



The Use of Prohibited Substances by Athlete are Covered in Doping Offenses

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ABSTRACT

Doping is the administration of oral or paralytic drugs or concoctions to an athlete with the aim of increasing unnatural accuracy. In Indonesia, the prohibition on the use of doping consisting of prohibited substances and/or methods is regulated in Law Number 11 of 2022 concerning Sports. The use of doping is contrary to the principle of "fair play" in matches and also harms the spirit of sport which upholds the values of honesty and justice. However, currently the law on sports in Indonesia does not yet contain criminal sanctions regarding violations of the use of prohibited substances and/or methods, so it is still based on the Law on Narcotics in imposing sanctions. A normative method based on legal materials as the main source.

INTRODUCTION

One important component in human life is exercise, which helps keep the body healthy and fit. Apart from that, various sporting competitions that can make the nation famous motivate some people and even fulfill economic needs. Many local, national, and international competitions are held.

The definition of sport is a series of regular and planned physical movements to maintain movement (which means maintaining life) and improving movement ability (which means improving quality of life). Indonesia highly respects the principles of clean and fair sport and prohibits doping violations by athletes. Based on Law Number 11 of 2022 concerning Sports in Article 1 of the General Provisions, regulates that Doping is the use of prohibited substances and/or methods to improve Sports Performance as well as all forms of violations of anti-doping regulations.

Doping comes from the word dope, which is a mixture of opium and narcotics which was originally used for horse racing in England. Sports doping is the use or administration by competition participants of prohibited substances, substances, and methods that are foreign to the organism through any means or physiological substances in abnormal quantities, to increase sports performance.

LITERATURE REVIEW

Doping violations include the use of substances and/or methods. The use of these substances and methods is prohibited. They can hurt an athlete's career and future because they can cause dependence, organ or nerve damage, and increase the risk of disease. Athletes in various sports certainly use large amounts of prohibited substances and methods to win matches. Even though the ban on doping for athletes was established, many athletes continue to use it to increase stamina, improve sports performance, or for other purposes that are contrary to ethics. For athletes who commit doping violations, the sanctions given are only administrative sanctions and are considered ineffective because they do not have a deterrent effect on them and do not appear commensurate with what they have done. Apart from that, the public does not understand the legal rules regarding doping.

Athletes are highly valued by the government, which encourages them to win and gain local and global recognition. However, it is not easy for a sportsperson to achieve all that. They need support and thorough preparation materially and morally to become sportsmen who are able to compete in increasingly tough and complicated competitions. These factors include doubts about an athlete's readiness and potential, fear when facing an opponent, the desire to win from coaches, parents, sponsors and other supporters, as well as emotional problems such as the athlete's tendency to panic.

Based on the explanation above, the discussion that will be raised in this writing is about legal regulations regarding the use of prohibited substances and/or methods which include doping violations for athletes in Indonesia and sanctions for athletes who use prohibited substances and/or methods which include doping violations in Indonesia.

METHODOLOGY

Based on the problem formulation that has been made previously, this legal research uses normative juridical research methods or doctrinal legal research. In this research, the author examines relevant library materials or secondary data and analyzes the legal standards applicable in the laws and regulations of the Republic of Indonesia relating to legal regulations and sanctions related to the use of prohibited substances. Then, for normative research, this research uses a legal approach -law (statute approach) and a comparative approach.

In writing this legal research, the author uses normative juridical research or doctrinal legal research. As Ronny Hanitijo Soemitro said, the normative juridical legal approach is legal research carried out by identifying and conceptualizing law as norms, rules, and regulations that apply at a certain time and place as a product of a certain sovereign state power. Normative juridical research refers to legal norms contained in laws regulations and court decisions as well as legal norms that exist in society.

RESEARCH RESULT AND DISCUSSION

Basic Regulations Regarding Prohibited Substances and/Or Methods by Athlete

For many years, the use of doping drugs has been prohibited because not only can it damage the body and endanger the health of athletes, but also results in unreasonable achievements because it does not uphold the value of sportsmanship. Sport puts sportsmanship first and upholds it. However, using doping is the same as not upholding sportsmanship. Many sportsmen involved in doping have been recorded in sports history. However, in the contemporary era, this has not happened.

Law Number 11 of 2022 concerning sports in article 1 number 21 states that

Doping is the use of prohibited substances and/or methods to improve Sports Performance as well as any violation of anti-doping regulations.

Doping based on the definition above is not only limited to the use of substances but also to prohibited methods. Which is included in the prohibited substances in doping as regulated in Law Number 35 of 2009 concerning Narcotics.

In article 98 of Law Number 11 of 2022 concerning Sports, the provisions regarding doping are only a description without containing further sanctions for doping violations as follows:

- (1) Every Parent Sports Branch Organization, national Sports institution/Organization, and/or Sports Actor is obliged to comply with anti-Doping regulations.*
- (2) The Central Government helps fund national anti-Doping organizations for the purpose of Doping-free Sports activities.*
- (3) The national anti-Doping organization as intended in paragraph (2) is the only national anti-Doping organization that is independent, professional,*

objective and accountable in carrying out its duties, functions and authority in accordance with the regulations of the world anti-Doping organization .

(4) Funding required to support the activities of national anti-Doping organizations comes from:

a. state budget;

b. regional income and expenditure budget;

c. community donations; and/or

d. other legal and non-binding sources of funds, in accordance with statutory provisions.

(5) Provisions regarding the organizational structure, management, authority and responsibilities of the national anti-Doping organization are stipulated in the articles of association and bylaws in accordance with the provisions of the laws and regulations of the world anti-Doping organization.

The term doping can be defined based on various views, a group of various views, a group of people seeing it as a danger to health, therefore doping is prohibited. In subsequent developments, in 1990 the International Olympic Committee (IOC) defined doping as prohibited substances and methods. Prohibited substances are grouped into 6 classes based on their effects on the body, namely stimulants, narcotics, anabolics, beta-blockers, diuretics, and hormone peptides. Meanwhile, prohibited methods are blood doping, and urine manipulation through pharmacology, chemistry, and physics. Apart from that, some drugs carry certain risks.

The World Anti-Doping Agency (WADA) updates its list of substances prohibited for use by athletes every year. WADA made the latest changes in January 2019. Doping substances fall into several categories, including substances prohibited in general, both in and out of competition, substances prohibited in competition, and substances prohibited in certain sports. WADA (2019) classifies the list of substances prohibited and prohibited for use by sportsmen as follows:

1. S1: Anabolic Androgenic Steroids (AAS) are synthetic derivatives of the endogenous male sex hormone testosterone, which stimulates anabolic (protein synthesis) and androgenic (masculinization) effects.
2. S2: Peptide hormones are substances produced by glands in the body and after circulating through the blood can influence organs in other tissues to change body function.
3. S3: Beta-2 Agonist. Beta-2 agonists are drugs commonly used to treat asthma by relaxing the muscles that surround the airways and opening the airways. In sports, athletes use this drug to increase muscle size and reduce body fat. Beta 2 agonists can have a strong stimulatory effect if taken orally or by injection, therefore this drug is prohibited for use inside and outside of competition.
4. S4: Hormones and Metabolic Modulators Doping, hormones and metabolic modulators are categorized as a class of doping which is prohibited on all occasions both inside and outside of competition. Basically, in the world of health, this modulator is used for breast cancer treatment, osteoporosis treatment, and helping diabetes

patients to regulate blood sugar levels. However, in most cases, many athletes use this modulator to improve sports performance.

5. S5: Diuretics and Substances that Mask Other Substances (Masking Agents) In sports diuretics do not have the effect of improving performance but are used to increase urine production with the aim of dissolving the drugs used including removing their metabolites. (Gultom, 2018, p. 809).
6. S6: Stimulant. The use of stimulant drugs is to increase alertness, reduce fatigue, increase competition, and increase physical or mental abilities.
7. S7: Narcotics. Narcotics have the capacity to reduce pain and even affect emotions. Long-term use can cause dependence.
8. S8: Cannabinoids. Cannabinoids come from plants that are psychoactive, can be in the form of marijuana, hashish. Cannabinoids are psychoactive chemicals derived from the marijuana plant that cause feelings of relaxation.
9. S9: Glucocorticoids (glucocorticoids) Glucocorticoids are a class of steroid hormones from the corticosteroid class, which also play a role in controlling carbohydrate, fat and protein metabolism, and also have anti-inflammatory properties by inhibiting the release of phospholipids.

The legal substance that regulates formal and material criminal provisions is used to implement narcotics law in Indonesia. Articles 111 to 129 of Law Number 35 of 2009 concerning Narcotics regulate basic and additional penalties. In Law Number 11 of 2022 concerning Sports, CHAPTER XVII, Article 98 Paragraphs 1 to 5, it is regulated that the prevention of doping use is regulated in the Law -Law Number 35 of 2009 concerning Narcotics, and that the revocation of business permits and legal entity status aimed at corporations is an additional crime. which includes imprisonment and fines.

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Sanctions for Athletes Using Prohibited Substances and/or Methods

The legal issues raised by the author are at a philosophical level, based on the principle of no crime without fault (*geen straf zonder schuld*), so that the use of prohibited substances or techniques by athletes must be proven with valid evidence, and the athlete can be held responsible for their actions. In addition, sports philosophy questions sports values, beauty, ethics, and the logic of rules.

In this case, there is a relationship between the legal issues above and the research conducted by the author. The slogan of the World Anti-Doping

Agency (WADA) is "Play True", which means that the use of prohibited substances and methods in doping offenses is not allowed. If an athlete is proven to have committed a doping violation, the use of prohibited substances and methods is not permitted.

Judges are fully responsible for determining sanctions for narcotics abuse, whether in the form of criminal sanctions or whatever. However, in practice, judges do not always give narcotics abusers the right to undergo rehabilitation, even though Law Number 35 of 2009 concerning Narcotics states that rehabilitation efforts are available for drug abusers. One good way to punish perpetrators of narcotics abuse is by implementing rehabilitation fines. Rehabilitation aims to release users from addiction to illegal drugs.

As an effort to tackle substance abuse and/or prohibited methods, an Anti-Doping Program was created. The Anti-Doping Program has been built on the intrinsic value of sport. This essential value is often referred to as the "spirit of sport": the achievement of ethical human perfection through the dedicated perfection of each Athlete's natural talents. This is closely related to the philosophical aspect of a match, namely "fair play", namely that all athletes should play honestly and fairly both before, during, and after the match takes place.

The Anti-Doping Program seeks to protect the health of athletes and to provide opportunities for Athletes to achieve human perfection without the Use of Prohibited Substances and Prohibited Methods. The Anti-Doping Program seeks to maintain the integrity of sport in the context of respect for the rules, other competitors, fair competition, conditions for playing by equal rules, and the clean value of sport to the world.

The spirit of sport is a celebration of the spirit of humanity, body, and mind. This is the essence of Olympians and is reflected in the values we discover through sport. The spirit of sport is expressed in how we play properly. Doping is fundamentally against the spirit of sport.

Indonesia is a country of laws, where the law regulates and makes society obedient and orderly, including athletes. The doping cases involving several Indonesian athletes today should be a reflection of the Indonesian nation to be more responsive in dealing with the use of doping by these athletes. Therefore, Indonesia should have clearer and more ideal doping regulations. So it is hoped that the use of doping by athletes in the future will no longer be used to improve performance in sports. Because the use of doping by athletes will be subject to criminal sanctions in the form of imprisonment and fines.

CONCLUSIONS AND RECOMMENDATIONS

The prohibition on the use of doping by athletes in Indonesia is regulated in Law Number 11 of 2022 concerning Sports. However, there are still many weaknesses in these regulations, such as the absence of criminal sanctions in these regulations, which is the most fundamental problem and makes it difficult for legal officials to implement these regulations. Even though doping

is a substance or drug that is dangerous to health and has a dependency effect on its users.

The concept of criminal law policy in providing sanctions as an effort to overcome doping in Indonesia must be accompanied by the formation of ideal legislation to answer all problems that arise in society, such as the use of doping by athletes.

ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

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