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LEGAL PROTECTION AGAINST E-SPORT PLAYER LOSSES CARRIED OUT BY ONE OF THE MANAGEMENTS IN INDONESIA

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ABSTRACT

The rapid development of internet technology has significantly transformed the sports industry, including the emergence of electronic sports (e-sports) as a competitive sporting activity. As e-sports continues to grow in Indonesia, legal protection for professional players has become increasingly important, particularly in cases involving losses caused by the actions or negligence of team management. Such losses may arise from breaches of contractual obligations, unpaid remuneration, unilateral termination of agreements, or other management practices that adversely affect players' rights and interests. Although e-sports has received formal recognition as a sporting activity in Indonesia, the legal protection afforded to its players remains an important issue requiring further examination. One relevant regulatory framework is the Regulation of the Indonesian Esports Executive Board (PBESI) Number 034/PB-ESI/B/VI/2021 concerning the Implementation of Electronic Sports Activities in Indonesia. This study aims to analyse the legal protection available to e-sports players who suffer losses as a result of management actions and to examine the legal responsibilities of management entities towards players. This research employs a normative juridical method using statutory and conceptual approaches, supported by primary and secondary legal materials. The study examines the relevant sports regulations and general principles of contract law to assess the legal remedies available to affected players. It is expected that this research will clarify the extent of management accountability and identify the need to strengthen legal protection for e-sports players in Indonesia, particularly concerning contractual certainty, fulfilment of players' rights, and access to effective dispute resolution.

Keywords: E-Sports; Legal Protection; E-Sports Players; Management Liability; Contractual Disputes.

1. Introduction

The internet is a form of information that can be used as a medium to increase human knowledge and capabilities. The internet can be used in various aspects of community life such as in economic, educational, social, and cultural aspects. Many products are produced through the internet as a means to facilitate human activities such as e-learning, e-business, e-banking, social media, and electronic sports or commonly called Electronic Sports (E-Sport). Indonesia E-Sports Association (IeSPA) is an organization that oversees E-Sports in Indonesia.[1]

[1] International Telecommunication Union (ITU), Measuring Digital Development: Facts and Figures 2023 (Geneva: ITU, 2023)

Along with the times, technological developments indirectly have a huge impact on human life. In ancient times sports could only bed one directly related to human physicality, but nowadays there is one of electronic sports or commonly called Electronic Sports (E-Sport). The electronic sports or E-Sport branch has been recognized by the world community since 2008. In Indonesia, E-Sport was first contested in 1999. At that time E-Sport was not as widely discussed in Indonesia as it is today because it was influenced by the lack of support from the Indonesian government and society. E-Sports is the future sports industry in Indonesia. There are five founders of E-Sports in Indonesia, namely Eddy Lim, Prana Adisapoetra, Erwin, Richard, Permana and Terry. These five people then formed an E-Sports gaming organization in 2013, called Indonesia E-Sports Association (IeSPA). The organization later expanded to 12 provinces in Indonesia, including West Papua. In 2018 for the first time E-Sports was competed in Indonesia at the Asian Games. There were 6 games competed at the event, namely Arena of Valor, Pro Evolution Soccer (PES), League of Legends, Hearth Stone, Clash Royale, and Star craft 2 .[2]

E-Sport players who have professionalism are incorporated into a single management company. The club's shareholders invest effort, time and thought to achieve the best performance and also hire professional players to make a profit. The Indonesian E-Sports team it self is in the form of a limited liability company (PT), and its business system is based on Law Number 40 of 2007 concerning Limited Liability Companies, in accordance with PT regulations. Previously, E-Sports did not have a clear legal basis and was only based on Law Number3of2005 concerning the National Sports System, but with the growing popularity of E-Sports in Indonesia, the Ministry of Youth and Sports of the Republic of Indonesia (KEMENPORA) encourages the establishment of regulations regarding E-Sports to ensure legal certainty for E-Sports players and teams in Indonesia.

Furthermore, PBESI implemented PBESI Regulation No.034/PB-ESI/B/VI/2021 of 2021 concerning the Implementation of E-Sport in Indonesia.[3] Although PBESI Regulation Number 034/PB-ESI/B/VI/2021 concerning the Implementation of E-Sport

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[2] Wildan Hernanda Agung Nugraha, "Minat Masyarakat Terhadap E-Sports Sebagai Olahraga Prestasi di Jawa Timur," Jurnal Prestasi Olahraga 4, no. 12 (2021): 44–52

[3] Pengurus Besar Esports Indonesia, Peraturan Pengurus Besar Esports Indonesia Nomor 034/PB-ESI/B/VI/2021 tentang Pelaksanaan Kegiatan Esports di Indonesia (2021).

in Indonesia has been ratified, the regulation still does not regulate much about player protection. Therefore, legal protection efforts for E-Sport players are needed to prevent deviantactions from those who overseethem. This is one of the efforts to protect E-Sport players from poaching (player transfer violations) and provide indirect authority to PBESI to supervise E-Sport players in Indonesia. In addition, E-Sport athletes can prevent and / or regulate the problem of player transfer violations in collective bargaining agreements with athletes. This is a form of compensation as well as being the main key to preventing athletes from committing player transfer violations. So that with these problems, the background of this research is as a form of legal protection effort for E-Sport players and considering salary payments to professional athletes fairly in order to revive E-Sports in Indonesia.

2. Methods

This research uses a description of legal theories and then analyzes based on all data obtained through books, articles and scientific journals and supported by other relevant sources related to E-Sports. Supported by other relevant sources related to E-Sports.[4] There search uses an overview of other legal theories to enrich the analysis of the data obtained. And this research uses a conceptual approach, this conceptual approach is used to understand concepts related to E-Sports activities in Indonesia and poaching practices in the field of E-Sports, as well as what legal efforts can be made to prevent and eradicate poaching practices in Indonesia. A method of collecting sources of information by listing E-Sport's laws and regulations.[5] This collection utilizes a methodology to search for regulations relevant to the formulation of the relevant problem and then review the laws to determine their relevance to the needs and formulation of the problem. To complete the legal documentation, library research or document research methods are also used to collect secondary legal materials. Based on the legal research reviewed, a normative-perspective analysis was used as the method of analysis.

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4 Peter Mahmud Marzuki, Penelitian Hukum, rev. ed. (Jakarta: Kencana, 2017).

5 Soerjono Soekanto and Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat (Jakarta: Rajawali Pers, 2015).

3. Result and Discussion

E-Sport is a sport that in Indonesian means "electronic sports" and this sport is relatively new in Indonesia. E-Sports it self is a sport based on electronic devices such as computers, smartphones, and gaming consoles such as PlayStation and Xbox. There are various definitions of E-Sports, which are supported not only by academic experts but also by market analysts and E-Sports associations. According to the E-Sport Association, E-Sports is competition between human players using video games and computers using various digital devices and platforms. And according to market analysis, E-Sports are competitive and organized computer or console games at a professional or amateur (semi-professional) level.[6] E-Sports is one of the manifestations of technological development in the field of sports, a development that is socially accepted and expands the possibilities of sports. The restriction of E-Sports itself is the physical activity of athletes, the characteristic of E-Sports itself is not only physical activity, but also the rules and skills required, and furthermore, the professionalism of the players is key in sports activities.[7]

In Indonesia, E-Sportwas first contested in 1999 at that time, but E-Sport in Indonesia was not too popular in its existence unlike today which is increasingly advanced and more upgraded in its development. So that over time E-Sports are increasingly recognized by the public, especially among teenagers. In 2008 E-Sport began to be recognized by people in the world and in Indonesia E-Sport was already a hot topic of conversation at that time.[8] That is because the number of prizes is very fantastic, making people curious and starting to follow developments about E-Sport tournaments or digital-based sports. There are 5 founders of E-Sport in Indonesia, namely EddyLim, Prana Adi sapoetra, Erwin, Richard, Permana and Terry. These five people then formed an E-Sports gaming organization in 2013, called Indonesia E-Sports Association or Indonesia E-Sports Association (IeSPA). The formation of leSPA as a forum and interest in playing online games, as well as to accommodate players who will

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6 Di Tang et al., "What Is Esports? A Systematic Scoping Review and Concept Analysis of Esports," Heliyon 9, no. 12 (2023): e23248, https://doi.org/10.1016/j.heliyon.2023.e23248

7 Kabir Bubna, Michael G. Trotter, Remco Polman, and Dylan R. Poulus, "Terminology Matters: Defining the Esports Athlete," Frontiers in Sports and Active Living 5 (2023): 1232028, https://doi.org/10.3389/fspor.2023.1232028

8 Wildan Hernanda Agung Nugraha, "Minat Masyarakat Terhadap E-Sports Sebagai Olahraga Prestasi di Jawa Timur," Jurnal Prestasi Olahraga 4, no. 12 (2021): 44–52.

compete in tournaments or an E-Sportmatch itself. Article 1 point 24 of the Sports Law explains that the parent branch organization is a sports organization that sponsors, develops, and coordinates 1 (one) sport, type of sport, or a combination of sports organizations from 1 (one) type of sport that is a member of the federation.

Law Number 34 of 2021 regarding the Implementation of Electronic Sports Activities in Indonesia. Basically, E-Sports is one of the competitive and professional sports through competitive games that are recognized nationally by the Central Council of Indonesian Electronic Sports. E-Sport teams that have developed significantly in Indonesia include EVOS E-Sports, Team RRQ, ONIC E-Sports, and Bigetron Ra. E-Sport teams are divided into professional E-Sport teams and amateur E-Sport teams. The professional E-Sport teams are also divided into two divisions, namely Indonesian professional E-Sport teams and overseas professional E-Sport teams. Indonesian professional E-Sports teams must meet administrative and achievement requirements, and must at least meet administrative requirements (Article 8 of PBEI Regulation No. 34 of 2021).

Based on these administrative requirements, it can be said that E-Sport teams need to establish a legal entity in the form of a PT (Limited Liability Company). Therefore, E-Sport teams must comply with the amendments to Law No. 40 of 2007 concerning Limited Liability Companies and Law No. 11 of 2020 concerning Job Creation. E-Sports legal basis arises from the clarification of Article 20 paragraph (5) of the Sports Law. In other words: "Technology-based sports" means competitive and interactive sports that use tools or intermediaries. "Intermediary devices" are defined as computers, laptops, consoles, simulators, and gadgets.

We can conclude that E-Sports in Indonesia are known as E-Sports or technology-based sports and are legally recognized as sports. Perpres 97/2019 does not contain provisions regarding E-Sports, but contains provisions regarding restrictions on game applications and developers in the creative field as stipulated in paragraph (1), it is the responsibility of the government. The Department of Creative Industry and Economy supports the President in leading the state government in the field of tourism and creative industry. E-Sports itself is one of the sports that is also a sport. competitive based on Article 1, Article 1, Number12 OF LAW. November 2022 on Sports, namely: Through competitions that are planned, systematic, integrated, gradual and sustainable to achieve success supported by competitive sports science and sports science and

technology. However, Article21(1) and (2) of the Sports Law stipulates that sports can be organized using digital and electronic technology As part of competitive sports, educational sports, and community sports. The focus of E-Sport adoption remains on fitness, health and social interaction. Indonesia revoked the Aerowolf LIMAX E-Sport team's right to participate in the worldwide PUBG Mobile league until December 31, 2022. This is due to mistakes made by Aerowolf LIMAX management. PUBG said they had zero tolerance for team owners and team managers who treated players unfairly in their ecosystem. However, PUBG did not provide further explanation of what kind of unfair treatment the management and team owners did to the players. Furthermore, in E-Sports, player recruitment is the most important factor in acquiring the players needed to achieve a team's goals. However, poaching of ten occurs during recruitment. Poaching itself is an attempt by an E-Sport team to recruit an E-Sport athlete.

It can also put athletes in breach of contract and potentially lead to lawsuits from the athlete's home team.[9] Although there is no written law detailing poaching, poaching can be classified as illegal. Poaching is enough to be illegal in any sport. Wrong ful conductactions are usually filed by parties non-contracting parties when disputes arise. Therefore, the current law must guarantee legal protection and legal certainty for parties who feel aggrieved. With the development of E-Sports in Indonesia, IESPA (Indonesian Electronic Sports Association) was established as the parent company of E-Sports in Indonesia. As reported by the IESPA website, the founders applied to join FORMI (Indonesian Recreation and Sports Federation) so that IESPA was recognized as a parent organization. First, IESPA was recognized as an audit member consisting of executives from at least six countries. FORMI supported IESPA's participation as a trial member in the International Electronic Sports Federation (IESF).In November 2013, IESPA was accepted as a member of the IESF General Assembly in Bucharest, Romania. However, there is no legal basis that specifically regulates E-Sport. However, in Indonesia, E-Sportsare currently regulated under the Sports Law, and the central and local governments are promoting and developing E-Sports. E-SportPlayer's Rights and Cooperation with E-Sport Teams PEBSI Regulation 2021 034 Regulates E-SportPlayer's Rights.

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[9] Verdi Hendrawan, "Aerowolf Limax Akan Menghilang dari Scene PUBG Mobile hingga 2023," ONE Esports Indonesia, June 16, 2021

4. Conclusion

E-Sport is a sport that in Indonesian means “electronic sports” and this sport is relatively new in Indonesia. E-Sports it self is a sport based on electronic devices such as computers, smartphones , and gaming consoles such as PlayStation and Xbox. There are various definitions of E-Sports, which are supported not only by academic experts but also by market analysts and E-Sport associations. There are 5 founders of E-Sports in Indonesia, namely Eddy Lim, Prana Adisapoetra, Erwin, Richard, Permana and Terry. These five people then formed an E-Sport gaming organization in 2013, called Indonesia E-Sport Association or Indonesia E-Sport Association. Based on these administrative requirements, it can be said that the E-Sport team needs to establish a legal entity in the form of a PT. Therefore, the E-Sports team must comply with the changes in the Law of the Republic of Indonesia. Number 40 of 2007 concerning Limited Liability Companies and Law Number 11 of 2020 concerning Job Creation. E-Sport's legal basis arises from the clarification of Article 20 paragraph of the Sports Law. In other words: “Technology-based sports” means competitive and interactive sports that use tools or intermediaries. “Intermediary devices” are defined as computers, laptops, consoles, simulators and gadgets. If a team deliberately poaches, the advantage is that the player transfer fee is lower because there is no need to make a purchase. Poaching is done improperly, one team steals a player from another team while still under contract, and poaching is considered disgraceful. It can also put athletes in breach of contract and potentially lead to law suits from the athlete's home team. Although there is no written law detailing poaching, poaching can be classified as illegal.

There are several suggestions that the author can attach to the article, among others:

1. Regulations in E-Sport sports must be reviewed and added, considering that this is a new sport that allows various cheating.
2. Legal protection for E-Sport athletes needs to be improved, so that E-Sport athletes can carry out their work calmly and professionally.

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