



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

Yunita Puspita Sari¹, Siska Wahyu Perdana², Saddam Harits N.K³,
Nabila Wildana⁴

¹Surabaya State University. yunitapuspita.21039@mhs.unesa.ac.id, ²Surabaya
State University siskawahyu.21045@mhs.unesa.ac.id ³Surabaya State
University saddamharits.21107@mhs.unesa.ac.id, ⁴Surabaya State University
nabilawildana.21202@mhs.unesa.ac.id

Abstract

Today the use of the internet has become a basic need for mankind. The internet plays an important role in the dissemination of information and facilitates human life in various sectors, including sports. Online Sports qtau commonly known as E-Sport, ink sports have been recognized since 2008. With the establishment of being an official sport, of course, E-Sport requires legal protection. Because this sport is relatively new, there are some legal protections that are still lacking for athletes or E-Sport players. The General Manager of E-Sport Indonesia has officially issued regulations to supervise E-Sport activities in Indonesia. This arrangement is contained in the Regulation of the Indonesian Electronic Sports Management Board Number: 034/PB-ESI/B/VI/2021 concerning the Implementation of Electronic Sports Activities in Indonesia (PBEI Regulation Number 34 of 2021).

Keywords: *Sport, E-Sport, Regulation*

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.

Along with the times, technological developments indirectly have a huge impact on human life. In ancient times sports could only be done 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*, *HearthStone*, *Clash Royale*, and *Starcraft 2* (Wildan Hernanda Agung Nugraha, 2021).

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 itself 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 Number 3 of 2005 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. Although PBESI Regulation Number 034/PB-ESI/B/VI/2021 concerning the Implementation of *E-Sport* 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 deviant actions from those who oversee them. 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.

RESEARCH METHOD

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*. The research 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. 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.

DISCUSSION

E-Sport is a sport that in Indonesian means “electronic sports” and this sport is relatively new in Indonesia. *E-Sports* itself 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. *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.

In Indonesia, *E-Sport* was 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. 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 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* or Indonesia *E-Sports Association* (IeSPA). The formation of IeSPA as a

forum and interest in playing online games, as well as to accommodate players who will compete in tournaments or an *E-Sport* match 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.

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-Sport* 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, Number

12 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, Article 21 (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 often 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. Although there is no written law detailing poaching, poaching can be classified as illegal. Poaching is enough to be illegal in any sport. Wrongful conduct actions 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-Sports* are currently regulated under the Sports Law, and the central and local governments are promoting and developing *E-Sports*. *E-Sport* Player's Rights and Cooperation with *E-Sport* Teams PEBSI Regulation 2021 034 Regulates *E-Sport* Player's Rights.

CONCLUSION

E-Sport is a sport that in Indonesian means "electronic sports" and this sport is relatively new in Indonesia. *E-Sports* itself 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-Sportsteam* 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 lawsuits from the athlete's home team. Although there is no written law detailing poaching, poaching can be classified as illegal.

SUGGESTION

There are several suggestions that the author can attach to the inj 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.

REFERENCES

Journal, Badamai L. A. W., and Magister Hukum. 2022. "PERLINDUNGAN HUKUM TERHADAP PLAYER *E-SPORT* YANG Secara Teratur Dan Terencana Untuk Meningkatkan Kemampuan Fungsionalnya . 1 Olahraga Bola Atau Bola Basket . *E- Sport* Merupakan Olahraga Modern Yang Saat Ini Cukup Populer Dan." 7(2):269–89.

Manaaf, Muzhaffar, Holyness N. Singadimedja, and Rafan Darodjat. 2023. "Perlindungan Hak Upah Pemain Profesional Game Online: Analisis Peraturan Perundang-Undangan Ketenagakerjaan." *COMSERVA : Jurnal Penelitian Dan Pengabdian Masyarakat* 3(4):1437– 45. doi: 10.59141/comserva.v3i4.935.

Nugraha, Wildan Hernanda Agung. 2021. "Minat Masyarakat Terhadap *E-Sports* Sebagai Olahraga Prestasi Di Jawa Timur." *Jurnal Prestasi Olahraga* 04(12):44–52. (Journal and Hukum 2022; Manaaf, Singadimedja, and Darodjat 2023; Nugraha 2021)

C. Maulidea and A. Mahyani, "Pencegahan Pembajakan Atlet *E-Sports* Melalui Perlindungan Hukum Kepada Tim *E-Sports*," *Bur. J. Indones. J. Law Soc. Gov.*, vol. 2, no. 3, pp. 760– 782, 2022, doi: 10.53363/bureau.v2i3.61