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ANALYSIS OF NORM CONFLICT BETWEEN LAW NUMBER 11 OF 2022 ON SPORTS AND THE REGULATION OF THE MINISTER OF YOUTH AND SPORTS NUMBER 14 OF 2024 ON MANAGEMENT STANDARDS FOR SPORTS ORGANIZATIONS WITHIN THE SCOPE OF ACHIEVEMENT SPORTS

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ABSTRACT

This research analyzes the norm conflict between Law Number 11 of 2022 on Sports (Law 11/2022) and the Regulation of the Minister of Youth and Sports Number 14 of 2024 on Management Standards for Sports Organization within the Scope of Achievement Sports (Permenpora No.14 of 2024). The main objective is to identify potential normative contradictions and their implications for the autonomy and governance of achievement sports organizations in Indonesia. The analysis finds that several provisions in Permenpora No. 14 of 2024, such as the requirement for ministerial recommendations/approvals for internal organizational processes (congresses, changes to statutes/bylaws, legal entity ratification, management changes), the minister's authority to intervene in internal disputes and form transition teams, and the establishment of detailed management criteria, potentially conflict with the principle of lex superior derogate legi in inferioti, it is concluded that the provisions of Permenpora No. 14 of 2024 that contradict Law 11/2022 are juridically null and void by law. This norm conflict has implications for the erosion of sports organizations' autonomy, the risk of excessive government intervention, legal uncertainty, and potential misalignment with international sports governance principles. Permenpora No. 14 of 2024 should be comprehensively reviewed and revised to align with Law 11/2022, ensuring that management standards strengthen good governance without sacrificing the fundamental independence of sports organizations.

Keywords : Sport Law; Lex Sportiva; Sport Organization

1. Introduction

National sports development is something every country wants, so each country competes to improve its sports governance system.[1] Indonesia has great sports potential and, of course, also strives to improve its sports governance system, starting with strengthening the legal framework, the main foundation for organizing sports. This legal basis matters because it guides various stakeholders in organizing, fostering, and

[1] Moch. Asmawi et al., Manajemen Olahraga untuk Indonesia, ed. Ahmad Muhaimin, edisi pertama (Banten: Media Edu Pustaka, 2024).

developing sports activities, from educational and recreational sports to competitive sports. Compiling and implementing this legal basis is not without challenges, given the dynamic developments in sport at both national and international levels. This requires legal instruments that are adaptive and capable of responding to various contemporary challenges, including professional, transparent, and accountable governance of sports organizations.[2] These dynamics require the creation of clear and definite legal regulations, this is intended to avoid norm conflicts and norm ambiguity in application of law.

Indonesia has laws that can accommodate development sports in Indonesia, namely Law Number 11 of 2022 concerning Sports (hereinafter referred to as the Sports Law) which replaces the Sports Law Number 3 of 2005 concerning the National Sports System (hereinafter referred to as the SKN Law) which is considered no longer relevant to developments and sports needs. The SKN Law is also considered to be in conflict with the *Lex Doctrine Sportiva* due to the intervention of the Indonesian Government in several aspects. Considered as the area of *lex sportiva*, such as the settlement of sports disputes and standardization of sports.[3] In contrast to the SKN Law, the sports law seeks to eliminate the conflict between *Lex Sportiva* and positive Indonesian Law.[4] Sports regulation also places emphasis on independence in terms of Parent Organizations Sports Branch by stating that the Parent Organization of the Sports Branch is independent and managed professionally by competent administrators Sports. Emphasis on autonomy and alignment with other appropriate priniples with the principle of *Lex Sportiv*a to avoid government intervention to carry out regulation in the world of sports.[5]

The enthusiasm for advancing national sports certainly makes the parties try to create new breakthroughs, one of which is the Minister of Youth and Sports (hereinafter referred to as the Minister of Youth and Sports). The Minister of Youth and Sports stipulates the Regulation of the Minister of Youth and Sports Number 14 of 2024 concerning Standards for Management of Sports Organizations Scope of Achievement

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2 Sunny Ummul Firdaus and Putri Anjelina Nataly Panjaitan, "Reformulasi Hukum untuk Mewujudkan Sistem Perundang-undangan Adaptif dan Responsif," KNAPHTN 2, no. 1 (2024): 355–382.

3 E. C. Nugroho and T. Effendi, "Korelasi Lex Sportiva dengan Hukum Pidana terhadap Tindak Pidana di dalam Sepak Bola Indonesia," Simposium Hukum Indonesia 1, no. 1 (2019): 1–7.

4 Pusat Perancangan Undang-Undang Badan Keahlian Dewan Perwakilan Rakyat Republik Indonesia, Naskah Akademik Rancangan Undang-Undang tentang Keolahragaan (Jakarta: Badan Keahlian Dewan Perwakilan Rakyat Republik Indonesia, 2020).

5 Tom Serby, Sports Corruption: Sporting Autonomy, Lex Sportiva and the Rule of Law (2017), 1–9.

Sports (hereinafter referred to as Permenpora No. 14 of 2024) which is drawn up based on considerations to implement the provisions of Article 93 paragraph (1) letter d of the Sports Law which mandates the establishment of standards for organizational management Sports as part of National Sports Standards Permenpora No. 14 of 2024 aims to set management standards for sports organizations. Which operates in the scope of competitive sports and is intended as a guideline for the Central Government, Regional Governments, and sports organizations in the sports sector achievements in managing achievement sports organizations. Permenpora No. 14 of 2024 certainly has goals that are in line with the spirit of the Sports Law, but many parties who are of the opinion that this Ministerial Regulation is in conflict with the Sports Law because there are several norms that are considered inappropriate, one of which is the restriction autonomy owned by the Parent Sports Organization. The existence of this discrepancy is certainly cannot be tolerated, as the doctrine of *lex superiori derogate legi inferiori* states requires lower level legislation to be adjusted with the existing laws and regulations.[6]

The problems in this research are found in several norms in Permenpora No. 14 of 2024 which is contrary to the Sports Law, where the Sports Law mandate autonomy to parent sports organization by providing freedom to be able to regulate themselves. In contrast to the Sports Law, Permenpora No. 14 the year 2024 tends to limit authority and emphasize government intervention at the parent sports organization.

2. Methods

The analysis in this report uses a statute approach.[7] Method used includes a comparative analysis on Permenpora No. 14 of 2024 and Sports Law and the application of legal hermeneutics, with particular emphasis on the principle of hierarchy of laws and regulations to identify and evaluate potential conflict of norms.

3. Result and Discussion

Conflict of norms between Permenpora No. 14 of 2024 and the Sports Law in Management of the Parent Sports Organization is described through an analysis of the hierarchy Legislation between Peremenpora No. 14 of 2024 and Law Sports, then

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6 Sri Warijiyati et al., "Benturan Norma dalam Implementasi Asas Lex Superior Derogat Legi Inferiori pada Surat Edaran dan Undang-Undang," Reformasi Hukum 28, no. 3 (2024): 234–250.

7 Muhamad Muhdar, Penelitian Doctrinal dan Non-Doctrinal: Pendekatan Aplikatif dalam Penelitian Hukum, ed. Aldi MH, edisi pertama (Samarinda: Mulawarman University Press, 2019).

continued with an analysis of the conflicting norms between the two. The discussion is as follows:

3.1. Hierarchy of Laws and Regulations

In the laws and regulations of Indonesia, there is a hierarchy or level of legislation, where a lower regulation must not conflict with a higher one. This hierarchy is explicitly regulated in Law Number 12 of 2011 concerning the Formulation of Laws and Regulations, as amended several times, most recently by Law Number 13 of 2022. The hierarchy is as follows:

a. The 1945 Constitution of the Republic of Indonesia;
b. Decress of the People's Consultative Assembly;
c. Law/Government Regulation in Lieu of Law;
d. Government Regulation;
e. Presidential Regulation;
f. Provincial Regional Regulation; and
g. Regency/City Regional Regulation.

Ministerial Regulations are not mentioned in the hierarchy above, but they are essentially regulations formed based on a mandate from a higher law, which in this case is the Sports Law. This mandate indicates that the Minister of Youth and Sports has the attribution of authority to form regulations, as granted by the Sports Law:[8] The mandate from the Sports Law makes the Ministerial Regulation effective as law. In the application of the hierarchy of laws and regulations, the principle of *lex superior derogate legi inferiori* is recognized, which states that a higher-level law can override or even nullify a lower level law. This provides a solution if there is a norm conflict between two laws by setting aside the lower level regulation. In the conflict between the Sports Law and Permenpora No. 14 of 2024, if we rerfer to *lex superior derogate legi inferiori*, the Sports Law will be chosen, because Permenpora No. 14 of 2024 must be in accordance with the Sports Law, so Permenpora No. 14 of 2024 can be set aside in the use of a legal basis.[9]

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[8] Ady Supriadi and Fitriani Amalia, "Kedudukan Peraturan Menteri Ditinjau dari Hierarki Peraturan Perundang-undangan di Indonesia," Unizar Law Review 4, no. 2 (2021): 146–152, http://legalitas.unbari.ac.id/index.php/Legalitas/article/view/191.

[9] Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, dan Lex Posterior: Pemaknaan, Problematika, dan Penggunaannya dalam Penalaran dan Argumentasi Hukum," Jurnal Legislasi Indonesia 16, no. 3 (2020): 305–325.

3.2. Juridical Review of the Naturalization Process in Indonesia

The Sports Law forms the basis of Indonesia's national sports system and directs National Sports Federations toward independence and autonomy. The main points of manafement for National Sports Federations in the Sports Law are as follows:

a. Definition and Types of Sports Organizations:
   1) Article 1, Number 23 of the Sports Law defines a Sports Organization as a group of people who cooperate by forming an organization for the implementation of Sports in accordance with the provisions of laws and regulations. This definition is broad and includes various entities involved in organizing sports.
   2) Article 1, number 24, of the Sports Law specifically defines a National Sports Federation as an organization that fosters, develops, and coordinates one branch of sport and is a member of an international federation.
   3) The Sports Law also mentions various other forms of sports organization such as Sports associations (Article 20 paragraph (5) letter a), sports branch organizations formed by the community (Article 24 paragraph (3)), Professional Sports Organizations (Article 30 paragraph (2)), Sports Organizations for Persons with Disabilities (Article 31 paragraph (2)), national sports committees (Article 37 paragraph (1)), and Sports Supporters' organization (Article 55 paragraph (2)).

b. Establishment, Status, and Autonomy:
   1) The Sports Law consistently emphasizes the aspect of independence (autonomy) of Sports organizations. Article 36 paragraph (3) states that the National Sports Federation is independent and managed professionally. This principle of independence is also affirmed for the National Sports Committee at the central level (Article 37 paragraph (3)), provincial level (Article 38 paragraph (3)), and district/city level (Article 39 paragraph (3)).
   2) Article 41 of the Sports Law further states that the management of the national sports committee (at all levels) is independent, has competence, and is elected by the Community in accordance with the provisions of laws and regulations.

c. Governance and Management:
   1) Article 33 paragraph (3) of the Sports Law establishes the general principle that Sports management is carried out through the governance of a Sports organization that is visionary, transparent, accountable, efficient, and effective.

2) As previously mentioned, Article 41 indicates that the election of management is carried out democratically by members or the community (elected by the Community). This implies an internal locus of control in the decision-making process related to the organization's leadership.

d. Role of Government (Central and Regional):

1) The role of the government in the Sports Law is positioned more as a facilitator, supporter, and provider of general policy direction. For example, Article 36, paragraph (6) and (7), regulate funding assistance from the Central Government and grants from Regional Governments, and the public shall supervise the implementation of Sports.
2) Article 101 of the Sports Law stipulates that the Central Government, Regional Governments, and the public shall supervise the implementation of Sports.

e. Standardization and Supervision:

1) Article 93 paragraph (1) letter d of the Sports Law mandates the existence of management standards for sports organizations as part of the National Sports Standards
2) Article 101 of the Sports Law regulates that the Central Government, Regional Governments, and the Community supervise the implementation of Sports with the general principles of supervision, namely transparency and accountability.

It can be seen that the norms in the Sports Law place more emphasis on the independence of National Sports Federations and position the government as a facilitator, supporter, and provide of general policy direction. The Sports Law mandates the creation Permenpora No. 14 of 2024 to set standards, but it should not contradict the Sports Law, which is clearly superior.

3.3. Provision in Permenpora No. 14 of 2024 that Establish Management Standards

Permenpora No. 14 of 2024 is a mandate of the Sports Law, as an implementing regulation of Article 93 paragraph (1) letter d of the Sports Law, by regulating in more detail the management standards for achievement sports organizations. The points regarding the management of National Sports Federations in the regulation are as follows:

a. Definition and scope

1) Article 1 number 6 of Permenpora No. 14 of 2024 defines a Sports Organization in line with the definition in UU 11/2022, namely "a group of people who cooperate by forming an organization for the implementation of Sports in accordance with the provisions of laws and regulations"
2) Article 2 of Permenpora No. 14 of 2024 outlines the intent and purpose of this regulation, which is to serve as a management guideline and to ensure visionary, transparent, accountable, efficient, and effective governance

b. Establishment and legal status

1) Article 4 of Permenpora No. 14 of 2024 stipulates that a Sports Organization within the scope of Achievement Sports is founded by a minimum of 3 (three) Indonesian citizens and must be in the form of a legal entity of an association.
2) Article 5 specifies the requirements for establishment, including a notarial deed containing the Articles of Association/Bylaws (AD/ART), work program, funding sources, and most significantly, the obligation to obtain a "recommendation from the Minister" before registering to obtain legal entity status from the ministry that handles legal and human rights affairs.

c. Structure and governance processes that conflict with the sports law

1) Article 9 of Permenpora No. 14 of 2024 regulates the minimum organizational structure (congress/deliberation, management, supervisors).
2) Article 10 paragraph (2) explicitly states that the congress/deliberation or other similar forums as the highest authority of the organization "shall be held after obtaining a recommendation from the Ministry".
3) Article 13 to 18 regulate in detail the management, their background, election, term of office (Article 18: a maximum of 4 years and can be re-elected for the same position only once), and specific requirements for chairperson candidates (Article 17).
4) Article 19 paragraph (2) states that the management is "inaugurated by the Minister".
5) Article 21 paragraph (2) grants the Minister the authority to recommend to the minister in charge of legal affairs the cancellation of an approval for a change in management that did not receive a recommendation from the Minister (of Youth and Sports) in the event of a management dispute

6) Article 44 paragraph (2) requires that amendments to the AD and ART "must first obtain a recommendation from the Minister" before being reported to the ministry in charge of legal affairs

d. Supervision, intervention, and dispute resolution by the minister

1) Article 27 of Permenpora No. 14 of 2024 obligates the Minister to prevent conflicts in the internal disputes of sports organizations, even without a request from the disputing parties.
2) Article 28 grants the Minister the authority to form a "transition team" if an internal dispute in an organization is deemed to be hindering the development process of athletes.
3) Article 45 states that the Minister conducts "guidance" for Sports Organizations in the scope of Achievement Sports through facilitation, consultation, training, as well as research and development.

e. Funding and financial management

1) Article 16 of Permenpora No. 14 of 2024 regulates that the head of management is a volunteer, and professional staff may be compensated from funding sources outside of government assistance. Article 16 paragraph (6) asserts that the head of management and organizational apparatus do not receive a salary from government assistance
2) Article 17 paragraph (2) letter b requires chairperson candidates to sign a statement of commitment to seek funding sources other than the state (APBN) / regional (APBD) budgets
3) Article 51 mentions various sources of funding for sports organizations, including APBN and APBD.

There are several differences in the norms present in the two regulations above, where the approach of the Sports Law tends to grant freedom to organizations to be more independent, although the regulation is limited to general principles. This limitation to general principles is due to the nature of a Law, which tends to be general, thus requiring implementing regulations to provide effectiveness in legislation. Meanwhile, Permenpora No. 14 of 2024, which is an implementing regulation, provides more detailed governance and procedures, but with norms that are considered to conflict with the Sports Law. The conflicting norms in Permenpora No. 14 of 2024 lie in the tendency for ministerial approval and recommendation requirements, which create a loophole for

government intervention in National Sports Federations; this is also not in line with the principle of *lex sportiva* in sports law.[10]

3.4. Identification and Analysis of Norm Conflicts

The norm conflict that occurs between the Sports Law and Permenpora No. 14 of 2024 is identified in 4 main elements, which are as follows:

a. Conflict related to Organizational Autonomy and Internal Governance

A number of provisions in Permenpora No. 14 of 2024 have the potential to interfere with the autonomy of sports organizations, which could conflict with the spirit of independence ("mandiri") promoted by the Sports Law. The crucial point of this potential intervention is the requirement to obtain a recommendation from the Minister for various fundamental internal activities of the organization. First, Article 10 paragraph (2) requires a recommendation from the Ministry for holding a congress or assembly, which is the highest forum of the organization. This provision becomes a form of external intervention in the decision-making process that should be a matter of internal sovereignty, whereas the Sports Law mandates autonomy in this process. Second, the intervention is extended to amendments of the Articles of Association and Bylaws (AD/ART) through Article 44 paragraph (2), which also requires the Minister's recommendation. This effectively places the government as a party that co-determines the content of the organization's internal rules. Third, the government's role as a "gatekeeper" is reinforced by the recommendation requirement for the establishment of a legal entity (Article 5) and the Minister's authority to recommend the cancellation of approval for changes in management in case of a dispute (Article 21 paragraph (2)). This authority carries a high risk of being misused and could hinder democratic dynamics and leadership succession.

Overall, the recommendation requirements in these three areas clearly conflict with the principle of independence regulated in Articles 36 and 37 of the Sports Law. Based on the principle of *lex superior derogat legi inferiori* (a higher law supersedes a lower law), these provisions in the Permenpora can be considered null and void because they contradict the law above them. Not surprisingly, these articles have drawn sharp criticism because they are seen as a form of tangible intervention that could potentially violate *lex sportiva*, which upholds autonomy and independence in its implementation[11].

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[10] Slamet Riyanto, "Penerapan Asas Lex Sportiva pada Sistem Hukum Indonesia dalam Perspektif Kedaulatan Negara," Jurnal UIA 5, no. 1 (2019): 36–65.

b. Conflict regarding Ministerial Intervention in Organizational Affairs

Permenpora No. 14 of 2024 imposes an obligation for the minister's recommendation in several activities of National Sports Federations. In addition to the recommendation requirement, Permenpora No. 14 of 2024 also contains provisions that grant the Minister direct intervention authority in the internal affairs of the organization, for which the legal basis in the Sports Law is questionable. One example is Article 19 paragraph (2), which states that the management of an achievement sports organization is "inaugurated by the Minister." This provision has the potential to shift the perceived legitimacy of the management from the members' mandate to the government's "blessing," whereas the Sports Law affirms that the management is "elected by the Community," and traditionally, the inauguration is conducted by a parent organization such as KONI.

A more profound form of intervention is regulated in Article 28, which authorizes the Minister to form a "transition team" if an internal dispute hinders athlete development. Although the intention may be good, the authority to take over the running of the organization is a deeply interventionist act and is fundamentally contrary to the principle of independence ("mandiri") guaranteed by the Sports Law, as *lex sportiva* requires independent management and organization of sports. The law does not provide a clear delegation of authority to the Minister to intervene to such an extent, so both articles reinforce the argument that the Permenpora exceeds the authority granted by the law above it.

c. Conflict related to Management Criteria and Term of Office

Permenpora No. 14 of 2024 is also considered interventionist because it sets out very detailed criteria and term limits for management, a domain that is usually regulated in the Articles of Association/Bylaws (AD/ART) of each organization. Through Articles 16, 17, and 18, this regulation details various requirements, from a minimum of 5 years of experience, a ban on holding multiple positions, to a 4-year term of office that can only be extended once. This rule is far more prescriptive than the Sports Law, which generally only states that officials must have "Sports competence" and be "elected by the Community," thus leaving the detailed criteria to the organization's internal mechanisms. By establishing such detailed rules, this Permenpora potentially limits the organization's autonomy in determining the leadership profile and succession mechanism that best suits its needs, thereby exceeding the spirit of the Sports Law. Moreover, the obligation

for chairperson candidates to make a statement of commitment to seek non-APBN/APBD funds (Article 17 paragraph (2) letter b) has received special attention because it can be interpreted as an attempt by the government to shift part of the responsibility for sports funding to individual officials. As a result, these articles are widely criticized as a form of intervention that is not in line with the principle of organizational independence in *lex sportiva*[12].

d. Conflict related to the Interpretation of "Management Standards"

The most fundamental conflict between Permenpora No. 14 of 2024 and the Sports Law likely lies in the different interpretations of the meaning and scope of "management standards for sports organizations" as mandated by Article 93 paragraph (1) letter d of the Sports Law. Although the Permenpora explicitly uses this article as its legal basis, the key question is whether the "management standards" intended by the law include extensive ministerial approval mechanisms andprescri ptive rules, or rather refer to general benchmarks of good governance that must be achieved independently by the organization. Permenpora No. 14 of 2024 seems to interpret "standard" as a mandate to conduct continuous direct supervision and control. This interpretation appears to go beyond the common understanding of "standard" and potentially conflicts with the spirit of independence ("mandiri") that is emphasized in various other articles of the Sports Law.

Consequently, the relationship between the government and sports organizations shifts fundamentally from facilitation to subordination. The shift from setting benchmarks to requiring active ministerial approval for core autonomous functions—such as holding congresses, amending statutes/bylaws, or recognizing management—is at the heart of the entire identified norm conflict. The existence of the norm conflict above is not just due to technical differences, but because of different approaches and perspectives between Permenpora No. 14 of 2024 and the Sports Law, where the Permenpora is considered to set standards that are actually more restrictive and allow for intervention in National Sports Federations. Such standards and interventions are certainly not in line with the Sports Law, which has adopted principles from *lex sportiva* as well as other principles concerning sports law in the world that separate sports from government interference[13]. This principle of autonomy and facilitation for National Sports Federations must be adopted by other implementing regulations such as the Permenpora.

Permenpora No. 14 of 2024 has implications for the independence and autonomy of National Sports Federations. The requirement to obtain ministerial recommendations or approvals for various core organizational activities, such as holding congresses, amending statutes/bylaws, and ratifying management, directly erodes the principle of organizational independence mandated by the Sports Law. This dependence on external approval can cause sports organizations to become more cautious in their decision-making, tend to avoid policies that may not align with the ministry's wishes, and ultimately may reduce initiative and creativity in developing their respective sports. The focus of the organization may shift from serving its members and advancing the sport to trying to meet bureaucratic.

In addition to the concerns about the independence and autonomy of National Sports Federations due to Permenpora No. 14 of 2024, granting the Minister the authority to be directly involved in the internal processes of the organization (e.g., inauguration of officials, formation of transition teams) potentially creates an excessive concentration of discretionary power in the Ministry of Youth and Sports. This opens the door for arbitrary or even politicized decision-making in sports management. Although Ministry of Youth and Sports officials state that the purpose of the Permenpora is to create order ("tertib") and security ("keamanan"), not intervention, the wording of the norms in the Permenpora itself grants this interventionist authority. The stated good intentions cannot negate the potential for abuse of authority contained in the Permenpora.

4. Conclusion

The provisions of Permenpora No. 14 of 2024 are indeed in conflict with the Sports Law based on the discussion above. The conflict that occurs between Permenpora No. 14 of 2024 and the Sports Law certainly causes confusion for the parties involved. However, referring to the principle of *lex superior derogat legi inferiori*, the provisions of the Sports Law should be applied, because the nature of implementing regulations, such as Ministerial Regulations, must not expand, reduce, deviate from, or contradict the substance regulated in the higher-level laws and regulations that delegate them. In light of this conflict, Permenpora No. 14 of 2024 should be re-examined to harmonize its norms with the Sports Law as the superior legislation. Sports regulations should respect the principles of autonomy and independence to avoid government intervention in national sports federations, similar to the separation of dispute resolution in Indonesian positive law and the *Lex sportiva* school of thought.

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