



## Legal Protection for Pencak Silat Athletes in the Perspective of Sports Law and Human Rights

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### Abstract

*Pencak Silat, Indonesia's cultural heritage and global sport, entails intense physical contact with high injury risks. Thus, legal protection is vital to safeguard athletes' rights and ensure fair, safe, and dignified competition. Although Indonesia has legal frameworks on sports and human rights, their implementation in protecting Pencak Silat athletes remains weak and requires urgent improvement. Purposes of the Research: Analyze the forms and mechanisms of legal protection for Pencak Silat athletes in Indonesia from the perspective of sports law. Examine the integration of legal protection with human rights principles, particularly in relation to athletes' safety and welfare. Provide recommendations to strengthen the existing regulatory framework and improve its implementation in the field. Methods of the Research: The research employs a normative juridical approach by analyzing laws and regulations, including Law Number 11 of 2022 on Sports and Law Number 39 of 1999 on Human Rights. The study also utilizes secondary data obtained from scholarly literature, government documents, and relevant case studies. A comparative analysis is conducted to evaluate the alignment between sports law provisions and human rights protection, supported by qualitative assessment of legal practices in Indonesia. Results of the Research: Findings show Indonesia has strong legal frameworks for sports and human rights, yet protection of Pencak Silat athletes remains weak. Issues include poor supervision, limited facilities, and low legal literacy. This study's novelty is linking sports law and human rights, recommending stronger regulations, better institutional capacity, and synchronized policies to safeguard athletes' rights, safety, and welfare.*

**Keywords:** Legal Protection; Sports Law; Human Rights.

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## INTRODUCTION

Legal Protection for Pencak Silat Athletes in the Perspective of Sports Law and Human Rights Sports are an integral part of national development, not only contributing to the improvement of physical and mental health but also serving as a medium for achievement-building and strengthening national identity. Pencak Silat, as Indonesia's traditional martial art, holds a special position because it embodies cultural values, sportsmanship, and discipline. Over time, Pencak Silat has developed beyond the national level and has become an international sport, included in major events such as the Asian Games and the SEA Games<sup>1</sup>. As Indonesia's cultural heritage, Pencak Silat has been internationally recognized both as a martial art and as a competitive sport. Since its inclusion in international competitions such as the SEA Games and Asian Games, Pencak Silat has grown into a competitive discipline involving thousands of athletes worldwide. However, its competitive nature inherently carries high physical contact risks, potentially causing serious

<sup>1</sup> Adisaputra, M. A., & Setyawan, B. "Perlindungan Hukum terhadap Atlet Olahraga Prestasi dalam Perspektif Hukum Olahraga". *Jurnal Hukum dan Pembangunan*, 50 no. 2 (2020): 325-340.

injuries and even death. As a martial art that relies on direct physical contact, Pencak Silat involves high injury risks. Strikes, throws, and physical clashes may lead to minor injuries, severe injuries, or even fatalities. This condition necessitates adequate legal protection to guarantee athletes' rights to safety, health, and welfare. Legal protection in this context does not merely refer to enforcement after violations occur, but also preventive measures to minimize both physical and psychological harm.

From a sports law perspective, legal protection is manifested through regulations that govern competition safety standards, organizers' obligations, licensing of coaches and referees, provision of medical facilities, and sanction mechanisms for violations. Law Number 11 of 2022 on Sports serves as the principal legal framework governing the rights and obligations of athletes, coaches, and organizers. However, its effectiveness is often hindered by weak supervision, low legal literacy among athletes, and lack of coordination among relevant institutions. Legal protection for athletes encompasses preventive, repressive, and restorative measures. Preventive protection is realized through technical regulations, qualifications for coaches and referees, standardized protective equipment, pre-competition health checks, and medical facilities at venues<sup>2</sup>. Repressive protection takes the form of disciplinary or criminal sanctions against rule violations, while restorative protection includes compensation, medical rehabilitation, and psychological support for injured athletes. From a human rights perspective, Pencak Silat athletes hold constitutional rights as guaranteed in the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 on Human Rights, and various international human rights instruments ratified by Indonesia, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR). These rights include the right to safety, health, fair treatment, and access to remedies in the event of violations. Thus, legal protection for athletes is not only administrative or normative but also represents the state's duty to fulfill, protect, and respect human rights. Failure by the state or organizers to protect athletes' safety is not only a violation of sports law but can also constitute a human rights violation. Data from various tournaments show that Pencak Silat athletes may suffer injuries such as lacerations, fractures, concussions, ligament damage, and internal trauma. The sport's intense physical nature, involving strikes, kicks, and throws, makes it inherently high-risk. Therefore, the establishment of a clear and effective legal protection mechanism is essential. Although Indonesia already has Law Number 11 of 2022 on Sports, which regulates the rights and obligations of athletes, coaches, and organizers, its implementation still faces challenges. Common issues include weak supervision of safety standards, unequal medical facilities across regions, low legal literacy among athletes and coaches, and suboptimal sanction enforcement mechanisms for violators. The problem becomes more complex when distinguishing between "inherent risk" in sports and "avoidable risk." While physical contact is inherent to Pencak Silat, risks arising from negligence by organizers, referees, or coaches clearly constitute violations of legal protection and human rights principles. These conditions demand a comprehensive study on the harmonization of sports law and human rights principles in the protection of Pencak Silat athletes. Such research is expected to provide an academic foundation and practical recommendations for policymakers, sports federations, and related stakeholders in building a more effective, measurable, and just legal protection system-so that sporting achievements can be pursued without sacrificing athletes' safety and dignity.

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<sup>2</sup> Prasetyo, M. I. *Perlindungan Hukum terhadap Atlet dalam Perspektif Hukum Olahraga dan HAM* (Skripsi, Universitas Airlangga 2017).

## METHODS OF THE RESEARCH

This research employs a normative legal research method, which focuses on examining legal norms within a particular legal system. The study applies two approaches: the statute approach and the conceptual approach. The statute approach involves reviewing all laws and regulations relevant to the legal issues under study. Meanwhile, the conceptual approach is applied when the research subject is not yet specifically regulated by existing legislation, thereby requiring the use of legal concepts, principles, and doctrines to address the issue.

## RESULTS AND DISCUSSION

### A. Forms and Mechanisms of Legal Protection for Pencak Silat Athletes in the Perspective of Sports Law in Indonesia

Legal protection for Pencak Silat athletes in Indonesia must be understood within the framework of a modern and comprehensive sports law regime. Law Number 11 of 2022 on Sports serves as the primary normative foundation that systematizes athletes' rights (safety, health, recognition, social security) and establishes frameworks for competition organization, supervision, anti-doping, and dispute resolution mechanisms in the sports sector. This law also provides criminal sanctions for organizers who neglect technical, safety, and health standards, thereby positioning athlete protection not only as an internal organizational responsibility but also as a public obligation enforceable by the state. Substantively, legal protection can be divided into two main dimensions: preventive (prevention) and repressive/curative (enforcement and recovery). In the preventive dimension, the central governing body of Pencak Silat (PB IPSI) stipulates competition rules, codes of ethics, and technical guidelines that require protective equipment, pre-match medical checks, classification by age/weight, protest procedures, and event standards to be fulfilled by organizers. Beyond organizational regulations, the national anti-doping authority (IADO) performs preventive integrity functions through education, a prohibited substances list, Therapeutic Use Exemptions (TUE), and in-competition/out-of-competition testing programs that protect athletes from cheating while guaranteeing procedural fairness in cases of suspected violations. In terms of welfare, the Sports Law acknowledges the necessity of social security and recognition for athletes, encouraging the use of written contracts that include insurance, injury compensation, and recovery clauses<sup>3</sup>.

In the repressive and recovery dimension, enforcement mechanisms operate in stages. First, internal sports justice applies—arena protests to referees/judges, disciplinary handling by PB IPSI's disciplinary or ethics commissions, and administrative sanctions (warnings, fines, suspensions, disqualification). If internal remedies are insufficient or contracts refer disputes to external bodies, cases may be submitted to specialized arbitration/mediation that is fast, final, and binding. This function has been reinforced with the establishment of the Indonesian Sports Arbitration Board (BAKI) as the sole institution for sports dispute resolution, providing procedures more attuned to sports' unique characteristics (time-sensitive, technical evidence, confidentiality) compared to general courts. For anti-doping cases, IADO manages results processing to ensure rights to notification, access to evidence, disciplinary hearings, and appeals in line with WADA standards. In the general legal sphere, two complementary pathways exist: criminal and

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<sup>3</sup> Fadilah, S., & Prasetyo, A. *Hukum Keolahragaan: Aspek Perlindungan Atlet dan Penyelenggaraan Event*. (Bandung: Refika Aditama 2020).

civil. The Sports Law criminalizes organizers who neglect technical, safety, and medical service obligations, meaning negligence causing serious injury or death can lead to criminal liability and/or fines. Civilly, harmed athletes may pursue damages through tort claims or contractual breach against clubs, coaches, or organizers, providing financial and material/immaterial remedies beyond sports-internal sanctions. Thus, the combined processes of sports justice, arbitration, and general courts create layered enforcement suited to the nature of violations and available evidence. Protection against violence, harassment, and cases involving minors requires balancing sports regulations with child protection and sexual violence laws. Law Number 35/2014 on Child Protection prohibits all forms of violence and ensures children's rights, while Law Number 12/2022 on Sexual Violence Crimes provides mechanisms for prevention, response, and victim recovery. Consequently, when abuse occurs within sports training, victims (or guardians) may pursue internal IPSI sanctions but also have the right to file complaints with law enforcement for broader remedies under criminal/child protection law<sup>4</sup>.

Although formal frameworks exist, implementation in practice reveals several gaps: (1) inconsistent contractual practices, often verbal or non-standard, creating disputes and uncertainty of rights; (2) uneven safety and medical standards across regions; (3) reporting barriers preventing athletes, especially youth, from accessing protection; and (4) limited access to arbitration due to costs, legal illiteracy, and lack of free legal aid. Policy recommendations arising from these findings include: standardized training/competition contracts, mandatory event safety packages for organizers, safeguarding policies and anonymous reporting channels, anti-doping and legal literacy education programs for athletes and support staff, legal aid mechanisms for athletes pursuing arbitration or court cases, and compliance monitoring and audits by Kemenpora/KONI/local authorities. These measures combine prevention and fair recovery, positioning athletes as subjects of protection entitled to legal certainty. This demonstrates that Indonesia's legal protection system for Pencak Silat athletes is multilayered: rooted in the Sports Law, operationalized through branch-specific rules (PB IPSI) and technical authorities (IADO for anti-doping), complemented by a specialized dispute forum (BAKI), and supported by national civil/criminal instruments for negligence or violence. Overall effectiveness, however, depends on improved implementation.

## **B. Legal Protection Integrated with Human Rights Principles, Particularly Regarding Athletes' Safety and Welfare**

Legal protection for athletes in Indonesia rests on a strong normative foundation: alongside international human rights instruments ratified by Indonesia, Law Number 11 of 2022 on Sports explicitly regulates athletes' and stakeholders' rights and obligations, organizers' responsibilities, social security, anti-doping, and dispute resolution. Formally, this framework positions athletes' safety and welfare not merely as organizational policy but as a legally enforceable public duty. At the international level, relevant human rights principles – particularly the rights to health, social security, and child protection – create an additional normative framework for sports governance. Indonesia has ratified key instruments such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), guaranteeing the right to health and social security; the Convention on the Rights

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<sup>4</sup> Haryanto, "Pencak Silat as Cultural Heritage and Sport: Legal and Human Rights Perspective," *Indonesian Journal of Sports Law*, 3 no. 2 (2021): p. 115.

of the Child (CRC), mandating special child protection; and civil-political obligations through the ICCPR, including due process. Combined with the Sports Law, these create an expectation that sports rules and mechanisms uphold human rights standards: access to adequate health services, social security for contracted athletes, special protection for child athletes, and fair complaint procedures.

At the institutional level, efforts have been made to integrate sports law with human rights in practice. The Ministry of Youth and Sports (Kemenpora) has initiated welfare and education programs for athletes and promoted social security schemes. The establishment of BAKI and reinforcement of anti-doping regulations (IADO Rules) are also intended to ensure legal certainty and due process. Properly implemented, these mechanisms represent the operationalization of human rights principles in sports: safety protection (medical coverage, venue standards), socio-economic protection (social security, compensation), and procedural protection (appeals and fair hearings). Yet integration remains partial. Legal studies and performance reports highlight implementation gaps: non-standard and inconsistent training contracts, regional disparities in safety standards, limited athlete awareness of rights (including protest and anti-doping procedures), and barriers to dispute resolution due to cost and lack of legal assistance. Critics note that while legal frameworks exist, compliance, supervision capacity, and safe/independent reporting mechanisms remain insufficient to guarantee athletes' safety and welfare equally. In other words, normative integration exists at the legislative and policy level, but substantive integration (rights realized in practice) requires stronger implementation<sup>5</sup>.

Physical safety and health protection demand a combination of competition technical rules, medical protocols, and access to healthcare/rehabilitation<sup>6</sup>. The Sports Law mandates event standards and safety guarantees; human-rights-aligned practices include pre-bout medical checks, certified medical staff at venues, concussion management and return-to-play protocols, and sports accident insurance. IADO's anti-doping enforcement also upholds due process rights (notification, evidence access, hearings), embedding procedural justice as part of athletes' human rights. However, the absence of consistent medical standards in many local events remains problematic. Socio-economic welfare (remuneration/recognition, social security, education/dual career access) is a human rights dimension the state must guarantee. Kemenpora's scholarships and welfare programs represent policy shifts, but disparities persist across regions, and standardized contracts with clear labor rights for professional and student athletes are needed. Stronger collaboration among Kemenpora, BPJS Ketenagakerjaan, and sports bodies is essential to translate the state's human rights obligations into concrete protection.

Child athletes' protection and prevention of sexual violence are reinforced by general laws (Law Number 35/2014 on Child Protection and Law Number 12/2022 on Sexual Violence Crimes). These provide frameworks that sports organizations must adopt: safeguarding policies, coach background checks, safe (including anonymous) reporting channels, and recovery services for victims. Integrating these into organizational bylaws and event guidelines indicates growing recognition of human rights principles – best interests of the child, non-discrimination, and protection rights - but effectiveness depends

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<sup>5</sup> Anggraini, D., & Pratama, H. "Perlindungan Hukum Atlet dalam Cabang Olahraga Bela Diri di Indonesia". *Jurnal Ilmu Hukum*, 5 no. 1 (2019): 12-25

<sup>6</sup> Lestari, F., & Gunawan, A. "Evaluasi Implementasi UU Keolahragaan terhadap Perlindungan Atlet". *Jurnal Negara Hukum*, 12 no. 2 (2021): 211-227.

on inter-agency referrals and victims' ability to report without retaliation. From a dispute resolution and accountability perspective, the creation of BAKI as the sole sports arbitration body ensures access to a fast, specialized, and competent forum - relevant to the human rights principle of effective remedies. However, this access requires legal aid, affordable procedures, and transparency to prevent inequities between stakeholders. Integration of human rights principles into Indonesia's legal protection framework for Pencak Silat athletes already exists normatively (laws, state agency guidelines, anti-doping rules, child protection instruments). Yet, effective practical implementation - ensuring safety and welfare protections materialize in athletes' daily experiences - requires strengthening in contracts (standardized models), event safety standards (medical plans and protective equipment), accessible and independent complaint mechanisms, equitable social security, and legal aid for athletes navigating arbitration or courts. Thus, while normative integration is in place, substantive integration must be accelerated through policy implementation, measurable supervision, and targeted support for vulnerable athletes.

## CONCLUSION

This research demonstrates that legal protection for Pencak Silat athletes in Indonesia has a strong normative foundation through Law Number 11 of 2022 on Sports, Law Number 39 of 1999 on Human Rights, as well as various ratified international instruments. The forms of protection include preventive, repressive, and restorative measures, which are operationalized through PB IPSI's technical regulations, internal organizational mechanisms, the Sports Arbitration Board (BAKI), and criminal and civil law instruments. The integration of human rights principles, particularly concerning safety and welfare, is normatively accommodated within the regulations. However, practical implementation still faces challenges such as weak supervision, inconsistent safety standards, low legal literacy, and limited access to effective recovery mechanisms. Therefore, strengthening implementation is necessary through standardized contracts, adequate medical facilities, legal and anti-doping education programs, and affordable legal assistance for athletes.

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