the allocation of evidentiary burdens adequately protects athletes' right to a fair hearing (Star 2021). Tandfonline These findings are especially relevant to Indonesia because the legal legitimacy of anti-doping sanctions depends not only upon whether the rules conform to international standards but also upon whether those standards are implemented through procedures that allow athletes to challenge laboratory findings, demonstrate contamination or inadvertent ingestion, and obtain an independent determination of sanction.

This article employs normative juridical research using statutory, conceptual, and comparative approaches. The statutory approach examines the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2022 concerning Sports, Presidential Regulation Number 101 of 2007, relevant human-rights legislation, IADO's Anti-Doping Rules, and the WADA Code and International Standards. The conceptual approach examines strict liability, proportionality, procedural justice, natural justice, evidentiary burdens, equality of arms, and individual responsibility. The comparative approach considers WADA rules, CAS jurisprudence, European human-rights jurisprudence, and international scholarship concerning anti-doping governance. The research does not treat international sports rules as automatically superior to Indonesian law. Instead, they are evaluated as part of the regulatory framework voluntarily incorporated into Indonesia's sports governance and as comparative materials for determining how domestic anti-doping enforcement can satisfy both sporting integrity and legal protection.

The contribution of this article is to formulate a rights-sensitive interpretation of strict liability within Indonesian anti-doping law. The article argues that strict liability should be preserved at the level of establishing the presence of a prohibited substance because eliminating it would substantially weaken the preventive and regulatory objectives of anti-doping law. However, strict liability should not be transformed into automatic or disproportionate punishment. A legally defensible model must separate the question of whether a violation occurred from the question of how seriously the athlete should be sanctioned. This model requires reliable testing procedures, meaningful disclosure of evidence, access to independent review, individualized consideration of fault, recognition of contamination and medical circumstances, and proportional sanctions. The proposed approach therefore seeks not to weaken anti-doping enforcement but to strengthen its legitimacy by ensuring that the severity of state-supported and sport-imposed sanctions corresponds to the athlete's actual degree of responsibility.

Strict Liability and Its Legal Function in Anti-Doping Regulation

Strict liability performs a distinctive evidentiary function in anti-doping law. Unlike ordinary criminal law, where liability generally requires proof of a prohibited act accompanied by an appropriate mental element, Article 2.1 of the WADA Code focuses on the objective presence of a prohibited substance, its metabolites, or markers in an athlete's sample. The rule reflects the assumption that effective anti-doping enforcement would become extremely difficult if anti-doping organizations were required to prove how a substance entered an athlete's body and what the athlete subjectively intended. The system therefore assigns athletes a personal responsibility to prevent prohibited substances from entering their bodies (WADA 2021). This rule is reinforced by the evidentiary structure of Article 3, under which the anti-doping organization bears the burden of establishing the violation to the comfortable satisfaction of the hearing panel, while specified factual defenses may subsequently be established by the athlete on a balance-of-probabilities standard (WADA 2021).

The rationale for strict liability is closely connected to the institutional objective of preserving a level playing field. Anti-doping law assumes that competitive sport requires participants to compete without artificial pharmacological advantages that undermine equal opportunity. The principle therefore functions as a regulatory mechanism of risk allocation: athletes are placed under a high degree of responsibility because they are the persons ultimately capable of controlling what enters their bodies. Duval, Ram, and Viret explain that strict liability remains a foundational element of the WADA system while fault becomes relevant to the determination of sanctions rather than the existence of the violation (Duval et al. 2016). Springer Yet the fairness of this allocation cannot be evaluated solely by reference to competitive integrity. An athlete may ingest a contaminated supplement, consume contaminated food, receive medication without understanding its anti-doping implications, or be exposed to a prohibited substance without meaningful knowledge or control. The legal system must therefore distinguish regulatory responsibility from moral blameworthiness.

The distinction between strict liability and absolute liability is consequently fundamental. Strict liability means that proof of subjective fault is unnecessary for establishing the prohibited event, but it does not logically require the same sanction in every factual situation. The WADA Code recognizes this through its sanctioning provisions, which permit significant reductions or elimination of ineligibility where athletes establish No Fault or Negligence or No Significant Fault or Negligence (WADA 2021). This architecture reflects an attempt to balance two competing objectives. The first is the institutional necessity of detecting and sanctioning prohibited substances regardless of intention. The second is the principle that punishment should reflect the circumstances in which the violation occurred. A rights-sensitive interpretation should therefore resist describing strict liability as a rule that automatically determines punishment. It determines responsibility for the

presence of the substance, while the consequences require a separate and individualized legal assessment.

The strict-liability model nevertheless places considerable pressure on athletes because the initial positive finding can fundamentally alter the evidentiary position. CAS jurisprudence has repeatedly recognized the stringent nature of the athlete's responsibility. In *Veronica Campbell-Brown v. JAAA and IAAF*, the CAS panel emphasized the relationship between strict liability and mandatory testing standards, observing that strict liability must be balanced against rigorous compliance with sample-collection and testing procedures (CAS 2014). TAS/CAS Jurisprudencia This is legally important because strict liability can only be justified where the anti-doping authority operates according to reliable scientific and procedural standards. If the athlete is held strictly responsible for the substance while the authority is permitted to disregard material procedural irregularities, the allocation of responsibility becomes structurally one-sided. Strict liability therefore presupposes trustworthy laboratories, secure chain-of-custody procedures, validated analytical methods, and meaningful opportunities to challenge scientific evidence.

Indonesian law should adopt the same distinction. Article 98 of Law Number 11 of 2022 requires sports participants and organizations to comply with anti-doping regulations, while simultaneously requiring the national anti-doping organization to operate independently, professionally, objectively, and accountably. The statutory emphasis on independence and objectivity is inconsistent with an interpretation under which an adverse analytical finding becomes effectively conclusive regardless of procedural circumstances. The athlete's strict responsibility should therefore coexist with institutional responsibility on the part of IADO and other anti-doping authorities. The stronger the regulatory responsibility imposed upon athletes, the stronger the corresponding duty should be upon anti-doping institutions to ensure scientific accuracy, procedural reliability, transparent decision-making, and effective remedies. Strict liability is thus defensible only as part of a reciprocal legal structure rather than as an unconditional transfer of all anti-doping risks to athletes.

Procedural Justice and the Rights of Athletes

Procedural justice provides the principal legal mechanism for reconciling strict liability with individual rights. The existence of a legitimate regulatory objective does not eliminate the requirement that decisions affecting an athlete's career be made through fair procedures. Article 8 of the WADA Code recognizes the right to a fair hearing, while Article 13 establishes appeal mechanisms. The 2021 Code therefore does not treat anti-doping proceedings as purely administrative determinations based upon laboratory results. Instead, it creates a formal adjudicative process through which athletes can contest allegations and sanctions (WADA 2021). IADO's 2024 Anti-Doping Rules similarly require national-level

anti-doping cases to be adjudicated by an operationally independent hearing panel. IADO The challenge for Indonesia is to ensure that these formal guarantees operate substantively rather than merely existing as regulatory language.

Procedural fairness requires meaningful access to the evidence upon which the allegation is based. An athlete challenging an adverse analytical finding should be able to understand the relevant laboratory process, sample documentation, analytical results, chain-of-custody records, and applicable testing standards. The right to challenge evidence becomes largely illusory if the athlete receives only the conclusion that a prohibited substance was detected without access to sufficient information to test the reliability of that conclusion. The WADA International Standard for Testing and Investigations establishes mandatory requirements concerning notification, sample collection, sample security, documentation, transportation, and investigations. These requirements are not merely technical laboratory rules. They function as procedural safeguards because the reliability of the final analytical result depends upon the integrity of the process through which the sample was obtained and handled.

Research by Star and Kelly demonstrates that procedural fairness in anti-doping proceedings varies in practice and cannot be inferred merely from the formal existence of hearing rights (Star and Kelly 2020). Their subsequent comparative empirical research similarly emphasizes problems concerning access to justice, delay, and the consistency of procedural protections across first-instance anti-doping bodies (Star and Kelly 2022). Springer These findings have direct implications for Indonesia. If first-instance proceedings are excessively dependent upon sports organizations, if athletes lack adequate time to obtain legal assistance, or if evidence is disclosed inadequately, the resulting decision may be formally valid but substantively unfair. Procedural justice therefore requires institutional independence as well as formal procedural rights. The hearing panel must be capable of evaluating the evidence without organizational pressure and must provide sufficiently reasoned decisions to permit effective appeal.

The principle of equality of arms is particularly important because anti-doping disputes frequently involve an imbalance in technical resources. Anti-doping organizations may possess access to specialized laboratories, scientific experts, legal counsel, and regulatory databases, while an individual athlete may have limited financial resources and little scientific knowledge. The athlete may therefore be formally entitled to defend the case but practically incapable of challenging complex analytical evidence. This inequality creates a risk that strict liability becomes compounded by evidentiary asymmetry. A rights-sensitive Indonesian framework should consequently facilitate access to laboratory documentation, expert assistance, and legal representation. Where necessary, mechanisms for financial assistance should be considered for athletes who cannot reasonably afford scientific or legal expertise. Procedural fairness requires not merely the right to speak but a realistic ability to participate effectively in the adjudicative process.

The presumption of innocence presents a more complex issue because anti-doping law deliberately departs from conventional fault-based models. In *Veronica Campbell-Brown*, CAS emphasized that strict liability operates without a requirement to prove intent or negligence, but also emphasized the importance of compliance with mandatory testing standards when evaluating challenges to analytical findings (CAS 2014). TAS/CAS Jurisprudencia The correct legal approach is therefore not to import criminal-law principles mechanically into anti-doping proceedings. Anti-doping proceedings are disciplinary and regulatory in character, and their objectives differ from criminal punishment. Nevertheless, their significant professional and economic consequences justify strong procedural safeguards. The more severe the consequence, the stronger the justification for reliable evidence, impartial adjudication, reasoned decisions, and effective appeal. Procedural justice should thus be understood as a necessary condition of legitimate sports regulation rather than as an attempt to transform anti-doping proceedings into criminal trials.

Proportionality, Fault, and Contamination

Proportionality is the central principle for determining whether the consequences of strict liability remain legally defensible. A sanction may pursue a legitimate objective and still become disproportionate if it imposes consequences substantially exceeding what is necessary to protect sporting integrity. The WADA Code already recognizes this concern by differentiating sanctions according to fault, the nature of the substance, the athlete's conduct, and other circumstances. Exner's analysis of anti-doping sanctions under European law illustrates the difficulty of imposing lengthy periods of ineligibility where the athlete's conduct does not correspond to the seriousness normally associated with intentional doping (Exner 2018). Proportionality therefore requires a distinction between the regulatory seriousness of detecting a prohibited substance and the individual culpability of the athlete responsible for the violation.

Contamination cases demonstrate why such differentiation is necessary. An athlete may test positive after consuming contaminated food or an improperly labelled supplement despite taking reasonable precautions. The existence of the substance remains objectively established, meaning that strict liability may still justify recognition of an anti-doping rule violation. However, the factual circumstances may demonstrate that the athlete did not intentionally seek a performance-enhancing advantage and exercised an appropriate level of care. In such circumstances, imposing the maximum period of ineligibility could undermine proportionality. CAS jurisprudence recognizes that contamination cannot be accepted merely on the basis of an athlete's unsupported denial, but it also recognizes that credible scientific and factual evidence may alter the assessment of responsibility. *Veronica Campbell-Brown* demonstrates the importance of scrutinizing potential contamination and ensuring that procedural

deviations capable of affecting the analytical result are given appropriate evidentiary weight (CAS 2014).

The evidentiary burden in contamination cases must therefore be structured carefully. The athlete should not be permitted to avoid responsibility through speculation alone, because that would weaken the deterrent function of strict liability. Conversely, the athlete should not be required to establish an impossible degree of scientific certainty concerning events that occurred outside direct observation. The WADA Code resolves part of this difficulty through different standards of proof. The anti-doping organization bears the burden of establishing the violation to the comfortable satisfaction of the hearing panel, whereas an athlete relying on specified exceptions or mitigating circumstances may need to establish the relevant facts on a balance of probabilities (WADA 2021). Indonesian adjudicators should apply these standards consistently and should assess the evidentiary circumstances as a whole rather than mechanically requiring a particular type of evidence in every case.

Medical treatment presents another important proportionality problem. Athletes may legitimately require medication, therapeutic procedures, or nutritional interventions, while certain substances or methods may be prohibited under anti-doping rules. The Therapeutic Use Exemption system seeks to reconcile legitimate medical treatment with anti-doping objectives. The existence of such a system demonstrates that anti-doping regulation itself recognizes that the protection of health and sporting integrity cannot be separated from the athlete's medical circumstances. A legal framework that punishes athletes without adequately considering legitimate medical treatment would produce an internal contradiction: it would claim to protect athlete health while potentially penalizing an athlete for receiving medically necessary care. Indonesian anti-doping enforcement should therefore ensure that athletes receive accessible information concerning Therapeutic Use Exemptions and meaningful opportunities to present medical evidence when a violation involves treatment or medication.

The principle of proportionality should also take account of the practical consequences of sanctions. Ineligibility can affect not only competition but employment, remuneration, sponsorship, ranking, qualification opportunities, and long-term career development. A multi-year sanction imposed upon a professional athlete may effectively terminate a career even where the violation resulted from inadvertent conduct. The legal analysis should therefore recognize that the severity of an anti-doping sanction cannot be measured only by the formal number of months or years of ineligibility. Its actual impact upon the athlete should be considered when determining whether the sanction is proportionate. This does not mean that career consequences should automatically justify reductions. Rather, they should form part of the contextual assessment of whether a particular sanction is necessary and appropriate in light of the athlete's actual conduct and the objectives of anti-doping regulation.

The proportionality principle is also consistent with the human-rights orientation of contemporary anti-doping law. The 2021 WADA Code expressly incorporates human-rights considerations into the stated purpose and implementation of the anti-doping system, although the precise legal consequences of that commitment remain contested (WADA 2021; Rook 2023). Contemporary scholarship argues that equality and differentiation in anti-doping control require contextual assessment rather than purely formal uniformity. Rook demonstrates that anti-doping regulation inevitably involves choices concerning equality and that proportionality provides an important framework for evaluating those choices (Rook 2023). DOI For Indonesia, proportionality should therefore function as an interpretive principle connecting Law Number 11 of 2022, constitutional rights, the WADA Code, and IADO regulations. Equal treatment should not mean identical sanctions in materially different circumstances; genuine equality may require differentiated treatment based upon meaningful differences in culpability.

Institutional Accountability and a Rights-Sensitive Indonesian Anti-Doping Framework

Indonesia's anti-doping framework possesses an important institutional feature that can support procedural justice: Law Number 11 of 2022 expressly describes the national anti-doping organization as independent, professional, objective, and accountable. Pasal.1d This formulation should be interpreted as imposing institutional duties rather than merely describing organizational characteristics. Independence requires meaningful separation from athletes, clubs, federations, and other organizations that may have interests in particular cases. Objectivity requires decisions based upon evidence and applicable rules rather than reputational or political considerations. Accountability requires reasoned decisions, transparent procedures, review mechanisms, and institutional responsibility for compliance with international standards. These principles should guide the interpretation and implementation of IADO's 2024 Anti-Doping Rules, which already require operationally independent hearing panels at the national level.

The institutional structure of anti-doping enforcement is especially important because IADO does not merely administer technical testing. It participates in results management, investigations, hearings, sanctions, and publication of decisions. IADO itself has publicly described cases in which athletes received reduced sanctions after admitting violations, demonstrating that sanctioning under the WADA framework is not necessarily mechanically fixed at the maximum period. IADO Such institutional practice illustrates the importance of individualized sanctioning. Nevertheless, transparency should extend beyond announcing the final sanction. Where privacy rules permit, decisions should explain the factual basis for the violation, the evidence considered, the athlete's degree of fault, and the reasoning supporting the sanction. Reasoned decisions would improve

consistency and provide useful precedents for future cases while allowing athletes to understand why particular mitigating circumstances were accepted or rejected.

Independence should also extend to the adjudication of national-level violations. IADO's 2024 rules provide that national-level cases are to be adjudicated by an operationally independent hearing panel in accordance with Article 8.1 and the International Standard for Results Management. IADO This provision should be implemented through transparent appointment criteria, conflict-of-interest rules, security of tenure during proceedings, and the ability to challenge adjudicators where reasonable doubts concerning impartiality exist. A hearing panel should not be institutionally subordinate to the federation that may be affected by the outcome of a doping case. The importance of such independence is reinforced by the UNESCO Convention, which calls for public authorities and sports organizations to work together while ensuring independence and transparency at appropriate levels (UNESCO 2005).

Athlete participation should also be incorporated into anti-doping governance. Anti-doping regulations impose extensive duties upon athletes, including obligations concerning substances, whereabouts, testing, medical treatment, and cooperation with investigations. Valkenburg, de Hon, and van Hilvoorde's research demonstrates that elite athletes perceive significant privacy implications in whereabouts requirements and that athlete engagement is important for improving acceptance of anti-doping regulation (Valkenburg, de Hon, and van Hilvoorde 2014). The European Court of Human Rights reached a related conclusion in *Fédération Nationale des Syndicats Sportifs v. France*, where it accepted the legitimacy of whereabouts requirements while recognizing their significant interference with private life (ECtHR 2018). HUDOC These materials suggest that legitimacy depends partly upon proportionality and participation. Indonesian anti-doping governance should therefore provide institutional channels through which athletes can contribute to rule development, education, procedural reform, and evaluation of disciplinary practices.

A rights-sensitive framework should additionally recognize privacy and data protection as integral components of anti-doping justice. Anti-doping systems necessarily process highly sensitive information, including biological samples, medical information, whereabouts data, laboratory results, and disciplinary records. Atienza Machas demonstrates how anti-doping controls can conflict with athletes' privacy rights and argues that restrictions must be justified in relation to legitimate public and sporting objectives (Atienza Machas 2013, 2014). Van der Sloot, Paun, and Leenes similarly examine anti-doping through data-protection and human-rights perspectives (van der Sloot, Paun, and Leenes 2020). Springer Indonesian authorities should therefore treat the collection, storage, use, and publication of anti-doping information as regulated exercises of institutional power rather than merely administrative tasks.

The proposed Indonesian model should ultimately combine strict liability, procedural justice, and proportionality into a sequential legal framework. First, the

anti-doping authority must establish the alleged violation using reliable scientific procedures and the evidentiary standards established by the applicable rules. Second, the athlete must have meaningful access to evidence and an independent hearing. Third, the adjudicator should determine the athlete's degree of fault, including intentional conduct, negligence, reasonable precautions, contamination, medical circumstances, or other relevant factors. Fourth, the sanction should be calibrated according to the applicable WADA and IADO rules while applying proportionality. Fifth, the athlete must have an effective right of appeal to an independent appellate body. This sequence preserves the efficiency of strict liability while ensuring that the sanctioning process does not confuse objective responsibility for the presence of a substance with subjective blameworthiness for the circumstances that produced it.

Such a framework would also improve legal certainty for Indonesian athletes. At present, athletes may perceive anti-doping regulation as an externally imposed technical regime in which scientific evidence and institutional expertise are inaccessible to them. A transparent framework would instead communicate that anti-doping obligations are accompanied by reciprocal institutional duties. Athletes must exercise care, disclose relevant medical circumstances, and comply with testing procedures, while anti-doping authorities must conduct testing reliably, provide adequate education, protect confidential information, disclose relevant evidence, and decide cases impartially. This reciprocity is essential because anti-doping law derives its legitimacy not only from the objective of clean sport but also from the manner in which power is exercised against athletes. The legitimacy of Indonesian anti-doping governance will therefore depend upon whether strict liability is administered as a principled regulatory rule rather than as an automatic justification for severe punishment.

Conclusion

Strict liability remains a defensible and necessary component of contemporary anti-doping regulation because requiring anti-doping organizations to prove intent or negligence for every prohibited substance would substantially weaken the effectiveness of the regulatory system. Article 2.1 of the WADA Code appropriately establishes an athlete's responsibility for substances found in the body, while Article 3 provides an evidentiary framework for establishing violations and Article 10 differentiates sanctions according to circumstances including fault (WADA 2021). The problem therefore does not lie in strict liability itself but in the possibility that strict liability may be misunderstood or implemented as absolute punishment. Indonesian law, particularly Article 98 of Law Number 11 of 2022, provides an important foundation for a more balanced approach by requiring the national anti-doping organization to operate independently, professionally, objectively, and accountably. Pasal.id Strict liability should consequently be interpreted as a rule concerning the establishment of an anti-doping violation rather than as a rule that

automatically determines the maximum sanction. The distinction permits Indonesia to preserve the integrity of competitive sport while recognizing that materially different circumstances require legally differentiated consequences.

The appropriate Indonesian framework should therefore combine strict liability with procedural justice and proportionality. Athletes must receive meaningful access to laboratory evidence, chain-of-custody information, scientific expertise, legal representation, impartial hearings, reasoned decisions, and independent appeals. Where contamination, inadvertent ingestion, medical treatment, or other mitigating circumstances are established, sanctions should reflect the athlete's actual degree of fault rather than mechanically reproducing the most severe consequence. This approach is consistent with the WADA system's differentiation between establishing a violation and determining its consequences, with comparative jurisprudence emphasizing reliable testing and fair procedure, and with the human-rights principles of legality, proportionality, privacy, and effective remedies. Indonesia should consequently develop anti-doping adjudication as a rights-based regulatory system in which athletes and institutions possess reciprocal responsibilities. Such recalibration would not weaken the fight against doping. On the contrary, transparent procedures, independent adjudication, scientifically reliable evidence, and proportionate sanctions would make anti-doping decisions more credible and strengthen the legitimacy of clean sport in Indonesia.

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