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Legal Implications of Drug Use for Professional Athletes on Employment Contracts and Organizational Sanctions

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Abstract: The phenomenon of professional athletes' involvement in drug abuse cases raises complex legal issues due to the multi-layered legal consequences of various legal regimes. Athletes not only face national criminal law as stipulated in Law Number 35 of 2009 concerning Narcotics, but also face contract-based civil sanctions and sanctions from sports organizations subject to *lex sportiva*. This situation creates tension between the rehabilitative approach adopted by criminal law towards drug abusers and the repressive and reputational disciplinary approach in the sports legal system. The accumulation of these sanctions has the potential to give rise to over-penalization practices that threaten the principles of substantive justice, legal certainty, and the sustainability of professional athletes' careers. This study aims to analyze the legal status of professional athletes within the criminal, civil, and sports organizational legal regimes, and examine the normative conflicts arising from the application of multiple sanctions for the same act. The research method used is normative legal research with a statutory, conceptual, and limited comparative approach to *lex sportiva* practices and Court of Arbitration for Sport decisions. The research findings reveal a conflict in law enforcement objectives across regimes, which affects the legal protection of athletes. This study proposes a reconstruction of the legal protection model for professional athletes through regulatory harmonization, the application of the principle of proportionality, and the strengthening of a rehabilitative approach that maintains the integrity of sport and the public interest.

Keyword: Professional Athletes; Drug Abuse; Multiple Sanctions; *Lex Sportiva*; Proportionality; Legal Protection.

INTRODUCTION

The phenomenon of professional athletes' involvement in drug abuse cases demonstrates the complexity of legal issues that go far beyond mere criminal offenses (Bagaskhara, 2024). Athletes are not just ordinary individuals, but public figures whose activities and behavior are constantly under the scrutiny of society, the media, and institutions (Harjo, 2023). This situation causes any act classified as drug abuse to immediately trigger a series of overlapping

legal consequences. Criminal proceedings run concurrently with contractual responses from clubs and sponsors, as well as disciplinary sanctions from sports organizations (Harahap, 2025). The accumulation of these sanctions creates a legal reality that is far more severe than that of ordinary legal subjects.

The position of professional athletes as legal subjects has unique characteristics because they exist at the intersection of several normative regimes simultaneously. Criminal law positions athletes as citizens subject to statutory regulations, including Law Number 35 of 2009 concerning Narcotics (Supanca, 2025). Civil law views athletes as parties in contractual relationships fraught with economic and reputational interests (Hanafie, 2021). The private law of sports organizations positions athletes as members bound by the internal rules of national and international federations (Sanusi, 2024). This overlap creates multiple legal pressures that are often not systematically addressed.

The inconsistency of objectives between legal regimes is a fundamental problem in handling drug cases involving professional athletes. The Narcotics Law emphasizes a rehabilitative approach to drug abusers, particularly those perceived as victims of addiction (Salwa, 2024). Sports organization regulations, on the other hand, emphasize image protection, competition integrity, and public role models (Elviani, 2020). These differing orientations encourage repressive and exclusionary sanctions, even in the early stages of case handling. These differing policy directions create normative tensions that have yet to be resolved.

The impact of multiple sanctions on professional athletes is felt not only in the formal legal realm but also in the sustainability of their careers and social lives (Fajriyah, 2024). Criminalization can go hand in hand with termination of employment contracts, revocation of sponsorships, and long-term suspensions from competition. This situation results in the simultaneous loss of athletes' livelihoods and professional identities (Nugroho, 2019). Legal certainty becomes unclear because each legal regime operates separately without coordination. Substantive justice is questioned because a single act gives rise to multiple consequences.

The urgency of legal reconstruction arises from the need to reorganize the relationship between these legal regimes in a more just and rational manner. Legal protection for professional athletes cannot be understood as an effort to absolve them of legal responsibility. Such protection must be positioned as a balancing mechanism so that sanctions imposed do not exceed the objectives of law enforcement itself (Efendi, 2024). The public interest and the integrity of sport remain primary considerations, but they must not sacrifice the principles of humanity and proportionality (Ummi, 2025). This approach forms the initial foundation of this research.

Proportionality theory offers a relevant normative framework for assessing the proportionality between an act and a sanction. This principle emphasizes that any restriction of rights or imposition of punishment must have a clear rationale, a legitimate purpose, and a moderate burden. In modern law, proportionality is understood as an instrument for controlling power, both by the state and non-state institutions (Setiawan, 2024). The application of this principle prevents the excessive use of sanctions that are disproportionate to the severity of the offense. The relevance of this theory becomes even more evident in the case of professional athletes who face multiple legal consequences (Satria, 2022).

The application of the proportionality theory to criminal sanctions requires a balance between the interests of law enforcement and the protection of individual rights (Rachmaida, 2025). Civil law recognizes the principle of proportionality through the prohibition of oppressive and unreasonable clauses (da Santo, 2024). Administrative sanctions in sports organizations should also be subject to standards of rationality and justice. The entire regime has a moral and legal obligation to ensure that punishment does not become a tool for destroying the existence of legal subjects. The principle of proportionality serves as a common thread connecting the three.

The importance of proportionality in evaluating the fairness of layered sanctions against professional athletes is essential. The combination of criminal, civil, and organizational penalties often does not consider the overall impact on athletes. Each legal regime tends to view violations in a fragmented manner, aligned with its own interests. This pattern has the potential to create systemic injustice. A proportionality-based analysis allows for a comprehensive evaluation of the legal burdens faced by athletes.

The concept of legal protection stems from the recognition that not all legal subjects are equal (Sinaulan, 2018). Professional athletes are vulnerable due to their reliance on contracts, public reputation, and hierarchical organizational structures. Legal protection encompasses not only access to justice but also guarantees fair and humane treatment. This approach positions the law as a corrective instrument against power imbalances (Saragih, 2024). This type of protection is relevant in addressing unilateral sanction mechanisms.

The distinction between formal and substantive justice is key to understanding the issues facing athletes who use drugs. Formal justice emphasizes adherence to written procedures and regulations. Substantive justice demands a more in-depth assessment of the impact and purpose of the law (Awaluddin, 2026). Athletes who formally violate the rules may still be treated unfairly if the sanctions imposed exceed the limits of reasonableness. A substantive approach seeks to correct this inequality through a more contextual and humane assessment.

Lex sportiva has developed as a transnational private legal regime with a high degree of autonomy. The rules of international sports organizations form a normative system relatively independent of national law. Sports federations simultaneously exercise regulatory, judicial, and executive functions over athletes. The athlete's position within this structure tends to be subordinate due to membership ties and professional needs (Suparman, 2025). Tensions between lex sportiva and national law arise when organizational sanctions directly impact athletes' fundamental rights.

The concept of multi-layered legal consequences is used to explain the accumulation of legal consequences arising from the same act. This concept differs from *ne bis in idem*, which applies only within one criminal law regime. Layered punishment across regimes remains formally possible, but raises substantive justice issues. Professional athletes are often the most disadvantaged parties in this scheme. This analytical framework serves as a primary research tool for assessing the need for harmonization and more proportional legal protection. and population or research subjects, time and place of research, instruments, procedures, and research techniques, as well as other matters relating to the method of research. This section can be divided into several sub-chapters, but no numbering is necessary.

METHOD

This study employs a normative legal research method that emphasizes the study of law as a norm or rule applicable in legal systems, both at the national and transnational levels. A statutory approach is used to examine the regulation of drug abuse in Law Number 35 of 2009, rehabilitation provisions, and their implications for the status of professional athletes as subjects of criminal law. A conceptual approach is utilized to examine the theory of proportionality, substantive justice, legal protection, and the concept of layered legal consequences as the primary analytical tool in assessing the reasonableness of accumulated sanctions. This study also utilizes a limited comparative approach by examining the practice of lex sportiva, WADA anti-doping regulations, and Court of Arbitration for Sport decisions as a representation of the international private legal regime of sport. The legal materials used consist of primary legal materials in the form of statutory regulations, codes of ethics, and regulations of sports federations, as well as court decisions and sports arbitration, supplemented by secondary legal materials in the form of books, scientific journals, and the doctrines of experts in criminal law, civil law, and sports law. All legal materials are analyzed qualitatively using

systematic and argumentative interpretation techniques to find normative tensions and regulatory gaps, and to formulate a more proportional and just model for reconstructing legal protection for athletes.

RESULTS AND DISCUSSION

Criminal and Civil Law Implications for Professional Athletes

The status of professional athletes under national criminal law essentially does not receive special treatment compared to other citizens. Law Number 35 of 2009 concerning Narcotics places everyone as an equal legal subject, regardless of profession or social status. Athletes are treated as individuals who are fully responsible for their actions if proven guilty of drug abuse. Criminal norms do not recognize the category of "athlete" as a special subject with certain exceptions. This normative equality demonstrates that criminal law operates on the logic of universality.

The absence of normative differentiation for athletes has legal consequences that are not always socially neutral. An athlete's status as a public figure often amplifies the impact of law enforcement on them. A legal process that should be personal becomes a collective event that receives widespread attention. Publicity of the case, media pressure, and public moral expectations exacerbate the burden on athletes. This situation creates a gap between normative equality and the reality of law enforcement.

Criminal law recognizes the principle of individual responsibility, which emphasizes the perpetrator's culpability. Articles concerning drug abuse, such as Article 127 of the Narcotics Law, position perpetrators as users who can be subject to criminal penalties or rehabilitation. Athletes caught under these articles are still treated as ordinary legal subjects. Public scrutiny often leads to the belief that athletes deserve stricter punishments due to their prominent status. This social assumption has no normative basis in criminal law.

Drug abuse and doping violations are two categories that are often equated in practice, despite having different legal characteristics. Narcotics are positioned as objects of criminal offenses under national laws and regulations. Doping is understood as a violation of sporting integrity under federation rules. This basic normative distinction is often blurred in public perception. This ambiguity also influences how athletes are treated by authorities and sports organizations.

The ambiguity is further exacerbated by the classification of certain substances as both narcotics and prohibited substances for sport. Substances such as marijuana or certain stimulants exist in a gray area between recreational use, dependence, and alleged performance enhancement. Criminal law assessments focus on unauthorized possession and use. Judgments by sports organizations focus on violations of discipline and competitive integrity. These differing perspectives create a double standard for the same offense.

The implications of this normative ambiguity are evident in the inconsistent imposition of sanctions. Athletes may be treated as drug abusers entitled to rehabilitation. At the same time, sports federations may impose severe suspensions without considering their rehabilitative status. Contractual sanctions from clubs and sponsors often follow the narrative of reputational violations. This series of sanctions creates a fragmented and uncoordinated legal burden.

The Narcotics Law provides space for rehabilitation as part of modern criminal policy. Articles 54 and 127 of the Narcotics Law emphasize the obligation to rehabilitate drug abusers and addicts. Rehabilitation is understood as an effort to restore health and social function, not simply to avoid imprisonment. This approach reflects the state's recognition of drug abusers as individuals in need of protection. Athletes caught in drug addiction are normatively placed under the same protection scheme.

The principle of restorative justice is reflected in this rehabilitative orientation. Individual recovery and social reintegration are the primary goals, not retribution. Athletes, as abusers,

should have the opportunity to improve themselves without losing their entire future. However, this rehabilitation mechanism is often interrupted by permanent non-criminal sanctions. This disconnect creates a contradiction between the objectives of criminal law and the practice of sports discipline.

The disconnect is even more apparent in the relationship between criminal rehabilitation and contractual sanctions. Athletes undergoing rehabilitation can still unilaterally lose their employment contracts. Clubs and sponsors often base this action on morality clauses. The rehabilitation process is not considered a mitigating factor in civil relations. As a result, the rehabilitation envisioned by criminal law loses practical significance.

Professional athletes' employment contracts differ from those of typical employment relationships. Moral turpitude clauses and codes of conduct are often formulated broadly and flexibly. Drug prohibitions are typically considered serious violations, with no room for proportional assessment. Athletes are in a weak position to negotiate these clauses. The imbalance in bargaining power increases the risk of unilateral contract termination. Companies often demand the return of bonuses and compensation when employees are terminated from their contracts due to drug cases. Clawback clauses are used to revoke incentives received by athletes. Reputational damage is used as the basis for claims, even though they are difficult to prove concretely. The burden of proof is often placed entirely on the athlete. This pattern demonstrates a tendency toward repressive civil penalties.

The concurrent civil and criminal consequences create multiple layers of legal pressure on professional athletes. Each legal regime operates independently without considering the total impact. Athletes lose not only their freedom or health, but also their jobs and professional identity. The situation places athletes in a highly structurally vulnerable position. This reality emphasizes the importance of critically examining the interaction of criminal and civil law in drug abuse cases.

Organizational Sanctions, Conflicting Legal Regimes, and the Reconstruction of Athlete Protection

Sports organization sanctions are the primary instrument used by federations to maintain the integrity and credibility of competitions. Each sport has an internal disciplinary system that governs athlete behavior, both on and off the playing field. National federations typically adopt or adapt rules established by international federations. These rules include prohibitions on the use of banned substances, ethical obligations, and standards of public conduct. Athletes are bound by these mechanisms as a consequence of their membership in the organized sports system.

Lex sportiva has developed as a transnational and relatively autonomous private legal regime. Its norms are shaped by practices, codes of ethics, and decisions of sports arbitration bodies. This system operates on the logic of protecting the collective interests of sport. These interests are often placed above the interests of individual athletes. Athletes are unique because they are subject to rules that do not arise from national legal systems.

The World Anti-Doping Agency plays a central role in enforcing global sports discipline. WADA establishes the World Anti-Doping Code, which serves as the primary reference for international and national federations. This code lists banned substances, testing procedures, and the types of sanctions that can be imposed. Athletes from different countries are subject to the same standards, regardless of differences in national legal systems. This uniformity strengthens WADA's global authority while limiting local discretion. National sports federations act as extensions of the international anti-doping system. Sanctions are enforced through disciplinary commissions or internal ethics bodies. This process is often swift and secretive. Athletes often struggle to mount a balanced defense. Organizational sanctions can include suspensions, title revocations, or long-term bans.

The impact of organizational sanctions on an athlete's career is significant. Suspension during a productive period can permanently end their chances of achieving success. Athletes lose competitive opportunities, income, and professional visibility. The damage to their reputation is often irreversible even after the suspension period has ended. This burden makes organizational sanctions a severe social punishment.

The phenomenon of multiple punishments arises from the interaction of various legal regimes operating simultaneously. Athletes can face criminal proceedings, civil sanctions, and organizational sanctions for the same act. Each regime has its own rationale that rarely takes the others into account. This accumulation creates a situation resembling double or even triple jeopardy. Substantive justice becomes difficult to achieve in such circumstances.

Multiple punishments do not always formally violate the principle of *ne bis in idem*. Each sanction is imposed by a different authority with a different legal basis. However, athletes' experiences demonstrate that the burdens they bear are cumulative and mutually reinforcing. Criminal sanctions restrict freedom, organizational sanctions block access to professions, and civil sanctions drain economic resources. The totality of these impacts often exceeds the reasonable objectives of punishment.

Over-penalization is a logical consequence of the lack of coordination between legal regimes. The principle of proportionality loses its relevance as each system assesses violations separately. Athletes are positioned as repeat offenders even though they have only committed a single act. The imbalance between the act and the legal consequences is increasingly apparent. This situation raises serious questions about the limits of punitive authority.

The tension between rehabilitation and protecting the image of sport reflects differing value orientations. Modern criminal law tends to view drug abusers as individuals in need of rehabilitation. Sport organizations prioritize reputation and public trust. These two approaches move in opposite directions, with athletes at the most vulnerable intersection.

A zero-tolerance approach has become the dominant paradigm in the sporting sanctions system. Every violation is treated as a threat to the integrity of the competition. Space for empathy and personal recovery is severely limited. Athletes are often reduced to symbols of moral failure, rather than individuals with social and psychological complexity. This reputational logic narrows the possibilities for reintegration.

The risk of athlete marginalization increases with the dominance of this repressive approach. Athletes who have undergone legal proceedings and rehabilitation still find it difficult to return to the sporting system. The label of an offender sticks long-term. The disciplinary system does not provide a clear mechanism for status restoration. This situation creates structural exclusion that potentially violates the principle of justice.

The Court of Arbitration for Sport serves as a forum for resolving international sports disputes. The CAS examines disciplinary, contractual, and cross-border sports disputes. Its decisions are final and binding on the parties. Indonesian athletes bound by international contracts are not exempt from the jurisdiction of the CAS. This forum reinforces the transnational character of *lex sportiva*. The binding force of CAS decisions poses unique challenges for national legal systems. Sports arbitration decisions do not always align with the principles of national legal protection. The mechanism for recognizing and enforcing CAS decisions remains open to debate. Athletes are in a weak position to challenge such jurisdiction. Jurisdictional tensions are an issue that cannot be ignored.

Reconstructing the legal protection model for professional athletes requires a more integrative approach. Athlete contracts need to be drafted with proportional and non-exploitative clauses. Morality provisions should be clearly defined and measurable. The scope for defense and redress must be contractually guaranteed. A balance of interests is a key foundation.

Coordination between law enforcement, the National Narcotics Agency (BNN), and sports federations requires clear protocols. Information regarding athletes' rehabilitation status needs to be recognized across institutions. Organizational sanctions should take into account the ongoing recovery process. This approach opens up opportunities for harmonization without sacrificing sporting integrity. The principle of proportionality can serve as a normative bridge.

Harmonization of criminal, civil, and *lex sportiva* laws is a prerequisite for equitable athlete protection. Rehabilitation needs to be understood as part of social responsibility, not a systemic weakness. Organizational sanctions can be directed toward development, not mere exclusion. Athletes remain responsible for their actions, but they do not lose their right to a future. The reconstruction places humans at the center of the sports legal system.

CONCLUSION

Professional athletes involved in drug abuse find themselves in a highly complex legal situation due to the simultaneous application of several legal regimes. National criminal law positions athletes as subjects of general law without any normative distinction, while contractual civil law and *lex sportiva* treat athletes as public figures, carrying moral, reputational, and economic consequences. This situation creates a conflict of law enforcement objectives, as criminal law, through the Narcotics Law, prioritizes a rehabilitative approach for drug abusers, while sports organization regimes tend to emphasize image protection, competition integrity, and a zero-tolerance policy. The accumulation of criminal sanctions, civil contractual penalties, and sanctions imposed by sports organizations for the same act indicates a tendency toward over-penalization that may violate the principle of substantive justice. The situation creates legal uncertainty, results in unequal protection of rights, and poses a serious threat to the sustainability of athletes' careers. Therefore, harmonization between legal regimes and the application of the principle of proportionality are urgent needs in the modern sports law system.

Recommendations can be made based on the need to reform the perspective on athletes as legal subjects entitled to balanced protection. Policymakers need to encourage the strengthening of coordinating norms between law enforcement officials, the National Narcotics Agency (BNN), and sports organizations so that the rehabilitation process does not automatically result in career-killing organizational sanctions. National and international sports federations are advised to review rigid disciplinary policies by strengthening individual, proportional, and risk-based assessment mechanisms, particularly for athletes proven to be drug abusers rather than traffickers. Athlete clubs and sponsors also need to develop more balanced contract clauses, not solely based on moral turpitude, but providing reasonable redress and protection of economic rights. Academics and sports law practitioners are expected to continue a more in-depth research agenda on the relationship between *lex sportiva*, national law, and athletes' human rights, so that future sports law development is oriented not only toward achievement and image, but also toward justice and humanity.

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