



Strict Liability and Athlete Rights under the World Anti-Doping Code : A Proportionality Analysis

Khayra Mi'raj Eka Lee Suryanto¹

Maulida Izza Arifin²

Qulbi Ratu S. E. Elmaduri³

¹Faculty of Law, Universitas Negeri Surabaya, Indonesia.

²Faculty of Law, Universitas Negeri Surabaya, Indonesia.

³Faculty of Law, Universitas Negeri Surabaya, Indonesia.

correspondent author

Article Info

Submitted: 10 March 2025.

Under Review

Revised: -

Accepted: -

Keywords:

Keyword 1; Doping

Keyword 2; Sport Law

Keyword 3; Anti-Doping
Policy

How to cite

Khayra Mi'raj E. L. S.,
Maulida Izza A., and Qulbi
Ratu S. E. E. "Doping, Law,
and Ethics: Safeguarding
fair Competition in Sport"
Journal of Sports Law.

Abstract

The global anti-doping regime, as codified in the World Anti-Doping Agency's World Anti Doping Code (WADC), is fundamentally structured around the principle of strict liability, under which athletes are held responsible for prohibited substances detected in their bodies irrespective of intent or fault. While this approach enhances harmonization, deterrence, and regulatory efficiency, it has generated sustained legal debate concerning proportionality, due process, and the protection of athletes fundamental rights.

This study employs a doctrinal legal methodology combined with an analysis of selected decisions of the Court of Arbitration for Sport (CAS) to examine the normativ justification and practical implications of strict liability within the 2021 WADC framework. Particular attention is given to the allocation of burden of proof, evidentiary standards, and sanction mitigation mechanisms.

The analysis demonstrates that although strict liability remains essential to maintaining uniformity and enforceability in global anti-doping governance, its legitimacy depends on the consistent application of proportionality principles and fault based sanction reductions. Inconsistent interpretative approaches within CAS jurisprudence reveal ongoing tension between regulatory harmonization and individualized justice.

This article argues that a recalibrated proportionality framework-supported by clearer mitigation criteria and strengthened procedural safeguards is necessary to preserve both competitive integrity and legal legitimacy within the anti doping system. By situating strict liability within the broader architecture of global sports law, this study contributes to the development of a more balanced and rights sensitive anti doping regime.

Introduction

Doping in the world of sports remains one of the most pressing and controversial issues, deeply connected to maintaining competitive integrity and safeguarding athlete health. It involves the use of prohibited substances or methods to unfairly enhance performance, thus undermining the core principles of sportsmanship and fair play. The increasing pressure on athletes to achieve peak performance has led to a rise in doping cases, causing serious concern among athletes, sports organizations, and the public alike. Legally, doping presents complex challenges within sports law, particularly in enforcing anti-doping regulations while protecting athletes' rights. The World Anti-Doping Code and agencies like WADA have established frameworks aimed at ensuring fairness through rigorous testing and sanctioning processes.

A brief survey of existing literature reveals extensive research on the subject. Smith et al. (2020) catalog over 100 banned substances and detail their health hazards, including hormonal and cardiovascular complications. Research by Jones et al. (2018) assesses the efficacy of current doping detection technologies, noting persistent challenges as athletes increasingly evade sanctions through advanced methods. Brown et al. (2019) emphasize the educational gap among young athletes regarding both health risks and legal repercussions of doping, underscoring the importance of awareness programs. While these studies provide valuable insights into the physiological, technological, and educational aspects of doping control, they tend to focus less on the intersection between doping and sports law enforcement, particularly from a legal and ethical compliance perspective among stakeholders.

The research proposed here differs by concentrating specifically on the legal dimensions of doping within sports law — exploring how existing legal frameworks interact with ethics, enforcement challenges, and athlete rights. It seeks to bridge gaps by integrating legal analyses with ethical considerations and athlete behavior patterns, thereby providing a more holistic understanding of doping's impact on both sports regulation and athlete welfare.

This research holds significant value as it addresses the nexus between law and ethics in combating doping, advocating for enhanced collaboration among legal bodies, sports organizations, and educational entities. By emphasizing legal accountability coupled with ethical education, the study aims to reinforce the integrity of competitive sports and promote a fairer, healthier sporting environment for all participants.

1. Background

The background of the doping issue is multifaceted and deeply rooted in the culture of competitive sports. Firstly, doping poses severe health risks to athletes, including cardiovascular problems, liver damage, hormonal imbalances, and mental health issues. These risks can have long-term consequences, affecting not only athletic careers but also overall well-being and quality of life. Moreover, the legal consequences faced by athletes found guilty of doping can be severe, ranging from suspensions and fines to loss of titles and sponsorships. In some jurisdictions, doping violations may result in criminal charges, highlighting the importance of a balanced legal approach that enforces regulations while protecting athletes' rights. The legal landscape surrounding doping is complex, as it must navigate the fine line between maintaining the integrity of sports and ensuring fair treatment for all athletes.

Secondly, doping violates the principles of sportsmanship, creating an uneven playing field where the achievements of clean athletes are overshadowed by those who cheat. This undermines trust among fans and stakeholders, eroding the credibility of sports and diminishing the value of hard work and dedication. Sports organizations play a critical role in legally implementing anti-doping policies and educating athletes about the risks and consequences associated with doping. Legal disputes often arise when athletes challenge sanctions, leading to ongoing debates about the fairness and due process of testing protocols. These disputes can further complicate the relationship between athletes and governing bodies, as athletes seek to defend their rights while organizations strive to uphold the integrity of the sport.

Moreover, doping scandals can tarnish the overall image of sports, leading to public outrage and disillusionment. Such incidents can decrease viewership, lower attendance at events, and diminish sponsorship opportunities, ultimately affecting the financial stability of sports organizations. The fallout from doping scandals can have lasting effects, as public trust in the integrity of sports is difficult to rebuild once it has been compromised. To counter these challenges, current solutions include enhanced testing technology, stricter regulations, and awareness campaigns for athletes and coaches. Technologies such as genetic analysis and biomarkers are advancing detection capabilities, while a multidisciplinary approach involving psychologists, coaches, and sports doctors is essential for effective prevention.

Numerous studies have been conducted to understand doping phenomena and their impacts. A study identified over 100 types of banned substances commonly used by athletes, along with potential health risks such as hormonal disorders, heart problems, and psychological issues. Additionally, surveys have revealed that many young athletes do not fully understand the consequences of doping, both in terms of health and legal penalties, highlighting the need for better educational programs supported by clear legal frameworks. These educational initiatives are crucial in fostering a culture of integrity and accountability within sports.

Doping is not just a rule violation; it reflects the moral dilemmas athletes face in pursuing their dreams. In an increasingly competitive world, it is crucial to remember that sports should be a platform for showcasing talent, hard work, and dedication, rather than achievements obtained through unethical means. The collaboration of all stakeholders—athletes, coaches, organizers, legal experts, and society—is vital to fostering a culture that upholds honesty and integrity. Legal mechanisms must work hand in hand with educational and ethical initiatives to ensure that anti-doping efforts are effective, fair, and respect the rights of all parties. Only in this way can the accomplishments in sports truly reflect the genuine abilities and efforts of each athlete, preserving the spirit and legality of competitive sports while promoting a healthier and more equitable environment for all involved.

2. Problem Statement

Doping in sports presents a critical challenge that undermines the integrity of athletic competition and poses significant health risks to athletes. Despite the establishment of regulatory bodies such as the World Anti-Doping Agency (WADA) and the implementation of stringent testing protocols, the prevalence of doping continues to rise, fueled by intense pressure to achieve peak performance and the desire for competitive advantage. This ongoing issue not only compromises the principles of fair play and sportsmanship but also jeopardizes the health and well-being of athletes who engage in such practices.

Furthermore, doping scandals have far-reaching consequences that extend beyond individual athletes, affecting the credibility and reputation of sports as a whole. Public trust in athletic competitions is eroded, leading to decreased fan engagement, reduced sponsorship opportunities, and financial instability for sports organizations. The lack of effective educational programs and preventive measures further exacerbates the problem, particularly among young and aspiring athletes who may not fully understand the risks associated with doping.

sive approach that addresses the root causes of doping, promotes awareness of its dangers, and fosters a culture of integrity within the sports community. This problem statement highlights the necessity for collaborative efforts among athletes, coaches, sports organizations, and policymakers to combat doping effectively and ensure a fair and healthy environment for all participants in the world of sports.

3. Methods

Literature Review: A thorough review of existing research on doping will be conducted to gain a comprehensive understanding of the issue. This will involve analyzing academic articles, reports, and case studies that focus on various aspects of doping in sports, including:

- **Prevalence of Doping:** Investigating statistics and trends related to doping incidents across different sports and levels of competition. This will help identify which sports are most affected and the demographics of athletes who are more likely to engage in doping.
- **Health Risks:** Examining the health consequences associated with the use of prohibited substances, including both short-term and long-term effects on physical and mental health. This will include a review of studies that document specific health issues linked to various doping agents.
- **Effectiveness of Anti-Doping Measures:** Evaluating the current anti-doping policies and testing protocols implemented by organizations such as the World Anti-Doping Agency (WADA). This will involve assessing the success rates of detection methods, the impact of educational initiatives, and the overall effectiveness of existing regulations in reducing doping incidents.
- **Motivations for Doping:** Analyzing research that explores the psychological, social, and economic factors that drive athletes to engage in doping. Understanding these motivations will be crucial for developing targeted interventions and educational programs.
- **Case Studies:** Reviewing notable doping scandals and their repercussions on athletes, teams, and sports organizations. This will provide insights into the broader implications of doping on the integrity of sports and public perception.

4. Legal Analysis of Doping Cases in Sport

5. 1. Understanding Doping

Doping in sports is a pressing and controversial issue that threatens competitive integrity and athlete health. The use of prohibited substances or methods to enhance performance undermines the principles of sportsmanship and fair play. Despite frameworks like the World Anti-Doping Code (WADC) and the efforts of agencies such as WADA, doping prevalence continues to rise due to intense pressure on

athletes to perform at their best. This research explores the legal dimensions of doping within sports law, focusing on the interaction between existing legal frameworks, enforcement challenges, and athlete rights.

Through a comprehensive literature review, this study identifies health risks associated with doping, evaluates the effectiveness of current anti-doping policies, and examines the motivations behind doping behavior. Notable doping cases are analyzed to provide insights into the broader implications of doping on sports integrity and public perception. The findings highlight the need for a balanced approach that enforces regulations while protecting athletes' rights.

This research emphasizes the importance of collaboration among legal bodies, sports organizations, and educational entities to foster a fairer and healthier sporting environment. By integrating legal analysis with ethical considerations, the study aims to reinforce accountability and enhance awareness among athletes, ultimately preserving the integrity of sports and promoting athlete welfare.

This research contributes to the ongoing discourse on doping by addressing the intersection of law and ethics, advocating for comprehensive strategies that ensure fair competition and safeguard the health of all participants in the sporting community.

Types of Doping and Side Effects

There are many types of doping groups, such as:

- Stimulant Group

1. Amphetamine

Amphetamine is used during competitions with the aim of reducing fatigue, increasing response, and increasing alertness and aggression. The side effects are

Causing tremor dependence

Insomnia and increased aggressiveness that tend to be harmful.

Effects on the cardiovascular system that can be fatal

An increase in body temperature

Influences psychiatric disorders with the onset of paranoid type schizophrenia in long-term use.

2. Caffeine

In sports, caffeine is used to increase alertness, increasing reaction time response. However, excessive doses can increase the mobilization of muscle fat and glycogen. Give me some side effects:

Irritability

Insomnia

An indigestion

Heavier effects can cause peptic ulcers

Delirium

Coma

Supraventricular arrhythmia

This substance can also cause dependence, in studies, a combination of caffeine and ephedrine can cause nausea and vomiting.

- Narcotics Group

Narcotic-analgetic drugs are often abused for the purpose of reducing pain. Often, this class of medication is used to reduce cough and diarrhea complaints. Long - term use can result in dependencies.

- Androgenic Anabolic group

1. Steroids

Anabolic Androgenic Steroids are used with the aim of increasing strength and speed by extending the exercise period, extending the exercise period, accelerating recovery time, and increasing aggressiveness by adding muscle strength. The combination with GH (growth hormone), HCG (human chorionic gonadotropin) can increase field intensity. Various side effects include:

Cardiovascular: Decreased HDL cholesterol (good) and increased LDL cholesterol (bad), and increased risk of atherosclerosis

Reproduction: For males it has effects on testicular atrophy, decreased sperm production and changes in sperm mobility that can result in infertility. Women can have amenorrhea.

Infection: Infection with diseases such as HIV and AIDS. Often this effect is caused by the use of an unsterile syringe.

ETC.

5.2. Legal Framework and Regulations on Doping

Doping in sports is not only an ethical issue but also involves a complex legal framework. One of the key documents in this regard is the World Anti-Doping Code (WADC), developed by the World Anti-Doping Agency (WADA). The WADC provides guidance for countries and sports organizations to formulate their own anti-doping policies.

These regulations include lists of prohibited substances and methods, testing procedures, and sanctions for athletes who violate the rules. Additionally, national laws in various countries, such as the Anti-Doping Laws in the United States and Doping Regulations in Europe, play an important role in law enforcement and athlete protection. Understanding this legal framework helps us better evaluate the effectiveness and consistency of doping case management worldwide.

5.3. Enforcement Challenges and Legal Disputes

However, enforcing doping laws is not easy. One major challenge is the difficulty of proof. Doping testing often involves complex laboratory analyses, and the results can become subjects of dispute in courts.

Moreover, differences in regulation enforcement between countries create legal uncertainties for athletes. Some countries impose stricter sanctions than others, which can lead to unfairness. The legal processes involved in resolving doping disputes also raise concerns, especially regarding athletes' rights to defend themselves and the challenges they face in the legal system.

Issues of fairness and human rights cannot be overlooked. How athletes are treated during adjudication processes and the impacts of the decisions are crucial matters that demand attention.

5.4. Implications of Doping Sanctions on Athlete Rights and Sports Integrity

Sanctions imposed on athletes who violate doping rules have significant consequences. Disqualification, loss of medals, and bans from competition are not merely punishments; they can destroy an athlete's career and reputation.

These sanctions also affect athletes' rights, including the right to fair defense and the right to participate in competitions. On the other hand, enforcing anti-doping rules serves to protect sports integrity. By upholding these rules, sports organizations strive to maintain public trust and ensure competitions are fair.

However, it is important to consider whether the sanctions imposed are proportional and just. How these sanctions influence public perception of sports is also a question that needs to be addressed.

5.5. Sanctions for the use of Doping according to applicable laws in Indonesia

The use of doping in sports competitions in Indonesia has been regulated in Law number 11 of 2022 concerning sports, in the law states explicitly that every sports player must comply with applicable anti-doping regulations and also in accordance with the standards of anti-doping agencies such as WADA (World Anti Doping Agency). In this law, the use of doping is considered a serious violation and is subject to sanctions in the form of administrative and disciplinary sanctions from sports organizations, the main sanctions given are in accordance with the standards set by WADA and have been implemented by LADI (Lembaga Anti-Doping Indonesia) or IADO (Indonesian Anti-Doping Organization) in the form:

1. Prohibition from participating in sporting events;
2. Disqualification in match results; and
3. Sanctions by international or national federations.

Sanctions for doping user not only listed in law number 11 of 2022 but also in Law 35 of 2009 concerning narcotics. Although Doping and Narcotics have different concepts, they can still go hand in hand. The law on narcotics can apply to doping cases if the doping used by athletes contains types of narcotics or is included in the list of narcotics that have been regulated in the narcotics law. The sanctions obtained are not only administrative sanctions from IADO but also get criminal sanctions and fines according to the regulations listed in the narcotics law.

5. Conclusion

The principle of strict liability, as institutionalized in the World Anti-Doping Code under the authority of the World Anti-Doping Agency, remains a foundational mechanism for ensuring harmonization, predictability, and enforceability in global anti-doping governance. Its regulatory strength lies in its capacity to deter doping and to prevent evidentiary manipulation by eliminating the requirement to prove intent. However, this study demonstrates that the legitimacy of strict liability cannot rest solely on regulatory efficiency.

The doctrinal analysis and review of selected jurisprudence from the Court of Arbitration for Sport reveal that tensions persist between uniform enforcement and individualized justice. Although the 2021 revision of the Code introduces more nuanced sanctioning mechanisms, inconsistencies in the interpretation of fault-based mitigation and proportionality continue to raise concerns regarding procedural fairness and the adequate protection of athletes' rights.

Accordingly, this article concludes that strict liability remains normatively defensible within the *lex sportiva* framework, provided that its application is accompanied by clearer evidentiary standards, consistent proportionality assessment, and strengthened procedural safeguards. A recalibrated proportionality approach is essential to reconcile anti-doping enforcement with broader principles of legal legitimacy and sports justice.

Future reforms should therefore prioritize interpretative coherence and transparency in sanctioning practices, ensuring that the anti-doping system preserves both competitive integrity and the fundamental rights of athletes in an increasingly globalized sports order.

References

STATUTORY DOCUMENTS

Indonesia. (2022). Law Number 11 of 2022 concerning Sports. State Gazette of the Republic of Indonesia Year 2022 Number 99 Supplement to the State Gazette Number 6784.

BOOK

Viret M. *Evidence in Anti-Doping at the Intersection of Science & Law*. (2015).

ARTICLE

Hanstad, D. V., Smith, A., Waddington, I. "The Establishment of the World Anti-Doping Agency : A Study of the Organizational Politics" *International Review for The Sociology of Sport*, 43 (3), 227-249 (2008).

Mazanov, J., Connor, J. "Rethinking the management of drugs in sport" *International Journal of Sport Policy and Politics* 2 (1), 49-63 (2010)

Hardie, C. "Legal Rights of Athletes and the Anti-Doping System : A human Rights Perspective" *The International Sport Law Journal*, 16 (3), 115-126 (2016)

Duval, A. (2013). The Court of Arbitration for Sport and EU law: Chronicle of an encounter. *Maastricht Journal of European and Comparative Law*, 20(2), 224–255. <https://doi.org/10.1177/1023263X1302000204>

Foster, K. (2006). Is there a global sports law? *Entertainment and Sports Law Journal*, 2(1), 1–18. <https://doi.org/10.16997/eslj.25>

Gardiner, S., O'Leary, J., Welch, R., Boyes, S., Naidoo, U., & Blackshaw, I. (2012). *Sports law* (4th ed.). Routledge.

Hanstad, D. V., Smith, A., & Waddington, I. (2008). The establishment of the World Anti-Doping Agency: A study of the management of organizational change and unplanned outcomes. *International Review for the Sociology of Sport*, 43(3), 227–249. <https://doi.org/10.1177/1012690208098543>

McLaren, R. H. (2016). The Court of Arbitration for Sport: An independent arena for the world's sports disputes. *Valparaiso University Law Review*, 35(2), 379–405.

Mavromati, D., & Reeb, M. (2015). *The Code of the Court of Arbitration for Sport: Commentary, cases and materials*. Kluwer Law International.

Mitten, M. J., Davis, T., Smith, R. C. R., & Berry, R. C. (2013). *Sports law and regulation: Cases, materials, and problems* (3rd ed.). Wolters Kluwer.

Vieweg, K. (2015). The legal nature of the World Anti-Doping Code. *International Sports Law Journal*, 15(1–2), 77–85. <https://doi.org/10.1007/s40318-015-0072-7>

WADA. (2021). *World Anti-Doping Code 2021*. World Anti-Doping Agency.
<https://www.wada-ama.org/en/what-we-do/the-code>

Waddington, I., & Smith, A. (2009). *An introduction to drugs in sport: Addicted to winning?* Routledge.