

Reconstruction Of Achievement Sports Dispute Settlement In Indonesia In Legal Assurance Perspective (Case Study of the Parent Organization of Table Tennis)

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Abstract

Paradigm and commitment of the state to make Sport a driving force to achieve national development goals in terms of education, health, economy, political, as well as social and cultural considering in the perspective of the global dimension of Sport is seen as a strategic activity that is able to become a driving force for the non-sports that constructs the will to achieve the welfare of the sports ecosystem. But in another dimension, the development of such a massive sport raises potential disputes and interests that can hinder the development and improvement of achievement such as the dispute that occurred in the Main Organization of the Table Tennis Sports Branch

Reconstruction of achievement sports dispute resolution mechanisms in Indonesia as a model in resolving various achievement sports dispute cases appropriately, thoroughly, effectively which aims to ensure legal certainty and find a model for achievement sports dispute resolution institutions in Indonesia, independent in nature, and final and binding decisions

The research method used in the construction and paradigm of the ideal model for the reconstruction of achievement sports dispute resolution within the framework of a normative juridical perspective, with an approach in the form of doctrinal law research that uses secondary data sources as well as comparative studies (comparison) of dispute resolution models in several countries that have legal system characteristics. and the level of significant sport development in the global social order.

The necessity in the development of the dimensions of table tennis in Indonesia encourages the ecosystem involved to impose a conflict of interest so that it has an impact on the emergence of unresolved disputes even though the historical aspect of the implementation of the provisions of Article 88 of Law Number 3 of 2005 concerning the National Sports System has carried out by legal subjects in dispute and even the involvement of the government's role has not been effective enough to encourage the author to reconstruct the settlement of sports achievements disputes with a juridical paradigm and perspective as regulated in the provisions of Article 102 of Law Number 11 of 2022 concerning Sports

limited by focusing on the construction of a dispute resolution model as regulated in the provisions of Article 102 of Law Number 11 of 2022

The Fundamental Values that form the basis and basis of the Table Tennis sports ecosystem in the commitment to resolving sports disputes over achievements in the dimensions of legal ideals in the form of justice, usefulness and legal certainty must be crystallized in the legal culture and obedience to the construction of settlements that have been built based on the spirit and commitment to increase sports achievement so that the dimensions of disputes that can hinder and kill potential achievements for the table tennis sport ecosystem become a common enemy to be fought and avoided. Therefore, the novelty value for

this research is how the construction of a dispute resolution model as regulated in Article 102 of Law Number 11 of 2022 concerning Sports is expected to be able to answer and accommodate and be a responsive, adaptive and accommodating dispute resolution solution for the interests of the sports ecosystem. although the conception of an independent arbitration institution facilitated by the government will soon be established.

Keywords: Well-being of the sports ecosystem, legal ideals, legal culture and arbitration institutions

I. INTRODUCTION

Indonesia as a country based on law, the state places itself as a welfare state or *verzorgingsstaat*. The effort as a means to achieve prosperity. Sport is healthy for the community, meaning that people really believe in the benefits of sport for health so that exercise in human life is very important, both in physical growth and in mental/spiritual development. The need for sports for humans has become a necessity, because since humans are born even still in their mother's womb, sport contributes greatly. Likewise, when children, adolescents, adults or at the time of the elderly, sports are like a service workshop in maintaining one's vehicle.

Islam and sports have a correlation or relationship because every sport always prioritizes sportsmanship which is nothing but very closely related to honesty, honesty really needs to be instilled in every sports person in order to maintain a sporty image in every match.

Sports must also have people who are pious and have faith because all sports activities, especially in certain branches, require honesty, besides honesty, a sense of responsibility is also needed in every way. Sport is also related to worship because we exercise so that the body is healthy and if the body is healthy we can perform worship properly, so that we do not only think about the physical condition but also the spiritual as the wise man said "*mensana in corpore sano*" meaning that in a healthy body there is a soul that is strong, healthy.

There is an impression that Islam "forbids" sports so that countries with Muslim majority populations do not have outstanding achievements in the field of sports. In fact, that's not the case. Prophet Muhammad SAW, according to a hadith narrated by Imam Bukhari, recommended his companions (including all Muslims who must follow his sunnah) to be able to master the fields of sports. Especially horse riding, swimming and archery. The three types of sports recommended by the Prophet Muhammad, *sallallaahu 'alaihi wa sallam* (SAW), can be considered as the source of all types of sports that exist today. All three contain aspects of health, skills, accuracy, sportsmanship, and competition.

Islam views that health is very important because health is a human right, something that is in accordance with human nature because Islam is a perfect and comprehensive religion, which includes all aspects of human life. As the word of Allah Subhanah wa Ta'ala (SWT) in QS al-Maidah: 3

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ لِيُتَمَمَّتْ لَكُمْ الْإِسْلَامُ

which means "Today I have perfected for you your religion, and have completed My favors upon you and have approved Islam as a religion for you". Islam supports its adherents to be strong and healthy both spiritually and physically. Islam shows the primacy of strength and health as a big capital in doing good deeds and activities in religious affairs and world affairs for a Muslim Allah SWT says in QS al-Baqarah:

وَقَالَ لَهُمْ نَبِيُّهُمْ إِنَّ اللَّهَ قَدْ بَعَثَ لَكُمْ طَالُوتَ مَلِكًا قَالُوا أَنَّى يَكُونُ لَهُ الْمُلْكُ عَلَيْنَا وَنَحْنُ أَحَقُّ بِالْمُلْكِ مِنْهُ وَلَمْ يُؤْتَ سَعَةً مِنَ الْمَالِ قَالَ إِنَّ اللَّهَ اصْطَفَاهُ عَلَيْكُمْ وَزَادَهُ بَسْطَةً فِي الْعِلْمِ وَالْجِسْمِ وَاللَّهُ يُؤْتِي مَلَكَهُ مَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ

which means " (their Prophet) said, "Verily Allah Subhanah wa Ta'ala has chosen him to be your king and bestowed him with extensive knowledge and a mighty body." Allah SWT also says in QS al-Qashash: 26

أَلَمْ تَرَ أَنَّا جَعَلْنَا نَارًا تَلْهُو بِهَا الْعَيْنُ وَجِئْنَا بِهَا آيَةً لِّقَوْمٍ يَعْلَمُونَ

which means "Because indeed the best person you take to work (for us) is someone who is physically strong and can be trusted."

Rasulullah SAW said:

"A strong believer is better and more beloved to Allah than a weak believer. And in each there is goodness. Be enthusiastic about things that benefit you, and ask Allah for help and do not be weak." (HR. Muslim). The strength referred to in the Qur'an and the hadith of the Prophet Muhammad is the strength of faith and body is pni (if it is useful for faith), just as things that are useful for us are things that are useful for the affairs of our world and our hereafter.

Islam emphasizes the importance of sport to create a strong and healthy Rabbani generation. Therefore, Islam teaches every Muslim to teach his children how to do archery, swimming, and horse riding as well as other types of sports that are beneficial for individual health. Among them the hadith that shows the archery law is a hadith from Uqbah ibn Amir radiallahu 'anhu, the Messenger of Allah said, "Whoever masters archery then leaves it, then this is not our group, or he said, Then he has committed immorality." (HR. Muslim).

There are many hadiths that show Islamic attention to various physical activities. For example, when the Prophet SAW screened the youths who would join his battle with a power struggle (wrestling). Or when he, who was narrated in the Sirah of Ibn Ishaq, Rahimahullah, defeated Rukanah. A wrestling expert, so he was willing to convert to Islam. It is also reported that he had nine swords, armor, shields and knives. Like wise the story of Rasulullah SAW when he invited Aisyah radiallahu'anha to run. As well as his history when he saw the Habasyah (Ethiopia) people playing spears in the mosque and many other narrations.

Our predecessors, from the early generations of Islam, showed the importance of forming a strong body as we must continue to cultivate our faith by studying religion and doing good deeds. Umar bin Al Khaththab radiallahu 'anhu said "Teach your children to swim, archery, and ride horses" All examples of these activities are in order to prepare and train our bodies so that they are always strong and healthy in carrying out the tasks that Allah SWT has given us. In the book 'Nida' ilal Murabbiyyin', Asy-Syaikh Muhammad Jamil Zainu Rahimahullah when commenting on the hadith, "A strong believer is better and more loved by Allah SWT than a weak believer", he said, "Because a believer who is physically strong will be stronger and more enthusiastic in carrying out bodily worship such as prayer, fasting, hajj, jihad, and others.

National positive law has constructed sports arrangements in Law Number 11 of 2022 concerning Sports, which was stipulated and promulgated on March 16, 2022 delegating the preparation of implementing regulations of 9 (nine) Government Regulations, 4 (four) Presidential Regulations, 2 (two) Ministerial regulations, currently the implementing regulations that still exist and have not been amended/revoked and are more operational include Government Regulation (PP) Number 16 of 2007 concerning organizing sports, PP Number 17 of 2007 concerning Organizing Weeks and Sports Championships, PP number 18 of 2007 concerning Funding Sports, PP Number 7 of 2020 concerning Amendments to Government Regulation Number 17 of 2007 concerning Organizing Weeks and Sports Championships, and Presidential Regulation (Perpres) Number 86 of 2021 concerning the Grand Design of National Sports. However, the

availability of sports laws and regulations has not been effective, becoming a barometer for optimizing sports dispute resolution in the construction of implementing laws and regulations after the enactment of Law Number 11 of 2022 concerning Sports.

Before discussing this issue, it is necessary to first understand what is meant by a sports dispute. In the Indonesian dictionary, dispute means conflict or conflict, while conflict means there is opposition or conflict between people, groups, or organizations towards one problem object. In line with that, Winardi argued that disputes are conflicts or conflicts that occur between individuals or groups that have the same relationship or interest in an object of ownership, which gives rise to legal consequences between one another. Meanwhile, Achmad Ali argues that a dispute is a conflict between two or more parties that originates from a different perception of an interest or property right that can lead to legal consequences for both.

Alternative dispute resolution based on the Koran that is unavoidable in social life is that disputes often occur between one person and another or between groups and other groups. When a dispute occurs, it is not uncommon for people to resolve disputes by the way itself usually does not solve the problem but instead creates new problems. The Qur'an provides solutions in solving problems when there is a dispute between a person and another. The norm in the Qur'an is that the word of Allah SWT Q.S Ash-Syura: 40

لَعَلْنَا السَّخَرَةَ إِنَّ أَثَرُ الْغُلَبِينَ

Meaning: "And the recompense of a crime is a similar evil, so whoever forgives and does good, his reward is on (depending on) Allah, verily He does not like the wrongdoers."

At first glance this verse does not appear to be discussing the issue of dispute. But if you look closely with the words "retribution", "crime", "forgive", and "do good". Of course there are two sides. In the context of this verse, the main problem is that there are "crimes" of course there are two parties, namely the perpetrators of the crime and the victims of the crime.

The first alternative, the victim of a crime may retaliate with a crime similar to the crime he suffered. In terms of Islamic law, retaliation for a crime with a similar crime is called qisas. Among the other verses of the Qur'an that explain about qisas are:

1. Surah Al-Baqarah: 178

أَيُّهَا الَّذِينَ آمَنُوا لَكُمْ الْقصاصُ الْقَتْلَى الْحُرُّ الْحُرُّ الْعَبْدُ الْعَبْدُ الْأَنْثَى الْأُنْثَى لَهُ جِيهًا خِيَةً إِيَّابَاغِ الْمَعْرُوفِ إِلَى

which means "O you who believe, qisas is required of you regarding those who are killed, free people for free, slave for slave, and woman for woman, so whoever gets forgiveness from his brother. Let (who forgive) follow in a good way, and let (who is forgiven) pay (diat) to those who forgive in a good way (also).

2. Surah Al-Maidah: 45

أَلَيْهِمْ أَنَّ النَّفْسَ النَّفْسَ الْعَيْنَ الْعَيْنَ الْأَنْفَ الْأَنْفَ الْأُذُنَ الْأُذُنَ السِّنَّ السِّنَّ الْجُرُوحَ أَصْنَ ارَّة

which means And We have decreed for them in it (At-Taurat) that the soul is (repaid) for a soul, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds (pun) have a story. Whoever relinquishes his (kisas) rights, then relinquishes that right (becomes) penance for him.

The second alternative, victims of crime do not retaliate at all and even forgive and do good to the perpetrators of the crime. The application in people's lives is that there are differences in the way the dispute is carried out between the first alternative and the second alternative.

1. Settlement of disputes with the first alternative method, the victim of a crime may not immediately repay the crime to the perpetrator of the crime, but its implementation must be carried out by the

competent institution/institution, namely the state/government, in this case the Court. And the court cannot immediately when it finds out that someone has committed a crime against another person and then pays for it, nor can the victim of a crime immediately complain to the Court so that qisos is carried out against the perpetrators of the crime. All there are procedures that must be followed according to the laws and regulations.

Meanwhile, for the second alternative way of resolving disputes, it can be done by the victim himself because it is enough for the victim of the crime to swear in himself or before the perpetrator of the crime that he has forgiven the mistakes/crimes committed by the perpetrators of the crime. So that the implementation is quite simple, even very, very simple, there are no procedures to be followed because it can be carried out at the time the crime occurred or when the crime was completed.

2. Settlement of crime disputes using the first alternative method sometimes cannot be carried out or the implementation is not in accordance with what the victim wants. This can happen if there is an error in the procedure/procedure because the implementation involves another party or because the perpetrator of the crime dies before the retaliation/qisos is carried out. Whereas the resolution of crime disputes with the second alternative can certainly be carried out because it is carried out by the victim himself and does not have to involve other parties. Even though the perpetrator of the crime has died.
3. Settlement of crime disputes by means of the first alternative is Mubah law, because in this verse it is not stated that there is a reward from Allah if the victim of a crime retaliates with the same crime to the perpetrator of the crime. Whereas the settlement of crime disputes by means of the second alternative, the law is sunnah because it is promised a reward from Allah with His words: "Whoever forgives and does good, the reward is on Allah's (responsible)."

By paying attention to the differences in how to carry out the first and second alternative dispute resolution, I think we can take a lesson from verse 40 of the Asy-Shura letter, namely, that resolving crime disputes by forgiving is better (because promised to get a reward from Allah) than bringing it to court. Besides that, the implication of forgiving can establish a closer friendship, while bringing disputes to court can lead to hostility.

The potential for disputes is quite a lot in sports organizations both amateur and professional. In professional sports the problem is more complex because it involves financial interests, player transfers, and contracts. The most frequent forms of disputes in amateur sports include:

- a. Conflict in the process of forming management, especially competition to become chairman
- b. Movement of Athletes or Athletes from one Province to Province, or from one district/city to the next district/city within one province, ahead of national events such as national sports week or provincial sports week and

The flow of movement cannot be prevented and is a personal right, but it needs to be regulated to maintain order in the coaching system. The practice of resolving disputes through the courts causes one party to fully win and the other party to lose, which has an impact on the split and destruction of the sporting order and the collapse of social capital. This condition is contrary to the core values of sports which emphasize peace, uphold sportsmanship and promote unity and oneness/

II. LITERATURE REVIEW

1) Theory of Legal Certainty

Certainty is a characteristic that cannot be separated from law. Especially for written norms. Law without the value of legal certainty will lose meaning because it can no longer be used as a guideline for everyone's behavior. Certainty itself is referred to as one of the objectives of the law. When viewed historically, discussions about legal certainty are discussions that have emerged since the idea of separation of powers from Montesquieu.

Community order is closely related to legal certainty, because regularity is the essence of legal certainty itself. Order causes people to live with certainty so that they can carry out the activities needed in social life. Indonesia is a constitutional state which is reflected in the legislation present in Indonesian law. In addition, almost all aspects of social life are regulated in clear laws in Indonesia. Through law, the government is able to regulate and discipline society so that life in society becomes more orderly. In order to understand clearly about legal certainty itself, the following will describe the understanding of the theory of legal certainty from several experts.

Gustav Radbruch put forward 4 (four) fundamental things related to the meaning of legal certainty, namely: First, that law is positive, meaning that positive law is legislation. Second, that law is based on facts, meaning that it is based on reality. Third, that facts must be formulated in a clear way so as to avoid mistakes in meaning as well as being easy to implement. Fourth, positive law must not be easily changed.

Gustav Radbruch's opinion is based on his view that legal certainty itself is a product of law or more specifically of legislation. Based on this opinion, according to Gustav Radbruch, positive law that regulates human interests in society must always be obeyed even though positive law is unfair.

An opinion regarding legal certainty was also expressed by Jan M. Otto as quoted by Sidharta (2006:85), namely that legal certainty in certain situations requires the following:

1. There are legal rules that are clear or clear, consistent and easily accessible, which are issued by the state power.
2. That the authorities (government) apply these legal rules consistently and also submit and obey them;
3. Whereas the majority of residents in principle agree with the contents and therefore adapt their behavior to these rules;
4. That independent and impartial judges (judiciary) apply these legal rules consistently when they resolve legal disputes; and
5. That the court decision is implemented concretely.

The five conditions put forward by Jan M.Otto show that legal certainty can be achieved if the legal substance is in accordance with the needs of society. Legal rules that are able to create legal certainty are laws that are born from and reflects the culture of the people. Legal certainty like this is called real legal certainty (realistic legal certainty), which requires harmony between the state and the people in oriented and understanding the legal system. According to Sudikno Mertokusumo (2007: 160), legal certainty is a guarantee that the law is implemented, that those entitled according to law can obtain their rights and that decisions can be implemented. Although legal certainty is closely related to justice, it is not synonymous with justice. Law is general in nature, binds everyone, is generalized, while justice is subjective, individualistic and not generalized.

Legal certainty is the implementation of the law in accordance with the sound so that people can ensure that the law is implemented. In understanding the value of legal certainty, what must be considered is that this value has a close relationship with positive legal instruments and the role of the state in actualizing it in positive law (Fernando M. Manullang, 2007:95).

Nurhasan Ismail (2006:39-41) argues that the creation of legal certainty in statutory regulations requires requirements relating to the internal structure of the legal norms themselves. The internal requirements are as follows: First, the clarity of the concepts used. Legal norms contain descriptions of certain behaviors which are then incorporated into certain concepts as well. Second, the clarity of the hierarchy of authority from the institutions that form laws and regulations. The clarity of the hierarchy will provide direction for lawmakers who have the authority to form certain laws and regulations. Third, there is consistency of legal norms of laws and regulations. This means that the provisions of a number of laws and regulations related to one particular subject do not conflict with one another.

Legal certainty requires efforts to regulate law in legislation made by authorized and authoritative parties, so that these rules have a juridical aspect that can guarantee certainty that the law functions as a rule that must be obeyed. Lon Fuller in his book *The Morality of Law* (1971:54-58) proposes 8 (eight) principles that must be fulfilled by law, which if not fulfilled, the law will fail to be called law, or in other words there must be legal certainty. The eight principles are as follows:

- 1). A legal system consisting of regulations, not based on misguided decisions for certain matters;
- 2). The regulations are announced to the public;
- 3). Do not apply retroactively, because it will damage the integrity of the system;
- 4). Made in a formula that is understood by the public;
- 5). There should be no conflicting rules;
- 6) May not demand an action that exceeds what can be done;
- 7) May not be changed frequently;
- 8) There must be conformity between regulations and daily implementation;

Lon Fuller's opinion above can be said that there must be certainty between regulations and their implementation, thus entering the realm of action, behavior and the factors that influence how positive law is implemented. From the descriptions regarding legal certainty above, certainty can contain several meanings, namely clarity, does not cause multiple interpretations, does not cause contradictions, and can be implemented. The law must apply firmly in society, contain openness so that anyone can understand the meaning of a legal provision. One law with another cannot be contradictory so that it does not become a source of doubt. Legal certainty becomes a legal instrument of a country that contains clarity, does not cause multiple interpretations, does not cause contradictory, and can be implemented, which is able to guarantee the rights and obligations of every citizen in accordance with the existing culture of society.

2) Legal Effectiveness Theory

Legislation, both at a lower level and at a higher level, aims to ensure that the public and the state apparatus can implement them consistently and without discriminating between one community and another. Everyone is seen as equal before the law (equality before the law). However, in practice, the law is often ignored in its application, so that the rule is not effective. The ineffectiveness of a regulation is caused because the law is vague or unclear, the apparatus is inconsistent or the community does not support the implementation of the regulation. If the law is implemented properly then the law is said to be effective. It

is said to be effective because the sound of the law is clear and in its application there is no need for interpretation, the apparatus enforces the law consistently and the people affected by the regulation support it. The theory that examines and analyzes it is the theory of legal effectiveness.

The term legal effectiveness theory comes from the English translation, namely Effectiveness of the Legal Theory, Dutch is called Effectiviteit van de Juridische Theorie, German is Wirksamkeit der Rechtlichen Theorie. Hans Kelsen presents a definition of legal effectiveness, legal effectiveness is whether people actually act according to a way to avoid sanctions threatened by legal norms or not, and whether the sanctions are properly implemented if the conditions are met or not. The concept of effectiveness in Hans Kelsen's definition is focused on the subject and sanctions. The subject who carries it out is a person or legal entity. These people must carry out the law according to the sound of the legal norm. For those who are subject to sanctions, the legal sanctions are properly implemented or not.

Law is defined as legal norms, both written and unwritten. Written legal norms are legal norms set by the authorized institution. The authorized institution is DPR RI, and with the approval of the President. Meanwhile, unwritten norms are legal norms that live and develop in indigenous peoples. Anthony Allot argues about the effectiveness of the law that the law will be effective if its purpose and application can prevent unwanted actions and can eliminate chaos. Effective law in general can make what is designed can be realized. If there is a failure, there is the possibility of easy correction if there is a need to implement or apply the law in a different new atmosphere, the law will be able to solve it. Anthony Allot's concept of legal effectiveness is focused on its realization. Effective law in general can make what is designed can be realized in the social life of the community.

The theory of legal effectiveness is a theory that examines and analyzes the success and failure and the factors that influence the implementation and application of the law. There are 3 (three) studies of legal effectiveness theory which include:

1. Success in law enforcement.
2. Failure in implementation.
3. Factors that influence it.

The success in implementing the law is that the law that has been made has achieved its purpose. The purpose of legal norms is to regulate human interests. If the legal norms are obeyed and implemented by the community and law enforcers, then the implementation of the law is said to be effective in its implementation. This can be seen in the community in implementing the rule of law. The failure in the implementation of the law is that the legal provisions that have been stipulated do not achieve their purpose or are not successful in their implementation. Influencing factors are things that cause or influence the implementation and application of the law

influence can be studied from:

1. The aspect of success
2. Aspects of failure and facilitation. Legal norms are said to be successful if these norms are adhered to and implemented by the community and law enforcement officials themselves.

Factors that influence success include legal substance, legal structure, legal culture, and facilitation. Legal norms are said to be successful if these norms are adhered to and implemented by the community and law enforcement officials themselves. Factors that affect the failure in implementation are due to vague and unclear legal norms or unclear legal officials who are corrupt or people who are not aware or obedient to

these legal norms. According to Soerjono Soekamto, whether or not a law is effective is determined by 5 (five) factors, namely:

1. The legal factor itself
2. Law enforcement factors (parties who make and implement)
3. Target factors or facilities that support law enforcement
4. Community factors, namely the environment in which the law applies or applied
5. Cultural factors as a result of creative work and taste based on human initiative in society.

Ahmad Ali argues that in general when we want to know the extent to which the effectiveness of the law is to be obeyed or not obeyed, the factors that affect the effectiveness of a legislation are professional and optimal implementation of the role of law enforcers both in carrying out their duties and carrying out the contents of the Act. the Law in a material sense is a written regulation that is generally accepted and made by legitimate central and regional authorities. Regulations are divided into two types, namely central regulations and local regulations. Central regulations apply to all citizens in the area. Local regulations only apply to people in the area. Bronislaw Malinowski presents a theory of the effectiveness of social or legal control. He presents the theory of legal effectiveness by analyzing the following 3 (three) problems which include:

1. In modern society, social order is maintained, among other things, by a social control system that is coercive, namely the law. To implement it, the law is supported by a system of power tools organized for the State.
2. In primitive societies, similar means of power sometimes do not exist.
3. So is there no law in primitive society.

Lawrence M Friedman suggests 3 (three) elements that must be considered in law enforcement. The three elements include structure, substance and legal culture.

1. Understanding the legal structure consists of:
 - a. Elements of the number and size of the courts of its jurisdiction.
 - b. How to appeal from one court to another.
 - c. How the legislature is organized.
2. Definition of substance includes:
 - a. The rules of norms and behavior of the community in the legal system.
 - b. Products produced by people who are in the legal system
the decisions they make and the new rules they apply.
3. Legal culture as attitudes and values that have to do with legal and legal system.
Legal culture is divided into two, namely:
 - a. External legal culture.
 - b. Internal legal culture.

The view on the effectiveness of the law put forward by Clearence J. Dias. Requirements for the effectiveness or failure of a rule of law are:

1. Is it easy to apprehend the meaning or content of the rule of law.

2. Whether or not people in society know the contents of the rules concerned.
3. Whether the mobilization of legal regulations is efficient or effective is achieved by administrative and community assistance.
4. The existence of a dispute settlement mechanism that does not only have to be easy contacted and entered by every citizen but also must quite effective in resolving disputes.
5. There is an even opinion and recognition among residents society, that the rules and legal institutions are indeed capable effective.

The requirement for the law to work effectively is to look at the laws that apply in the community, the implementation of the law, the socio-economic conditions of the community, the laws that are made must be well designed and the substance which includes the contents of these regulations must be prohibitive, contain sanctions. and contain morality. The implementation of the law is the apparatus that implements the law itself, such as the police, prosecutors and courts. Implementation of this law must be done properly. The effectiveness of the law must be seen from the socio-economic conditions of society. The better the community's economy, the more effective the laws that apply. This is because there are no people who violate the law. The lower the community's economy, the more violations of the law occur. This can be seen from the increasing number of thefts with economic reasons.

III. METHODOLOGY

1. Approach Method

The method applied by the author in this writing is the Normative Juridical Legal Research Method, namely the approach method used in this research is a doctrinal legal approach or research method, which is a legal research that uses secondary data sources.

2. Data Collection Method

Data collection was obtained from library research supported by field research. Library research is collecting data by reviewing library materials or secondary data which includes primary legal materials, secondary legal materials.

- a. Primary legal materials, namely binding legal materials, namely, among others, Decrees of the Minister of Youth and Sports, Regulations of the Minister of Youth and Sports and Decrees of Sports Institutions/Organizations regarding Settlement of Achievement Sports Disputes.
- b. Secondary legal materials are legal materials that provide an explanation of primary legal materials, such as research results, and scientific works from the legal community, which are related to the implementation of achievement sports dispute resolution in Indonesia.

3. Data Processing and Data Presentation Methods

The data that has been collected through data collection activities has not provided a conclusion for the purpose of the study. Because data is raw material.

4. Data Analysis Method

Analysis The data used in this study is qualitative data analysis, namely data analysis that does not use numbers but is based on laws and regulations, the views of sources, so that it can answer the problems of this research. All data obtained were compiled systematically, processed, and researched and evaluated. Then the data are grouped into similar data, for analysis purposes, while evaluation and interpretation are carried out qualitatively which are recorded one by one to assess the possibility of similarity of answers.

IV. RESULT AND DISCUSSION

In the realm of private law, in the civil sphere, sports disputes can occur, among others:

- a. Between players and clubs, for example regarding delays in payment of salaries and player rights, transfer disputes, imposing sanctions on players who violate club rules.
- b. Between players and players, for example disputes over the use of numbers on costumes/jerseys, or player fights on and off the field.
- c. Between players and coaches, for example disputes over changing coaches, distribution of fees or bonuses.
- d. Between club and club, for example disputes regarding the transfer of players or coaches,
- e. Between a club and the parent organization of a sporting branch, for example a dispute regarding the application of a disciplinary sanction imposed by an organization organizing a sporting event to a club or club player who violates the rules;
- f. Between clubs and organizations organizing sporting events, for example disputes over match results, violations and application of sanctions/penalties to players, penalties against clubs;
- g. Between the main management of sports branch organizations at the center and regional administrators, for example disputes over the authority of the management, freezing of regional administrators,
- h. Between the parent regional sports organizations, for example disputes over the transfer (read: hijacking) of athletes.
- i. Between fellow sports organization administrators, for example disputes over legal aspects or ratification of management and interpretation of the Articles of Association/Budgets (AD/ART).

In addition to the forms of disputes above, there are still many forms of civil disputes, for example disputes relating to other sports stakeholders, such as disputes involving coaches, sports coaches, companies/sponsors of clubs or sports events, organizers of sports events, providers of sports facilities, and other parties.

In the realm of public law, which is recorded in the vortex of State Administrative Law, sports conflicts also occur. Several cases that have arisen include disputes between the (central) government and local governments, such as the dispute over the transfer of the Islamic Solidarity Games which took place. This dispute occurred because the Government decided to move the organization of the Islamic Solidarity Games from Riau to Jakarta, but it was rejected by the regional leaders (Regional Government) of Riau. There is also a dispute between the Government (Menpora Imam Nachrawi) and PSSI (Indonesian Football Association) which imposed a sanction for not recognizing/freezing PSSI (leader of La Nyala Mattaliti) in 2015, between the Government (Menpora Andi Malaranggeng) which did not recognize the PSSI management (leadership of Nurdin Khalid) in 2011 as a result of the chaotic management of the parent organization of the football branch. In addition, there are also sports disputes involving local governments and other regional governments, for example disputes over the determination of the host of the Southeast

Asian Games (SEA Games) and the National Sports Week (PON). Not all of these disputes reach the courts. Many of them can be resolved through the parent sports organization, arbitration or through other alternative dispute resolutions.

By understanding the forms of sports disputes above, it can be said that in fact sports disputes are very broad. Performance. Educational sports are sports organized to instill character values and acquire the knowledge, skills, and attitudes needed to build an active, healthy lifestyle throughout life carried out both through formal education through intracurricular and/or extracurricular activities, as well as non-formally through other forms of activities. in accordance with the needs. Community sports, namely sports carried out by the community based on hobbies and abilities that grow and develop in accordance with the conditions and cultural values of the local community which are carried out continuously for health, fitness, and joy, can be carried out by everyone, educational units sporting institutions, associations, or organizations. Achievement Sports are sports that foster and develop Athletes in a planned, systematic, integrated, tiered, and sustainable, through competition to achieve achievements with the support of sports science and technology. Sports Achievement is carried out by everyone, who has the talent, ability, and potential to achieve achievement.

To advance Achievement Sports, the Central Government, Regional Governments, and/or the community may form sports associations, provide convenience to become members of sports associations, empower effective and efficient international standard sports science and technology research and development centers, develop Achievement sports development centers, to develop managerial capabilities of sports organizations, provide education and training to sports personnel, provide sports infrastructure and sports facilities for achievement, develop a scouting system and development of sports talent, develop a sports information system, develop a welfare system for athletes and sports personnel, conduct trials of athletes' achievement abilities at the regional, national and international levels as needed, developing a system for developing and promoting trainer qualifications and developing technology-based sports.

The provisions in Article 28 of Law Number 11 of 2022 concerning Sports that the Guidance and Development of Achievement Sports are carried out and directed to achieve sports achievements at the regional, national and international levels, carried out by the parent organization of the sports branch at the district/city level, the parent organization of the branch provincial-level sports, to the parent organization of national-level sports. One of the main sports branch organizations is the All-Indonesian Table Tennis Association (PTMSI) which has carried out coaching and development of the sports achievements of the table tennis branch which is currently experiencing a sports dispute related to the case of management dualism which has an impact on the constraints of coaching athletes/athletes, competition is not optimally facilitated by the government there are difficulties, as well as obstacles to participation in international events related to the parent organization of sports branches that have the right to send athletes/athletes and others, as a result of ineffective and inefficient sports dispute resolution which requires a prolonged sports dispute resolution process.

History of table tennis in the world, England is a country where the early history of table tennis develops. In the 1800s began as a social hobby of the indigenous population sticking out. As the main supporting device for playing, they use a dining table while the ball used is made of cork which is shaped like a ball. At the beginning of the emergence of this game they called it gossima, flim-flam, or pimpong. After being played for a long time along with the changing times, this game underwent several significant changes regarding the tools to play and how to play. Lately, the ball for playing has changed the material using

celluloid which is considered more suitable and attractive, while some other people have modified it by adding materials to the wooden-based bat using rubber. In the 1990s in the United States (US) this game was also popular to play. This game from the European continent in the Middle Ages was played as a combination of the ancient games of tennis and badminton.

This game was very popular in the mid-19th century in England known by various names such as "whiff-whaff", "gossima" and "pimpong". This game was created as a game where the playing time is done after dinner wearing full clothes for fans. The game of table tennis in the World, on January 15, 1926, was officially organized by someone from Germany, namely Dr. George Lehman. Before that this game lost its popularity so that spontaneously and simultaneously there was a desire from a number of countries from various regions of the world to bring back the life of table tennis seriously which began in 1922.

Table tennis is officially known as ping pong in the People's Republic of China. However, in Indonesia, the name Pimppong is also used to refer to the game of table tennis. If you pay close attention, the game of Pimppong is similar to the game of badminton because it uses the same racket, the difference is that the badminton racket uses a strong thread in the middle, while the racket used is made of a board covered with rubber on the front and back. Usually, the rubber used is of a different color. known as bet.

Table tennis on the Asian continent enters through several countries such as Korea, China and Japan. These countries are the pioneers of the development of table tennis in Asia. In 1926 the International Table Tennis Federation (ITTF) consisted of 140 member states. ITTF is also a supporter in terms of financing or sponsorship of individuals and teams that play in world championships which are held 1 (one) time every 2 (two) years. This sport quickly spread to Asian countries, one of which was Japan. In the 1950-1960s Japan became the most dominating country but in the 1960-1970s the People's Republic of China managed to catch up. After table tennis became one of the sports that were competed at the Olympics in the 1980s, several strong countries emerged that entered the top ranks, namely Sweden and South Korea.

History of table tennis in Indonesia in 1930 the game of table tennis began to be known in Indonesia. At that time the game of table tennis was only played in the meeting halls of the Dutch people as a recreational game. This game is not just anyone who can play it freely, only a few people from local residents (natives) are allowed to play and practice, they include the family of the administrators and village officials (pamong). Before the outbreak of the 2nd (two) world war, precisely in 1939, based on the initiative of figures who were active in the world of table tennis, they established a table tennis organization, namely the Indonesian Pim Pong Association (PPPSI). Based on the results of the congress in Surakarta in 1958 the name PPPSI changed its name to the All-Indonesian Table Tennis Association (PTMSI). In 1960 PTMSI officially became a member of the Asian level table tennis federation, the Table Tennis Federation of Asia (TTFA).

Since the establishment of PPPSI, the development and popularity of table tennis in Indonesia until now can be said to be quite good. This can be seen by looking at the establishment of many table tennis teams that have produced table tennis champions such as Abdul Rodjak who appeared in the world championship in Sarajevo Yugoslavia in 1973 with the 11th (eleven) International 1973 achievement, Diana Wuisan won the Sea gold medal. Games in 1979, 1981, and 1983, Rossy Syeh Abubakar made achievements by getting gold medals at the Sea Games in 1987 and 1989, Anton Suseno was able to get gold medals at the Sea Games in 1991 and 1983.

As well as the many official championships held starting at the regional level which competed between Porseni schools (SD, SMP, SMA), Pomda university level, Porda regional level and even PON national

level. It doesn't stop there because there are many table tennis associations, private institutions, state agencies, which organize matches for every age group. After being officially registered as a member of the ITTF, table tennis representatives from Indonesia are always invited to championships on an international scale. In addition to participating in these events, one thing that must be known and recorded as the history of the development of national table tennis is the establishment of the Main Tennis Match Circuit (Silatama). in 1983 which was held every 3 (three) months and the birth of another championship with the name Silataruna in 1986 which was played every 6 (six) months.

In its development, table tennis is a place to play in a room / building (indoor game) which is played by 2 (two) people or 4 (four) people who face each other directly on the table using the net. as a barrier. The playing equipment used is a bat made of wood and coated with plain or speckled rubber that protrudes to hit a ball made of celluloid material through which is mounted on a table with 2 (two) pole hooks. Table tennis is indeed better known by another term, namely ping pong, which was originally only a recreational sport before being officially competed in world championships.

Table tennis entered Indonesia initially in the 1930s and was only played in public gathering places for the Dutch known as *societeit*. In the 1940s table tennis had begun to spread widely in Indonesian society through the civil service and civil servants (*ambtenaar-ambtenaar*) groups. In the same year PTMSI officially became a member of the Table Tennis Federation of Asia (TTFA).

PTMSI's activity can be seen from the many championships at the Asian level with TTFA as the organizer, including the championships held in Manila and Singapore. As an official member of the International Table Tennis Federation (ITTF) since 1961 which is included in the 73rd (seventy-third) member. From historical records that have existed since 1963, Indonesia has been more active in participating in the world championships organized by ITTF compared to the Asian level championships held by TTFA, as evidenced by never being absent wherever table tennis championships are held and the number of medals for table tennis athletes at Sea Games level championships.

PTMSI's participation in Prague was the first international debut in 1963. At that time, not only male athletes were sent to participate in the championship, but female athletes also took part. Quite encouraging results can be achieved, namely male athletes ranked 34th (thirty-four) while female athletes ranked 31st (thirty-one).

After more and more Asian countries took part as participants in international level championships, they agreed to establish an Asian level table tennis organization known as the Table Tennis Federation of Asia (TTFA). The success of TTFA in organizing events can be seen in 10 (ten) championships from 1952 to 1970 Singapore successfully held 3 (three) times followed by Manila 2 (two) times, the organizing countries were First in 1952 in Singapore, Second in 1953 in Tokyo, Third in 1954 in Singapore for the second time, Fourth in 1957 in Manila, Fifth in 1960 in Bombay, Sixth in 1963 in Manila after the success of the first, Seventh in 1964 in Seoul, Eighth in 1967 in Singapore, in Indonesia has also been successful in the ninth event in 1969 in Jakarta, the tenth in 1970 in Nagoya.

After many successes in organizing championships at the Asian level, there are several member countries registered with TTFA who are dissatisfied with this, because in reality all the forces in Asia have not yet fully assembled as proclaimed in the articles of association of TTFA. In 1972, in March, several representatives from several major countries in Asia, namely China, Korea, and Japan met, they took the initiative to hold a preliminary meeting in Beijing, China. In the following month, in May 16 (sixteen) countries held a follow-up meeting attended by Vietnam, Nepal, Japan, Cambodia, Iran, Singapore, Sri

Lanka, Iraq, Palestine, Syria, Korea, Pakistan, Malaysia, Kuwait, China, and Lebanon. At the next meeting based on the strong will of several delegates who held a preliminary meeting, on 7 May 1972 the meeting changed its name to an opening meeting with the main agenda of establishing the Asian Table Tennis Union (ATTU).

The first event held by ATTU took place in China at the same time as the congress in September 1972. After the success of the first event, it continued with events and congresses in several countries until 1982, namely 1), Yokohama, 2) Pyong Yang, 3) Kuala Lumpur, 4) Calcutta, 5) Jakarta. Thus, table tennis was first born on the European continent, precisely in England, then spread widely to the Asian continent. Along with the development of table tennis, the parent organization at the international level, namely ITTF, was born, while at the Asian level, namely TTFA, which changed its name to ATTU. In Indonesia, there is also a parent organization for the table tennis sport known as PTMSI.

At this time PTMSI is being hit by a sports dispute related to management dualism, which results in difficulties in coaching athletes based on the letter from the PTMSI Central Management (PP) number 055/PP.PTMSI/PP.04/2022 dated April 6, 2022 regarding the request for the permanent departure of the table tennis national team. The 31st (thirty-first) SEA Games in Vietnam in 2021, it can be seen that from the track record of national table tennis athletes that from 2015 to 2018 they have not been able to achieve medal achievements with Gold and Silver medals, competition is not optimal, facilitation from the government experienced difficulties, participation in international events was disrupted related to which parent sports organization has the right to send athletes so that it resulted in the failure of the main table tennis sport organization failing to participate in several international events including failing to follow/send participants from table tennis, at the SEA event 30 (thirty) GAMES in Manila Philippines in 2019 and at the 31st (thirty-first) SEA GAMES event in Hanoi Vietnam in 2021 which will be held in 2022.

The dispute regarding the dualism of the PTMSI management began when an extraordinary meeting (Munaslub) of the PTMSI Central Executive (PP) was held on October 31, 2013 which resulted in the new management of PP PTMSI with the election as general chairman of Komjen Pol (Purn) Drs. Oegroseno, SH. In the development of those who were dissatisfied with the results of the congress, they initiated the re-organization of the next national meeting (Munas) on January 28, 2014 the Central Indonesian National Sports Committee (KONI) re-organized the PTMSI Big Pengurus Munaslub (PB) which resulted in the new management of PB PTMSI. with the election of general chairman Dato Tahir and direct chairman of the Central KONI, Mayjen TNI (ret.) Tono Suratman, confirmed the management of PTMSI PB, whose general chairman was Dato Tahir.

To resolve this problem, the PP PTMSI whose general chairman is Komjen Pol (Ret.) Oegroseno submitted this management dualism dispute to the judiciary even to the Supreme Court with the issuance of the decision of the Supreme Court of the Republic of Indonesia number 247K/TUN/2015 dated August 10, 2015 which stated that The Central KONI is obliged to cancel the Decision Letter (SK) of the Management of PB PTMSI as a result of the January 2014 National Conference which has been completed. Furthermore, the PP PTMSI, whose general chairman was Komjen Pol (Ret.) Oegroseno, submitted a dispute over this management dualism to the Indonesian Sports Arbitration Board (BAORI) and the BAORI decision number 04/P.BAORI/IV/2018 dated 2 May 2018 which the contents of its decision that the implementation of the PB PTMSI Munaslub in March 2018 with the election of Mr. DATO TAHIR as the general chairman of PB PTMSI is invalid and has no binding legal force (inckrah).

In its development, until now the Central KONI has not implemented the decisions of either the decisions of the Supreme Court of the Republic of Indonesia and the decisions of BAORI. Thus, the settlement of achievement sports disputes that are pursued through the judiciary and sports arbitration institutions shows that the mechanism of the achievement sports dispute resolution process is ineffective and inefficient and requires a prolonged achievement sports dispute resolution process. Sports dispute resolution process.

The achievements involving the dualism case of PTMSI management from the first level district court then the high court to the inckrah decision at the Supreme Court have taken about 2 (two) years and until now the decision has not been implemented by the interested parties, in this case it is certainly very confiscated. PTMSI management time and energy are busy taking care of this case, so as a result the management does not focus on coaching athletes, even athlete coaching is neglected and neglected.

On the other hand, the process of resolving sports disputes involving performance involving dualism in PTMSI management has been carried out through BAORI which resulted in BAORI's decision since 2018 until now, the decision has not been carried out by the interested parties. currently unresolved. As a result, the participation of PTMSI's parent sports organization in international events, among others, did not include athletes from table tennis at the 2019 SEA GAMES event in Manila, Philippines and the 2021 SEA GAMES event in Hanoi Vietnam. send athletes.

The government through the Ministry of Youth and Sports has tried several times to send letters to the Central KONI to immediately resolve the problem of dualism in the management of PTMSI, however, until now there has been no concrete action from the Central KONI to resolve the dualism problem in the management of PTMSI. In addition, the Minister of Youth and Sports on October 23, 2017 has mediated by summoning the general chairman of the Central KONI, the Chairperson of the Daily PB PTMSI, and the general chairman of the PP PTMSI by producing a memorandum of agreement which was written informally on a piece of paper in essence the commitment of the parties to resolve the problem. However, until now there has been no concrete action from the Central KONI and in this case the Ministry of Youth and Sports as the Government has an interest so that this sporting dispute, especially in the table tennis sport, can be completely resolved and athlete development is not hampered due to this dispute.

Currently, there are 2 (two) arbitration institutions for resolving sports disputes, namely BAORI and the Indonesian Sports Arbitration Board (BAKI). Indonesia and is an arbitration institution for resolving sports disputes in accordance with the mandate of the Articles of Association (AD) and Bylaws (ART) of KONI. As regulated in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, arbitration is a method of dispute resolution outside a general court based on a written agreement between the two disputing parties.

The construction of the provisions of Article 38 and Article 39 of the AD/ART of KONI is explained on the Position, Duties and Authorities of BAORI. Article 38 states that KONI has a Sports Arbitration Board as an institution to resolve disputes arising from violations of the Articles of Association and Bylaws and other regulations set by KONI or its members, so it is not allowed to bring the dispute to the jurisdiction of any court in Indonesia. KONI and its members and staff are bound by the decision of the Sports Arbitration. Meanwhile, Article 39 states that BAORI is independent. The term of service of the BAORI management follows the term of service of the General Chair of KONI. The composition of the board, duties and functions of the Sports Arbitration Board shall be determined in a member meeting. BAORI is obliged to compile and determine the rules of the trial procedure and BAORI has issued the Regulation of the Indonesian Sports Arbitration Board through SK number 09/RA/2020 concerning the Procedural Law of

the Indonesian Sports Arbitration Board (BAORI), BAORI's decision is final and binding on the parties involved.

Dispute within the jurisdiction of the Unitary State of the Republic of Indonesia. Observing that the BAORI dispute resolution institution which is part of KONI and as part of the KONI AD/ART mandate even the BAORI management was determined at the KONI member forum meeting, this is related to BAORI's decision regarding the dualism of PTMSI management between PP PTMSI and PB PTMSI whose decision was in favor of PP PTMSI even stating the drafting of PB PTMSI is invalid and has no binding legal force, on the other hand KONI has confirmed PB PTMSI.

Another achievement sports settlement institution, namely BAKI was formed on March 27, 2012 by the Indonesian Olympic Committee (KOI). In its founding text, it is stated that BAKI has the main task of receiving, examining, and giving arbitral awards in sports disputes. BAKI is in charge of providing opinions and mediating. In carrying out its duties, BAKI can receive complaints from all sports in Indonesia, not only sports that enter the Olympics. However, parties submitting complaints to BAKI must comply with BAKI's rules and regulations. BAKI has the duty and obligation to accommodate, examine, and decide on any disputes, disputes, demands and so on related to sports activities that occur and involve or involve KOI members and/or their staff. BAKI was formed as a consequence of Indonesian Olympic Committee regulations referring to Olympic Charters. BAKI is an extension of CAS (Court of Arbitration for Sport), an international arbitration institution established by the International Olympic Committee to resolve sporting disputes. The scope of sports disputes that BAKI can resolve is not only national disputes, but also international ones. Thus it can be said that BAKI is a CAS counterpart in Indonesia, because BAKI has the right to handle international sports disputes. For this reason, BAKI was formed by KOI in accordance with its parent, the IOC, by adopting the existence of the International Sports Arbitration Board (CAS) as a national-level sports arbitration body.

With the formation of BAKI, the Indonesian sports world has two sports arbitration bodies. Previously the Indonesian National Sports Committee (KONI) had a special arbitration body to resolve sports disputes, namely the Indonesian Sports Arbitration Board (BAORI). So far, disputes in national sports have always been brought to the Court of Arbitration for Sport (CAS) in Switzerland. With the presence of these two sports arbitration bodies, sports disputes can be resolved domestically through BAORI or BAKI.

The existence of these two sports arbitral bodies cannot be separated from the emergence of the Indonesian Olympic Committee, which is a form change from the KONI Foreign Relations Commission. KOI's function is to carry out Indonesia's participation in international sporting events such as the Olympics, Asian Games, Sea Games, and others. This function was previously part of the functions of the Indonesian National Sports Committee (KONI) and was separated from KONI in accordance with Law Number 11 of 2022 concerning Sports and Government Regulation Number 17 of 2007 concerning Organizing Weeks and Sports Championships which have been amended by Government Regulation Number 7 2020 year.

Theoretically, BAKI's authority will not overlap with BAORI's because the decision to choose BAKI or BAORI rests entirely with the disputing parties. The existence of BAKI offers a new alternative in sports dispute resolution because it is freedom from the parties to the dispute. However, the dualism of the arbitral body will more or less interfere with the effectiveness of dispute resolution. Especially if the parties have different opinions about which arbitration body has more rights to decide or if the views/decisions of the two arbitral bodies above are different. In the PTMSI management dispute case between PP PTMSI, BAORI has decided that the management of PP PTMSI is legitimate but KONI which owns BAORI has confirmed

the management of PB PTMSI on the other hand KOI which formed BAKI has forwarded a letter from ITTF that PP PTMSI is recognized by ITTF so that the dispute resolution process overlaps overlapping and ineffective.

Law Number 11 of 2022 concerning Sports regulates the institution and process of resolving sports achievement disputes, namely that sports dispute resolution is sought through deliberation and consensus conducted by the Main Organization of the Sports Branch, in the event that deliberation and consensus are not reached, the parties to the dispute make an agreement in writing regarding the dispute resolution to be selected. Dispute settlement is carried out through mediation, conciliation, or arbitration, in the event that mediation and conciliation are chosen by the parties to the dispute, the parties may request assistance from the Central Government and/or Regional Government to facilitate the mediation and conciliation process. Dispute settlement is carried out by 1 (one) independent Sports arbitration body, and the decision is final and binding, and is formed based on the Olympic charter. The central government facilitates the establishment of a Sports arbitration body in accordance with the provisions of laws and regulations.

In order to realize the process of resolving sports disputes which has legal certainty, is more effective, more efficient, faster, not prolonged and does not overlap so that the development of sports achievements goes on with the results of increasing the achievements of athletes/sportsmen, the central government immediately facilitates the establishment of 1 (one) institution of an independent sports arbitration body regardless of from its relation to any party including KONI and KOI and its decisions are final and binding and enforceable. Besides that, implementing regulations from law number 11 of 2022 concerning sports in the form of 9 (nine) government regulations, 4 (four) presidential regulations and 2 (two) ministerial regulations can be issued immediately.

From the description above, the discussion and research that will be carried out in sports dispute resolution, both mechanisms and dispute resolution institutions, focuses on resolution regarding the appropriate, thorough, effective sports dispute resolution mechanism in accordance with the provisions of the laws and regulations in Indonesia and approved by the organizational association. international sports with PTMSI dispute case studies, namely guided by Law Number 11 of 2022 concerning Sports that sports disputes are sought through deliberation and consensus. If this is not reached, it is carried out through mediation, conciliation, or arbitration carried out by 1 (one) body Sports arbitration which is independent and its decisions are final and binding, and are formed based on the Olympic charter. Besides that, the discussion and research that will be carried out also pays attention to the system, paradigm and is based on theory, namely the theory of legal certainty and the theory of legal effectiveness, which is related to the settlement of sports achievement disputes. The system is a unit consisting of components or elements that are linked together to facilitating the flow of information, material, or energy to achieve a goal. Paradigm is the way people view themselves and their environment which will influence their thinking, attitude and behavior. A theory is a series of interrelated parts or variables, definitions and propositions that present a systematic view of phenomena by determining the relationships among variables.

V. CONCLUSION

- a. Finding the reconstruction of the mechanism for resolving sporting achievements in Indonesia, in resolving various cases of sports disputes in an appropriate, complete, effective manner and guaranteeing legal certainty.

- b. Finding a model for sports dispute resolution institutions in Indonesia, independent in nature, and final and binding decisions.
- c. Theoretically, this research is expected to provide ideas in the development of sports science, especially sports development related to the settlement of sports achievements disputes in Indonesia in the perspective of legal effectiveness, and legal certainty.
- d. Practically, this research is expected to be a development material for stakeholders and related parties in improving the progress of national sports achievements, among others, the Government, the House of Representatives of the Republic of Indonesia, experts/theorists and practitioners of sports law, the management of sports organizations. international organizations, parent organizations of national sports, as well as sports activists, communities, entrepreneurs, media and

REFERENCES

- Biro Humas, Hukum, dan Kepegawaian Kementerian Pemuda dan Olahraga RI, 2009.
- Kajian Anggaran Dasar dan Anggaran Rumah Tangga Organisasi Olahraga*,
Djarab, Hendarmin, Rusdi M. Rizki, Lili Irahati (ed), 2001, *Prospek dan Pelaksanaan Arbitrase di Indonesia*, Penerbit Citra Aditya Bakti, Bandung,
- Emirzon, Johny, *Mengenai Arbitrase dan Alternatif Penyelesaian Sengketa*, Penerbit Rajawali Pers, Jakarta.
- Fuadi, Munir, 2013, *Teori-Teori Besar (Grand Theory) Dalam Hukum*, Penerbit Kencana, Jakarta.
- Intihani, Siti Nur, 2008, *Metode Pemberian Advokasi dan Pelayanan Hukum*, makalah disampaikan pada Lokakarya Pemberian Advokasi dan Bantuan Hukum, Kementerian Pemuda dan Olahraga di Hotel Mega Proklamasi Jakarta, 18-19 Januari, hlm. 54.
- Junaidi, Eddi, 2011, *Mediasi Dalam Penyelesaian Sengketa Medik*, Penerbit Rajawali Pers, Jakarta.
- Maryam, Siti, dkk, 2012, *Hukum Ditinjau Dari Perspektif Olahraga*, Program Studi Pendidikan Jasmani, Kesehatan, dan Rekreasi STKIP Sebelas April Sumedang, Sumedang, hlm. 27.
- McAuliffe, William, Antonio Rigozzi, and Lévy Kaufmann-Kohler, 2013, *Sports Arbitration*, Journal The Eropean, Middle Eastern, and African Arbitration Review.
- Pittman, Andrew T., John O. Sprengler, and Sarah J. Young, 2008, *Case Studi in Sport Law*, Sheridan Books -Human Kinetics, Champaign, USA,
- Riyanto, Slamet, *Penerapan Sanksi Pidana Pada Perkelahian Dalam Pertandingan Sepakbola*, Jurnal Hukum Jurisdictie, Fakultas Hukum Universitas Islam As- Syafi'iyah (UIA) Jakarta, Nomor 1 Tahun II/ 2010.
- Riyanto, Slamet, dkk - Tim Peneliti Fakultas Hukum Universitas Islam As-Syafi'iyah Jakarta, *Persepsi Pengacara di Jakarta Terhadap Kualitas Proses Peradilan*, Jurnal Ilmiah Spektra, Universitas Islam As-Syafi'iyah (UIA) Nomor 04 Tahun III/2000.
- Rigozzi, Antonio, 2013, *Challenging Awards of the Court of Arbitration for Sport*, Journal of International Dispute Settlement, View Current Issue, Volume 4 Issue.
- Secretary General Court Of Arbitration for Sport, 2009, *CAS Guide to Arbitration*, Lousanne.
- Soekanto, Soerjono, 2003. *Pokok-Pokok Sosiologi Hukum*, Penerbit PT. Raja Grafindo Persada, Jakarta.
- Febrina M, 18 Maret 2010, *Fungsi Hukum Dalam Penyelesaian Sengketa*,
www.febrina.blogspot.com. Posting.

- Hukum Online*, 10 Pebruari 2009, “Hukum Olahraga Harus Jadi Lex Specialis”, www.hukumonline.com/berita/baca, posting.
- Suara Merdeka Online*, 21 March 2012, Lex Spotiva di Indonesia, www.suaramerdeka.com, posting.
- Kompas.com*, 28 Maret 2012. KOI Lahirkan Badan Arbitrase Olahraga, www.kompas.com, posting.
- Kompas.com*, 12 Maret 2013, Menpora Siap Memediasi EFI dan Pordasi.
- Hukum Online*, 14 Desember 2010. Garuda di Seragam Timnas PSSI Menuai Gugatan, www.hukumonline.com, diposting.
- Detik.com*, 7 April 2011, Nurdin Khalid Resmi Gugat Menporake PTUN, www.sport.detik.com.
- PuteraSanSiro, 17 Juli 2012 Organisasi FIFA dan Hukum Olahraga, www.puterasansiro.blogspot.com, diposting.
- Hukum Online*, 15 Maret 2012. CAS Tolak Gugatan KPSI, www.sport.hukumonline.com. Diposting.
- The Sport Dispute Resolution Centre of Canada, 8 Pebruari 2012 <http://www.cces.ca/en/home>, posting.
- Kompas.com*. Berkas Kasus Terry-Ferdinand di Tangan Jaksa, juga Kasus Terry-Ferdinand Dimejahijaukan, dan Hari Ini John Terry Disidang di Pengadilan London, www.bola.kompas.com, diposting 2 Desember 2011, 21 Desember 2011, 2 Pebruari 2012.
- Asy-Syekh Faishal Bin Abdur Aziz al-Mubarak, *Nailul Autar*, Diterjemahkan oleh Mu’ammal Hamidy dkk, 2010, PT. Bina Ilmu Offset, Surabaya
- Al-Jauziyyah Ibnu Qoyim. 2002. *Tazkiyah an-Nafs*, Solo : Pustaka Arafah.
- Giriwijoyo, Prof. Santoso, *Ilmu Kesehatan Olahraga*, Rosdakarya, Bandung.
- Hashman ade, *Rasulullah SAW. Tidak Pernah Sakit*, Jakarta : Hikmah (PT Mizan Publika). 2009.
- Hendrayana. Dr. Yudy. 2007. *Pendidikan Jasmani dan Olahraga Adaptif*, CRICED.
- Husdarta, H<J<S. 2010, *Sejarah dan filsafat Olahraga*, Alfabeta, Bandung.
- Hatta, Ahmad, *Tafsir Qur’an Perkata*, Maghfirah Pustaka, Jakarta, 2009.
- Komisi Disiplin Ilmu Keolahragaan (KDI-keolahragaan , (2000) *ilmu keolahragaan dan rencana pengembangannya*, Departemen Pendidikan Nasional , Jakarta.
- <http://blogspot.com/2009/08/21/kolam-renang-di-inggris-menerapkan-aturan-berpakaian>.
- <http://www.google.com/#q=islam+dalam+olahraga>.
- <http://carapedia.com/pengertian-definisi-olahraga-info2059.html>.
- <http://id.wikipedia.org/wiki/Olahraga> Sehat Jasmani dan Rohani link:
- <http://blogspot.com/2013/06/pengertian-olahraga-secara-umum-dan.html>.
- <http://majalahmuslimsehat.com/olah-raga-dalam-pandangan-Islam>.
- Farida Isnaen. 2010. *Pendidikan Jasmani, Olahraga, dan Kesehatan*. Jakarta: Pusat Perbukuan , Kementerian Pendidikan Nasional.
- M.Pd. Dian Budiana. SPd. Yusuf Hidayat. 2011. *Modul Permainan Tenis Meja* , Jakarta.
- M.Ed. Drs. Muhajir. 2007, *Pendidikan Jasmani Olahraga dan Kesehatan*. Jakarta: Yudistira
- Muhammad Taufik. 2012. *Taktik Bermain Tenis Meja*. www.fiqvy.blogspot.co.id. 01 Desember 1912.
- Kriteria Peraturan Pertandingan Tenis Meja* 2014. www.TutorialOlahraga.com.
- Daftar PTM yang ada di Indonesia. 2016 www.tenis-meja.com.
- PTMA, 2014 berbagai macam rubber/karet tenis meja. <http://www.ptma.ga/2014/10/berbagi-macam-rubber-karet-tenis-meja.html>.
- Wahyu.wibowo, 2015. Cara mudah merawat karet bet. <http://olahragapedia.nyimuetz.com/2015/08/cara-merawat-karet-bet-biar-awet.html>. 16 Agustus 2015
- Republik Indonesia 2022. Undang-Undang Nomor 11 Tahun 2022 tentang Keolahragaan. Jakarta

- Republik Indonesia ,*Peraturan Pemerintah Nomor 16 tahun 2007 Tentang Penyelenggaraan Keolahragaan*
- Republik Indonesia, *Peraturan Pemerintah Nomor 17 tahun 2007 Tentang Pekan dan Kejuaraan Olahraga*
- Republik Indonesia, *Peraturan Pemerintah Nomor 18 tahun 2007 Tentang Pendanaan Keolahragaan.*
- Republik Indonesia, , *Peraturan Presiden Nomor 12 Tahun 2014 Tentang Tata Cara Penetapan Prasarana Olahraga*
- Republik Indonesia, , *Peraturan Presiden Nomor 44 Tahun 2014 Tentang Pemberian Penghargaan Olahraga*
- Biro Humas Dan Hukum Kementerian Pemuda Dan Olahraga, *Naskah Akademik Revisi Undang-Undang Nomor 3 Tahun 2005 Tentang Sistem Keolahragaan Nasional*
- Republik Indonesia, *Peraturan Pemerintah Nomor 7 tahun 2020 tentang Perubahan atas Peraturan Pemerintah Nomor 17 tahun 2007 Tentang Pekan dan Kejuaraan Olahraga*
- Republik Indonesia, , *Peraturan Presiden Nomor 86 Tahun 2021 tentang Desain Besar Olahraga Nasional*
- Badan Arbitrase Keolahragaan Indonesia BAKI. *Hukum Acara Peraturan Mediasi Peraturan Administrasi*
- Badan Arbitrase Olahraga Indonesia BAORI. 2020. *Peraturan Arbitrase Olahraga Indonesia sk No.09/RA/2020 tentang Hukum Acara Badan Arbitrase Olahraga Indonesia (BAORI)*
- Komite Olimpiade Indonesia. *Olympic Charter And Code Of Ethich.* www.nocindonesia.or.id
- Universitas Islam As-syafi'iyah. *Panduan Akademik Program Pascasarjana*
- Republik Indonesia .1999 *Penyelesaian Undang-Undang Nomor 30 tahun 1999 Tentang Arbitrase Dan Alternatif sengketa.*Jakarta
- Komite olahraga Nasional Indonesia .2021.*Anggaran Dasar dan Anggaran Rumah Tangga.*Jakarta
- Komite Olimpiade Indonesia. *Anggaran Dasar Dan Anggaran Rumah Tangga.* Jakarta
- <https://eprints.umm.ac.id> tinjauan mengenai teori efektifitas
- <https://www.gramedia.com> teori kepastian hukum menurut para ahli
- Hans Kelsen.2006. *Teori Umum Tentang Hukum dan Negara.* Bandung. Penerbit Nusa Media
- Soerjono Soekamto. 2008ahi . *Faktor Yang Mempeng Penegakkan Hukum.* Penerbit PT Raja Grafindo Persada
- Achmad Ali. 2010. *Menguak Teori Hukum Dan Teori Keadilan.* Jakarta Kencana
- Koentjaraningrat. 1987. *Sejarah Teori Antropologi* Jakarta Penerbit UI Press
- Marcus Priyo.2008 *Kriminalisasi Dan Penalisasi Dalam Rangka Fungsionalisasi Perda Pajak dan retribusi Program Doktor Ilmu Hukum Universitas Diponegoro.* Semarang
- <https://www.pa-brebes.go.id/publikasi/arsip-artikel/248-alternatif-penyelesaian-sengketa-berdasarkan-al-quran>
- <https://id.strephonsays.com/difference-between-paradigm-and-theory>
- <https://penerbitbukudeepublish.com/paradigma-penelitian/>
- <https://id.wikipedia.org/wiki/sistem>
- <https://id.wikipedia.org/wiki/Paradigma>
- <https://id.wikipedia.org/wiki/teori>