

Gender Discrimination in Indonesian Sport: Legal Protection for Women Athletes in Recruitment, Compensation, and Competition

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Abstract

Women athletes continue to face structural barriers in sports participation, including unequal access to opportunities, compensation, sponsorship, facilities, and competitive platforms. Although formal equality may exist within sports regulations, institutional practices can produce substantial disparities in the treatment of male and female athletes. This article examines the legal protection available to women athletes against gender discrimination in Indonesian sport. Using normative juridical research, the study analyzes equality principles, human rights, employment law, sports governance, and relevant international standards. The study identifies potential gaps between formal commitments to equality and practical mechanisms for preventing and remedying discriminatory treatment. Particular attention is given to recruitment, remuneration, sponsorship opportunities, access to training facilities, competition scheduling, and institutional decision-making. The article proposes a gender-responsive sports governance framework requiring transparent selection criteria, non-discriminatory contractual standards, equal access to facilities and development programs, and effective complaint mechanisms. Equality should be assessed not merely through identical treatment but also through whether institutional practices produce unjustified structural disadvantages. Strengthening legal protection for women athletes would contribute to a more inclusive sports system while reinforcing Indonesia's broader commitments to equality, human dignity, and non-discrimination.

[Atlet perempuan terus menghadapi hambatan struktural dalam partisipasi olahraga, termasuk akses yang tidak setara terhadap peluang, kompensasi, sponsor, fasilitas, dan platform kompetitif. Meskipun kesetaraan formal mungkin ada dalam peraturan olahraga, praktik kelembagaan dapat

menghasilkan perbedaan substansial dalam perlakuan terhadap atlet laki-laki dan perempuan. Artikel ini mengkaji perlindungan hukum yang tersedia bagi atlet perempuan terhadap diskriminasi gender dalam olahraga Indonesia. Dengan menggunakan penelitian yuridis normatif, studi ini menganalisis prinsip-prinsip kesetaraan, hak asasi manusia, hukum ketenagakerjaan, tata kelola olahraga, dan standar internasional yang relevan. Studi ini mengidentifikasi potensi kesenjangan antara komitmen formal terhadap kesetaraan dan mekanisme praktis untuk mencegah dan mengatasi perlakuan diskriminatif. Perhatian khusus diberikan pada perekrutan, remunerasi, peluang sponsor, akses ke fasilitas pelatihan, penjadwalan kompetisi, dan pengambilan keputusan kelembagaan. Artikel ini mengusulkan kerangka kerja tata kelola olahraga yang responsif gender yang membutuhkan kriteria seleksi yang transparan, standar kontrak yang tidak diskriminatif, akses yang sama terhadap fasilitas dan program pengembangan, serta mekanisme pengaduan yang efektif. Kesetaraan harus dinilai tidak hanya melalui perlakuan yang identik tetapi juga melalui apakah praktik kelembagaan menghasilkan kerugian struktural yang tidak dapat dibenarkan. Penguatan perlindungan hukum bagi atlet perempuan akan berkontribusi pada sistem olahraga yang lebih inklusif sekaligus memperkuat komitmen Indonesia yang lebih luas terhadap kesetaraan, martabat manusia, dan non-diskriminasi.]

Keywords: Gender discrimination, women athletes, equality, sports law, athlete rights

Introduction

Sport is frequently presented as a meritocratic institution in which athletic performance, discipline, and competitive achievement determine opportunity and recognition. In practice, however, sporting institutions may reproduce broader social inequalities, including gender inequality. Women athletes can encounter disadvantages at multiple stages of their sporting careers, from recruitment and access to coaching to remuneration, sponsorship, competition scheduling, media exposure, and participation in decision-making. Recent Indonesian scholarship confirms that gender inequality remains visible across institutional and cultural dimensions of sport. Mahesri, Lim, and Amani identify continuing disparities in resources, support, media visibility, and institutional opportunities for women athletes, while Putra emphasizes structural barriers affecting access, representation, and recognition (Mahesri, Lim, and Amani 2025; Putra 2024). These findings demonstrate that the legal question cannot be reduced to whether sporting regulations expressly differentiate between men and women. The more significant issue is whether formally neutral rules and institutional practices produce unjustified disadvantages that undermine substantive equality.

The Indonesian constitutional framework establishes a strong foundation for addressing such discrimination. Article 27(2) of the 1945 Constitution recognizes the right of every citizen to obtain employment and a livelihood appropriate to humanity, while Article 28D(2) guarantees the right to work and receive fair and proper treatment and remuneration in employment. Article 28I(2) further provides protection against discriminatory treatment on any basis. These provisions should be interpreted together with Law No. 39 of 1999 on Human Rights, which expressly recognizes women's rights as human rights and establishes equality between men and women in numerous areas of social and economic life. The International Labour Organization likewise records that Indonesian legislation incorporates important gender-equality commitments, including Law No. 80 of 1957 on Equal Remuneration and Law No. 21 of 1999 on discrimination in employment and occupation. Consequently, women athletes should not be treated as outside the ordinary legal architecture of equality merely because their occupation occurs within the distinctive institutional environment of sport.

The sports-specific framework is principally established by Law No. 11 of 2022 concerning Sports. The statute recognizes athletes as central participants within the national sports system and provides a legal basis for athlete development, welfare, protection, and institutional governance. Nevertheless, the legislation does not establish an exhaustive anti-discrimination regime specifically addressing gender disparities in professional and high-performance sport. This creates an interpretative challenge because discrimination may occur through recruitment standards, unequal financial support, access to facilities, selection systems, sponsorship arrangements, and organizational decision-making without necessarily violating an explicitly gendered rule. Prasetio and Al-Farisi argue that Indonesian sports law remains characterized by a continuing interaction between *lex sportiva* and national law, requiring harmonization rather than treating sporting autonomy as legally isolated (Prasetio and Al-Farisi 2025). This principle is particularly important for gender equality because sports federations should retain regulatory autonomy only within the boundaries established by constitutional rights, statutory equality obligations, and Indonesia's international commitments.

Previous studies have addressed gender inequality in Indonesian sport from sociological, policy, and sports-governance perspectives. Putra finds that gender inequality affects participation, representation, recognition, funding, media coverage, and leadership opportunities in Indonesian sport (Putra 2024). Santosa and Putri similarly identify cultural norms, institutional bias, limited funding, and historical undervaluation of women's sport as structural barriers (Santosa and Putri 2024). Mahesri, Lim, and Amani emphasize the relationship between institutional discrimination, resource limitations, social expectations, and media visibility (Mahesri, Lim, and Amani 2025). Achmad and Zulfikar further demonstrate that unequal media representation can influence sponsorship, career advancement, and public recognition (Achmad and Zulfikar 2025). Although these studies establish the persistence of inequality, there remains insufficient doctrinal analysis

connecting these structural problems with enforceable legal rights concerning recruitment, compensation, sponsorship, and competition.

This research employs a normative juridical method using statutory, conceptual, and comparative approaches. The statutory approach examines the 1945 Constitution, Law No. 11 of 2022 concerning Sports, Law No. 39 of 1999 concerning Human Rights, Law No. 13 of 2003 concerning Manpower, Law No. 7 of 1984 ratifying the Convention on the Elimination of All Forms of Discrimination against Women, Law No. 80 of 1957 ratifying ILO Convention No. 100, and Law No. 21 of 1999 ratifying ILO Convention No. 111. The conceptual approach analyzes formal equality, substantive equality, indirect discrimination, equal remuneration, affirmative measures, and institutional accountability. The comparative approach considers CEDAW, ILO standards, the Beijing Platform for Action, and international sports-governance initiatives. The research is doctrinal and does not claim to statistically measure the prevalence of gender discrimination among Indonesian athletes. Instead, it evaluates whether the existing legal framework is capable of identifying and remedying discriminatory institutional practices.

The contribution of this article lies in developing a gender-responsive legal framework specifically applicable to athletes. The central argument is that equality in sport cannot be assessed solely by determining whether men and women are formally permitted to compete. Substantive equality requires meaningful equality in access to recruitment, training, remuneration, facilities, competition, sponsorship, media opportunities, and institutional representation. CEDAW Article 11 requires States to eliminate discrimination against women in employment and guarantee equal rights in employment, including remuneration and working conditions, while ILO Convention No. 111 defines discrimination broadly to include distinctions, exclusions, or preferences that impair equality of opportunity or treatment in employment and occupation. Accordingly, where professional athletes fall within an employment relationship, gender-based disparities should be examined through the combined framework of sports law and labor law. Even where an athlete is classified as an independent professional, constitutional and human-rights principles remain relevant to the exercise of institutional authority.

Gender Equality as a Binding Principle in Indonesian Sports Law

The principle of equality requires more than identical treatment. Formal equality means that individuals are subject to the same legal rule, whereas substantive equality asks whether the application and consequences of that rule perpetuate structural disadvantage. This distinction is essential in sport because men and women may formally have access to the same competition system while receiving substantially different institutional resources. A federation may, for example, establish gender-neutral selection criteria while allocating better facilities, coaching staff, travel arrangements, or competition opportunities to men's teams. Such a

system may appear neutral in regulatory language but still produce a discriminatory outcome. The Beijing Platform for Action expressly calls for equal opportunities for girls and women in sport and recommends gender-sensitive programs, accessible facilities, and the advancement of women as athletes, coaches, administrators, and participants at national and international levels (United Nations 1995). Substantive equality therefore provides a more appropriate legal standard for evaluating sports institutions than a narrow prohibition against explicit discriminatory classifications.

Indonesian human-rights law reinforces this approach. Law No. 39 of 1999 recognizes fundamental equality and contains specific provisions concerning women's rights. The law forms part of the national legal framework through which constitutional equality is translated into statutory obligations. The International Labour Organization records that the legislation guarantees civil, political, economic, and social rights and expressly recognizes women's rights (ILO 1999). In the sporting context, these provisions mean that federations, clubs, and other sports institutions should not be understood as private spaces completely insulated from equality principles. Their regulatory autonomy is limited by the general legal order, particularly where their decisions determine access to professional opportunities, remuneration, public resources, and employment-like relationships. This is consistent with the broader doctrine of *lex sportiva*: sports organizations may establish technical rules necessary for competition, but their autonomy does not create a legal vacuum in which fundamental rights cease to apply.

CEDAW provides an additional international legal foundation. Indonesia ratified CEDAW through Law No. 7 of 1984, thereby undertaking international obligations to eliminate discrimination against women. Article 11 is particularly relevant because it addresses equality in employment and requires States to eliminate discrimination against women in employment, including equal opportunities, vocational training, remuneration, social security, and health protection. Indonesian government reporting to the CEDAW Committee has also acknowledged the importance of Law No. 39 of 1999 in recognizing women's rights as human rights. digitallibrary.un.org Although CEDAW does not constitute a sports-specific instrument, its employment and equality provisions are highly relevant where athletes perform professional sporting services. A gender-based distinction affecting athlete recruitment, employment conditions, remuneration, or advancement therefore requires a legitimate and legally defensible justification rather than mere reliance on institutional custom.

The prohibition of discrimination under ILO Convention No. 111 is similarly important because it extends beyond remuneration to access to employment, vocational training, occupations, and terms and conditions of employment. Article 1 defines discrimination as a distinction, exclusion, or preference based on sex and other protected characteristics where its effect is to impair equality of opportunity or treatment in employment or occupation. The ILO emphasizes that the convention applies broadly to employment and occupation rather than only to conventional industrial workplaces. This is significant for professional sport

because recruitment and selection are central mechanisms through which athletes enter and progress within sporting occupations. A club that systematically excludes women from certain professional opportunities without an objective sporting justification may therefore engage the same underlying legal concern addressed by Convention No. 111.

Sports institutions may argue that sex-based distinctions are inherent in competitive sport because many competitions are organized into male and female categories. Such distinctions do not automatically constitute unlawful discrimination. Equality law recognizes that distinctions may be legitimate where they are objectively related to the purpose of the activity and necessary to preserve meaningful competition. ILO Convention No. 111 itself recognizes that distinctions based on the inherent requirements of a particular job are not necessarily discriminatory. The critical legal distinction is therefore between classifications necessary for sporting integrity and classifications that arbitrarily disadvantage women. Separate competitive categories may be justified by legitimate sporting considerations, whereas paying women less for equivalent contractual services, providing inferior training resources without objective justification, or excluding women from leadership opportunities cannot be justified merely by referring to the existence of male and female competition.

The principle of proportionality provides an appropriate method for assessing contested distinctions. A sports organization should demonstrate that a gender-based distinction pursues a legitimate objective, is rationally connected to that objective, is necessary to achieve it, and does not impose disproportionate disadvantage. This approach prevents equality law from interfering unnecessarily with legitimate technical aspects of sport while ensuring that institutional traditions do not become automatic justifications for discrimination. The approach is also consistent with contemporary sports-governance principles emphasizing inclusion and fairness. The IOC's gender-equality framework, for example, has increasingly focused not only on participation but also on women's representation in governance, leadership, and decision-making (IOC 2024). Indonesian sports governance should similarly understand equality as a structural principle affecting institutional power rather than merely an eligibility requirement for competitions.

Recruitment, Selection, and Access to Sporting Opportunities

Recruitment represents the first institutional stage at which gender inequality can become embedded in an athlete's career. Selection decisions may appear merit-based while relying upon criteria that are vague, subjective, or influenced by stereotypes concerning women's physical capabilities, leadership, endurance, marketability, or commitment. Santosa and Putri identify institutional bias and cultural expectations as significant barriers affecting women's opportunities in Indonesian sport (Santosa and Putri 2024). Such barriers are legally problematic when gender stereotypes replace objective assessments of athletic competence. A

recruitment system should therefore identify measurable performance criteria, document selection decisions, and provide mechanisms through which athletes can challenge decisions suspected of being discriminatory. Transparency is especially important because discrimination often operates through informal practices rather than written rules.

Law No. 13 of 2003 concerning Manpower provides an important reference where athletes have employment relationships. Article 5 establishes equal opportunity for workers to obtain employment without discrimination, while Article 6 requires employers to provide workers with equal treatment without discrimination. The Indonesian legal framework is therefore already familiar with the proposition that employment opportunities should not be allocated on the basis of sex. The ILO likewise records Indonesia's ratification of Convention No. 111 through Law No. 21 of 1999 and Convention No. 100 through Law No. 80 of 1957. These provisions should inform the interpretation of athlete contracts because the absence of a sports-specific anti-discrimination provision does not imply the absence of legal protection. Where a club functions as an employer and the athlete provides labor under its direction, gender-based exclusion may engage ordinary employment protections in addition to sports regulations.

Recruitment discrimination can also occur through apparently neutral physical or behavioral requirements. Certain sports may legitimately establish physical standards related to performance, but the standards should correspond to genuine sporting requirements rather than stereotypes about masculinity and femininity. A requirement should therefore be evaluated according to whether it measures a relevant sporting capability and whether less discriminatory alternatives exist. This is consistent with ILO Convention No. 111, which permits distinctions based on inherent requirements of a particular occupation but does not authorize generalized preferences based on sex. The legal inquiry should consequently focus on evidence. A club should be able to explain why a requirement is necessary, how it is measured, and whether it applies consistently to similarly situated athletes. Unstructured discretion creates conditions in which discriminatory assumptions can become disguised as professional judgment.

Access to training facilities is another component of equal opportunity. Women athletes may formally belong to the same federation or sporting system as men but receive less access to quality facilities, medical support, strength and conditioning programs, coaching expertise, travel resources, or development competitions. Wijaya and Hidayat argue that Indonesian sports policy should address structural barriers affecting marginalized groups and promote equitable access to facilities, coaching, and competitions (Wijaya and Hidayat 2024). From a legal perspective, the relevant standard should not necessarily require identical allocation in every circumstance. Resource allocation may legitimately consider athlete numbers, competition schedules, and development needs. Nevertheless, where women consistently receive inferior resources without objective justification, the cumulative effect may amount to substantive discrimination.

The principle of equality also applies to development pathways. An athlete's career is not determined solely by access to a single competition but by cumulative opportunities for training, national selection, international exposure, coaching, and professional advancement. If women receive fewer development opportunities, their subsequent performance may be lower, which can then be used to justify continued underinvestment. This creates a self-reinforcing cycle of institutional discrimination. Putra's analysis of Indonesian sports identifies this structural relationship between access, representation, funding, and recognition (Putra 2024). A legally responsive framework should therefore evaluate equality over the athlete's career trajectory rather than at isolated moments. Equal opportunity must encompass the conditions necessary to develop competitive ability, not merely formal permission to enter competition.

Selection transparency is particularly important where public funding is involved. Sports organizations receiving government resources should be subject to heightened accountability because their decisions may affect the distribution of public benefits. Law No. 11 of 2022 establishes a national sports system in which government institutions, federations, clubs, and other organizations perform interconnected functions. Where public funds support training programs, competitions, facilities, or athlete development, allocation criteria should be transparent and gender-responsive. A failure to account for gender disparities may reproduce inequality through public resources. Gender-responsive budgeting principles can therefore complement sports regulation by requiring institutions to assess whether expenditure patterns contribute to equal opportunities for women and men.

Equal Remuneration, Sponsorship, and the Commercial Value of Women Athletes

Compensation represents one of the most significant areas in which gender inequality becomes economically measurable. ILO Convention No. 100 requires equal remuneration for men and women for work of equal value and defines remuneration broadly to include wages and additional benefits arising from employment. Indonesia ratified the convention through Law No. 80 of 1957, making equal remuneration a longstanding component of Indonesia's international labor commitments. The principle is particularly relevant to professional sport because athlete remuneration may include salary, match fees, performance bonuses, accommodation, travel, medical benefits, prize-related payments, and other contractual advantages. A legal assessment should therefore avoid comparing only base salaries while ignoring the broader compensation package. The central question is whether differences are based on legitimate objective factors or whether they are substantially attributable to gender.

Equal remuneration does not necessarily require identical salaries for all male and female athletes. Professional sports contracts may legitimately differ according

to experience, performance, market value, competitive level, commercial revenue, or contractual responsibilities. The legal problem arises when gender itself becomes an unjustified determinant of remuneration or when apparently objective criteria are structured around historical inequalities. ILO Convention No. 100 focuses on work of equal value rather than simply identical work, which is particularly useful in sports where male and female competitions may operate separately. A gender-responsive approach should therefore examine the value and responsibilities of the services provided, the revenue-generating structure of the competition, and the objective reasons for remuneration differences rather than presuming that separate competitions automatically justify unlimited pay disparities.

The economic dimension of women's sport is closely connected to media exposure and sponsorship. Fink demonstrates that women athletes and women's sports have historically received substantially less media attention and commercial recognition than men's sport, despite significant growth in women's participation and achievement (Fink 2015). This creates a difficult legal and economic cycle. Lower media exposure may reduce sponsorship value, reduced sponsorship may constrain investment, and lower investment may then be used to justify inferior media coverage. A sports organization should therefore be cautious when relying upon existing commercial revenue as the sole justification for unequal compensation. Historical underinvestment can itself be a cause of revenue disparities. Commercial value should not be treated as a completely neutral variable when institutional decisions have contributed to its creation.

Media representation has direct consequences for athlete economic opportunities. Achmad and Zulfikar find that underrepresentation of women and marginalized athletes in Indonesian sports media can affect visibility, sponsorship, and career advancement (Achmad and Zulfikar 2025). International research similarly demonstrates that female athletes are often represented through appearance, femininity, or stereotypical narratives rather than athletic performance (Fink 2015; Caple, Greenwood, and Lumby 2011). Although media editorial independence must be respected, sports federations and publicly supported sporting institutions can nevertheless adopt fair media-access policies. Equal media opportunities should not mean mandatory identical coverage by independent media outlets, but it can require institutions to provide comparable access to official platforms, promotional resources, interviews, competitions, and digital content.

Sponsorship arrangements require similar scrutiny. A sponsor may legitimately choose investments based on audience size, commercial exposure, performance, brand compatibility, or market strategy. However, sports organizations themselves should not systematically direct sponsorship opportunities toward male athletes through opaque or discriminatory criteria. Sponsor communication can also reproduce gender stereotypes by emphasizing femininity, appearance, or social roles rather than athletic achievement. Research on women's sport sponsorship demonstrates that commercial communication may challenge stereotypes while simultaneously reproducing traditional gender

narratives (Cunningham et al. 2024). Tandfonline Indonesian sports governance should therefore encourage sponsorship frameworks based on transparent criteria and prohibit institutional favoritism that has gender as an unjustified determinant.

Commercialization creates another legal tension because sports organizations may argue that unequal investment reflects consumer demand rather than discrimination. This argument has some economic validity but cannot be accepted without qualification. Where private consumers make independent commercial choices, the state cannot simply impose equal revenue outcomes. However, where federations or publicly funded institutions distribute opportunities, the principle is different. Institutional decisions contribute to the commercial environment in which athletes compete. If women's competitions receive inferior promotion, scheduling, facilities, or broadcasting support, the resulting commercial disparity cannot subsequently be treated as purely market-generated. Substantive equality therefore requires consideration of how institutional choices influence the market itself.

The Indonesian sports system should consequently distinguish between legitimate commercial differentiation and discriminatory institutional allocation. A federation may allocate prize money according to independently established competition structures, but it should be required to disclose the criteria and demonstrate that gender is not being used arbitrarily. Similarly, clubs may negotiate individual salaries based on performance and market factors, but contractual systems should be auditable for systematic gender-based disparities. This approach avoids imposing absolute salary uniformity while still recognizing the legal force of equal-remuneration principles. It also aligns with the broader conception of sports justice developed in Indonesian scholarship, which links commercialization to questions of fairness, athlete welfare, and institutional accountability (Subroto 2024).

Competition, Governance, Remedies, and a Gender-Responsive Sports Framework

Gender equality must extend beyond recruitment and remuneration to the organization of competition itself. Competition schedules, venue allocation, broadcasting arrangements, travel support, medical services, accommodation, and officiating standards can all affect the practical quality of women's participation. A system that formally provides women with competitions but consistently schedules them at commercially inferior times, allocates inadequate facilities, or provides reduced logistical support may create structural inequality. The Beijing Platform for Action specifically calls for equal access to sports and physical activity and for support for women's advancement as athletes, coaches, trainers, and administrators (United Nations 1995). This indicates that gender equality in sport should be evaluated as a multidimensional institutional obligation rather than a narrow prohibition against exclusion from competition.

Competition scheduling deserves particular attention because it connects sporting opportunity with commercial visibility. Prime-time scheduling can increase audience exposure, sponsorship value, and media attention, while inconvenient scheduling can reduce all three. A federation does not necessarily have to schedule men's and women's competitions identically because sporting calendars may depend on stadium availability, broadcasting arrangements, and competition structures. Nevertheless, repeated and unexplained allocation of commercially inferior opportunities to women may indicate structural discrimination. Gender-responsive scheduling should therefore require transparent criteria and periodic assessment of whether scheduling patterns systematically disadvantage women's sport. Such evaluation would be consistent with the substantive-equality approach advocated by Indonesian scholarship concerning gender justice (Mahesri, Lim, and Amani 2025).

Governance representation is equally significant because institutional inequality can persist when women have limited participation in decision-making bodies. Sports organizations make decisions about budgets, selection, competition calendars, sponsorship, athlete welfare, and disciplinary systems. If women athletes are underrepresented in these structures, policies may fail to reflect their experiences. The IOC's gender-equality strategy recognizes women's meaningful representation in governance and decision-making as an important dimension of gender equality rather than treating participation on the field as sufficient (IOC 2024). Indonesian sports organizations should therefore consider gender-balanced governance as part of institutional accountability. Representation alone does not guarantee equality, but meaningful participation can improve institutional sensitivity to gender-specific barriers.

The principle of accountability requires effective complaint mechanisms. A legal right without an accessible remedy is unlikely to produce meaningful protection. Women athletes should have confidential channels through which they can challenge discriminatory recruitment, compensation, sponsorship, selection, or competition decisions. The complaint process should provide notice, access to relevant evidence, impartial review, reasoned decisions, and appeal mechanisms. Because sporting decisions may be time-sensitive, interim measures should be available where discrimination threatens an athlete's immediate participation or career. This approach is consistent with broader sports-governance scholarship emphasizing transparency and institutional accountability as foundations of sporting justice (Widodo and Wirawan 2024).

The institutional location of complaints is particularly important. If a federation investigates its own discriminatory practices without independent oversight, athletes may reasonably doubt the neutrality of the process. A gender-responsive system should therefore provide an escalation mechanism to an independent sports dispute-resolution institution or ordinary legal forum. The principle of *lex sportiva* should not prevent judicial review where fundamental rights are implicated. Prasetyo and Al-Farisi's analysis of Indonesian sports law

emphasizes that sports autonomy must be harmonized with the national legal system rather than treated as completely autonomous from it (Prasetio and Al-Farisi 2025). This is particularly important in discrimination cases because equality rights derive from constitutional and statutory law, not merely from internal sporting rules.

An effective framework should also recognize indirect discrimination. Direct discrimination occurs where a person is explicitly treated less favorably because she is a woman. Indirect discrimination arises where a neutral rule disproportionately disadvantages women without sufficient justification. The distinction is important because sports institutions may rarely adopt explicit rules stating that women are less deserving of opportunities. Instead, disadvantages may emerge from selection criteria, funding formulas, facility allocation, scheduling, sponsorship distribution, or performance standards. ILO Convention No. 111's focus on the effect of distinctions on equality of opportunity and treatment provides conceptual support for examining institutional consequences rather than merely discriminatory intent. Indonesian sports governance should therefore move beyond an intent-based model and examine whether institutional arrangements produce unjustified gender disparities.

The burden of proof is another issue requiring attention. Discrimination is often difficult to prove because decision-making processes occur internally and athletes may lack access to comparative data. A woman athlete who suspects unequal compensation may not know the salaries of male counterparts, while an athlete challenging selection may not have access to internal evaluation documents. A gender-responsive legal framework should therefore require sports organizations to maintain records of recruitment, selection, remuneration, facility allocation, sponsorship distribution, and competition scheduling. Where substantial disparity is demonstrated, the institution should be required to provide an objective explanation. This would not create automatic liability whenever statistical differences occur; instead, it would make institutional decision-making more transparent and facilitate meaningful review.

Positive measures may also be necessary to achieve substantive equality. Formal equal treatment can perpetuate historical disadvantage if women begin from a structurally unequal position. CEDAW permits temporary special measures designed to accelerate substantive equality, and the Beijing Platform similarly encourages policies supporting women's participation in sport. Indonesian sports organizations could therefore adopt targeted development programs, scholarships, coaching opportunities, leadership initiatives, and investment strategies for women athletes without treating such measures as impermissible reverse discrimination. Their purpose would be corrective rather than preferential: to address demonstrable structural barriers and create conditions in which formal equality becomes meaningful.

A comprehensive gender-responsive sports governance framework should ultimately integrate five dimensions: non-discriminatory recruitment, equitable remuneration, equal access to development resources, fair competition

opportunities, and effective institutional remedies. These dimensions should operate together because discrimination rarely occurs in only one area. A woman athlete who receives equal selection access but inferior facilities may still face unequal opportunity; equal salary cannot compensate for exclusion from international competitions; and formal competition access is insufficient if sponsorship and media systems systematically marginalize women. Indonesian sports law should therefore adopt an integrated approach in which equality is evaluated throughout the athlete's professional lifecycle. Such a model would transform gender equality from a general policy aspiration into an operational governance obligation.

The resulting framework would not require identical treatment in every sporting context. Rather, it would require sports organizations to justify relevant differences through objective, transparent, proportionate, and sport-specific criteria. Legitimate distinctions necessary for competition integrity would remain permissible, while arbitrary gender-based disadvantages would become legally challengeable. This approach reconciles the autonomy of sports organizations with the supremacy of constitutional and human-rights principles. It also reflects the direction of contemporary Indonesian sports scholarship, which increasingly treats sports governance as an issue of justice, equality, accountability, and athlete rights rather than merely competition administration (Wijaya and Hidayat 2024; Widodo and Wirawan 2024).

Conclusion

Gender discrimination in Indonesian sport cannot be adequately addressed through formal equality alone. The existence of rules permitting women to participate in competitions does not establish substantive equality when women continue to encounter unequal recruitment opportunities, remuneration, facilities, development programs, sponsorship, media visibility, and institutional representation. Indonesian law already contains a substantial normative basis for challenging such inequalities. The 1945 Constitution establishes equality and fair treatment, Law No. 39 of 1999 recognizes women's rights as human rights, Law No. 7 of 1984 incorporates CEDAW obligations, and Laws No. 80 of 1957 and No. 21 of 1999 incorporate international labor standards concerning equal remuneration and non-discrimination. Law No. 11 of 2022 provides the sector-specific foundation for athlete protection and sports governance. Taken together, these instruments demonstrate that women athletes are not legally situated outside the ordinary framework of equality merely because sport possesses specialized rules. Sports organizations retain legitimate regulatory autonomy, but such autonomy must operate consistently with constitutional rights, statutory obligations, and international commitments concerning gender equality.

The principal reform required is therefore the development of a gender-responsive sports governance system capable of identifying both direct and indirect

discrimination. Recruitment should be based on transparent and objectively relevant criteria; remuneration should be assessed through the principle of equal remuneration for work of equal value; facilities and development programs should be allocated through demonstrably equitable standards; sponsorship and media opportunities should not be distributed through opaque gendered assumptions; and women should have meaningful representation in institutional decision-making. Effective complaint and appeal mechanisms are equally necessary because equality without remedies remains largely aspirational. Indonesian sports law should consequently move from a model of formal non-discrimination toward substantive equality, in which the actual effects of institutional practices are examined. Such an approach would not require identical treatment in circumstances where legitimate sporting distinctions exist. It would instead require every significant difference in treatment to be objectively justified, proportionate, transparent, and consistent with athlete rights. Protecting women athletes in this manner would strengthen both the legitimacy of Indonesian sports governance and the broader constitutional commitment to equality and human dignity.

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