



Analysis of the IHP Decision on BWF Sanctions Against Eight Indonesian Badminton Players in Sports Law Violations

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Abstract

This article analyzes the decision of the Independent Hearing Panel (IHP) of the Badminton World Federation (BWF) concerning eight Indonesian badminton players involved in a match fixing case. This research aims to examine the legal considerations used by the IHP in imposing sanctions and to assess how the principle of Lex Sportiva was applied in resolving international sports disputes. This research employs normative legal methods through statute approach, conceptual approach, and case approach. The findings indicate that the IHP exercised its authority based on Articles 29 and 31 of the BWF Statutes and applied the balance of probabilities standard. The defendants were found to have violated various provisions of the BWF Code of Conduct (2012, 2016, and 2017 editions), particularly in relation to match manipulation, betting activities, failure to report, and lack of cooperation during investigations. This decision illustrates the application of Lex Sportiva, a body of transnational norms developed in international sports law. By referring to BWF regulations and jurisprudence from the Court of Arbitration for Sport (CAS), the panel emphasized the importance of maintaining sports integrity through firm sanctions. The ruling serves not only to penalize but also to safeguard the values of fair play and public trust in the sport of badminton.

1. Introduction

According to Law Number 11 of 2022 concerning Sports, sports are defined as all activities involving the mind, body, and soul in an integrated and systematic manner to encourage, foster, and develop physical, spiritual, social, and cultural potential. Meanwhile, the Indonesian Dictionary (KBBI) defines sports as physical movement to strengthen and maintain health. In addition, sports also serve as a means to achieve excellence.

Nowadays, numerous sports branches are contested at both national and international levels. In Indonesia, one of the most popular sports is badminton. As a highly favored sport, badminton is played by people of all ages, from children to adults. It is not only popular in Indonesia, but its popularity has also reached a global audience. The rules of badminton were first written by the Bath Badminton Club in 1877. In 1893, the Badminton Association of England was established, and in 1899, the first international championship was held. Later, in 1934, the International Badminton Federation (IBF) was founded by several countries, including England, France, Ireland, Wales, Scotland, Denmark, Canada, New Zealand, and the Netherlands. During the IBF Extraordinary General Meeting in Madrid in 2006, the federation changed its name to the Badminton World Federation (BWF), which remains in effect today.¹

Throughout history, Indonesian badminton players have earned significant achievements by winning prestigious international tournaments and elevating the nation's reputation on the global stage. However, along with these accomplishments, there have also been suspicions of unfair practices in badminton competitions, both nationally and internationally. One of the most prevalent issues is match fixing.

Generally, match fixing can take the form of manipulation through betting, where the outcome of a match is altered to secure financial gain for those involved in gambling. There is also non-betting-related match fixing, where results are deliberately arranged to ensure a certain team or player wins, sometimes by influencing referees.² In Indonesia, one of the most publicized match fixing scandals is the case involving eight badminton players who were sanctioned by the Badminton World Federation (BWF) for their involvement in score manipulation or match fixing.

¹ Hasyim Saharullah, *Olahraga Bulu Tangkis*, Badan Penerbit UNM, 1st ed. (makassar: Badan Penerbit UNM, 2022).

The involvement of these eight Indonesian players stemmed from the actions of a single player who first engaged in match fixing and later influenced others around him. Through peer interaction and close personal connections, the practice spread collectively, ultimately resulting in eight players being sanctioned by the BWF.

Therefore, this study aims to analyze the legal considerations used by the Independent Hearing Panel (IHP) in deciding the case involving eight Indonesian badminton players. It also examines whether the IHP decision aligns with the principles of *Lex Sportiva* as reflected in sports law. This research is expected to contribute to the development of sports law as a field of study and to help people involved in sports law, such as sports organizations, athletes, legal professionals, and others, to understand the issues related to fairness in international sports competitions.

2. Problem Statement

Based on the background above, it identifies an important legal issue that needs further analysis. Therefore, it aims to answer the following two main questions:

1. What legal considerations were used by the Independent Hearing Panel (IHP) in deciding the case between the Badminton World Federation (BWF) and the eight Indonesian badminton players involved in match fixing?
2. How is the principle of *Lex Sportiva* applied as a legal basis in resolving the match fixing case involving eight Indonesian badminton players at the international level?

3. Methods

The research method used in this study is normative legal research. Normative legal research is a process aimed at identifying legal norms, legal principles, and legal doctrines in order to provide solutions to emerging legal issues³. This type of research also examines legal principles, historical development, legal systematics, comparative law, and legal synchronization. The main object of this research focuses on the legal norm system, namely the legal rules related to a particular legal event.

² 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): 45–58, <https://doi.org/10.15742/ilrev.v10n1.546>.

³ Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: kencana, 2017).

In legal research, there is always a legal issue that needs to be examined, and to solve the issue, appropriate research approaches must be applied. In this study, the researcher adopts three approaches: the statute approach, the conceptual approach, and the case approach.⁴

First, the statute approach is used to examine laws and regulations relevant to the legal issue under study. In this context, the researcher refers to the regulations of the Badminton World Federation (BWF) as the main legal framework for analyzing applicable norms in international badminton.

Second, the conceptual approach is employed to understand legal doctrines and principles that have developed within the field of legal science. In this study, the principle of Lex Sportiva is analyzed as part of international sports law.

Third, the case approach is applied to analyze legal cases, which in this case involving eight Indonesian badminton players suspected of engaging in match fixing, which has been decided by the Independent Hearing Panel (IHP) as the authorized institution.

4. Results and Discussion

This chapter discusses the findings and legal analysis of the decision issued by the Badminton World Federation (BWF) regarding eight Indonesian badminton players involved in a match fixing case. The discussion is carried out systematically through two main aspects: the legal considerations used in imposing sanctions on the players, and analysis the alignment of the decision with the principle of Lex Sportiva in sports law. Through this approach, the study aims to provide a comprehensive understanding of the legal foundation and the relevance of the decision in the context of upholding sports integrity at both national and international levels.

4.1. Dasar Pertimbangan Hukum dalam Putusan Independent Hearing Panel (IHP)

Factual Chronology

The match fixing case was first uncovered following a report from a whistleblower to the Badminton World Federation (BWF) in September 2017. The whistleblower (WB) was

⁴ Muhaimin, *Metode Penelitian Hukum* (mataram: Mataram University Press, 2020).

an unnamed player who had previously been approached by the perpetrator to engage in match manipulation. After receiving the report, BWF formed an independent investigation panel consisting of Mr. James Kitching as chair, and Mr. Rune Bard Hansen and Mr. Kevin Carpenter as panel members to investigate and resolve this case.

The individuals involved in this case were identified as Hendra Tandjaya (HT), Ivandi Danang (ID), Androw Yunanto (AY), Sekartaji Putri (SP), Mia Mawarti (MM), Fadilla Afni (FA), Aditiya Dwiantoro (AD), and Agripinna Prima Rahmanto Putra (AP).

On 13 September 2017, in Kuala Lumpur, Malaysia, the BWF investigation panel conducted its first interview with HT, accompanied by Rachmat Setiawan from PBSI and Najib as an independent translator. At the end of the interview, HT voluntarily submitted two mobile phones, which later served as key evidence of his involvement in match fixing activities.

A second interview with HT was conducted on 7 December 2018 in Sydney, Australia. In addition, BWF also interviewed AP, AD, and AY on 10–12 October 2018 in Jakarta, Indonesia. The other 4 players failed to appear when called out by BWF, reminding the federation to request assistance from PBSI in facilitating their attendance, which ultimately proved unsuccessful.

On 27 September 2019, BWF's investigation panel issued formal charges against all eight Indonesian players and instructed PBSI to forward the documents to the respective individuals, setting a response deadline of 10 October 2019. However, PBSI delayed the delivery for nearly a month, resulting in the players' loss of opportunity to file an appeal. For the remaining 4 players, PBSI attempted to contact their former clubs, but received no response.

On 6 November 2019, PBSI confirmed that it had successfully delivered the notice of charges to HT, AY, SP, and AP, while also reporting failed attempts to deliver the same to ID, MM, FA, and AD, including efforts made through their previous clubs.

On 5 December 2019, BWF sent an official email to PBSI stating:

“...the BWF requires the signed acknowledgement slip returned and PBSI is the responsible organisation. The BWF further requests PBSI to fulfil this obligation and asks that PBSI

works through its members to locate the individuals to ensure they are aware of these allegations and charges against them, and it's only fair that they know about this. They also have a responsibility to respond to the charges..."

BWF subsequently requested its Referral Officer to issue provisional suspensions against the eight players. Official notification of the suspension would be provided once the decision took effect. In the meantime, BWF requested PBSI's cooperation to ensure that none of the players were entered into any BWF-sanctioned tournaments. On 22 December 2020, formal sanctions were imposed on the eight players.⁵

The Parties Involved

The parties to this matter are:

1. BWF, the international governing body for the sport of badminton, recognised by the International Olympic Committee ("IOC"); and
2. HT, ID, AY, SP, MM, FA, AD, and AP (collectively, the "Defendants"), Indonesian badminton players affiliated with the Indonesian Badminton Association ("PBSI").

Charges

In the decision issued by the Badminton World Federation (BWF), eight Indonesian badminton players were charged with serious violations of the BWF Code of Conduct in Relation to Betting, Wagering, and Irregular Match Results. The violations involved multiple editions of the BWF Code of Conduct, namely the 2012, 2016, and 2017 versions, each containing specific provisions relevant to the time and type of tournaments involved. Hendra Tandjaya (HT) was identified as the principal actor in the case, with the highest number of charges and a consistent pattern of misconduct.

HT was charged with 13 separate offenses, ranging from offering money to fellow players, agreeing to fix match outcomes, to determining specific scores as part of match fixing agreements in exchange for financial rewards. These offenses occurred across various international tournaments, such as the Yonex Sunrise Hong Kong Open, Macau

⁵ "BWF Statutes, Section 3.1: BWF JUDICIAL PROCEDURES" (2024).

Open, Syed Modi International, and others. HT was also found to have engaged in illegal betting on his own matches.

Ivandi Danang (ID) acted as HT's partner in several of the offenses. He was involved in efforts to approach other players to deliberately lose matches, including at the Scottish Open Grand Prix and the US Open Grand Prix. ID also participated in betting activities and was uncooperative during the investigation, which constitutes a violation of his responsibilities as a "Covered Person" under the BWF Code.

Andrew Yunanto (AY) admitted to receiving money from HT and intentionally underperforming in a number of matches they played together. He was also charged for failing to report HT's approach regarding match manipulation.

Sekartaji Putri (SP) and Mia Mawarti (MM) were also involved in agreements to manipulate match outcomes. SP collaborated with HT in two matches at the New Zealand Open and failed to report the incident to BWF. MM faced similar allegations and was also charged with failing to appear during the investigation.

Fadilla Afni (FA) was found to have accepted money from HT to manipulate the outcome of a mixed doubles match at the Yonex Chinese Open. She also failed to report HT's approach and refused to cooperate with BWF's inquiry.

Aditiya Dwianto (AD) was involved in two matches at the Vietnam Open, which the outcomes had been pre-arranged with HT. He also failed to report the match fixing proposal to BWF.

Meanwhile, Agripinna Prima Rahmanto Putra (AP) was charged for failing to report an approach from HT to fix the outcome of a doubles match at the Vietnam Open. In addition, he was involved in betting activities, including facilitating HT's betting actions.

In summary, the BWF case against the Defendants is that:

1. Between 2015 and 2017, HT engaged in match fixing with ID, who acted as his funder and joint bookmaker. HT attempted to recruit, and actually recruited, other players to manipulate the scores and outcomes of matches;

2. Most players accepted his proposals and went on to fix matches on his instruction. HT and ID used the knowledge that matches would be manipulated to bet on the outcomes of those matches or of events within them, and profit;
3. AD, FA, AY, SP, and MM each agreed with HT to manipulate the scores and/or outcomes of matches that they played, or bet on badminton with HT;
4. AP bet on badminton with HT;
5. ID, AD, FA, AY, SP, MM, and AP failed to report HT to the BWF; and
6. HT, AD, AY and AP have made admissions of their involvement. FA, ID, SP and MM have failed to cooperate with the BWF investigation.⁶

The charges demonstrate that the players' actions were not isolated incidents, but rather part of an organized pattern of violations. The scale of misconduct spanning multiple players and numerous international tournaments, indicates a serious breakdown in maintaining the integrity of competition. The BWF treated this case seriously and through the dispute resolution process before the Independent Hearing Panel (IHP), imposed strict sanctions in the form of suspensions such as a ban from playing for a certain period or a lifetime ban from the sport.

Applicable Rules

In resolving the dispute between the Badminton World Federation (BWF) and eight Indonesian badminton players accused of match fixing, the Independent Hearing Panel (IHP) relied on provisions drawn from the BWF Statutes, especially the various editions of the BWF Code of Conduct in Relation to Betting, Wagering, and Irregular Match Results. These rules formed the basis for establishing the panel's authority, determining the burden and standard of proof, and classifying the players' misconduct.

Under Article 31 of the BWF Statutes, the IHP is recognized as BWF's formal judicial body, empowered by Article 29

“penalise a Member, player, coach, competition official, or other person for infringement of the Statutes, for misconduct during competition, or for actions that bring the game of Badminton or the Federation into disrepute.”

⁶ BWF Statutes, Section 3.1: BWF JUDICIAL PROCEDURES.

Specifically, the panel had jurisdiction over alleged breaches of the Code on the Prevention of the Manipulation of Competitions (Statutes, Section 2.4).⁷ The relevant editions in force at the time of the infractions were those promulgated in 2012, 2016, March 2017, and November 2017, despite minor textual differences, contains equivalent substantive prohibitions.

All eight players were classified as “Participants” under the 2012 Code and “Covered Persons” under the 2016 and 2017 Codes, placing them squarely within the IHP’s remit. None of the defendants challenged the panel’s jurisdiction. Pursuant to the BWF procedural rules, the burden of proof rests with the BWF as the Investigating Party, and the panel applies a “balance of probabilities” standard, which requires that the probability of the alleged violation occurring is bigger than the probability that it will not occur.

This is consistent with the standard of proof commonly applied in civil dispute resolution and international sports arbitration forums. The BWF strictly prohibits all forms of conduct that may undermine the integrity of badminton. Such violations include involvement in betting activities by players or related parties, whether directly or indirectly, and manipulation of match results through influencing the course of the game or colluding to determine its outcome. Furthermore, encouraging, instructing, or facilitating others to engage in betting or match fixing is also considered a violation. Players are also required to make their best efforts in every match, and playing without seriousness or legitimate reason may be deemed a breach of conduct. Lastly, non-cooperation during the investigation process, such as refusal to cooperate or concealing information, is categorized as a breach of the Code of Conduct.

Overall, these rules demonstrate that the international sports law system provides a strict and comprehensive framework for safeguarding the integrity of competition. In this context, the BWF Code of Conduct not only prohibits manipulative behavior but also emphasizes a moral obligation to act proactively, whether in refusing dishonest proposals or in reporting them.

In addition to referring to the BWF Statutes, the IHP also relied on jurisprudence from the Court of Arbitration for Sport (CAS) in reaching its decision. The panel also reviewed

⁷ “BWF Statutes, Section 2.4: CODE ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS” (2020).

prior IHP rulings involving match manipulation and corruption. This body of jurisprudence underscores the importance of imposing significant sanctions when individuals are found guilty of corrupt actions that directly undermine the essence of sporting competition. Such sanctions not only serve as a strong deterrent against future violations, but also affirm the seriousness of the misconduct and the zero-tolerance policy toward unethical behavior.

In conclusion, the decision rendered by the Independent Hearing Panel (IHP) of the Badminton World Federation (BWF) was built on a strong legal foundation and carried out through a fair process. The panel held clear jurisdiction to adjudicate the matter in accordance with the BWF Statutes, and reasonable efforts were made to notify the accused players. Despite the absence of some players during the proceedings, the panel continued with the hearings as proper notice had been given, reflecting its commitment to procedural fairness.

Additionally, the IHP thoroughly considered the facts and evidence, including player admissions, digital evidence from mobile devices, and a pattern of systematic violations. Applying the balance of probabilities standard, the panel found that most of the alleged violations were more likely than not to have occurred. The relevant editions of the BWF Code of Conduct were applied appropriately, and all defendants were treated as fully responsible parties under those rules. Therefore, the sanctions imposed were not merely punitive, but also aimed at preserving public confidence in the integrity of badminton competition.

4.2. The Application of Lex Sportiva in the IHP Decision Based on the Case of BWF v. Eight Indonesian Badminton Players

Lex Sportiva in International Sports Law

In every sports competition, including badminton, there are specific regulations that are independent and govern the conduct of the game, known as Lex Sportiva. Lex Sportiva is a legal principle in the realm of sports that emphasizes the autonomy and independence of the sports legal system. This principle allows sports federations to manage and enforce their own rules, including resolving disputes that arise within the sport. Lex Sportiva forms

a part of international sports law due to its autonomous and independent nature. With this principle, international sports federations have greater freedom to regulate, organize, manage, and supervise sports competitions on a global scale.⁸

Lex Sportiva implies that international sports federations are legally capable of being immune from national legal regulations. These federations can create internal rules that are private in nature and cannot be interfered with by national laws. According to Ken Foster, an international sports federation that independently and autonomously creates regulations can be called Lex Sportiva if it applies the following four characteristics:

1. Rules of the Game

There would be no game without rules. Every sport has its own rules and regulations governing how the game is played. The rules established by international sports federations serve as the core foundation of the game.

2. Principles of Sports Ethics

This principle is not a formal technical rule but is necessary to maintain fairness and integrity within international sports federations. It exists because of the many violations that are inherent in the world of sports. International sports federations consider that there are at least four distinctive strands of ethical violations committed by players, which include fairness, integrity, sportsmanship, and the character of the game.

3. International Sports Law

The Court of Arbitration for Sport states that the rules or laws created by international sports federations must not conflict with customary international law (*jus commune*). According to Martens, the general principles contained in international sports law or regulations must still observe universal principles such as *pacta sunt servanda*, equity, the doctrine of proportionality, the doctrine of personal responsibility, the prohibition of unjust enrichment, and the doctrine of the *rebus sic stantibus* clause. International sports federations do not have the jurisdiction to interpret and apply these universal principles according to their own wishes.

4. Global Sports Law

⁸ 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.

This law emerged as a result of private contractual arrangements conducted under the regulations of international sports federations. Global sports law is capable of creating new norms that carry both legal and social authority. The existence of this law also indicates that sports can develop their own norms. These norms are established through the practices, regulations, and rules maintained by international sports federations.

Additionally, Ken Foster and Bellof also shared their views regarding Lex Sportiva. According to them, it can be called Lex Sportiva if it contains transnational norms derived from the regulations of international sports federations. Furthermore, dispute resolution within Lex Sportiva follows legal principles that differ from those of national law. Lex Sportiva also possesses autonomous authority, independent from national law.⁹

Jurisdiction of the IHP in Resolving Disputes within the BWF

The BWF is the world badminton federation that has independent regulations commonly referred to as the BWF Statute. The BWF Statute contains the constitution, technical regulations, code of ethics, and judicial procedures within the federation. Article 31 of the BWF Statute stipulates that the federation has four judicial processes for resolving disputes, which include the AGM, the board, the Independent Hearing Panel (IHP), and the Sanctions and Disciplinary Panel (SDP).

Based on the case between the BWF and eight Indonesian badminton players, the decision issued by the Independent Hearing Panel (IHP) in this matter confirmed that match fixing practices had occurred, as proven through the examination of facts and evidence presented. The IHP holds jurisdiction in handling this case in accordance with Articles 7.5.1, 7.5.3, 7.5.4, and 7.5.5 of the BWF judicial procedures, which state that the IHP has the authority to decide cases related to integrity and ethics disputes as outlined in the BWF Code of Ethics.¹⁰ The match fixing case constitutes a violation of Article 3.2 of the BWF Code of Ethics.¹¹ Furthermore, the IHP's authority is also regulated in Article 29 of the BWF Statute, which states that the IHP is empowered to impose sanctions for actions that tarnish the reputation of badminton or the federation.

⁹ Ken Foster, "Is There a Global Sports Law?," *Entertainment and Sports Law Journal* 2, no. 1 (2003): 1–18, <https://doi.org/10.16997/eslj.146>.

¹⁰ "DECISION 2020/02 OF THE BADMINTON WORLD FEDERATION INDEPENDENT HEARING PANEL" (2020).

¹¹ BWF Statutes, Section 2.4: CODE ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS.

The judicial function of the IHP also reflects the principle of expert determination, a dispute resolution mechanism where technical issues are entrusted to an independent panel of experts selected by agreement of the parties. This panel has the authority to issue a final and binding decision, especially on technical matters. Although the IHP's decision is final and binding, it can still be appealed to the Court of Arbitration for Sport (CAS), the international sports arbitration body, if either party believes that the decision does not reflect justice.¹² In this case, the defendants did not file an appeal to the CAS because the charges from the BWF, which were sent to PBSI, received no response for more than two weeks. This resulted in the case being unable to be appealed to the CAS.

Analysis of the IHP Decision in Implementing Lex Sportiva

The BWF Statute can be considered as Lex Sportiva in the world of sports when viewed through the theory proposed by Ken Foster and Bellof. The BWF Statute contains technical provisions and regulations governing international badminton matches that do not contradict the general principles of international law. In addition, it addresses the code of ethics, which includes fairness, integrity, sportsmanship, and the character of the game. The independent nature of the BWF Statute, which is not subject to interference by national law, demonstrates that it can indeed be regarded as Lex Sportiva.

In addition, the IHP's decision in this case demonstrates that the principles of Lex Sportiva were concretely applied in the dispute resolution process, as all stages of legal enforcement were carried out based on norms that have evolved within the international sports legal system. The dispute resolution process was also conducted transparently and granted the defendants the right to appeal through the Court of Arbitration for Sport (CAS). The application of Lex Sportiva in this decision is further reflected in the independence of the dispute resolution process, which excluded the jurisdiction of national law, in this case, PBSI.

5. Conclusion

The decision made by the Independent Hearing Panel (IHP) of the Badminton World

¹² Ilias Bantekas, "Dispute Resolution in the Badminton World Federation : Sui Generis Expert Determination ?," *South Carolina Journal of International Law and Business* 20, no. 1 (2023).

Federation (BWF) in the case of eight Indonesian badminton players involved in match fixing reflects a solid legal foundation and commitment to upholding sports integrity. The IHP conducted the proceedings fairly by ensuring jurisdiction, applying an appropriate standard of proof, and assessing all evidence, including player admissions and digital data. The sanctions imposed were not only punitive but also preventive, aiming to restore public confidence in the integrity of international badminton competitions.

Furthermore, the decision illustrates the concrete application of Lex Sportiva, is a set of transnational norms that govern international sports independently of national laws. By relying on the BWF Statutes and CAS jurisprudence, the IHP demonstrated that sports disputes can be resolved autonomously while still observing principles such as fairness and procedural justice. This strengthens the legitimacy of Lex Sportiva as a legal doctrine within international sports law and affirms its role in maintaining ethical standards and disciplinary accountability in global sporting events.

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