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## The specificity of law enforcement in competitive swimming from the perspective of Indonesia's national legal system

**Barru Aliyyu Nissa Ismanto**

Faculty of Law, Universitas Narotama, Jl. Arif Rahman Hakim No.51, Klampis Ngasem, Kec. Sukolilo, Kota Surabaya, Jawa Timur 60117, Indonesia  
e-mail: barrualiyu23@gmail.com

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### ABSTRACT

This article discusses the specificity of law enforcement in swimming from the perspective of Indonesia's national legal system. This study focuses on the applicability of international sports organization regulations as normative standards in the implementation of competitive sports, particularly based on Law No. 11 of 2022 on Sports. This study uses a normative legal research method with regulatory and conceptual approaches to the problem. The results of the study show that the enforcement of swimming law has specific characteristics that originate from *lex sportiva*, a private normative system that is recognized to a limited extent by national laws. The application of the core regulations of international sports organizations is a legal requirement for recognizing an activity as competitive. If these regulations are not applied in their entirety and consistently, championships or sports weeks cannot be classified as competitive sports within the framework of the national law. This study confirms that the recognition of *lex sportiva* is conditional and remains within the limits of the constitutional principles and the protection of human rights.

**Keywords:** *lex sportiva*; sports law; swimming

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RESEARCH & PUBLISHING



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## 1. INTRODUCTION

Over time, sports have ceased to be understood merely as physical activities or means of recreation; rather, they have developed a regulatory system with their own normative characteristics. In competitive sports, this regulation is largely determined by international sports organizations through a set of autonomous private rules that apply across national borders. This phenomenon is known as *lex sportiva*, sports law norms created and enforced by international sports federations without going through state legislative mechanisms, yet possessing a strong binding force over athletes and national sports organizations (Casini, 2011). The existence of *lex sportiva* creates distinct dynamics when confronted with a national legal system based on the rule of law and the supremacy of the Constitution.

Swimming is an example that clearly demonstrates the practical operation of *Lex Sportiva*. Rules on race techniques, competition standards, scoring mechanisms, and even the use of equipment and swimwear are set by international sports federations and must be adopted by national federations as a condition for participation in official competitions (World Aquatics, 2023). This situation makes law enforcement in swimming different from law enforcement in general because it is carried out through the internal mechanisms of sports organizations rather than by state law enforcement agencies. These specificities include the sources of norms, the application of rules, and private and transnational dispute resolution mechanisms.

Within Indonesia's national legal system, sports are positioned as part of the public interest and must be organized according to the principles of justice, non-discrimination, and respect for human rights. Law No. 11 of 2022 on Sports affirms the state's obligation to guarantee the protection of every citizen's rights in sporting activities, including those of athletes as a legal entity. Simultaneously, the law recognizes the applicability of international sports organization regulations as standards for organizing competitive sports (*Undang-Undang Nomor 11 tahun 2022*) or Law No. 11 of 2022. This indicates a complex relationship between the national legal system and international private sports norms.

The specificity of law enforcement in swimming becomes particularly important when these international norms directly affect athletes' rights and obligations in a national context. The full application of international sports rules by national federations often places athletes under international private norms, even though these norms are not formally part of the national legislation. In a legal system that upholds the protection of human rights, this raises questions about the limits of *lex sportiva* and the role of the state in guaranteeing athletes' constitutional rights (Soekanto, 2014).

Studies on *lex sportiva* in Indonesia generally focus on jurisdictional conflicts between the state and national sports organizations or on the application of *lex sportiva* in specific sports, such as football. Meanwhile, research that specifically examines the uniqueness of law enforcement in swimming from the perspective of Indonesia's national legal system remains limited. However, swimming has a highly stringent, globally standardized regulatory character, which may have different legal implications than other sports.

Against this background, this study aims to analyze the specificity of law enforcement in swimming from the perspective of Indonesia's national legal system. The analysis is expected to contribute academically to the development of sports law studies, particularly regarding the relationship between *lex sportiva* and national law, and to serve as input for policymakers and sports organizations in formulating sports governance, aligned with the rule of law and the protection of human rights.

## 2. LITERATURE REVIEW

### 2.1. Law Enforcement Theory and Legal Consequences

Law enforcement, from the perspective of national law, is understood as the process of realizing legal norms in social practice through the mechanisms defined by the legal system. Soekanto explains that law enforcement is influenced not only by the substance of the law but also by the legal structure and culture that surround it (Soekanto, 2014). In the context of sports, law enforcement mechanisms are

not always implemented by state authorities; they may instead be conducted by sports organizations through internal rules that bind their members.

The distinctive feature of sports law enforcement lies in the legal consequences it produces directly for competition status and athletes' achievements. Decisions by referees, technical committees, or sports disciplinary bodies can immediately annul match results, disqualify athletes, or deny recognition of a championship without going through state judicial proceedings, for example. These legal consequences are final within the sporting context and determine whether an activity is valid as a competitive sport (Marzuki, 2019). Therefore, sports law enforcement cannot be separated from an analysis of the legal consequences it generates, especially concerning the recognition of achievements and the legitimacy of competitions.

## **2.2. Lex Sportiva as a Sui Generis Regime**

Lex sportiva is a system of legal norms formed by international sports organizations and applied transnationally. Casini (2011) states that lex sportiva is an autonomous legal regime of a private nature, yet it has strong binding force over national federations and athletes as a consequence of membership in international sports organizations. This autonomous character distinguishes lex sportiva from national law, which derives from state sovereignty.

In sports law scholarship, lex sportiva is often viewed as a sui-generis legal regime. Foster (2003) explains that lex sportiva has distinctive characteristics that cannot be fully equated with either public law or private law. These specificities are evident in the mechanisms of norm-making, rule enforcement, and dispute resolution carried out by sports institutions. Accordingly, lex sportiva should not be understood merely as an internal organizational rule but as a normative system operating independently within international sports governance.

## **2.3 Lex Sportiva within the National Legal System**

Although autonomous, the applicability of lex sportiva in national practice still depends on its recognition by state law. In Indonesia's national legal system, the recognition of international sports organization regulations is reflected in Law No. 11 of 2022 on Sports. The law normatively requires the organization of competitive sports to follow the relevant rules of international sports organizations so that lex sportiva gains legitimacy as a normative standard for competitive sports (*Undang-Undang Nomor 11 tahun 2022*) or Law No. 11 of 2022.

However, this recognition is not absolute or consistent. Riyanto (2022) emphasizes that the transformation of lex sportiva into the national legal system must be carried out selectively and must not override the principles of the rule of law and the protection of human rights. Therefore, within Indonesia's national legal system, lex sportiva functions as a standard norm for competitive sports, but it remains subject to the limits set by national legal regulations.

## **3. METHOD**

This normative legal research analyzes the specificity of law enforcement in swimming from the perspective of Indonesia's national legal system. Normative legal research was selected because the study focuses on legal norms, principles, and concepts governing the organization and enforcement of sports law, both those derived from national law and from the regulations of international sports organizations. The approaches used include statutory and conceptual approaches. The statutory approach examines national legal instruments related to sports and human rights, particularly Law No. 11 of 2022 on Sports and the 1945 Constitution of the Republic of Indonesia (RI). The conceptual approach is used to examine the concepts of lex sportiva, the specificity of sports law enforcement, and the national legal system based on the doctrines and views of legal scholars.

The legal materials used in this study consist of primary and secondary legal sources. Primary legal materials include national legislation in the field of sports and the applicable regulations of international sports organizations for swimming that operate and are implemented in the national sports

practice. Secondary legal materials include legal textbooks, scholarly journal articles, and prior research relevant to sports laws and *lex sportiva*. Legal materials were collected through library research by identifying, inventorying, and reviewing materials related to the research issues of this study. The analysis was qualitative and descriptive-analytical. It describes the applicable legal norms, analyzes their interrelationships, and assesses the validity of swimming law enforcement's specificities within Indonesia's national legal system.

#### 4. RESULT AND DISCUSSION

Studies on *lex sportiva* in sports law have been widely conducted, particularly regarding the relationship between international sports organizations and the national legal systems. These studies generally focus on popular sports such as football, either in the context of jurisdictional conflicts between state and national sports federations or in the application of *lex sportiva* to disciplinary and sports-crime matters. This focus indicates that discourse on *lex sportiva* in Indonesia is still limited to certain sports and has not covered the full spectrum of competitive sports (Casini, 2011; Foster, 2003).

A review of prior research shows that swimming is rarely used as the object of *lex sportiva* analysis, even though this sport has highly stringent technical regulations that are globally standardized. Swimming is a competitive sport whose regulation depends heavily on international sports organization rules, potentially producing different legal implications compared to other sports. This condition points to a research gap in sports law studies, particularly concerning the specificity of swimming laws within the national legal system.

Table 1 is a comparison with previous studies.

**Table 1. Comparison table: Lex Sportiva in Football, 2018–2024.**

| No | Title   | Type of Research   | Author               | Institution                | Year | Research Findings  | Comparison with the Present Study  |
|----|---|--|----------------------|----------------------------|------|--|--|
| 1  | The Position of <i>Lex Sportiva</i> in Relation to National Law in the Context of Government Authority to Regulate Football | Normative Legal Research   | Jultri Fernando L.   | Universitas Sumatera Utara | 2018 | There is an overlap of authority between PSSI and national law; <i>lex sportiva</i> is considered more dominant. | Both studies discuss <i>lex sportiva</i> ; however, the present study focuses on conflicts between <i>lex sportiva</i> and human rights in swimming, particularly issues of religious freedom. |
| 2  | The Application of <i>Lex Sportiva</i> to Criminal Negligence Resulting in Death in Football                                | Normative Legal Research (Case and Statutory Approach)                 | Sandhy Yudha Baneran | Universitas Diponegoro     | 2022 | Focuses on the application of <i>lex sportiva</i> in resolving criminal acts in sports.                          | Different from the present study, as it does not examine criminal law but instead focuses on human rights issues in swimming.  |
| 3  | The Application of <i>Lex Sportiva</i> and Criminal Law to Acts of Assault in Indonesian Football Competitions              | Normative Legal Research (Statutory, Case, and Comparative Approaches) | Shanif Alana Abigail | Universitas Airlangga      | 2024 | Analyzes the application of <i>lex sportiva</i> and criminal law in cases of assault in football.                | Different from the present study, which examines the implementation of <i>lex sportiva</i> in swimming in relation to the right to religious freedom of  |

|  |  |  |  |  |  |  |                         |
|--|--|--|--|--|--|--|-------------------------|
|  |  |  |  |  |  |  | Muslim female athletes. |
|--|--|--|--|--|--|--|-------------------------|

#### 4.1 Specificity of Law Enforcement in Swimming

The findings show that law enforcement in swimming has characteristics that differ from law enforcement in the national legal system. The differences lie mainly in the sources of norms and enforcement mechanisms. In swimming, norms governing the conduct of competitions, technical standards, and athlete eligibility derive from the private and autonomous regulations of international sports organizations, known as *lex sportiva* (Casini, 2011). These norms apply globally and bind national federations and athletes as a consequence of their membership in international sports organizations.

Swimming law enforcement is not carried out by state law-enforcement authorities but through the internal mechanisms of sports organizations, such as decisions by referees, technical committees, and sports dispute-resolution bodies. These decisions are final in the context of competition and cannot be reviewed by the national courts. This demonstrates that law enforcement in the context of swimming has private and transnational specificities, forming an enforcement regime that stands outside the state judiciary (Foster, 2003).

#### 4.2 The Applicability of the Specificity of Swimming Law Enforcement within Indonesia's National Legal System

In Indonesia's national legal system, sports are regulated as part of the public interest and must be organized in accordance with the rule of law principles and the protection of human rights. Law No. 11 of 2022 on Sports recognizes the role of international sports organizations in setting standards for organizing competitive sports. This recognition indicates that national law provides space for the applicability of international sports norms in national sports governance (Law No. 11 of 2022). The applicability of the specificities of swimming law enforcement within Indonesia's national legal system has a clear normative basis in Law No. 11 of 2022 on Sports. One key relevant provision is Article 45(4), which states that the organization of international sports events and Indonesia's participation in international sports events shall be carried out in accordance with the rules of the international sports organization affiliated with the Indonesian Olympic Committee. This shows that national law explicitly recognizes the applicability of international sports norms as part of the standards for organizing competitive sports (*Undang-Undang Nomor 11 tahun 2022*) or Law No. 11 of 2022. The provision not only regulates administrative obligations in organizing international sports but also establishes a legal standard that determines whether a competitive sporting activity is valid. Accordingly, international sports organization regulations should not be positioned merely as technical guidelines but as core norms that constitute a legal requirement for the validity of competitive sports within the national legal system.

In swimming, the international sports organization authorized to set these standards is the World Aquatics. Regulations issued by World Aquatics including technical competition rules, athlete eligibility, and race standards form an integrated set of norms that determine the validity of competitive swimming events. Therefore, if a championship or sports week does not fully and consistently apply World Aquatics rules, the activity normatively fails to qualify as a competitive sport as intended by the Sports Law (World Aquatics, 2023).

A further implication of not applying the core rules of the relevant international sports organization is the loss of legitimacy of the achievements produced at the event. Athletes' achievements in activities that do not follow World Aquatics standards cannot be recognized as official achievements, either nationally or internationally. From the perspective of sports law, this indicates that such events are more appropriately categorized as community or recreational sports, even if they are organized in a competitive format (*Undang-Undang Nomor 11 tahun 2022*) or Law No. 11 of 2022.

This regulatory framework implies that, in competitive sports, including swimming, the regulations set by international sports organizations serve as the primary reference for enforcing technical and competition rules. In swimming, the relevant international organization is World Aquatics, the international federation authorized to set global standards. Thus, the applicability of *lex sportiva* in



swimming is not merely factual or administrative; it derives its normative legitimacy from national law through Article 45(4) of the Sports Law (World Aquatics 2023).

Nevertheless, the recognition of international sports organization regulations, as referred to in Article 45(4), should not be interpreted as an absolute transfer of state authority to the IOC. The applicability of these international norms must be situated within the national legal system that upholds constitutional supremacy and the protection of human rights. Indonesia's national legal system is open, allowing the reception of international or non-state norms as long as they do not conflict with the foundational values of the Constitution and the principle of the rule of law (Soekanto, 2014).

In this context, Article 45(4) of the Sports Law can be understood as both the legal basis for applying international standards in competitive sports and as a normative limit on their applicability. The state remains obliged to ensure that the application of international sports organization rules does not result in violations of athletes' constitutional rights as citizens. Therefore, the specificity of swimming law enforcement derived from *lex sportiva* is acceptable only insofar as it aligns with the principles of justice, non-discrimination, and the protection of human rights within Indonesia's national legal system.

At the national level, the Indonesian Swimming Association (Persatuan Renang Seluruh Indonesia/PRSI) issues Organizational Regulations on the Organization of Aquatic Sports Championships as technical and administrative guidelines for organizing swimming championships in Indonesia. These regulations explicitly state that the technical provisions for aquatic championships refer to World Aquatics rules, including aspects of competition, facilities and infrastructure, and the use of technical officials in competitions. Accordingly, PRSI regulations function as an instrument for adopting and operationalizing international *lex sportiva* in the national context (Persatuan Renang Seluruh Indonesia, 2022).

This comparison shows that although PRSI regulations normatively adopt World Aquatics rules as the core regulations, their application is not always complete and consistent. This condition has legal implications under Law No. 11 of 2022 on Sports, particularly regarding the classification of a championship as a competitive sport. If the core rules of the relevant international sports organization are not applied in full, then legally, the championship does not meet the requirements of a competitive sport and can only be categorized as a developmental or participatory sport. PRSI regulations also contain additional provisions that are administrative and nationally contextual, such as licensing mechanisms for organizing championships, levels of organizational authority, classification of championship levels, and the recognition of match results in the national database. In certain cases, PRSI regulations even allow championships that do not fully meet World Aquatics standards, with the consequence that the results are not recognized as national records or achievements. These provisions indicate a differentiation between international *lex sportiva* standards and their national implementation by sports organizations.

Likewise, the applicability of *lex sportiva* to Indonesia's national legal system is not absolute. Indonesia's open legal system allows the reception of external norms as long as they do not conflict with the Constitution's foundational values and the principle of human-rights protection (Soekanto, 2014). Therefore, the specificity of swimming law enforcement can only be accepted within certain limits namely, insofar as it does not set aside the state's obligation to protect athletes' constitutional rights as citizens.

The analysis shows that, in practice, the national swimming federation adopts international regulations in full as a condition for the legitimacy of competitions and the recognition of athletes' achievements in the country. This practice demonstrates that *lex sportiva* functions as the main technical and normative standard for swimming in Indonesia. However, the state still has an important role in ensuring that the application of these international standards does not produce discriminatory practices or human rights violations in the national context.

#### **4.3 Research Novelty from the Perspective of Sports Law in Indonesia**

The significant difference between this study and prior studies on *lex sportiva* lies in the analytical framework employed. Earlier research generally concentrates on the internal aspects of *lex sportiva*, such as the mechanisms of sports organizations, jurisdictional conflicts between federations and the state, or

the application of *lex sportiva* in disciplinary and sports-crime contexts. In such approaches, *lex sportiva* is treated as a stand-alone normative system, without a deeper examination of its normative relationship with national law, especially the statute governing the sports system.

In contrast, this study specifically positions Law No. 11 of 2022 on Sports as the primary legal instrument for assessing the applicability of *lex sportiva* in Indonesia's national legal system. The analysis focuses on how national legal provisions provide legitimacy, limits, and legal consequences for the application of international sports organization regulations, particularly in swimming. Accordingly, *lex sportiva* in this study is not understood merely as the internal norms of sports organizations but as external norms whose applicability is tested through the national legal framework.

Previous studies have not explicitly examined the normative implications of Sports Law for international sports regulations. Consequently, the relationship between *lex sportiva* and national law is often simplistically understood as one of conflict or domination, without considering that national law normatively recognizes the applicability of international sports rules subject to conditions and limits. This study fills this gap by emphasizing that the recognition of *lex sportiva* in Indonesia's national law is conditional, particularly through the Sports Law's Article 45 (4).

By placing Sports Law at the center of the analysis, this study shows that applying international sports organization regulations is not merely a matter of internal federation compliance but also a matter of the legal classification of a sporting activity as a competitive sport. If the core rules of the relevant international sports organization are not applied in full, then, normatively, the sporting activity does not meet the qualifications of a competitive sport under national law. This approach underscores the novelty of this study in *lex sportiva* scholarship in Indonesia by shifting the analytical focus from the internal workings of *lex sportiva* to the normative relationship between national law and international sports regulations.

## **5. CONCLUSION**

This study shows that law enforcement in swimming has specificities derived from the applicability of *lex sportiva* as a private normative system established by international sports organizations. These specificities are reflected in the sources of norms, mechanisms of application, and modes of rule enforcement, which differ from the national legal system. In swimming, the regulations set by World Aquatics function as the core norms that determine the validity of competition organization and the recognition of athletes' achievements in the sport.

From the perspective of Indonesia's national legal system, the applicability of *lex sportiva* gains normative legitimacy through Law No. 11 of 2022 on Sports, especially Article 45(4), which requires the organization of competitive sport to follow the rules of the relevant international sports organization. This provision emphasizes that applying international rules is not merely a technical choice but a legal requirement for recognizing an activity as a competitive sport. Therefore, championships or sports weeks that do not fully and consistently apply the core rules of international sports organizations cannot be qualified as competitive sports within the national legal framework.

This study also affirms that the recognition of *lex sportiva* in the national legal system is not absolute. The applicability of international sports organization rules remains limited by constitutional principles and the state's obligation to protect human rights. Accordingly, the state cannot fully relinquish its responsibility for organizing competitive sports on the grounds of sports organization autonomy; instead, it must ensure that *lex sportiva* aligns with the values of justice and non-discrimination.

As an academic contribution, this study expands *lex sportiva* scholarship in Indonesia by positioning swimming as the object of analysis and using Sports Law as the main framework for assessing the applicability of international sports norms. These findings are expected to serve as a reference for developing sports policy particularly in determining standards for organizing competitive sports and to encourage further research on the specificity of law enforcement in other sports within the national legal system.



## **Ethical Approval**

This study did not require formal ethical approval as it constitutes normative legal research and does not involve medical experimentation or vulnerable populations. The research was conducted in accordance with generally accepted ethical standards in social science and legal research. Data collection relied on document analysis of legislation, legal doctrines, and regulations of international sports organizations, as well as publicly accessible institutional documents.

## **Informed Consent Statement**

Not applicable.

## **Confidentiality Statement**

Not applicable.

## **Authors' Contributions**

Not applicable.

## **Disclosure Statement**

The author declares no conflict of interest related to this research.

## **Data Availability Statement**

All data supporting the findings of this study are derived from publicly available legal materials, including legislation, academic publications, and official regulations of international and national sports organizations. No additional datasets were generated or analyzed.

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## **Notes on Contributors**

### **Barru Aliyyu Nissa Ismanto**

Barru Aliyyu Nissa Ismanto is a lecturer and researcher at the Faculty of Law, Universitas Narotama, Indonesia. Her research interests include sports law, constitutional law, legal pluralism, and the interaction between international private norms and national legal systems.

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