



Legal Protection for Athletes Who Experience Death During a Competition

Dewi Agustin Fitriani
Nursa Aida Farzana
Rizky Calista Belindasari

Faculty of Law, State University of Surabaya

24130704221@mhs.unesa.ac.id, 24130704068@mhs.unesa.ac.id, 24130704394@mhs.unesa.ac.id

Abstract

Sports are activities that play an important role in maintaining health and improving quality of life, but also contain physical risks, especially in contact sports such as boxing. Boxing is known as a popular martial art, but it has a high risk of injury and death for athletes. This study discusses the legal aspects related to protection and liability for the death of boxing athletes in matches. Factors causing the death of boxing athletes include lack of physical and mental preparation, negligence in the use of protective equipment, and falsification of medical documents. Legal protection for athletes is regulated in Law No. 3 of 2005 concerning the National Sports System, which requires organizers to provide a safe environment and adequate medical facilities. Legal liability for the death of athletes can be imposed on the organizer, referee, manager, or ring doctor if they are proven to be negligent in meeting safety standards as regulated in Articles 52 and 103 of the Sports Law and Article 359 of the Criminal Code.

Keywords : Boxing, Legal Liability, Athlete Protection

Introduction

Sports have developed widely and have various branches throughout the world. Each country certainly has regulations that govern each branch of sport. Each type of sport has rules that are in accordance with its characteristics. Sport itself is an activity that is done spontaneously, freely, and in free time. Doing sports has a positive impact on body health, such as maintaining fitness and preventing various diseases. People who exercise

regularly will usually look different compared to those who rarely do it. As explained, sports are activities that are done in free time. In the context of sports, this is also part of a decent life, in accordance with the 1945 Constitution of the Republic of Indonesia Article 28H Paragraph 1, which states that "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to receive health services." This statement emphasizes that every individual has the right to a decent life, and one way to achieve it is through sports.

Sports do not only function as routine activities or hobbies, but can also be a means of competition and achievement of proud achievements. All aspects related to sports, such as education, regulation, coaching, quality improvement, supervision, development, and evaluation, are known as sports. Sports include various structured and systematic processes to advance the world of sports as a whole.

Boxing is one of the most popular martial arts in the world and many people know about this sport. As a martial art, a boxing match brings together one boxer against another boxer during a match. Each fighter will always try to knock out their opponent by hitting (punching). A boxer is declared the winner if he can hit his opponent right on target with a greater number. Or an athlete can be declared the winner of a boxing match if he succeeds in knocking out/knocking out his opponent so that the opponent is no longer able to continue the fight. However, boxing is one of the sports that has a fairly high potential for athlete injury.

Sports, especially in a professional context, are activities that are full of physical risks, ranging from minor injuries to death. A match is a sporting activity as an effort to improve one's performance ability through physical activities and facing each other. Direct physical contact to knock down, attack, trick opponents based on applicable regulations. In many cases that often occur, injuries are experienced by match participants, and not infrequently cause death. This shows that the risks in competitive sports are quite high and require serious attention from all related parties. In various sports, especially those that are extreme or involve intensive physical contact, athlete deaths are often considered as a consequence inherent in the profession. However, it is not uncommon for incidents of athlete deaths to raise legal questions: is the incident purely a professional risk that has

been recognized and accepted by the athlete, or is it due to the negligence of the responsible parties, such as organizers, coaches, medical teams, or sports federations?

The difference between reasonable risk and negligence is difficult to distinguish, but it is important to understand legally. In addition, in criminal law there is a concept of intent that can be subject to sanctions if it results in serious harm, including the loss of a person's life. However, in the world of sports, there is also the principle of *lex sportiva* which makes sports have their own dispute resolution mechanisms. This raises a legal debate: can national law enter the internal realm of sports, or is it the other way around, *lex sportiva* is sufficient to resolve all conflicts?

This study is important to provide legal clarity and help improve safety standards in sports. By studying the applicable rules and real cases, it is hoped that this article can provide a clear picture of legal responsibility in the world of sports.

Research Methods

The method that will be used in this research is normative legal research. Normative legal research itself is a research method that places law as a norm system. In this case, the norm system in question is about the principles and rules of court decisions, agreements and legal doctrines. Normative legal research makes the norm system the object of its study. Normative legal research examines the systematics based on obedience to a hierarchical legal structure to provide an opinion in the form of justification (prescriptive) for a legal event.

Result and Discussion

a. Factors Causing Death in Boxing Athletes

Several Factors Causing Death in Boxers The occurrence of a case of a professional boxer dying from a match is usually caused by many factors. According to Joko Tetuko, the many cases of boxer deaths during a match can be caused by several things, namely:

1. The boxer who is going to compete has not competed for a long time and has not done intensive routine training before the match.

2. Boxers who are going to compete when undergoing training with an opponent (Sparring Partner) do not use head protection (Head Gloves), so that when competing the boxer already experiences an injury to his head.
3. Gyms force underprivileged and unprepared boxers to compete.

In addition, according to Eddy Pirih, the many deaths of boxers due to matches are due to falsification of boxing licenses or what is often called the black book which contains match records, boxer data and doctor's comments after previous matches.(Saniyah, 2011). Forgery of the black book can occur because the match inspector is not careful when checking the completeness of the administration of the boxer who will compete. From several of these causes, it can be interpreted that the managerial ability of the gym that houses the boxer is not good. A good gym must prioritize the safety and performance of its boxers as a priority because the manager is paid for this. Boxing is a high-risk and tough sport, therefore it takes good physical and stamina as well as a good fighting mentality to undergo a boxing match.

To get good physical condition, stamina and mentality for a match, you must undergo intensive training for at least three months before the match and be given good training direction and supervision. The lack of preparation mentioned above will result in the boxer's poor condition when they are going to compete. A boxer who competes with minimal preparation will result in the inability to hit the opponent well and will not be able to avoid punches well or in other words, will not have the instinct to compete. If the opponent's boxer is better prepared, theoretically many of his punches will go in and can cause injury or possibly result in death for the boxer with minimal preparation.

If the manager does not carry out the above obligations, namely prioritizing the safety and performance of the boxer, by accepting a match contract with a less specified time, namely a minimum of three months, or forcing a boxer who is not physically and mentally ready to compete, then it can be said that the manager has intentionally neglected his obligations, thus causing the loss of someone's life, if in the match the boxer he manages dies.

b. Legal Protection for Boxing Athletes

Legal protection for boxing athletes is an important issue in the context of sports, especially in ensuring the safety, justice, and protection of athletes' rights. This study refers

to various relevant references to explore the legal framework governing legal protection for athletes participating in this sport. According to Law No. 3 of 2005 concerning the National Sports System, athletes have the right to receive adequate protection from the match organizers.

This includes the organizers' obligation to provide a safe and conducive environment during the competition, as well as adequate medical facilities for emergency treatment in the event of injury or accident. The legal responsibilities of the competition organizers are also an important focus in this context, where carefulness in organizing events and security supervision in the competition arena are key to minimizing the risk of accidents that could endanger athletes.

In situations where athletes experience injuries or accidents while competing, the legal protection aspect includes the athlete's right to receive proper medical treatment and the right to receive adequate compensation in the event of a loss. This study also highlights the need for effective implementation of existing regulations, so that athletes' rights are truly protected and implemented properly on the field. Evaluation of the monitoring mechanism and the quality of the implementation of sports activities is also part of the effort to improve legal protection for Boxing athletes.(Asmoro & Sa, 2024).

Article 103 of the Sports Law, although it does not recognize criminal penalties for athletes, regulates criminal provisions that can threaten match organizers if an athlete dies as a result of a match. Article 28 in conjunction with Article 30 in conjunction with Article 50 of the Sports Law states that PERTINA in its duties to develop athletes, is responsible and obliged to organize boxing competitions/matches in a tiered and sustainable manner so that sports goals are achieved which are supported by experts who have qualifications and competency certificates. PERTINA in accordance with the provisions in this article acts as an organizer can be threatened with criminal provisions in Article 103 paragraph 1 in conjunction with Article 52 which explains that sports organizers who do not fulfill the provisions stipulated in Article 52 can be punished with imprisonment and a fine, so that if an athlete dies in a match then;

1. Organizers may be subject to criminal penalties if they do not fulfill one of the requirements stipulated in Article 52 of the Sports Law.

2. Organizers cannot be threatened with criminal penalties if they have fulfilled all the provisions stipulated in Article 52 of the Sports Law.(Legal & Liability, 2024).

c. Legal Responsibility for Boxing Athletes Who Die During a Match

In the context of boxing as a professional sport that is full of physical risks, the death of an athlete in the ring can raise complex legal issues. Although this sport is recognized as a means of achieving achievement and professionalism, in some cases of boxer deaths in the arena, questions arise about who should be held legally responsible, especially if the death is caused by negligence.

Article 359 of the Criminal Code (KUHP) states that "Anyone who, due to his mistake (negligence) causes another person to die, shall be subject to a maximum imprisonment of five years or a maximum imprisonment of one year." In the context of a boxing match, this provision can be imposed on parties such as referees, managers, ring doctors, and match organizers if they are proven to be negligent or have made a mistake that causes the death of a boxer. This explains that death due to negligence is not intended directly by the perpetrator, but occurs due to carelessness or negligence.(Soesilo, 1995). In the world of professional boxing, this form of negligence can occur in various forms, including: referees who are late in stopping the match even though the boxer's condition is very weak, ring doctors who misdiagnose the boxer's health condition, both before and after the match, managers who hide the boxer's medical history or falsify the match license, and organizers who do not meet the safety and health standards as stipulated in Article 52 of Law No. 11 of 2022 concerning Sports.

The death of a boxer during a match does not automatically make the opponent a party who can be punished, unless there is an element of serious violation of the rules of the match or illegal violence. The Sports Law does not even regulate criminal sanctions against athletes in cases of opponent death, but Article 103 paragraph (1) emphasizes the responsibility of the organizer to fulfill the safety provisions of the match in accordance with Article 52.(Lookman, 2024). This shows that the main burden of safety protection lies on the shoulders of the organizers and match officials. The Indonesian Professional Sports Agency (BOPI), which was previously authorized to supervise professional sports, has an important function in terms of medical supervision of athlete eligibility. Based on Permenpora No. Per-0342.J/Menpora/IX/2009, the BOPI Safety Sub-Division is tasked with preparing safety standards and recommending medical permits for match eligibility.

Although BOPI has been disbanded through Presidential Decree No. 112 of 2020, the principle of safety supervision remains the basis for determining legal accountability for related parties. The task of supervision should be continued by sports organizations or other professional institutions appointed by the state or KONI.

The deaths of boxers Muhammad Afrizal and Hero Tito are real examples of how negligence in medical aspects or refereeing decisions can lead to the loss of an athlete's life. In both cases, criminal liability could potentially be directed at match officials—such as referees, ring doctors, and managers—if they are proven to have neglected safety procedures, allowed athletes to compete in unfit conditions, or failed to take swift action when a medical emergency occurred.(Al Ashtar, 2022). In these two examples, it can be seen that the health defense system and rapid response to emergency conditions are not running optimally. In fact, there should be a clear protocol regarding stopping the match if there are signs of a medical emergency. From the perspective of Islamic criminal law, death due to negligence is included in the category of *qatl al-khata'* (murder by mistake). Its elements include the existence of an act that causes death, the occurrence of the act due to negligence, and the existence of a causal relationship between negligence and the result of death. In this context, the perpetrator can be subject to a *diyat* (fine) of 100 camels or an equivalent value. Upholding justice in Islam also emphasizes the importance of intention and moral responsibility for every act(Hadi, 2015).

Heavy sports like boxing do carry high risks, but there is still criminal liability if fault is proven in the organization of the match. This liability applies not only to the national legal system, but is also seen in the framework of *lex sportiva*—laws created and enforced by the sports institutions themselves.(Judge, 2024). Thus, all parties involved in a boxing match are required to comply with the regulations set by parent organizations such as PERTINA or IBA. The form of legal responsibility for the death of a boxer in a match can include several aspects. First, criminal responsibility as regulated in Article 359 of the Criminal Code, which can be imposed on parties proven to be negligent. Second, administrative responsibility that can be imposed by a sports organization in the form of sanctions such as suspension or license revocation. Third, ethical and professional responsibility that includes violations of safety standards and ethics in organizing matches. Legal responsibility not only targets direct actors in the field, but can also extend to policy makers and sports regulators if they are proven not to provide an adequate supervision and

training system. The government and sports institutions are required to provide safety guidelines based on sports medicine and provide regular training for referees, ring doctors, and athlete managers. So that it can be avoided that athletes are forced to continue competing even though their condition is no longer medically fit. Therefore, legal responsibility for the death of a boxer in a match must be viewed comprehensively, including strict medical examinations, compliance with technical safety standards, and a responsive and professional attitude from all match officials. If there is negligence that is proven to cause death, then the related parties can be held accountable criminally, administratively, or morally based on the provisions of positive law and norms applicable in the world of sports. This responsibility is a form of state protection of the right to life and safety of athletes as citizens as well as professionals in the world of sports.

Conclusion

This study highlights the importance of legal protection and accountability in cases of boxing athlete deaths during matches, considering that boxing is a sport with very high physical risks. Boxing athlete deaths are generally caused by several factors, such as lack of physical and mental preparation, negligence in the use of protective equipment, falsification of medical documents, and weak management and supervision from the gym or manager.

Legal protection for boxing athletes is regulated in Law No. 3 of 2005 concerning the National Sports System, which requires organizers to provide a safe environment and adequate medical facilities during the match. Organizers, referees, managers, or ring doctors can be held legally responsible if they are proven to be negligent in meeting the safety standards that have been set, as stated in Articles 52 and 103 of the Sports Law and Article 359 of the Criminal Code.

Legal responsibility is not immediately imposed on the opponent, unless there is a serious violation or illegal violence. The main burden of safety protection lies on the shoulders of the organizers and match officials. If an athlete dies due to negligence, related parties such as referees, ring doctors, managers, or organizers may be subject to criminal sanctions in accordance with applicable laws.

Suggest

Boxing event organizers must improve safety standards by ensuring that all medical procedures and requirements are strictly implemented, including comprehensive pre- and

post-match medical check-ups, as well as adequate medical facilities in the event arena. Managers and coaches must ensure the physical and mental readiness of athletes through intensive training and continuous supervision for at least three months before the event, and not force athletes who are not ready to compete.

Reference

- Al Ashtar, M. (2022). Criminal liability for the death of a boxer during a match due to negligence in the match equipment.
- Asmoro, DT, & Sa, R. (2024). Legal protection for pencak silat athletes who experience injury or death while competing -. 1(1), 43–47.
<https://doi.org/10.55080/junagara.v1i1.1041>
- Hadi, U. (2015). Criminal Liability for Boxer Deaths Due to Organizer Negligence. *Al-Jinayah: Journal of Islamic Criminal Law*, 1(1), 129–167.
<https://doi.org/10.15642/aj.2015.1.1.129-167>
- Hakim, R.M. (2024). *Jurist-Diction*. 7(4). <https://doi.org/10.20473/jd.v7i4.64460>
- Lookman, W. (2024). A Legal Analysis of Criminal Responsibility for the Death of a Boxing Athlete in a Match. Vol. 9 No. 6 (2024): *Syntax Literate: Indonesian Scientific Journal*.
<https://doi.org/https://doi.org/10.36418/syntax-literate.v9i6.15387>
- Saniyah. (2011). Early Childhood Formation: Family, School, and Community. *Early Childhood Formation: Family, School, and Community*, 2, 74.
[http://digilib.uinsby.ac.id/13709/3/Daftar Isi.pdf](http://digilib.uinsby.ac.id/13709/3/Daftar%20Isi.pdf)
- Soesilo, R. (1995). Criminal Code (KUHP): and its complete article by article comments.
- Yuridis, A., & Tanggung, T. (2024). *Syntax Literate: Indonesian Scientific Journal* p – ISSN: 2541-0849 DEATH OF BOXING ATHLETES IN MATCHES Wiraatmaja Lookman Pelita Harapan University, Jakarta, Indonesia