Journal Penjaskesrek
Volume 13, Number 2, 2026 pp. 92-105
P-ISSN 2355-0058 E-ISSN: 2502-6879
Open Access: https://ejournal.bbg.ac.id/penjaskesrek

LEGAL PROTECTION OF ESPORTS ATHLETES' EMPLOYMENT CONTRACTS IN INDONESIA IN THE DIGITAL INDUSTRY ERA: A COMPARATIVE STUDY WITH ASEAN COUNTRIES

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ARTICLE INFO

Article history:
Received: Jun 10, 2026
Revised: Jul 24, 2026
Accepted: Oct 24, 2026
Available online: Oct 31, 2026

Keywords:
Legal Protection, Esports Athletes, Employment Contracts, Digital Industry, ASEAN Comparative Law
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ABSTRACT

The rapid expansion of the esports industry in the digital era has created new forms of professional engagement that challenge traditional legal frameworks, particularly in the context of employment contracts. In Indonesia, esports athletes enter into contractual relationships with teams that regulate performance obligations, income, and digital activities such as streaming and personal branding. However, the absence of specific regulations governing esports contracts has resulted in fragmented legal protection and increased vulnerability for athletes. This study aims to analyze the legal protection of esports athletes' employment contracts in Indonesia and to compare it with regulatory approaches in selected ASEAN countries, namely Singapore, Malaysia, the Philippines, and Thailand. The research employs a normative juridical method with statutory, conceptual, and comparative approaches, relying on secondary legal materials obtained through library research. Data are analyzed qualitatively through legal interpretation and comparative evaluation. The findings indicate that legal protection in Indonesia remains inadequate, characterized by an imbalance of bargaining power, the presence of unfair contractual clauses, weak protection of intellectual property rights, and limited dispute resolution mechanisms. In contrast, several ASEAN countries have developed more structured legal frameworks, including licensing systems, standardized contracts, and stronger institutional oversight, which provide greater legal certainty and protection for esports athletes. This study concludes that Indonesia requires comprehensive legal reform to address regulatory gaps and adapt to the nature of the esports industry. Strengthening legal protection through the establishment of specific regulations, standardization of contracts, enhancement of intellectual property rights, and development of effective dispute resolution mechanisms is essential to ensure fairness, legal certainty, and the sustainable growth of the esports industry in the digital era.

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INTRODUCTION

The rapid advancement of digital technology has fundamentally transformed various sectors, including the sports industry. One of the most significant developments is the emergence of esports (electronic sports) as a global phenomenon (Dı et al., 2023). Esports is no longer merely a form of entertainment but has evolved into a professional industry involving athletes, teams, sponsors, and large-scale international competitions. In Indonesia, the esports ecosystem has grown rapidly, driven by increasing internet penetration, the popularity of online gaming, and institutional recognition by the government and related organizations (Y. Tang et al., 2024).

In the context of the digital industry era, esports athletes occupy a unique position as both professional players and digital content creators. Their activities are not limited to competitive matches but also include streaming, branding, and engagement with audiences through various digital platforms. This dual role creates complex legal relationships, particularly in the form of employment or contractual agreements between athletes and esports teams or organizations (D. Tang et al., 2023b). As a result, legal protection in these contractual relationships becomes crucial to ensure fairness, certainty, and the protection of athletes' rights.

In Indonesia, legal protection for esports athletes' employment contracts is generally based on existing legal frameworks, such as civil law, labor law, and sports law. However, these regulations are not specifically designed to address the unique characteristics of the esports industry (Ceide, 2022). Consequently, several legal issues arise, including the imbalance of bargaining power between athletes and teams, the inclusion of unfair contract clauses, unilateral termination of agreements, and the lack of clarity regarding intellectual property rights, particularly concerning streaming content and personal branding.

Moreover, the absence of comprehensive and specific regulations governing esports contracts in Indonesia leads to legal uncertainty. This situation is further exacerbated by the rapid pace of technological change, which often outstrips the development of legal norms. As a result, esports athletes are frequently placed in a vulnerable position, with limited legal recourse in the event of disputes (Souza et al., 2025). In contrast, several ASEAN countries, such as Singapore, Malaysia, the Philippines, and Thailand, have taken more progressive steps in regulating esports. These countries have begun to establish clearer legal frameworks, institutional

mechanisms, and standardized practices to protect esports athletes. For instance, some countries implement licensing systems, strengthen contract enforcement, and provide more structured dispute resolution mechanisms, including arbitration. Given these differences, a comparative legal analysis between Indonesia and selected ASEAN countries becomes highly relevant. Such a study can identify regulatory gaps, highlight best practices, and offer insights into how Indonesia can strengthen its legal framework to better protect esports athletes in the digital era.

Based on the above background, this study aims to analyze the legal protection of esports athletes' employment contracts in Indonesia and compare it with regulatory approaches in ASEAN countries. The study seeks to answer key questions regarding the adequacy of existing legal protections, the challenges faced in their implementation, and the potential legal reforms needed to ensure a fair, balanced, and sustainable esports industry in Indonesia.

RESEARCH METHOD

This study employs a normative juridical research method (doctrinal legal research) with a comparative approach to analyze the legal protection of esports athletes' employment contracts in Indonesia within the digital industry era and to compare it with selected ASEAN countries. The research is descriptive-analytical**,** aiming to systematically describe and analyze the existing legal frameworks governing esports athletes' employment contracts. It focuses on identifying legal norms, principles, and doctrines relevant to contractual protection, as well as examining their application in practice. This research utilizes several approaches (X et al., 2025):

1. Statutory Approach: Examining laws and regulations related to employment, contracts, sports law, and digital activities in Indonesia and selected ASEAN countries (such as Singapore, Malaysia, the Philippines, and Thailand).
2. Conceptual Approach: Analyzing legal concepts such as legal protection, freedom of contract, balance of bargaining power, and justice in contractual relationships.
3. Comparative Approach: Comparing Indonesia's legal framework with those of ASEAN countries to identify similarities, differences, and best practices.

This research focuses on the legal protection of esports athletes' employment contracts in Indonesia and selected ASEAN countries. The study is limited to normative analysis and does not include empirical field research. The comparative scope is restricted to countries with relatively developed esports regulatory frameworks within the ASEAN

region. This methodological framework is intended to provide a comprehensive legal analysis and generate recommendations for strengthening the protection of esports athletes' contractual rights in Indonesia in line with regional best practices.

RESULTS AND DISCUSSION

RESULTS

1. Legal Protection of Esports Athletes in Indonesia

The regulation of esports athletes' employment contracts in Indonesia is derived from general legal frameworks, including civil law, labor law, and sports law. However, these frameworks do not specifically address the unique nature of esports, resulting in several practical and legal deficiencies. Esports contracts draw from Law No. 13/2003 on Manpower, Law No. 11/2022 on Sports, and Civil Code principles (Kumagai et al., 2025). PBESI Regulation No. 034/PB-ESI/B/VI/2021 mandates written work contracts for professional athletes, covering wages, BPJS Ketenagakerjaan, health insurance, and image rights shares. Professional teams must be PT companies under Law No. 40/2007.

Athletes receive monthly pay as active or reserve players, periodic wage reviews based on performance, and approval rights for transfers or terminations. Underage athletes require parental involvement in contracts, deemed legal if compliant. Foreign athletes can join with specified image rights shares in contracts. Rapid esports growth outpaces regulations, enabling "freeze contracts" that suspend players without justification, violating employment freedom, income security, and equality (Rubleske et al., 2024). No specific oversight for esports contracts leads to unpaid prizes, unreasonable terms, and weak dispute resolution. Repressive protections are inadequate, especially for minors without clear parental roles in disputes. Experts call for regulatory updates to PBESI rules, specialized esports labor protections, and stronger contract monitoring to address legal voids. Harmonizing with manpower laws could prevent exploitation in this emerging industry.

a. Contractual Imbalance. The study finds a significant imbalance of bargaining power between esports athletes and teams. Athletes particularly those at early stages of their careers often accept standardized contracts without adequate negotiation, leading to unequal contractual relationships.

b. Unfair Contractual Clauses. Contracts frequently contain provisions that disadvantage athletes, such as:

    1) Exclusive binding clauses limiting participation with other teams,

2) "Freeze clauses" restricting athletes' careers after contract termination,
3) Unclear or disproportionate revenue-sharing arrangements.

c. Weak Protection of Intellectual Property Rights. Esports athletes generate economic value through digital activities, including live streaming, content creation, and personal branding. However, the study finds that:
   1) Ownership of digital content is often not clearly regulated;
   2) Teams may control athletes' image and content rights without fair compensation;
   3) Athletes have limited awareness and protection of their intellectual property rights.

d. Limited Dispute Resolution Mechanisms. The findings indicate that dispute resolution provisions in esports contracts are often unclear or inadequate. Many contracts do not provide:
   1) Independent or neutral arbitration mechanisms.
   2) Clear jurisdictional rules.
   3) Accessible legal remedies for athletes.

e. Absence of Specific Regulatory Framework. Indonesia currently lacks a comprehensive legal framework specifically governing esports. As a result:
   1) Legal certainty is weak,
   2) Contractual practices vary significantly,
   3) Regulatory oversight remains limited.

2. Comparative Findings with ASEAN Countries

Several ASEAN neighbors have implemented dedicated esports regulations that offer athletes more robust protections than Indonesia's reliance on general frameworks. These structured approaches include licensing, welfare safeguards, and national guidelines (Aplicación et al., 2022). The study finds that several ASEAN countries have adopted more structured approaches to regulating esports and protecting athletes (Jóźwiak, 2022):

a. Singapore. Singapore offers a mature legal ecosystem that bolsters esports through strong general laws, even without esports-specific statutes until recent 2025-2026 reforms. This environment supports athlete contracts via reliable enforcement mechanisms. Singapore provides a strong legal environment supported by:

1) Effective enforcement of contract law.
2) Robust intellectual property protection.
3) Established arbitration and dispute resolution mechanisms.

b. Malaysia. The National Esports Development Guidelines (NESDEG) under the Esports Integrated blueprint provide player protections like legal aid for contracts, stipends, EPF contributions, and insurance. The Sports Development Act 1997 was amended to recognize esports athletes. Malaysia demonstrates growing institutional support through:
   1) National esports governance structures.
   2) Development of contract guidelines.
   3) Increased focus on athlete welfare.

c. Philippines. The Games and Amusements Board (GAB) oversees professional esports since 2017, mandating licenses for players, organizers, and events to protect health, welfare, and compliance. GAB can suspend non-compliant tournaments and appoints officials for supervision. The Philippines has implemented a more formal regulatory model, including:
   1) Licensing systems for professional esports athletes.
   2) Government oversight through designated authorities.
   3) Formal recognition of esports as a professional sector.

d. Thailand. Thailand has advanced esports regulation by officially recognizing it as a professional sport since 2021, providing athletes with enhanced protections. This progressive stance integrates esports into the national sports ecosystem. The Thai government declared esports a professional sport via Royal Gazette notice in September 2021, supervised by the Sports Authority of Thailand (SAT). This status unlocks funding, national honors, event management support, and access to the Professional Sports Promotion Fund for teams and athletes. Thailand shows progressive development through:
   1) Government recognition of esports.
   2) Emerging governance systems.
   3) Policies supporting athlete development and protection.

3. Key Comparative Findings. Comparisons across ASEAN reveal Indonesia's esports regulations lag in specificity and robustness compared to peers like Singapore, Philippines, and Thailand. Key gaps include legal certainty, athlete safeguards, and dispute mechanisms. From the comparison, several important

findings emerge:

1) Legal Certainty: ASEAN countries, particularly Singapore and the Philippines, offer clearer and more consistent legal frameworks than Indonesia.
2) Regulatory Specificity: Other countries have begun developing esports-specific policies, while Indonesia still relies on general legal provisions.
3) Athlete Protection: Institutional and legal protections are stronger in comparator countries.
4) Dispute Resolution: More structured and accessible mechanisms exist in ASEAN countries.
5) Intellectual Property Protection: More clearly regulated and enforced compared to Indonesia.

4. Summary of Results. Indonesia's esports athlete protections rely on general civil, labor, and sports laws, creating gaps like unfair contract freezes and weak dispute resolution. In contrast, ASEAN peers like Singapore, Thailand, and the Philippines offer more structured, esports-specific frameworks with stronger legal certainty and athlete safeguards. General frameworks under Law No. 13/2003 (Manpower) and PBESI Regulation 034/2021 provide basic wages and insurance but fail to address esports-unique issues like image rights exploitation or rapid terminations. This leads to practical deficiencies, including unpaid prizes and inadequate minor protections.
   1) Legal protection for esports athletes in Indonesia is not yet comprehensive and remains fragmented.
   2) Contracts often reflect imbalanced relationships and contain potentially unfair provisions.
   3) Intellectual property rights and dispute resolution mechanisms are inadequately regulated.
   4) ASEAN countries demonstrate more advanced, structured, and adaptive regulatory approaches.
   5) There is a clear need for legal reform and institutional strengthening in Indonesia.



Figure 1. Enhancing E-Sports Athelete Protection In Indonesia



Figure 2. Legal Protection Of E-Sports Athlete's Employment Contracts

DISCUSSIONS

The findings of this study highlight a fundamental gap between the rapid development of the esports industry in Indonesia and the legal framework governing employment relationships within it. While esports has evolved into a professional and commercially significant sector, the legal protection afforded to esports athletes remains normatively fragmented and practically insufficient (Wu et al., 2024). From a doctrinal perspective, Indonesia relies on general principles of contract law particularly freedom of contract and consensualism. However, in the context of esports, these principles often operate without adequate balancing mechanisms, resulting in contracts that disproportionately favor teams or organizations (Koc, 2021). The assumption of equal bargaining power, which underpins classical contract theory, does not hold in practice. Esports athletes, especially young or emerging players, frequently lack legal knowledge, negotiating capacity, and institutional support. Consequently, the principle of contractual freedom tends to legitimize inequality rather than ensure fairness (College et al., 2024).

This imbalance is further exacerbated by the presence of unfair contractual clauses, such as exclusivity provisions and "freeze clauses." From the standpoint of justice and proportionality, such clauses raise concerns regarding their compatibility with fundamental legal principles, including good faith and equity. In the absence of regulatory standards or judicial precedents specifically addressing esports, these clauses often remain unchallenged, thereby normalizing exploitative practices. Another critical issue lies in the protection of intellectual property rights (IPR) (D. Tang et al., 2023a). Unlike traditional athletes, esports players generate economic value not only through performance but also through digital content, streaming, and personal branding. This creates a hybrid legal status part employee, part independent digital creator. However, existing contracts frequently fail to clearly define ownership, control, and revenue distribution related to such digital assets. As a result, teams often exercise dominant control over athletes' image rights and content, undermining the athletes' economic interests. This reflects a broader legal lag in adapting intellectual property regimes to the realities of the digital economy.

In terms of dispute resolution, the absence of clear and neutral mechanisms significantly weakens legal protection (Sulubara, 2023). Many esports contracts either lack dispute resolution clauses or provide mechanisms that are inaccessible or biased toward team management (Sulubara et al., 2023). This condition limits athletes' access to justice and discourages the pursuit of legal remedies. From a legal certainty perspective, this represents

a serious deficiency, as effective enforcement is a core element of legal protection (Ainsworth et al., 2025). The comparative analysis with ASEAN countries underscores that Indonesia's challenges are not inevitable but rather indicative of regulatory underdevelopment. Jurisdictions such as Singapore demonstrate how strong contract enforcement and intellectual property protection can create a stable legal environment for esports. Meanwhile, the Philippines' licensing system illustrates the importance of formal recognition and regulatory oversight in ensuring athlete protection. Malaysia and Thailand, although still developing, show progress through institutional involvement and policy direction (Akyüz, 2022).

These comparative insights suggest that effective legal protection in the esports sector requires a multi-layered regulatory approach, combining substantive legal norms, institutional frameworks, and enforcement mechanisms. Merely relying on general legal provisions is insufficient in addressing the спецификicities of esports, such as digital labor, cross-border contracts, and platform-based income generation. Furthermore, the discussion reveals the need to shift from a purely contract-centric approach to a more protective regulatory model (Pengelly et al., 2025).

In addition, strengthening the role of governing bodies is essential. Institutional actors should not only function as organizers but also as regulators capable of overseeing contractual practices, mediating disputes, and safeguarding athlete welfare. Without such oversight, the esports ecosystem risks developing in a manner that prioritizes commercial interests over legal and ethical standards (Kim et al., 2025). Ultimately, the study demonstrates that Indonesia is currently in a transitional phase in regulating esports within the digital industry era. The absence of specific legal frameworks has resulted in gaps that expose athletes to various legal risks (Timm et al., 2025). However, the experiences of ASEAN countries provide valuable models for reform. By adopting a more comprehensive, adaptive, and enforceable legal framework, Indonesia can enhance legal certainty, promote fairness, and support the sustainable growth of its esports industry (Amrizal, 2023)



Figure 3. E-Sports Contracts in Indonesia

CONCLUSION AND SUGGESTIONS

Conclusion

This study concludes that the legal protection of esports athletes' employment contracts in Indonesia remains fragmented, inadequate, and not yet aligned with the dynamics of the digital industry era. Although esports has gained formal recognition and continues to grow as a professional sector, the legal framework governing contractual relationships between athletes and teams still relies on general provisions of civil, labor, and sports law, which are insufficient to address the специфic characteristics of esports.

The findings demonstrate that esports athletes in Indonesia are often placed in a structurally weaker bargaining position, resulting in contracts that may contain unfair or disproportionate clauses, such as restrictive exclusivity and "freeze clauses." In addition, the protection of intellectual property rights particularly in relation to digital content, streaming activities, and personal branding remains weak and poorly regulated. The absence of clear and accessible dispute resolution mechanisms further exacerbates this condition, limiting athletes' ability to enforce their rights and obtain legal remedies.

From a comparative perspective, several ASEAN countries including Singapore, Malaysia, the Philippines, and Thailand have shown more progressive and structured regulatory approaches. These jurisdictions provide greater legal certainty through clearer legal frameworks, stronger institutional support, the introduction of licensing systems, and the use of formal dispute resolution mechanisms such as arbitration. As a result, esports athletes in these countries benefit from more balanced contractual relationships and enhanced legal protection.

Accordingly, this study affirms that Indonesia is still in a transitional phase in

regulating esports within the digital industry. To ensure fairness, legal certainty, and sustainable industry development, Indonesia must undertake comprehensive legal reform, including the establishment of specific regulations governing esports contracts, the development of standardized contractual guidelines, the strengthening of institutional oversight, and the enhancement of intellectual property protection. In conclusion, strengthening legal protection for esports athletes is not only a matter of safeguarding individual rights but also a strategic necessity to support the long-term growth, credibility, and competitiveness of Indonesia's esports industry in the regional and global context.

SUGGESTIONS

Indonesia's esports contracts lack specificity, exposing athletes to risks like freeze clauses and inadequate welfare. Drawing from ASEAN models, targeted reforms can enhance protections in the digital era. Enact dedicated esports laws modeled on Thailand's 2021 recognition or Philippines' GAB oversight, specifying contract standards for image rights, minimum salaries above UMR, and anti-freeze clauses. Amend PBESI Reg. 034/2021 to mandate independent contract reviews and athlete unions for bargaining. Negotiate contracts with clauses for performance-based wage reviews every 4-6 months, full BPJS/insurance, and dispute arbitration via neutral bodies. Consult lawyers to challenge unilateral terms under Manpower Law No. 13/2003, ensuring good faith principles. Join TESF-like federations for collective advocacy. PBESI should establish a monitoring unit for contract compliance, inspired by Singapore's Safe Sport Commission. Promote IP education for image rights, akin to Singapore's robust enforcement. Foster government funds for athlete development, like Thailand's Professional Sports Fund.

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