



Government Versus *Lex Sportiva*: Government Authority in Accelerating the Development of National Football

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Abstract

This research aims to analyze the government's authority in accelerating the development of national football and its alignment with the transnational principle of *lex sportiva*, which emphasizes the independence and autonomy of sports organizations. This issue is important because the policy for accelerating the development of national football, regulated by Presidential Instruction Number 3 of 2019 and the Regulation of the Coordinating Minister for Human Development and Culture Number 1 of 2020, creates a potential normative conflict between the authority of the government as the organizer of governance and the authority of the All-Indonesian Football Association (PSSI) as the national football governing body. This research uses the normative legal research method with a regulatory approach and a conceptual approach. The research results show that the government has the authority to play a role in the development of football as a manifestation of the welfare state thru policy formulation, budget allocation, infrastructure development, human resource development, and law enforcement. However, the regulations in Presidential Instruction Number 3 of 2019 and Coordinating Minister for Human Development and Culture Regulation Number 1 of 2020 indicate a tendency to take over the strategic functions of the federation thru top-down coordination and control mechanisms, which potentially contradict the independence and autonomy aspects of sports organizations that are the foundation of the *lex sportiva* principle. This research argues that the development of national football should be carried out thru a balanced partnership model between the government and PSSI, with a clear division of authority between the public aspects that fall under the domain of the state and the technical aspects of sports that fall under the authority of the federation. The recommendation of this research is the need to establish a Presidential Regulation on the Acceleration of National Football Development, which provides legal certainty regarding the boundaries of authority between the government and PSSI, prevents overlapping authority, and ensures the harmonization between national law and *lex sportiva* in order to realize a professional, sustainable, and internationally competitive national football governance.

Keywords: Football, Government Authority, Welfare State.

INTRODUCTION

Football is one of the most popular sports in Indonesia. This is as per data from Indonesiabaik.id, where in 2026 the number of football fans in Indonesia reached 165.48 million, placing Indonesia as the country with the third-largest number of foot-

ball fans in the world.¹ The large number of football fans in Indonesia is fundamentally not in line with the achievements of the national team and the quality of professional football competitions in Indonesia. The best achievement of the Indonesian national football team in the senior category is being the runner-up in the AFF Cup (formerly known as the Tiger Cup), and the best was in 2025, when Indonesia reached the Fourth Round of the 2026 World Cup qualifiers, making it the only Southeast Asian country to reach this stage.² This shows that there have been no achievements in the form of trophies or championships that the Indonesian national team has won, except for the Independence Cup in 2008, which was won in a problematic manner.³

The quality of professional football competition in Indonesia, known as the "Super League," still ranks 18th in Asia and 6th in Southeast Asia. This indicates that, in terms of the ranking of professional football competitions, Indonesia is still below Thailand and even Malaysia. The suboptimal performance of the Indonesian national football team and the suboptimal ranking of professional football competitions in Indonesia in Southeast Asia and Asia have prompted the government to make efforts to create a breakthrough in the form of a roadmap for the accelerated development of national football. The roadmap for the accelerated development of national football was initially formulated in Presidential Instruction No. 3 of 2019 (Inpres 3/2019) on the Acceleration of National Football Development and the Regulation of the Coordinating Minister for Human Development and Culture No. 1 of 2020 on the Roadmap for the Acceleration of National Football Development (Permenko PMK 1/2020). In general, both regulations govern various aspects, including infrastructure development and human resources related to the development of national football.

Although the idea of accelerating the development of national football is fundamentally a good thing, it can conflict with the principle of *lex sportiva*, which emphasizes the independence of regulation, management, and law enforcement in the field of sports by the governing bodies of sports branches.⁴ The existence of the *lex sportiva* principle aims to ensure that the organization of sports is free from political intervention, so the advancement of national football can only be carried out by the governing body of the football branch, in this case, the All-Indonesian Football Association (PSSI).⁵ However, in the era of the modern state, especially with the welfare state paradigm, the state often steps in to ensure the fulfilment of public affairs, one of

¹ Yuli Nurhanisah, "Tembus 165 Juta! Jumlah Penggemar Sepak Bola Indonesia Terbesar Ke-3 Di Dunia," 2026, <https://Indonesiabaik.Id/Infografis/Tembus-165-Juta-Jumlah-Penggemar-Sepak-Bola-Indonesia-Terbesar-Ke-3-Di-Dunia>.

² Bayu Aditya, "Indonesia Di Putaran 4 Kualifikasi Piala Dunia 2026," 2026, <https://Sundul.Com/Dunia/7302/Indonesia-Di-Putaran-4-Kualifikasi-Piala-Dunia-2026>.

³ Info Bola, "Mengenang Piala Kemerdekaan 2008: Trofi Terakhir Yang Dimenangi Timnas Indonesia," 2020, <https://Kumparan.Com/Info-Bola/Mengenang-Piala-Kemerdekaan-2008-Trofi-Terakhir-Yang-Dimenangi-Timnas-Indonesia-1twsbxrwkyu>.

⁴ Dicky Eko Prasetio Christiana Sri Murni, Fradhana Putra Disantara, "Political Law In Settling Sports Disputes In Indonesia," *Kanun: Jurnal Ilmu Hukum* 25, No. 2 (2023): 320.

⁵ Raditya Feda Et Al., "Government Authority Transfer Of Legal Entity Of Indonesian Football Association Indonesian Football Welfare," *Journal Of Etika Demokrasi* 8, No. 4 (2023): 405-418.

which is football, because football is not just a sport but also a manifestation of a country's dignity in regional and even international competitions.

Based on the above description, the novelty of this research emphasizes the need for comprehensive boundaries and coordination between the parent organization of the football sports branch, in this case, PSSI, and the government, both central and regional, so that a planned, optimal, and synergistic national football development can be realized, aligning the government's role with the principle of *lex sportiva* in sports law. Research on the development of national football has essentially been conducted by several previous studies, namely: first, the study by Prianto, et al. (2025) which emphasizes the implementation of Presidential Instruction 3/2019 based on Filanesia as the philosophical foundation of national football.⁶ Second, the study conducted by Suparman, et al. (2025) which discusses the importance of the role and position of positive law in the success of national football development, one of which is thru Presidential Instruction 3/2019.⁷ Third, the study conducted by Maulana, et al. (2025) which focuses on the implementation of Presidential Instruction 3/2019 thru the Youth and Sports Office in the training of football athletes.⁸

From the three previous studies mentioned above, there has not yet been research that specifically discusses the limitations and comprehensive coordination between the parent organization of the football branch, in this case, PSSI, and the government, both central and regional, so that a national football development can be realized in accordance with the principle of *lex sportiva* and, on the other hand, also emphasizes the involvement of the state in the framework of the welfare state, thereby reinforcing that this research is original. There are two focuses of analysis in this research, namely: first, the legal implications related to the policy of accelerating national football development: the role of the government versus the principle of *lex sportiva*, and second, future regulations regarding the need for limitations on government authority in the regulation of accelerating national football development.

RESEARCH METHOD

This research focuses on the aspect of accelerating the development of national football, emphasizing the novelty of the need for comprehensive boundaries and coordination between the governing body of the football branch, in this case, PSSI, and the government, both central and regional, so that a planned, optimal, and cross-sectoral synergy-driven national football development can be realized, this is a norma-

⁶ David Agus Prianto Et Al., "Pembangunan Sepakbola Nasional Melalui Pelatihan Filanesia Di Kabupaten Lumajang," *PROFICIO: Jurnal Pengabdian Kepada Masyarakat* 6, No. 2 (2025): 225-230.

⁷ Syaiful Bahari Yusup Suparman, La Ode Mbunai, Muhammad Panca Prana Mustaqim Sinaga, Zahra Malinda Putri, "Aspek Hukum Positif Nasional Dalam Tata Kelola Olahraga Sepakbola (Suatu Perspektif Instruksi Presiden Nomor 3 Tahun 2019 Tentang Percepatan Pembangunan Persepakbolaan Nasional)," *JUSTLAW: Journal Science And Theory Of Law* 2, No. 1 (2025): 87-96.

⁸ Iqsan Maulana Muhammad Alif Nur Et Al., "Peran Dinas Pemuda Dan Olahraga Dalam Pembinaan Atlet Sepak Bola Di Provinsi Kalimantan Timur," *Journal Of Indonesian Rural And Regional Government* 9, No. 1 (2025): 25-39.

tive legal research. Normative legal research is a type of legal research that focuses on authoritative legal products in the form of legislation, which are then analyzed using legal principles, theories, and doctrines.⁹ The primary legal materials used in this research are Presidential Instruction No. 3/2019 and Coordinating Minister for Human Development and Culture Regulation No. 1/2020. The secondary legal materials used include journal articles, books, and research findings that discuss football policies, the welfare state, and the field of sports law. The non-legal material used is a legal dictionary. The analysis of legal materials is conducted prescriptively, where the legal issues presented are then analyzed with the existing legal materials, followed by an analysis using legal principles, theories, and legal doctrines, which are then formulated into legal solutions to address the legal issues. The approach used is a conceptual and legislative approach.

ANALYSIS AND DISCUSSION

A. Legal Implications Related to the National Football Development Acceleration Policy: The Role of the Government Versus the Principle of *Lex Sportiva*

The development of modern states makes the role of the government no longer understandable solely thru the classical doctrine that "the best government is the least government," which places the state only as the guardian of security, order, and protector of citizens' property rights.¹⁰ This view is commonly known as the night-watchman state, which emerged in the context of classical liberalism that called for limiting state intervention in the social and economic life of society.¹¹ However, the complexity of contemporary societal life shows that market mechanisms and individual initiatives are not always capable of solving various public issues such as poverty, social inequality, unemployment, environmental degradation, health crises, and educational access gaps.¹² Therefore, the modern state is required to play a more active and responsive role in achieving the overall welfare of society.

The active role of the government in a modern state is reflected thru regulatory, distributive, and protective functions aimed at creating social justice and ensuring the

⁹ Maalikatussofa Masnun, Muh. Ali, Prasetyo, Dicky Eko, "Reconstruction Of The Normative Legal Research Paradigm In Responding To Global Challenges: An Epistemological Analysis," *Novum: Jurnal Hukum* 12, No. 3 (2025): 372-384.

¹⁰ I Dewa Gede Atmadja, "Legal Ideology On Social Justice Perspective," *Journal Equity Of Law And Governance* 1, No. 2 (2021): 158-163.

¹¹ Thamasi Masnun, Muh. Ali, Prasetyo, Dicky Eko, Konara, "Financial Reconstruction Of State-Owned Enterprises In Indonesia As Special State Finances: Public Or Private Law?," *Jurnal Hukum Bisnis Bonum Commune* 9, No. 1 (2026): 44-62.

¹² Dicky Eko Prasetyo And Muh. Ali Masnun, "Beneficiary Pays Principle : Rekonstruksi Pengaturan Pelindungan Lingkungan Dalam Mewujudkan Kelestarian Sumber Daya Air," *Jurnal Hukum Lingkungan Indonesia* 11, No. 1 (October 9, 2025): 1-22, <https://jhli.icel.or.id/jhli/article/view/957>.

fulfillment of citizens' basic rights.¹³ The government is not only tasked with maintaining security and upholding the law, but also has the obligation to provide quality public services, build infrastructure, develop education and health systems, and create economic policies capable of reducing social inequality. This is what then gave birth to the concept of the welfare state. The concept of the welfare state is a paradigm of state administration that places the welfare of the people as the main goal of all government activities.¹⁴ Unlike the classical liberal state concept, which limits the role of the state to maintaining security, order, and protecting individual rights, the welfare state requires active government involvement in the social, economic, and cultural life of society to ensure the fulfillment of the basic needs of every citizen. In this concept, the state not only functions as a regulator overseeing the course of societal life but also as an implementer of public policies responsible for creating social justice, reducing economic disparities, and providing protection to vulnerable groups.¹⁵ The presence of the state is seen as a necessary instrument to correct various market failures and social inequalities that cannot be optimally resolved through economic mechanisms alone.

Historically, the idea of the welfare state developed as a response to the negative impacts of the industrial revolution and laissez-faire capitalism, which led to the exploitation of labor, mass poverty, and widening social gaps.¹⁶ That experience shows that economic freedom without state intervention can lead to injustices that threaten social and political stability. Therefore, the state began to take a larger role through the provision of social security, labor protection, healthcare services, public education, and various other welfare programs.¹⁷ In subsequent developments, the welfare state became one of the main characteristics of modern democratic states, especially after the end of World War II when many countries adopted policies that placed the welfare of the people as a constitutional responsibility of the government.¹⁸

¹³ Dicky Eko Prasetyo, Muh. Ali Masnun, And Hananto Widodo, "Affirmative Action For Persons With Disabilities To Ensure The Right To Be Elected In General Elections," *Nusantara Science And Technology Proceedings* 1, No. 1 (May 2, 2025): 205-210, <https://nstproceeding.com/index.php/nuscientech/article/view/1350>.

¹⁴ Kharisma Elok, Jefik Hafizd, And Mohamad Rana, "Al-Mawardi's Leadership Concept And Its Relevance To Indonesian Democracy," *Journal Of Law Justice (JLJ)* 3, No. 1 (March 26, 2025): 47-62, <https://ejournal.um-sorong.ac.id/index.php/jlj/article/view/3607>.

¹⁵ Dicky Eko Prasetyo, "Ius Constituendum Legal Standing Bagi WNA Terkait Proses Judicial Review Di Mahkamah Konstitusi Dalam Perspektif HAM," *Hunila* 2, No. 1 (2023): 125-138.

¹⁶ Noviyanti Dicky Eko Prasetyo, Muh. Ali Masnun, Arinto Nugroho, Denial Ikram, "Discrimination Related To Labour Age Limitation In Indonesia : A Human Rights And Comparative Law Perspective," *Suara Hukum* 6, No. 2 (2024): 228-254.

¹⁷ Irfa Nugroho, Arinto, Ronaboyd, Emilia Rusdiana, And Sonny Zuhuda Prasetyo, Dicky Eko, "The Impact Of Labor Law Reform On Indonesian Workers : A Comparative Study After The Job Creation Law," *Lex Scientia Law Review* 8, No. 1 (2024): 67-108.

¹⁸ Ainul Ikhsan, Muhammad Luthfi Sartono, And Muhammad Kamil Husain, "Zakat And Waqf In The Era Of Capitalism: Reconstructing The Paradigm Of Economic Justice Within The Modern Financial

In a theoretical perspective, the welfare state is based on the understanding that every citizen has social rights that must be guaranteed by the state in addition to civil and political rights. These rights include the right to education, health, decent work, housing, social security, and a humane standard of living. This thinking is heavily influenced by T. H. Marshall's idea, which posits that substantive citizenship is not only determined by political and legal freedoms but also by the ability of citizens to enjoy social rights that enable them to fully participate in societal life.¹⁹ Thus, the welfare state aims to create conditions that allow every individual to develop their potential optimally without being hindered by poverty, inequality, or social backwardness.

In the context of a democratic rule of law state, the concept of a welfare state is closely related to the principles of social justice and respect for human rights.²⁰ The state must not only guarantee the formal freedoms of its citizens but also create material conditions that allow these freedoms to be genuinely enjoyed. Freedom of expression, for example, will be difficult to realize effectively if society lives in extreme poverty or lacks access to education. Therefore, the welfare state seeks to integrate freedom, equality, and social justice within a framework of governance oriented toward humanity.

In Indonesia, the concept of the welfare state is strongly grounded in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). The state's goals to protect all Indonesian people, promote the general welfare, educate the nation's life, and realize social justice for all Indonesian citizens reflect the main characteristics of a welfare state.²¹ Various constitutional provisions that regulate the rights to work, education, health, social security, and the control of important production sectors by the state indicate that Indonesia does not adhere to the concept of a night-watchman state, but rather adopts a model of an active state in realizing the welfare of the people. Thus, the welfare state is not merely an economic concept or social policy, but a constitutional principle that positions the state as an instrument to realize justice, prosperity, and human dignity comprehensively in the life of the nation and state.

System," *Asian Journal Of Muslim Philanthropy And Citizen Engagement* 2, No. 1 (January 8, 2026): 25-48, <https://ejournal.mdresearchcenter.id/index.php/ajmpce/article/view/58>.

¹⁹ Sara Wallace Goodman, "Citizenship With Adjectives: Conceptual Precision In Comparative Research," *Journal Of Ethnic And Migration Studies* 1, No. 1 (March 4, 2026): 1-21, <https://www.tandfonline.com/doi/full/10.1080/1369183X.2026.2631901>.

²⁰ Hendrik Salmon And John Tumba Jacob, "The Role Of Law And Human Rights In The Formation Of State Institutions: A Comparative Study Of Indonesia And Nigeria," *Jurnal Suara Hukum* 7, No. 1 (April 23, 2025): 218-244, <https://journal.unesa.ac.id/index.php/suarahukum/article/view/38591>.

²¹ Dicky Eko Prasetyo, "Inventarisasi Putusan Peradilan Adat Sendi Sebagai Upaya Memperkuat Constitutional Culture Dalam Negara Hukum Pancasila," *Jurnal Hukum Lex Generalis* 2, No. 3 (2021): 249-273.

The relevance of the welfare state concept adopted by the Republic of Indonesia is then followed up by the government in formulating various policies in different areas of life that are relevant to the public interest. One aspect that involves the public interest and requires the state's role as a manifestation of the welfare state is football. In Indonesia, the aspect of football has also become one of the government's focuses by formulating various policies aimed at ensuring the benefits of football for the welfare of the community. This is as outlined in the national football development acceleration roadmap policy, initially formulated in Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020, which regulates various aspects including infrastructure development to human resources related to national football development.

The regulation of football within national policy thru the acceleration of national football development is a necessity born from the awareness that football can no longer be viewed merely as a sport or game. Rusdiana and Prasetyo (2026) also highlight that although initially sports focused on games intended for enjoyment or hobbies, the comprehensive development of the sports industry has made sports affairs complex and legally related to community rights.²² The development of sports, including football, in the modern era and the 4.0 industrial revolution and the 5.0 society era also emphasizes industrial characteristics, where football has transformed into a professional sport with one of its orientations being profit-oriented or aligned with the goals of the industry itself.²³

The importance of state intervention in the development of football is also based on the fact that football has evolved into an industry with significant economic value. The football industry encompasses various interconnected sectors, ranging from the organization of competitions, television broadcasting rights, sponsorship, advertising, merchandise sales, stadium management, sports tourism, player academy development, to the creation of jobs for millions of people.²⁴ In this context, football not only achieves sports accomplishments but also contributes to the national and regional economic growth. Therefore, the state has a legitimate interest in building a healthy football ecosystem thru the provision of infrastructure, human resource development, early childhood coaching, accountable organizational governance, and a professional and integrity-based competition system.

²² Dicky Eko Prasetyo Emilia Rusdiana, *Hukum Olahraga Lex Sportiva Dan Sepak Bola* (Depok: Rajawali Pers, 2026).

²³ Muh. Ali Masnun Et Al., "Legal Reform Of Legal Profession Amidst The Development Of Artificial Intelligence In Indonesia: The Perspective Of Mesu Budi's Philosophy Of Law," *Novum: Jurnal Hukum* 12, No. 2 (2025): 277-287.

²⁴ Ranto Sabungan Silalahi, "Corruption In Match-Fixing Within Sports: The Need To Regulate Future Legislation (A Comparative Study And Lesson From The Australian System Of Law)," *Indonesia Law Review* 10, No. 1 (2020).

In addition to its economic dimension, football also has a very strategic social and national function. Football is capable of becoming a means of national integration that brings together people from various ethnic, religious, cultural, and social backgrounds into a single national identity. The success of the national team often fosters a sense of unity and collective pride that is hard to find in other fields. Therefore, the development of football is not only related to achieving success on the field but also involves character building, strengthening social solidarity, sports diplomacy, and enhancing the nation's reputation in the eyes of the world. In the perspective of a welfare state, the government has the responsibility to ensure that this social potential can develop optimally through policies that support the systematic and sustainable development of sports.

The character of football as an industry involving significant economic interests also presents various risks that require the presence of the state as a regulator.²⁵ Issues such as match-fixing, supporter violence, economic monopolies, exploitation of young athletes, poor club financial management, and stadium safety standards are problems that cannot be resolved solely through the internal mechanisms of sports organizations. The state needs to be present to set standards, conduct oversight, and ensure the protection of public interests. Thus, the policy for accelerating the development of national football reflects a paradigm shift that football is no longer just a standalone game, but rather a part of a strategic sector that has a multidimensional impact on the life of the nation. In this context, the role of the state becomes very important as a facilitator, regulator, coordinator, and the main driver of national football development to achieve achievements, economic welfare, and sustainable social benefits for the Indonesian people in line with the concept of a welfare state.

Although the role of the state is very important in the development of national football through the provision of infrastructure, human resource development, budgetary support, regulation formation, and oversight of sports governance, this involvement cannot be done without limits. The regulation of modern football must still pay attention to the principles that develop in sports law or the principle of *lex sportiva*. The principle of *lex sportiva*, like legal principles in general, plays a very important role in the legal system because it serves as a fundamental foundation that provides direction, values, and guidelines for the formation, interpretation, and application of legal norms.²⁶ The principle of law functions as a philosophical foundation that explains the

²⁵ Nurharsya Khaer Hanafie, Fatimah Hidayahni Amin, And Ririn N., "Prinsip Dalam Berkontrak Pelaku Olahraga Sepakbola Profesional Di Indonesia," *Jurnal Yustika: Media Hukum Dan Keadilan* 24, No. 02 (2021): 119-130.

²⁶ Dicky Eko Prasetyo, "Lex Sportiva Dalam Hukum Keolahragaan Indonesia: Otonomi, Independensi, Dan Harmonisasi Dengan Hukum Nasional," *Justitia Jurnal Hukum* 7, No. 2 (2023).

goals and spirit intended to be realized by a legal rule.²⁷ When a piece of legislation contains a normative gap, ambiguity in meaning, or even conflicts with other rules, the principle of law serves as a guideline for judges, lawmakers, and law enforcement to find solutions that align with the ideals of justice and legal certainty. Therefore, legal principles not only serve as a source of inspiration in the formation of law but also as an interpretative tool that helps ensure that the law is applied consistently and does not deviate from its fundamental objectives.

The principle of *lex sportiva* is a set of norms, rules, and practices that have developed in sports law, characterized by transnational or cross-jurisdictional nature, governing the organization of sports universally.²⁸ In the context of football, the principle of *lex sportiva* serves as an important foundation that maintains the uniformity of the competition system, the legal certainty of sports, and the sustainability of the relationship between national federations and international sports organizations. Therefore, the development of national football must be carried out thru a balance between the role of the state as the holder of public authority and respect for the fundamental principles of *lex sportiva*. Among the most fundamental principles in *lex sportiva* are independence, autonomy, and harmonization, which are the main pillars in the governance of modern sports.²⁹

The first aspect is independence, which demands that sports organizations, including football federations, can perform their functions and authorities free from external interventions that could potentially influence sports decision-making. Independence does not mean that sports organizations are above the law or immune to public scrutiny, but rather emphasizes that decisions related to the technical and administrative aspects of sports must be made based on sports considerations, not political, economic, or specific power interests. In the context of football, the principle of independence includes the freedom of federations to organize competitions, establish internal regulations, elect organizational officials, determine development systems, and implement disciplinary mechanisms against clubs, players, and officials, including resolving disputes in football independently according to the rules of the football federation's governing body at both national and transnational levels.

²⁷ Eny Sulistyowati Muh. Ali Masnun, Dicky Eko Prasetyo, Mohd Badrol Awang, "Reconstructing Indonesia's Trademark Registration System Through The Lens Of General Principles Of Good Governance To Realize Substantive Justice," *Journal Of Law And Legal Reform* 5, No. 3 (2024): 891-912.

²⁸ Bayangsari Wedhatami Dicky Eko Prasetyo, Muh Ali Masnun, "Legal Uncertainty Of Golf Game As Sports And Entertainment Branch In Local Tax Imposition," *Wawasan Yuridika* 4, No. 1 (2024): 76-93.

²⁹ Dicky Eko Prasetyo And Zeidan Izza Al-Farisi, "Lex Sportiva In Indonesian Sports Law : Autonomy , Independence , And Harmonization With National Laws," *Indonesian Journal Of Sports Law* 1, No. 2 (2024).

The aspect of independence has developed because experiences in various countries show that excessive political interference often leads to conflicts of interest, reduces the professionalism of sports organizations, and hinders the development of achievements. Therefore, international organizations such as FIFA and AFC consistently place the independence of federations as a primary condition for membership in the international football system.³⁰ Thus, the state can provide support and conduct training, but it must not take over the authority that essentially belongs to the football organization. The second aspect is autonomy, which is the right and authority of sports organizations to self-regulate based on internal rules agreed upon within the transnational or national sports system. Autonomy is a logical consequence of the characteristics of sports, which have regulatory needs that differ from other areas of life. In football, many technical issues require specialized expertise and global standards that cannot always be effectively regulated thru national law. Therefore, football federations are given the space to establish internal regulations regarding competitions, player transfers, club licensing, youth development, refereeing, sports dispute resolution, as well as organizational codes of ethics and discipline.

The aspect of autonomy also allows sports to be viewed as an important instrument for maintaining professionalism and efficiency in sports administration. In other words, football organizations have the freedom to manage their internal affairs, but this freedom cannot be used to evade legal responsibilities or neglect public interests. The third aspect is harmonization, which requires alignment between the transnational sports legal system and the national legal systems of each country, including other types of law within a country, such as religious law and local customary law.³¹ In the aspect of harmonization, it is important to understand the concept of legal pluralism.

Legal pluralism is a concept that acknowledges that within a society, more than one legal system can coexist and operate simultaneously.³² This concept starts from the reality that law does not only originate from the state thru legislation but can also be sourced from various social norms that develop in community life, such as customary law, religious law, customary practices, community norms, and various rules formed

³⁰ Abdelnaser Zeyad Hayajneh, "Sports Law And Sport Integrity In Qatar: Analyzing The Law For Regulating Sports Clubs And Other Legal Instruments In A Critical Context," *Global Journal Of Politics And Law Research* 9, No. 8 (2021): 1-19.

³¹ Dicky Eko Prasetyo Et Al., "THE CONSTRUCTION OF THE LEX SPORTIVA PRINCIPLE IN INDONESIA'S SPORTS LAW: IMPLICATIONS AND FUTURE ARRANGEMENTS," *UUM Journal Of Legal Studies* 16, No. 2 (July 31, 2025): 58-69, <https://E-Journal.Uum.Edu.My/Index.Php/Uumjls/Article/View/24580>.

³² Mochamad Ikwan Nurul Hikmah, Syahid Akhmad Faisol, Dicky Eko Prasetyo, Kamaluddin Nurdin Marjuni, "Professional Waqf 5.0: Penta Helix Strategy And Legal Pluralism In The Digital Era," *Krtha Bhayangkara* 20, No. 1 (2026): 173-194.

by specific organizations or social groups. Thus, legal pluralism rejects the centralistic view that considers the state as the sole legitimate source of law. Legal pluralism sees that complex social life produces various normative systems that effectively regulate societal behavior and often have binding power equal to that of state law.³³ Therefore, to fully understand the law, it is not enough to only look at the regulations made by the state, but it is also necessary to pay attention to various other norms that live and are adhered to in society.

Legal pluralism can be distinguished into weak legal pluralism and strong legal pluralism. In weak legal pluralism, the state remains the center of legal authority but acknowledges the existence of other legal systems as long as they receive recognition or legitimacy from the state. Conversely, strong legal pluralism recognizes that non-state legal systems can have their own existence and legitimacy without having to rely on state recognition. This perspective emphasizes that the validity of a law is not always determined by state authority, but also by the acceptance and compliance of society with that norm. Thus, legal pluralism not only addresses the diversity of legal sources but also the diversity of sources of legal legitimacy within society.

In the context of a modern multicultural state, legal pluralism plays a very important role in maintaining social harmony and accommodating the diversity of community identities. Recognition of customary law, religious law, and various forms of community law allows the state to respect local values that have developed over generations.³⁴ This approach also reflects respect for the community's right to maintain its cultural identity and traditions. However, legal pluralism does not mean that the entire legal system can operate without limits. In a democratic rule of law state, the existence of various legal systems must still be placed within the framework of the constitution, human rights, and principles of justice that apply nationally. Therefore, legal pluralism is not a condition without order, but rather a mechanism that allows various legal systems to coexist harmoniously while maintaining the unity of the national legal system. In the context of sports law, the existence of the principle of *lex sportiva* becomes an important aspect so that the state or government does not overstep its boundaries in implementing policies related to national football. The aspect of harmonization as part of the principle of *lex sportiva* becomes very important because football is a global sport that involves cross-border relations, thus requiring relatively uniform standards of rules so that international competition and cooperation can run smooth-

³³ Dicky Eko Prasetyo, "Hukum Adat Di Indonesia: Perspektif Pluralisme Hukum," In *Refleksi Dinamika Hukum Di Indonesia* (Jakarta: PT Adikara Cipta Aksa, 2025), 174-180.

³⁴ Ashok Brahma And Jhanin Mushahary, "Land Access And Conflict Issues Of Tribal Peoples In Bodoland Territorial Region Of Assam, India," *Linguistics And Culture Review* 6, No. 5 (2022): 80-91.

ly.³⁵ This principle requires national federations to adopt and adjust international regulations into the governance of national football without disregarding the characteristics of the respective country's legal system. In this context, the state and sports organizations are not positioned as two opposing entities, but rather as partners that must work synergistically to achieve common goals.

The state has the authority to regulate public aspects such as stadium security, taxation, labor, child protection, anti-corruption, and spectator safety, while the football federation has authority over the technical aspects of the sport. Through harmonization, conflicts between state law and sports regulations can be minimized, thereby creating legal certainty for all football stakeholders. This principle also reflects the recognition that the development of modern football requires the integration of national interests and global standards applicable in the international sports community. Effective national football development not only requires the active presence of the state, as reflected in various policies to accelerate national football development, but also must respect the fundamental principles of *lex sportiva*. Independence ensures that football management is free from interventions that are not relevant to the interests of sports, autonomy provides space for football organizations to self-regulate professionally based on the specific characteristics of the sports world, while harmonization ensures alignment between national laws and international sports norms. These three principles are not a limitation on the role of the state, but rather a mechanism to maintain a balance between public authority and sports governance so that the development of national football can proceed in a democratic, professional, accountable manner, and in line with international standards. In this framework, the relationship between the state and football organizations should be built, namely a relationship that is collaborative and mutually respectful in order to achieve sustainable progress in national football.

Referring to Presidential Instruction 3/2019 and Coordinating Minister for PMK Regulation 1/2020, there are two aspects that indicate these regulations tend to adopt a legal centralism paradigm, emphasizing the strong position of state law compared to the law applicable to the parent organization of sports branches, thereby highlighting a weak character of legal pluralism. First, formally, Presidential Instruction 3/2019 and Coordinating Minister for PMK Regulation 1/2020 do not mention the statutes or legal products or policies of PSSI as the parent organization of Indonesian football. In fact, in the aspect of harmonization, which is one of the important aspects of the *lex sportiva* principle, state legal products in the form of legislation are important to refer to or formulate the statutes or legal products or policies of PSSI as the

³⁵ Ahmad Fahmi Wahyudin And Dossy Iskandar Prasetyo, "Legal Protection Of Football Match Spectators In Indonesia," *Journal Of Law Theory And Law Enforcement* 4, No. 1 (2025): 11-24.

parent organization of football in Indonesia. Although Coordinating Minister for PMK Regulation 1/2020 has emphasized the existence of a "meeting point" between the government and PSSI, substantively, it has not yet clarified the actual division between the authority of the government and the domain of PSSI as the manager of football in Indonesia.

Second, in the appendix of Permenko PMK 1/2020 Chapter VI regarding "The Meeting Point between the Government and PSSI," it actually reinforces the character of weak legal pluralism, which places the government substantively higher than PSSI. This can be seen in the phrase, "PSSI fully organizes football, but until now there have been no truly proud achievements. Therefore, the Government has taken strategic steps related to football as a form of concern and responsibility for the national football achievements." This phrase indicates that the government has essentially "exceeded its authority" on the grounds that there have been no proud achievements in football, so PSSI is considered not optimal, and the government's efforts to take strategic steps related to football are to save football itself. If the problem is that PSSI has not been optimal in managing Indonesian football, then the government should help facilitate PSSI to improve its capacity rather than the government "taking over" PSSI's functions. This is essentially in line with the Latin legal maxim that states, "*Merito beneficium legis amittit qui legem ipsam subvertere intendit*," which means that someone who violates the law will lose their right to legal protection. The depth of meaning of this maxim is that the violation committed by the government by taking over PSSI's authority cannot be legally justified even under the pretext of saving Indonesian football.

Regulations regarding the acceleration of the development of Indonesian national football as stipulated in Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020 essentially create legal implications related to government authority and the independence of the parent organization of sports branches based on the principle of *lex sportiva*. Legal implications are any consequences, repercussions, or impacts arising from a specific legal act or event. The legal implication is the emergence of potential normative conflicts between national law (state law) and *lex sportiva* as a transnational sports legal system, in this case, PSSI. On one hand, the state has a constitutional obligation to promote national sports thru public policies, funding, infrastructure development, and performance training. However, on the other hand, international sports federations require their members to maintain organizational independence from government intervention. If the implementation of the Presidential Instruction and the Coordinating Minister for Human Development's Regulation is interpreted as the takeover of strategic functions that should be carried out by PSSI, then this condition can be viewed as contrary to the autonomy of sport, which is part of the *lex sportiva* principle.

The existence of a national roadmap formulated and controlled by the government thru inter-ministerial coordination mechanisms indicates a top-down governance model. This model can reduce the discretion of sports organizations in determining the direction of football policies based on the internal needs of the federation. From the perspective of *lex sportiva*, the development of football ideally should be carried out thru a partnership model between the government and sports federations, rather than thru the subordination of federations to government policies. Therefore, in addition to being inconsistent with the principles of *lex sportiva*, Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020 are also inconsistent with the welfare state concept, which requires a significant role for the state but does not mean the state dominates football policies, which are the domain of the football's parent organization, in this case, PSSI.

B. Future Regulations Regarding the Need for Limitations on Government Authority in the Acceleration of National Football Development

The issue regarding the existence of Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020, which regulate the development of national football but actually reduce the authority of PSSI, needs to be criticized and simultaneously provided with solutions related to future regulations. This is because, fundamentally, the government thru Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020 has the noble goal of advancing national football. However, no matter how noble and good the goal is, it cannot serve as a justification that everything is legitimate and can be carried out solely based on that noble goal. In administrative law, even a good goal must be aligned with aspects of substance, procedure, and authority, so a good goal must also be pursued with good means and intentions.

The role of the state in advancing football is essentially a manifestation of the welfare state's goal to improve the quality of life of the community while also realizing the Sustainable Development Goals 2030 (SDGs 2030). The concept of the 2030 SDGs is closely related to the idea of the welfare state, which positions the state as the main actor responsible for ensuring the fulfillment of the basic needs of society, such as education, health, employment, social protection, and a decent standard of living. The goals within the SDGs, particularly the eradication of poverty, improvement of health and education, gender equality, and reduction of inequality, reflect the values that form the foundation of the welfare state.³⁶ In other words, the SDGs can be viewed as

³⁶ Bagus Surya Dharma Et Al., "Harmonization Of Laws Regulating The Formation Of Village Government Work Plan Drafting Teams," *Ex Aequo Et Bono Journal Of Law* 2, No. 2 (January 31, 2025): 69-81, <https://journal-iassf.com/index.php/EAEBJOL/Article/View/1092>.

a global framework that reinforces the implementation of welfare state principles in the context of sustainable development.

Football not only serves as a means of entertainment but also as a medium for character education, health, social unity, and job creation. Therefore, the state needs to provide support thru funding, the development of sustainable competitions, and oversight of football organization governance to ensure it operates professionally, transparently, and accountably. Thus, the advancement of football can provide broad social and economic benefits to society. The welfare state demands protection and empowerment for all sports participants, including athletes, coaches, referees, and other supporting staff. The state can guaranty their rights thru social protection policies, access to education, healthcare services, and welfare guaranties during and after their sports careers. With such comprehensive support, national football can develop sustainably while also contributing to the overall well-being of society.

In the context of Indonesia, the important role of the government in advancing national football can be seen with the presence of naturalized players, which is also a process of acceleration and administrative governance by the government to expedite the naturalization process. However, this naturalization policy should be understood as an initial step for the short term in improving the achievements of Indonesian football. The long-term efforts must emphasize early childhood development and the enhancement of professionalism among all parties involved in national football.

The role of the government thru its authority in accelerating the development of football should not be carried out excessively to the point of intervening in the technical and institutional aspects that fall within the realm of football organizations. This is because modern football is not only subject to national law but also falls under the transnational sports law regime known as *lex sportiva*. The principle of *lex sportiva* places independence, autonomy, and harmonization as the main foundations of international sports governance, so every country is obliged to respect the authority of sports organizations in managing their internal affairs according to applicable global standards. In the perspective of *lex sportiva*, the government indeed has the legitimacy to regulate and facilitate the development of football, but such authority must be proportionally limited to avoid becoming an intervention that could disrupt the autonomy of football organizations.³⁷

Government intervention that touches on aspects of the selection of officials, decision-making in competitions, the imposition of sports sanctions, federation man-

³⁷ Muhammad Akmal Habib Dicky Eko Prasetio, "Lex Sportiva And Lex Ludica: The Existence And Reconstruction Of Sports Law Principles In The Postmodern Era," *Novum: Jurnal Hukum* 12, No. 3 (2025): 412-428.

agement, or the determination of technical football policies has the potential to create conflicts with principles recognized in international sports governance. Therefore, the acceleration of national football development must be placed within a framework of balanced relations between the state and sports organizations, where the government acts as a regulator, facilitator, and accelerator of development, while the football federation continues to perform technical and managerial functions independently. This model of relationship allows the state to remain present in addressing various structural issues such as funding, infrastructure, match security, eradication of football mafia, athlete protection, and the development of the sports industry, without eliminating the autonomous character that is a hallmark of modern sports organizations.

Referring to the views of Hinca I.P. Pandjaitan, the role of the government in promoting sports, particularly football, is in the context of "participating" or "taking part" and should not be interpreted as "interfering" or "meddling" in various aspects that are entirely within the realm of the sports federation, which in this context is the policy of PSSI.³⁸ Therefore, clear boundaries are needed regarding the government's authority in regulating the acceleration of national football development. These limitations function as legal instruments to prevent overlapping authorities between the state and football organizations, while also ensuring the alignment between national law and *lex sportiva*. Generally, these limitations clarify the role and function of the government in accordance with its authority to regulate public aspects related to the public interest, such as the management of state finances allocated to PSSI, the development of facilities and infrastructure, legal protection for athletes and supporters, match security and order, as well as oversight of potential criminal activities in football. Aspects that are technical in nature and pertain to the internal governance of the federation, or those that generally fall under the domain of *lex sportiva*, must remain the domain of football organizations or PSSI in accordance with the aspect of sports autonomy, which is part of the principle of *lex sportiva*. With these strict limitations, the development of national football can proceed quickly, effectively, and accountably without conflicting with the principles of *lex sportiva*.

Future regulations regarding the acceleration of national football development require a more comprehensive, systematic legal framework that can provide certainty about the boundaries of government authority and national football organizations, in this case, PSSI. Although Presidential Instruction No. 3/2019 and Coordinating Minister for Human Development and Culture Regulation No. 1/2020 have strategic value in encouraging the involvement of various ministries and agencies in football development, normatively, both still have limitations because they do not clearly regulate

³⁸ Hinca IP Pandjaitan, *Kedaulatan Negara Versus Kedaulatan FIFA* (Jakarta: Gramedia Pustaka Utama, 2013).

the division of authority between the government and PSSI. As a result, there is still potential for overlapping authority, unclear state intervention space, and the possibility of conflicts between national policies and the principle of *lex sportiva*, which upholds the independence and autonomy of sports organizations.³⁹

The establishment of a Presidential Regulation on the Acceleration of National Football Development, which simultaneously revises and refines the substance previously regulated in Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020, is important to undertake because it serves as a legal instrument used by the President in carrying out government functions as adhered to in the Indonesian presidential system. The existence of the Presidential Regulation will provide a stronger binding force, more effective coordination between ministries and agencies, and clearer legal certainty regarding the direction of national policy in football development. Additionally, the Presidential Regulation can also serve as an instrument for harmonizing the state's interests in national sports development with Indonesia's obligation to respect the principles of international football governance based on the principle of *lex sportiva*.

Substantively, the Presidential Regulation needs to clearly regulate the division of authority between the government and the PSSI. The government must be positioned as an actor with authority over public aspects related to the interests of the state and the wider community. These authorities include the formulation of national sports policies, the provision and management of the state budget, the development and standardization of stadium infrastructure and training centers, the strengthening of the sports education system, the enhancement of sports human resource capacity, match security, oversight of public fund usage, athlete protection, prevention of violence and discrimination in sports, and law enforcement against football-related crimes such as match-fixing, corruption, money laundering, and other offenses. In this realm, the state has constitutional legitimacy to act because it concerns public interest and the use of state resources.

PSSI must be given adequate autonomy to regulate the technical and internal aspects of football in accordance with the principle of *lex sportiva*. These authorities include the management of national competitions, the promotion and relegation system of the league, the development of players, coaches, and referees, the player transfer mechanism, the drafting of match regulations, the enforcement of sports discipline, the resolution of internal sports disputes, the management of the national team in tech-

³⁹ Rahman Amin, Anggreany Haryani Putri, And Endang Hadrian, "Indonesia National Police Efforts In Handling Football Supporter Riots; Study Of Events At Kanjuruhan Stadium, Malang Regency, Indonesia," *Cogent Social Sciences* 10, No. 1 (2024): 1-14, <https://doi.org/10.1080/23311886.2024.2301837>.

nical aspects, and the governance of the federation's organization. This regulation is important to ensure that Indonesia continues to comply with the governance standards set by the Fédération Internationale de Football Association and the Asian Football Confederation, while also avoiding the risk of sanctions due to government intervention in the internal affairs of the football federation. The Presidential Regulation also needs to establish a permanent national coordination mechanism between the government and PSSI thru a joint forum or a special coordination body for the acceleration of national football development. This forum is not intended to reduce PSSI's autonomy, but rather as a means of program synchronization, evaluation of football development achievements, resolution of institutional obstacles, and formulation of integrated long-term strategies. Thus, the relationship between the government and PSSI is no longer in a pattern of subordination or intervention, but has evolved into a strategic partnership that complements each other according to their respective functions and authorities.

CONCLUSION

The policy for the acceleration of national football development as regulated in Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020 raises legal implications in the form of potential normative conflicts between national law and the principle of *lex sportiva*, which emphasizes the independence of sports organizations. On one hand, the government has a constitutional obligation to promote sports thru policies, funding, infrastructure development, and performance coaching. However, on the other hand, the principle of *lex sportiva* requires that the governing body of football, namely PSSI, retains autonomous authority in managing and determining the direction of football policies. The policy represents a form of takeover of the federation's strategic functions by the government thru top-down coordination and control mechanisms, which contradicts the principle of *lex sportiva*. Therefore, the development of national football should be carried out thru a balanced partnership model between the government and PSSI so that the goals of sports development can be achieved without diminishing the federation's independence, which is a fundamental principle in modern sports governance.

Future regulations regarding the acceleration of national football development need to be directed so that they are not carried out excessively to the point of intervening in technical and institutional aspects that fall within the realm of football organizations. This is because modern football is not only subject to national law but also falls under the transnational sports law regime known as *lex sportiva*. Therefore, this research recommends the establishment of a Presidential Regulation that provides legal certainty regarding the limits of government and PSSI authority, while also refining the regulations that have been in place in Presidential Instruction 3/2019 and Coordinating Minister for Human Development and Culture Regulation 1/2020. This Presidential Regulation is important to prevent overlapping authority, limit government intervention in football's internal affairs, and ensure that the development of national

football remains in line with the principles of *lex sportiva* that uphold the independence and autonomy of sports organizations.

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