



The Position of the Indonesian National Sports Committee (INSC) and the Indonesiasn Olympic Committee (IOC) in Indonesia

Gunawan Widjaja¹, Rizka Anindya Manjayani², Rianti Nurul Oktavia³ Nur Ulfa Maulida⁴,
 Elisabeth Purnama Massang⁵, Rafa Zahirah Husein⁶, Farrel Abiyu Ramadhana⁷
^{1,2,3,4,5,6,7}Universitas Krisnadwipayana, Jatiwaringin, Indonesia

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ABSTRACT

World institutions that regulate sports are under the authority of the International Olympic Committee (IOC). Currently, two institutions in Indonesia, namely the in: Regional Sports Committee (RSC) and the Indonesian Olympic Committee (IOC). The Indonesian National Sports Committee (INSC) is the only organization authorized and responsible for managing, fostering, developing & coordinating the entire implementation of sports activities for each member's achievements in Indonesia. RSC is an independent and non-governmental body, meaning that sports activities return to the community. Judging from the historical aspect of the birth of Presidential Decree No. 72 of 2001, RSC was positioned as a single public legal entity that carried out coaching and development of sports and achievements. This study aimed to explain the existence, legality, and authority of RSC and IOC. This research is normative legal research with qualitative analysis using secondary data. The results of the research and analysis show that the two institutions legally go hand in hand and do not overlap.

ABSTRAK

Institusi dunia yang mengatur mengenai keolahragaan berada di bawah kewenangan International Olympic Committee (IOC). Saat ini di Indonesia dikenal adanya dua lembaga yang mengatur mengenai keolahragaan, yaitu Komite Olahraga Nasional Indonesia (KONI) dan Komite Olimpiade Indonesia (KOI). Penelitian ini dibuat dengan tujuan untuk menjelaskan eksistensi, legalitas, kewenangan KONI dan KOI. Penelitian ini adalah penelitian hukum normatif dengan analisis kualitatif menggunakan data sekunder. Hasil penelitian adan analisis menunjukkan bahwa kedua kelembagaan tersebut secara yuridis berjalan beriringan, dan tidak saling tumpang tindih.

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Corresponding Author:

Gunawan Widjaja,
 Universitas Krisnadwipayana, Jatiwaringin
 Kampus UNKRIS, Jatiwaringin – Pondok Gede, Jakarta Timur, DKI Jakarta, 13077
 Email: widjaja_gunawan@yahoo.com

I. INTRODUCTION

In the daily life of every human being, the main goal is not only financially but also to maintain physical fitness to stay healthy and young. Therefore, it is the right of every human being to carry out and participate in sports activities. Thus, exercise becomes and is essential thing for humans in maintaining endurance. Sport is an activity carried out by a person or group that aims to train the body's muscles to be physically and mentally healthy, such as running, javelin throwing, soccer, volleyball, aerobics, etc. In addition, when done in groups, it can train the brain to develop strategies to defeat opponents. Besides being done physically or directly, sports can be done indirectly (*E-Sports*), such as *online sports games*.

In addition to maintaining physical and spiritual health, sports can compete nationally and internationally. That by competing in sports at the National and International levels, it aims to maintain and improve health, fitness, achievement, human quality, instill moral values and noble character of disciplined sportsmanship, and strengthen national unity and integrity, strengthen national resilience, and raise dignity, the dignity and honor of the nation (Indonesia, 2007). There are organizing institutions in national and international sports weeks in Indonesia, namely the Indonesian National Sports Committee (INSC) and the Indonesian Olympic Committee (IOC).

The Indonesian National Sports Committee (INSC) is an organization that is authorized and responsible for managing, fostering, developing, and coordinating the whole implementation activity sports performance of every member in Indonesia (Koni, yy). Meanwhile, the Indonesian Olympic Committee (IOC) is a national organization that carries out Indonesia's participation in International Sports Weeks and has full authority and responsibility for Indonesia in the Olympics and every sports competition supported by the *International Olympic Committee* (IOC). IOC has the task according to the Olympic charter, namely to be the organizer of multi-event activities at the international, continental, and regional levels organized by the IOC, Olympic Council Asia, and South Asia Federation, as well as other sports organizations with facilities for the IOC, *Olympic Council Asia*, and *South East Asia Games Federation* (Augustin, 2022).

In addition, of course, in the world of sports, there must be someone who has the authority to regulate to create a regulation or rule that follows the objectives of a particular organization in that country. In Indonesia, there are institutions in the field of sports, namely the Ministry of Youth and Sports of the Republic of Indonesia (KEMENPORA RI) and the Indonesian National Sports Committee (INSC). In sports, the Ministry of Youth and Sports of the Republic of Indonesia (KEMENPORA RI) is to organize and coordinates youth and sports activities and divisions in carrying out their duties. Meanwhile, the role of the Indonesian National Sports Committee (INSC) is to improve the performance of all sports in Indonesia by encouraging sports to carry out good recruitment in order to attract athletes who have potential in their respective sports (National, 2021) . There is a debate between the two institutions regarding regulating or managing the sports system in Indonesia. Is the management of the sports system the responsibility of the Ministry of Youth and Sports of the Republic of Indonesia or the Indonesian National Sports Committee?

Based on this background, in this study, we will focus more on what is behind the duties, functions, authorities, and positions of the Ministry of Youth and Sports of the Republic of Indonesia (KEMENPORA RI), the Indonesian National Sports Committee and the Indonesian Olympic Committee.

II. RESEARCH METHOD

This study uses a normative juridical method. It is said to be juridical because this research is research in law. It is called normative because what is being studied is the applicable legal norm. These norms will then form and become the rules that cover the material and objectives of this research.

The data used in this study is secondary data, which comes from primary legal sources, secondary legal sources, and tertiary legal sources. Primary legal sources come from the applicable laws and regulations. In this study, primary legal sources were obtained, among others, in the form of Law Number 3 of 2005 concerning the National Sports System, Government Regulation Number 16 of 2007 concerning the Implementation of Sports, Government Regulation Number 17 of 2007 concerning the Organizing of Sports Weeks and Championships, and Government Regulation Number 18 of 2007 concerning Sports Funding. Secondary legal sources contain doctrines and legal theories that can be found in books, articles in journals, magazines, newspapers, and others. Furthermore, tertiary law sources are other sources believed to enrich and provide an understanding that cannot be obtained from both primary and secondary legal sources, especially regarding this research topic.

The analysis was carried out qualitatively with a descriptive-analytical approach. The analysis is carried out qualitatively because what is analyzed is the norms, rules in law, and their understanding. It is called descriptive because this analysis describes and firstly describes matters related to sports in Indonesia, especially the organizations responsible for the development of soccer sports and soccer competitions at national and international levels, as well as matters relating to the development of soccer sports in Indonesia. Indonesia.

III. RESULT AND DISCUSSION

The position of the Indonesian Olympic Committee, the Indonesian National Sports Committee, the Ministry of Youth and Sports of the Republic of Indonesia (KEMENPORA RI), and Organizations Recognized by the IOC

Duties, Roles, and Responsibilities of IOC, INSC, and the Indonesian Minister of Youth and Sports

The position of the Indonesian Olympic Committee (KOI) is regulated in Article 44 paragraphs (2), (3), and (4) of Law Number 3 of 2005 concerning the National Sports System, which explains that the KOI is a national organization that includes Indonesia in the implementation of the Olympics or an international sports week organized by the International Olympic Committee (IOC). The IOC has recognized Indonesia's participation in the Olympics or international sporting events. Then, although the KOI is a national organization, in carrying out its duties and authorities, the KOI cannot be separated and must comply with the laws and regulations governing it, both national regulations and international regulations that have been established and approved by the IOC (INDONESIA, 2007).

The duties, roles, and responsibilities of KOI in organizing the Olympics or international sports weeks are regulated in Article 7 and Article 8 of Government Regulation Number 17 of 2007 concerning the Organizing of Sports Weeks and Championships, which explains that in organizing the Olympics or international sports weeks, the KOI has the duties and authorities. In the development of sports championships both at the national and international levels by introducing Indonesia to the world of international sports and introducing the Indonesian people themselves to the Olympics or sports week in order to improve Indonesia's achievements in sports, besides that the Olympic movement KOI also must protect it as regulated in the statutory provisions that have been made (Olympic charter). Therefore, to achieve these tasks and authorities, KOI must cooperate with the Government, which in this case is the Minister in the field of sports, to participate in Indonesia in the Olympics or international sports fairs and if Indonesia proposes to be the host. (Indonesian, yy)

The Indonesian National Sports Committee (KONI) is an Indonesian sports organization founded on December 31, 1966, in Jakarta, which is authorized to regulate all sporting activities, both regarding its policies and the implementation of the sports movement itself (*Presidential Decree No. 57/1967 on the Indonesian National Sports Committee*). The position of KONI is regulated in Article 36 paragraph (4) of Law Number 3 of 2005 concerning the National Sports System, which explains that KONI has essential duties, roles, and responsibilities in policy making in the field of sports, especially at the national level. The policy made by KONI must be in line with the current development of the sports world so that it can build a better sports system in Indonesia and make achievements in the sports field continue to increase and be evenly distributed in each region. Of course, in making national sports policies, KONI must cooperate with the Government, such as the Ministry of Youth and Sports (to create policies that are correct and do not conflict with applicable laws and regulations KEMENPORA RI). Then outside of these tasks, KONI also participates in helping KOI to participate in Indonesia in the Olympics or international sports weeks. In this case, KONI does not directly participate in the Olympics or international sports weeks, where KONI only helps KOI. However, with the existence of KONI, Indonesia can easily select professional and quality athletes who will later be

included as Indonesia's representatives to participate in the Olympics or international sports week (Law Number 3 of 2005 concerning the National Sports System, Article 36).

In addition, matters regarding the duties, roles, and responsibilities of INSC are supported by Government Regulation Number 16 of 2007 concerning the Implementation of Sports, especially in Article 53 regarding the roles and duties. Responsibilities of INSC, namely INSC's role and duty in proposing and coordinating the plan of sports activities that are evenly distributed in each region through the chairman of the sports branches. Of course, in carrying out these roles, duties, and responsibilities, KONI must also cooperate with the Minister in sports in proposing and coordinating it so that harmony is created in sports activities in Indonesia itself and does not conflict with the applicable laws and regulations. (Government Regulation Number 16 of 2007 concerning the Implementation of Sports, Article 53). Then it is also supported by Government Regulation No. 17 of 2007 concerning the Organizing of Sports Weeks and Championships.

In addition, the Ministry of Youth and Sports of the Republic of Indonesia is one of the ministry institutions in the field of sports, and who is responsible or authorized in terms of regulating the national sports system is the responsibility of the Ministry of Youth and Sports of the Republic of Indonesia. This can be seen from Law Number 3 of 2005, which explains that the Minister is vital in regulating Indonesia's sports system. The Minister, in this case, is the Ministry of Youth and Sports of the Republic of Indonesia (KEMENPORA RI) (Law Number 3 of 2005 concerning the National Sports System, Article 32 paragraph (1)).

This is further clarified in Government Regulation No. 16 of 2007 concerning the Implementation of Sports which states that as the holder of responsibility for the management of the sports system in Indonesia, in addition, the Ministry of Youth and Sports of the Republic of Indonesia manages sports planning, sports organization, financing and supervision in the field of sports (Law Number 3 of 2005 concerning the National Sports System, Article 43).

Guidance, development, control, and supervision of professional sports and sports for persons with disabilities is also the responsibility of the Ministry of Youth and Sports of the Republic of Indonesia (Law Number 3 of 2005 concerning the National Sports System, Article 37 paragraph (1) jo).

The Ministry of Youth and Sports of the Republic of Indonesia is also responsible for the affairs of fostering and developing recreational sports with the assistance of the Minister in the fields of culture and tourism as well as in matters of fostering and developing educational sports supported by the ministry in the field of national education (Law Number 3 of 2005 concerning the National Sports System). Article 26 paragraph (1) in conjunction with Article 31 paragraph (1).

However, in addition to the things mentioned above, the RI MENPORA also fosters and supervises achievement sports (National Sports Week) in Indonesia, which are carried out by sports branches and the parent sports organization (Sports, 2020).

In essence, the current task is for the Ministry of Youth and Sports to carry out government affairs in the field of Youth and Sports to assist the president in organizing the state government. In addition, KEMENPORA's work program is related to Youth Empowerment, Youth Development, Sport Cultivation, and Sports Achievement Improvement programs.

Organizations Recognized by the *International Olympic Committee/ IOC*

Based on Article 44, paragraphs (2), (3), and (4) of Law Number 3 of 2005 concerning the National Sports System and Article 5, paragraphs (1) and (2) of Government Regulation Number 17 of 2007 concerning the Organizing of Sports Weeks and Championships explained that the Indonesian Olympic Committee (KOI) is a national organization that has been recognized and has become part or member of the International Olympic Committee (IOC) since March 11, 1952. Apart from being a sports organization in Indonesia, KOI also has the same articles of association as the INSC organization. However, the difference between KONI and KOI, namely because the IOC has recognized IOC, the articles of association of KOI also received approval from the IOC (Agustin, 2022).

So, it can be said that the National Organization in Indonesia between the Indonesian National Sports Committee (INSC) and the Indonesian Olympic Committee (IOC), which the IOC recognizes, is the Indonesian Olympic Committee (IOC). The relationship between the KOI and the IOC is very close because the IOC is the organizer of the sports olympiad and has the authority as a facilitator, determinator, and mediator or conciliator in the ongoing olympiads it holds. In contrast, the IOC is the administrator of sports olympiads in Indonesia, which will be included in the Olympics organized by the IOC, or in the sense of others, IOC has the authority to represent Indonesia to participate in the Olympics organized by the IOC. However, in this case, because the IOC does not recognize INSC, it does not mean that INSC does not participate in implementing the sports Olympics. In this case, INSC plays a role, namely running or helping IOC prepare or select athletes to be sent to participate in the Olympics at the National and International levels (Bolanet, 2013).

The Indonesian National Sports Committee Filed a Lawsuit to the Constitutional Court for Several Articles in Law Number 5 in the Year 2003

In 2014, INSC filed a lawsuit against the Constitutional Court the result was that the Constitutional Court partially rejected the application for judicial review of several articles in Law Number 3 of 2005 concerning the National Sports System. INSC thinks that in the law, there is no government forming a IOC because there are two bodies, namely INSC and IOC, which have implications for inefficiency and ineffectiveness. In this case, INSC questioned 36 paragraphs (1) and (3), Article 37, Article 38 paragraph (3), Article 40, Article 43, Article 44, Article 69, Article 70, Article 88 paragraph (2) and (3) Law Number 3 of 2005 concerning the National Sports System which is considered to have multiple interpretations related to the unclear funding of the APBN and APBD. However, according to the Constitutional Court, it does not cause overlapping authority arrangements between local governments, INSC, IOC, and the parent organization of sports. However, each is interrelated and coordinates with the other, which has been confirmed in the general explanation of the law.

Articles of Association of INSC, KOI, and IOC

Articles of association in Article 5 AD/ART of INSC state that the duties, objectives, and functions of INSC are aimed at realizing proud sports achievements and building the dignity and honor of the nation in order to participate in strengthening and fostering national unity and integrity. Then the articles of association of IOC as an organization have articles of association which the IOC has also recognized. According to the budget, KOI has the objectives of developing, promoting, and protecting the principles and noble values of the Olympics and the Olympic movement in Indonesia following the provisions of the Olympic Charter. Hopefully, this movement will realize and foster friendship and world peace, as well as increase the nation's dignity through sports. As for the articles of association of the IOC, which are based on the Olympic Charter, the articles of association are similar, namely the KOI and the IOC, because they both discuss the development and function of the Olympic movement. Following the articles of association, the KOI aims to develop the principles and movements of the Indonesian Olympics following the Olympic Charter, while the articles of association of the IOC regulate the organization, actions, and functions of the Olympic movement and establish conditions for the celebration of the Olympics.

Implementation of the National Sports Week and Indonesia's Participation in the Asian Games/SEA Games Organizing the National Sports Week in Indonesia

The implementation or implementation of the National Sports Week, or it can be abbreviated as NSW, has been explained in detail in Articles 10 to 12 of Government Regulation Number 17 of 2007 concerning the Organizing of Sports Weeks and Championships. The article explains the purpose of NSW, which is to improve sports performance, maintain national unity and integrity, and potentially screen athletes in Indonesia. In organizing the NSW, the Government is responsible for which the Government's responsibility is carried out by the Minister, in this case, the Menpora. Then the Minister determines or assigns INSC as the organizer of the NSW in terms of planning, organizing, implementing, and supervising NSW.

In addition, INSC also detailed the tasks of determining the number of participants, what sports (sports) will be contested, and the timing of the NSW implementation. All tasks are determined through INSC deliberation and in coordination with the provincial Government, which will host the NSW. Regarding determining the host for the implementation of NSW, INSC determines a maximum of 3 (three) provincial governments to the Minister. After that, the Menpora determines 1 (one) the province to host the NSW, and the province that has been determined is responsible for organizing the NSW. The terms and conditions that must be considered for the NSW host, namely the ability of the provincial host candidate, the completeness of the facilities and infrastructure, the *support* from the local community, as well as coaching and development of sports achievements in each province (Government Regulation No. 2007 concerning the Organization of Sports Weeks and Championships, Article 10, Article 11, and Article 12).

Indonesia's Participation in the Asian Games/ SEA Games Championships

In international sports week, Indonesia participates in it; this is evidenced by Indonesia being one of the countries that are members of the IOC organization represented by KOI. Based on Article 4 of Government Regulation 17 of 2007 concerning the Organizing of Sports Weeks and Championships, one type of international sports week is, for example, an international sports week at the Asian level or *the Asian Games/SEA Games*. In this case, Indonesia also participates in the *Asian Games/SEA Games championship* organized by the IOC (Government Regulation No. 17 of 2007 concerning Organizing Sports Weeks and Championships, Article 4).

Indonesia's participation in the *Asian Games/SEA Games championships* certainly has a goal that Indonesia wants to realize, as regulated in Article 5 of Government Regulation Number 17 of 2007, concerning the Organizing of Sports Weeks and Championships, namely to strengthen ties of brotherhood between nations to create world peace and for Indonesia itself, namely to improve and achieve achievements in the field of sports at the international level. Then Indonesia's participation in the Asian Games championship is the implementation of the roles, duties, and responsibilities of the KOI because this KOI represents Indonesia at the international level in the field of sports. The roles, duties, and responsibilities of the KOI in Indonesia's participation in the *Asian Games/SEA Games*, such as starting from selecting potential athletes in their respective sporting branches to be sent to participate in the Olympics, to be responsible for athletes that have been selected, as well as resolving problems if there is a conflict in the implementation of the *Asian Games/SEA Games* (Government Regulation Number 17 of 2007 concerning Organizing Sports Weeks and Championships, Article 5).

The Indonesian Football Association (IFA) and PERSIJA, under the auspices of INSC

IFA is an institution under the auspices of INSC. It has a duty principal to plan, coordinate and carry out coaching and improvement of athlete achievement, the performance of referees, coaches, and managers. The goal is, of course, to realize the international achievements of one of the Indonesian sports members of INSC, namely IFA, because it takes care of homeland football, especially the achievements of the Indonesian national team. Although IFA is under the world football body, FIFA, the organization is under the auspices of INSC. FIFA is the international governing body for football, meaning FIFA is the most critical parent organization in the world of football.

Following Law Number 3 of 2005 concerning the National Sports System, to save Indonesian Football so that it continues to run, INSC decided to compile and form a football TIMNAS in the future, meaning that TIMNAS is under the auspices of the IMSC institution. In the formation of the TIMNAS football sport, INSC carried it out with state facilities and state budget funds. Therefore TIMNAS is a sport under the auspices of INSC, then TIMNAS must be submissive and obedient to INSC. For example, PERSIJA (Indonesian Football Association Jakarta) is an Indonesian football club based in Jakarta, so PERSIJA is a member of KONI. In its activities, the Jakarta Indonesian football association must comply with INSC rules.

IV. CONCLUSION

The positions of sporting organizations are undoubtedly different, so in terms of roles, duties, and responsibilities also differ between KOI, INSC and the Indonesian Ministry of Youth and Sports. However, this difference does not mean that these national organizations are not related; on the contrary, one organization and another are closely related, especially in carrying out their roles and duties to improve and increase Indonesian sports achievements.

The roles, duties and responsibilities of the KOI are its representatives in Indonesia's participation in the Olympics or international sports events organized by the IOC as regulated in Article 44 paragraphs (2), (3), and (4) of Law Number 3 of 2005 concerning The National Sports System and in Article 7 and Article 8 of Government Regulation Number 17 of 2007 concerning the Organizing of Sports Weeks and Championships, then the roles, duties, and responsibilities of INSC are making proposals for policies in the field of sports at the national level and coordinating sports branches in various regions as regulated in Article 36 paragraph (4) of Law Number 3 of 2005 concerning the National Sports System and Article 53 of Government Regulation Number 16 of 2007 concerning the Implementation of Sports, then the roles, duties and responsibilities of the Ministry of Youth and Sports of the Republic of Indonesia, namely supervising and regulating the entire national sports system in Indonesia by coaching and development of sports in Indonesia as regulated in Article 32 paragraph (1) Article 43, Article 37 paragraph (1) jo. Article 41, Article 26 paragraph (1) jo. Article 31 paragraph (1) of Law Number 3 of 2005 concerning the National Sports System.

Regarding organizations recognized by the IOC, it is explained that based on Article 44 paragraphs (2), (3), and (4) of Law Number 3 of 2005 concerning the National Sports System and Article 5 paragraphs (1) and (2) of Government Regulations Number 17 of 2007 concerning the Organizing of Sports Weeks and Championships, it is explained that the Indonesian Olympic Committee (KOI) is a national organization that has been recognized and has become a part or member of the International Olympic Committee (IOC) since March 11, 1952. So, KOI, in this case, is a national organization. Who becomes Indonesia's representative if the IOC holds the Olympics or international sports fairs?.

Regarding the implementation of NSW in Indonesia, it has been regulated in PP No. 17 of 2007 concerning the Organization of Sports Weeks and Championships, in particular Article 10 to Article 12, which regulates the purpose of holding a national sports week, who is responsible for organizing NSW as well as INSC's duties in implementing the week. The national sport. Meanwhile, regarding Indonesia's participation in the Asian/SEA Games, Government Regulation 17 of 2007 concerning the Organizing of Sports Weeks and Championships has also been regulated, especially in Articles 4 and 5. It explains the purpose of Indonesia's participating in the Asian/SEA Games; it is also explained that the Asian/SEA Games is a championship at an international sports week and who is responsible for Indonesia's participation in the Asian/SEA Games. If INSC is responsible for the implementation of NSW, then for Indonesia's participation in international sports weeks, such as the Asian/SEA Games, it is the responsibility of KOI.

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