

Ketiadaan Kepastian Hukum Dalam Perjanjian Antara Pemain Basket Profesional Dengan Klub Basket Profesional di Indonesia: Analisa Putusan Nomor 144/Pdt.G/2023/PN = The Absence of Legal Certainty in Agreements Between Professional Basketball Players and Professional Basketball Clubs in Indonesia: Analysis of Decision Number 144/Pdt.G/2023/PN Bdg

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Abstrak

Penelitian ini dilakukan untuk menganalisis hubungan hukum antara pemain basket profesional dengan klub basket profesional di Indonesia, kepastian hukum dalam perjanjian kerja, serta mengevaluasi penyelesaian sengketa melalui pengadilan, dengan fokus pada Putusan Nomor 144/Pdt.G/2023/PN Bdg. Metode penelitian yang digunakan adalah yuridis-normatif, dengan pendekatan wawancara untuk melengkapi analisis hukum melalui perspektif praktis dari para ahli dan praktisi di bidang hukum olahraga. Berdasarkan syarat formilnya, hubungan hukum antara pemain basket profesional dan klub basket profesional dapat dikategorikan sebagai hubungan hukum ketenagakerjaan. Namun, analisis kontrak kerja menunjukkan adanya ketidakseimbangan dan penyalahgunaan keadaan, dimana klausula kontrak sering tidak menguntungkan pemain. Selain itu, penyelesaian sengketa dalam olahraga basket di Indonesia menunjukkan kebingungan dan ketidakseragaman lembaga penyelesaian. Terdapat beberapa lembaga penyelesaian berdasarkan peraturan yang berbeda-beda, yaitu melalui pengadilan hubungan industrial, melalui mediasi, konsiliasi, atau arbitrase, maupun melalui pengadilan negeri umum. Namun, kembali kepada Lex Sportiva bahwa seharusnya penyelesaian sengketa diselesaikan melalui lembaga arbitrase.

.....This research was conducted to analyze the legal relationship between professional basketball players and professional basketball clubs in Indonesia, the legal certainty in employment contracts, and to evaluate dispute resolution through the courts, focusing on Decision Number 144/Pdt.G/2023/PN Bdg. The research method used is juridical-normative, complemented by interviews to enhance the legal analysis with practical perspectives from experts and practitioners in sports law. The legal relationship between professional basketball players and professional basketball clubs can be categorized as an employment relationship based on formal requirements. However, the analysis of employment contracts reveals an imbalance and abuse of circumstances, where contract clauses often do not favor the players. Additionally, dispute resolution in Indonesian basketball demonstrates confusion and inconsistency among resolution institutions. Several resolution institutions are based on different regulations, such as the industrial relations court, mediation, conciliation, arbitration, and general district courts. However, referring back to Lex Sportiva, disputes should ideally be resolved through arbitration institutions.