

SETTLEMENT OF EMPLOYMENT CONTRACT DISPUTES BETWEEN PROFESSIONAL FOOTBALL PLAYERS AND FOOTBALL CLUB BASED ON SPORTS LAW

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Abstract: *Football is one of the most popular sports and is in great demand by the world community, including the people in Indonesia. Football players who want to join and defend a team or club, between the football club and the football players enter into a work contract. Even though it has been made, in reality there are still many irregularities in the world of football, such as defaults, Termination of Employment carried out by soccer clubs. ball unilaterally, late payment of salaries.*

Key Words: *Employment Contract, Notary, Dispute Resolution Football.*

1. INTRODUCTION:

The resolution of disputes over professional football players' work contracts is still limited to family discussions between players and football clubs. This shows that the law has not been able to provide certainty about rights and obligations, especially for professional soccer players. Legal uncertainty should open the eyes of all those responsible for Indonesian football, especially football clubs and the parent organization of Indonesian football, namely All Indonesian Football Association (PSSI). Therefore, legal instruments are needed that can overcome problems in the field of football, especially work contract issues so that the rights and obligations of players can be properly protected, and players can show maximum performance.

2. THEORITICAL FRAMEWORK:

- **Consensus Theory**
The agreement is the initial basis for forming an agreement which contains the understanding that the parties express their respective wills to close an agreement or statement of one party that "fits" or is in accordance with the statement of the other party.[1]
- **Legal Protection Theory**
According to Harjono, legal protection itself is the provision of certainty or guarantee that someone who performs the rights and obligations has been protected by law.[2]
- **Dispute Resolution Theory**
Dispute resolution theory is a theory that examines and analyzes the categories or classification of disputes or conflicts that arise in society, the factors that cause disputes and the methods or strategies used to end these disputes.

3. LITERATURE REVIEW:

According to M. Yahya Harahap, an agreement is a legal relationship of wealth between two or more people, which gives the power of right to one party to obtain achievements and at the same time obliges the other party to carry out achievements.[3]

According to Prof., Iman Soepomo. S., H., an employment agreement is an agreement in which the first party, the worker binds himself to work by receiving wages to the other party, the employer, who binds himself to employ the worker by paying wages.[4]

Sports Law (*Lex Sportiva*) is a legal system that specifically regulates sports and is formed by sports community institutions and is international in nature, for example *International Federation of Football Association* (FIFA) and *Badminton World Federation* (BWF) and applies and is enforced by the sports institution itself without intervention from a country's positive law or intervention from international law.

4. METHOD:

The method used in this research is an empirical juridical approach, which is an approach based on legal research methods that seeks to see law in a real sense or can be said to see, examine how law works in society.[5]

5. DISCUSSION:

The judicial body or judiciary established by FIFA and also contained in the PSSI statute consists of: *The judicial bodies of FIFA are: (a) the Disciplinary Committee; (b) the Ethics Committee; (c) the Appeal Committee* whose formulation is (a) Disciplinary Committee, (b) Ethics Committee, (c) Appeals committee, this is in accordance with Article 88 paragraph 3 of Law Number 3 of 2005 concerning the National Sports System (UU SKN). Sanctions provided in the FIFA or PSSI statutes for violations are in the form of sanctions against professional soccer players, soccer clubs and sports institutions affiliated with soccer which are subject to FIFA and PSSI statutes.

National Dispute Resolution Chamber (NDRC) Indonesia is a national arbitration court in the field of association football in Indonesia which has the competence to resolve disputes. NDRC Indonesia was formed in 2019 and has the task and function of handling disputes arising from work contracts between players and football clubs or football schools, disputes between football clubs, disputes between football clubs and football schools. The jurisdiction of the NDRC Indonesia is an arbitration body authorized to handle any Disputes between Football Clubs and Players related to working relationships and Contract stability as stipulated in the FIFA and PSSI regulatory framework, as well as Disputes related to training compensation and solidarity contributions between Football Clubs as well as between Football Clubs and Football Schools.

6. ANALYSIS:

- **Implementation of Work Contracts Between Professional Soccer Players and Football Clubs**

The employment contract will stipulate the rights and obligations of each party. Players and clubs will be bound in this working relationship to exercise their respective rights and obligations. The relationship between the player and the club is bound by law. The legal relationship that occurs between the player and the club gives rise to various rights and obligations. The player's work contract with the club has ensured that the club carries out its obligations and responsibilities as a club and players run as players who provide achievements for the club. For example, clubs are required to pay wages to players, clubs are required to provide an occupational safety and health management system, players are required to complete their duties, players are required to comply with player rules, and so on. In carrying out obligations as a professional player, players are also entitled to achievements obtained from the club. The club is obliged to fulfill its achievements in terms of player welfare as long as the player strengthens the club. The club's obligations are not to be late in paying player salaries every month, to provide welfare facilities such as player residences, player award bonuses, health insurance and player income when the player is injured or sick as a result of defending the club. The club is also obliged to provide accommodation, food, transportation and all the facilities and equipment needed by players when carrying out matches. In addition, players are also entitled to holidays and health insurance and a form of legal protection for players.

- **The Role of a Notary in Making Contracts of Work Between Professional Soccer Players and Football Clubs**

The use of an authentic deed drawn up by a notary is a means of preventive legal protection in making work contracts between players and clubs so that equality will be created when negotiating between professional soccer players and soccer clubs, both players who already have agents or do not have agents, especially for players who do not or have not joined agents with the role of a notary in making work contracts when negotiating or when giving statements before a notary, where the position of a notary must be neutral and provide legal counseling according to his capacity, especially regarding the rights and obligations of the parties who will enter into a work contract players and clubs are based on the principle of freedom of contract in which the parties agree to carry out cooperation that can minimize the occurrence of violations of rights and obligations between the parties.

- **Work Contract Dispute Resolution Between Professional Soccer Players and Football Clubs Based on Law Number 3 of 2005 Concerning the National Sports System**

Regarding dispute resolution, the SKN Law has regulated the method of resolving sports disputes, which is formulated in Article 88 of the SKN Law. If seen from the formulation of Article 88 paragraph 3, there is a norm conflict with the formulation of the FIFA Statutes as well as with the PSSI Statute where the FIFA Statutes and PSSI Statutes do not explain whether football dispute resolution can be resolved through Indonesian courts especially when it comes to local/foreign players. FIFA Statutes and PSSI Statutes themselves only recognize CAS and internal arbitration bodies as dispute resolution institutions related to football disputes.

7. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- The procedure for implementing a work contract between a professional football player and a football club is the process of recruiting professional football players by a club consisting of three phases/stages, namely the first is to carry out a selection which aims to find talented players and quality experienced players because each region is certain. have talented young talents. Both transfers / outside the club academy as in this case are recruiting players who are experienced and have had experience in the world of Indonesian football, this aims to cover the deficiencies that exist in the team. The three stages are the Club Pre-Training where in this phase the coaching team sees the development of the players who will be recruited based on open selection or transfer to become part of the team. The four training/match phases, it is in the training/match phase that a player's obligations begin to run, players are required to carry out all portions of the training programmed by the coaching team without exception.
- The work contract between professional soccer players and soccer clubs still has weaknesses because in a team it is impossible not to arise problems such as late payment of salaries, termination of employment.
- Settlement of employment contract disputes between professional soccer players and soccer clubs. by FIFA, AFC and PSSI as the parent organization of Indonesian football.

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