

Reconstruction of National Sports System Policy to Improve Sports Achievement

A. Lilik Sudarwati* and Jarudin

Abstract--- *The development of the sport is an integral part of national development, especially human resource development. This leads, among others, to 1) improvement of people's physical health; 2) improvement of the mental and spiritual health of the people; 3) national character and personality building; 4) discipline and sportiveness, and 5) improvement in achievement that arouses a sense of national pride. The study employed a paradigm model of normative legal approach. The primary data sources are interviews conducted with policy-making officials/personnel and sport stakeholders such as People's Representative Council, KONI, Provincial KONI, KOI, EB/CB, Chief of National Sport Governing Body and national sport law experts. The secondary data sources are primary, secondary and tertiary legal sources. The collected data are analyzed qualitatively and the conclusion is based on inductive reasoning. The results show that Law No 3 of 2005 on NSS has not been optimally implemented in terms of the structure of law, the substance of the law, legal culture, communication, and resources. Therefore, it is necessary to develop a new holistic and continuous concept, or a Triple Helix concept of Human Resource Security that combines health, education, and sports.*

Keywords--- *National Sports System, Achievement, Human Resource.*

I. INTRODUCTION

Sport plays an important role in improving the quality of one's life. The word sport consists of two words "if" and "body" which are explained by Giriwijoyo as a series of regular and planned physical movements that people do consciously to improve their functional abilities (1). By exercising, it will increase fitness and encourage metabolism, as well as affect glandular function, enhance the immune system from disease disorders(2).

The World Health Organization (WHO) states that non-communicable diseases can be reduced by exercising or physical exercise to improve physical health and fitness. Exercise can reduce 6% of deaths from non-communicable diseases. In Indonesia, the proportion of physical activity of the community is classified as less active in general, only 26.1% (3). In 2018 it increased to 33.5% (4). The low participation of Indonesian people is 0.32 or 32% (5). Other data shows that Indonesians are the laziest people on foot. It is noted that the average Indonesian population steps as much as 3,513 steps/day, less than the average world population of 4961 steps/day. The Sports Development Index (SDI) in 2017 also shows the fact that the level of fitness of Indonesian people is still low, which is only around 0.21% (5).

One of the causes of a low level of community fitness is healthy living behavior that has not been made into a culture in the community.

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This is reflected in the data released by Riskesdas 2013 which states that the average number of cigarettes smoked per day for residents aged more than 10 years in Indonesia is 12.3 sticks or the equivalent of one pack(3). Indeed the development of sports is an integral part of the national development process, especially in efforts to improve the quality of human resources that lead to 1) improvement of people's physical health, 2) community's mental and spiritual quality, 3) formation of the nation's character and personality, 4) discipline and sportsmanship, and 5) improvement in achievement that can arouse a sense of national pride. This is what is used as a milestone legally that sports development is a systemically carried out to prosper the people and strengthen the nation's glory(6). However, the process of forming quality resources cannot be achieved if these resources are not in a healthy and fit condition. Of course, the process of nation-building will not run well if it is not supported by the readiness of the individual. Research Objectives to reconstruct the Act Law Number 3 of 2005 concerning the National Sports System in the context of increasing national sports achievements.

II. LITERATURE REVIEW

Grand Theory in this research is the theory of rule of law which means that the state enforces the rule of law to uphold truth and justice and no authority is not accounted for. With three basic principles, namely the supremacy of the law (supremacy of law), equality before the law (equality before the law), and law enforcement in a way that is not contrary to the law (due process of law).

Our findings suggest that interventions aimed to promote fair play in sport could focus on influencing the goals of the athletes(7). John Rawls's Justice Theory where justice is the main virtue in social institutions as well as in systems of thought. Every individual has the same rights and freedoms before the law. Kranenburg theory (welfare state); where a state is a tool formed to achieve the goals of prosperity and social justice. According to Kranenburg, the welfare state theory is not merely maintaining public order but is also actively seeking the welfare of its citizens covering a broader field of scope(8). 1) Communication factor (communication): the policy must be able to be passed on to the appropriate policy actors (personnel) and must be clear, accurate and consistent. This is needed so that the policies that are prepared can be followed and understood by policy actors, both the policy direction and the objectives of the policy itself. 2) Resource Factors: resources that will influence policy implementation include staff, information, authority, and facilities. All of these resources have their respective roles in policy implementation. Also, these resources must be supported by adequate human, material, facilities, time and authority. The use of resources intended by Edward III include staff, information, authority and facilities 3) Disposition Factor (disposition or attitude): the implementation of the policy must have a disposition in accordance with the policy direction and if this is not realized, it will have an impact on implementation of policies that are contrary to the purpose of the birth of the policy itself. This disposition factor is closely related to the temperament and characteristics of the policy implementers, such as commitment, honesty, ingenuity, and democratic nature. 4) Bureaucratic Structure Factor: Implementation of policies must also be accompanied by a good bureaucratic structure. According to Edward III, two variables that will influence bureaucracy are Standard Operating Procedures (SOP) and fragmentation (Edward, 2015).

Soekanto explained about the Effectiveness of Law, five factors determine the effectiveness of the law, including(9).

These three Applied Theories will be the basis for examining the effectiveness of the existence and applicability of Law Number 3 of 2005 concerning the National Sports System in terms of various factors and implementations found at the level of implementation.

III. METHODOLOGY / MATERIALS

Based on the problems in this study, using a type of constructivism paradigm, with a type of hermeneutic approach that aims to understand law in the context of social problems that are developing in society and reality not only rests on the observed reality but also the meaning behind the data through understanding and interpretation of the meaning of each phenomenon, in this case analyzing the National Sports System Policy Number 3 of 2005 in the framework of national development.

The method of approach used is non-doctrinal research. Non-doctrinal research where this research is in the form of empirical studies to find theories about the process of occurrence and about the process of working of law in society.

The method used in this research is normative legal research (juridical normative) or library law research is: "legal research carried out by examining mere library materials or secondary data" (10). This understanding focuses the normative approach on the material under study namely library materials and secondary materials, both from primary and secondary sources such as books; research reports; technical reports; thesis; government publishing; and other reference materials.

The main data source in normative legal research is library data called legal material. Legal material is anything that can be used or needed for analyzing applicable law. Legal material that is reviewed and analyzed in legal research consists of primary legal materials, secondary legal materials, and tertiary legal materials.

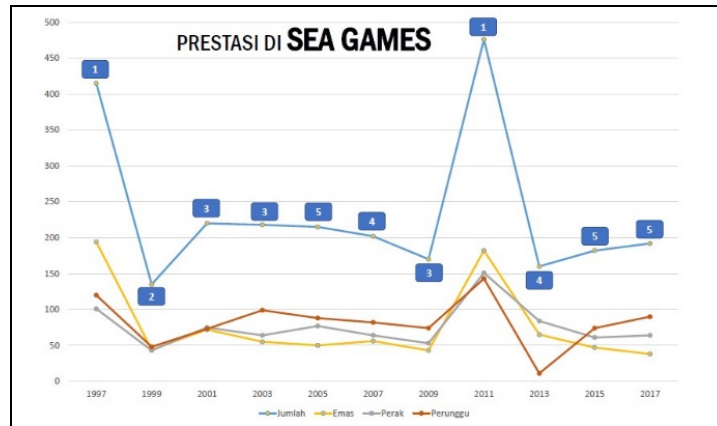
The approach used in this legal research is the statutory approach. The law approach is the approach used to study and analyze all laws and regulations relating to the legal issues being addressed. Research instruments are the researchers themselves acting as planners, executors in collecting data, conducting analysis, interpreting data, and conducting research reports.

In the next step, trying to record an interview informants relating to the analysis and implementation of the National Sports System policy number 3 of 2005 in the Framework of National Development.

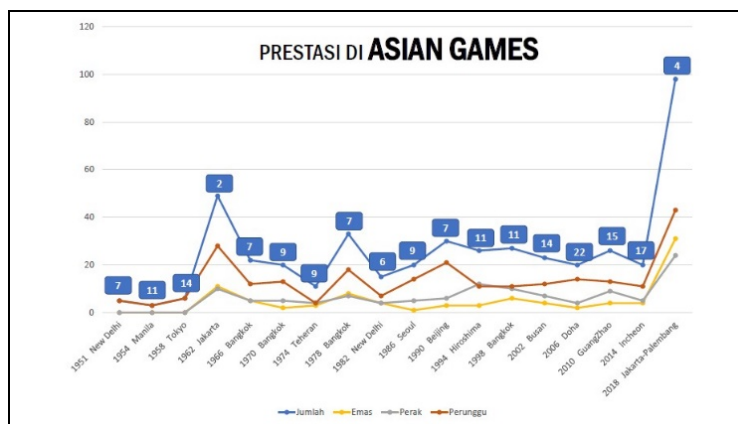
IV. RESULTS AND FINDINGS

4.1 Sports Achievement Is Declining

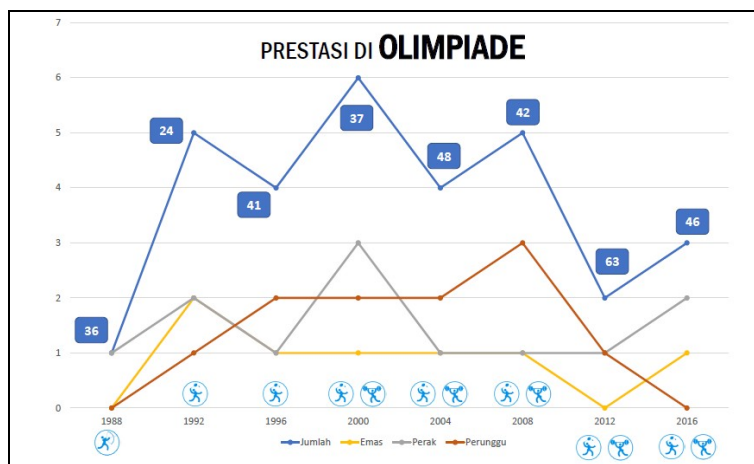
After 13 years of the establishment of Law No. 3 of 2005 concerning the National Sports System, Indonesia's achievements have tended to decline. this can be seen from Indonesia's achievement charts at the SEA Games, Asian Games and the Olympics below.



Picture 1: Indonesia Ranking Chart in SEA Games Year 1977-2017(11)



Picture 2: Indonesia Ranking Chart in Asian Games of the Year 1951- 2015 (11)



Picture 3: Indonesia Ranking Chart in Olympic Games year 1988-2016 (11)

At the 2017 SEA Games in Malaysia, Indonesia still ranked 5th. At the 2018 Asian Games, Indonesia acted as host and was drastically raised to 4th place with 31 gold. At the 2016 Olympics in Brazil, Indonesia's position rose to 46th place.

As an important note that only three sports branches can contribute a medal in the Olympics, namely; Badminton, Archery and Weightlifting(12). If you see the journey of Indonesia's achievements in the international multi-event above, it shows that the implementation of the Law No. 3 of 2005 concerning the National Sports System has not been able to run well, it is said to have failed to improve Indonesia's achievements.

4.2 Implementation of Law No. 3 of 2005 concerning the National Sports System

Based on the provisions of the SKN Law which give authority to sports institutions, in its implementation, various dynamics result in disruption of the effectiveness and efficiency of the operation of the SKN Law, including:

1) The position of the Ministry of Youth and Sports Can be interpreted as a Regulator, Implementer, and Evaluator.

Following article 12 paragraph 1) which reads, "The government has the task of establishing and implementing policies and standardization in the field of sports nationally" and article 13 paragraph 1) "The government has the authority to regulate, foster, develop, implement, and supervise the implementation of sports nationally.

2) Implementation of the SKN Law in Regional Governments

One of the problems that occur is that there are no regional regulations on the implementation of sports in several regions, namely the Province of Bali and the Province of Papua. The impact, it will complicate the legal umbrella for the implementation of sports in the area. Thus, sports coaching in general still depends on policymakers as stated by FORMI Central Java Province.

3) Distribution of Duties and Authorities of Sports Development and Coaching by the Related Ministry

Development and development of educational sports are still not maximized in some areas, because the organizational structure of the Regional Organization of Organizations (OPD) in the field of sports in the regions does not have a special field/section that is responsible for sports education

4) Overlapping Institutional Authority

Overlapping of authority occurs between KONI and KOI. The problem of KOI and KONI stems from the existence of SKN article 36 (paragraph 4) and Article 44 (paragraph 2) which separates the duties and functions of athlete coaching by KONI and sending to international multinational championships by KOI. During the management period of KONI in 2008 - 2011, KONI and KOI remained one unit with one chair and two secretaries-general, although the SKN Law was enacted in 2005.

5) The synergy between Ministries in Developing Potential Athletes

Furthermore, from the implementation related to the holding of sports championships, there are several problems, one of which is that between OPD related to sports, they do not yet know their respective responsibilities. This misunderstanding between the OPDs led to the overlapping of the same sports championship activities carried out by several different agencies. In the aspect of student sports competitions, there is a Student Sports Week organized by the Ministry of Youth and Sports, but the National Student Sports Olympiad (O2SN) is also held by the education office, the ministry of religion with the santri league or the National Sports and Arts Week at the Islamic Boarding School

6) Concurrent Position of KONI Structural / Public Official

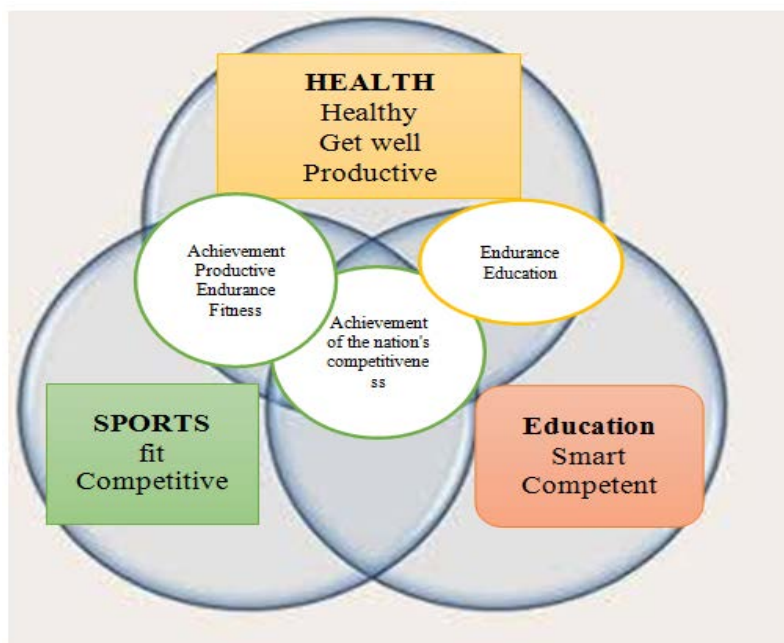
Related to the position, it has been mentioned in article 40 of the SKN Law which is further detailed in Article 56 and emphasized in article 123 paragraph 6 and 7 of the PP concerning the implementation of sports that the management of the national sports committee, provincial sports committee, and district/city sports committee are independent and not bound with structural positions and public office activities.

7) The dualism of the Authority of Sports Arbitration Institutions

The dualism of authority that occurs within KONI and KOI itself makes it difficult to unite the two arbitration institutions into one because each arbitration institution has a different organization. The existence of these two arbitration institutions makes the dispute resolution endless because there is no arbitration institution whose decision is truly considered binding and respected by both parties to the dispute.

4.3 The Triple Helix Concept Ignores Human Resources Through Sports

Triple Helix is a synergy and unification of three elements, namely academic, government and private sectors. The basic concept of Triple Helix is as follows: 1) Universities or R&D institutions have a role to produce technological innovations. In a knowledge-based society in developing countries, the position of these academics is on par with industrial and government entities. 2) The three circles, namely academic, business, the government have the motivation to improve the dynamics and economic sustainability. This reinforces the emergence of a condition in which various processes for the emergence of innovation policies are more often the result of interaction between elements of society and not born as mere proposals from the government. 3) Developing countries are currently experiencing obstacles in encouraging each academic group, business, and government to take a more active role, such that the three can expand their potential for self-innovation power (13).



Picture 4: New Concept: Triple Helix

The Triple Helix concept focuses on four focuses, namely: a) Health resilience obtained from structured sports programs in education, b) Nation's character derived from sports programs in education, c) Skills and knowledge gained from healthy public education and fit, d) Sports achievements derived from health and education programs.

Health in Indonesia is currently not seen as the main element and the main capital for the continuation of national development. Indonesia still understands health as a curative (sick paradigm) and is the responsibility of the health sector, not the responsibility of all sectors, the state also does not place health as central to national development.

Health MSS divides basic service categories into 12, namely: a) Maternal health services, b) Maternity health services, c) Newborn health services, d) Toddler health services, e) Health services at the age of primary education, f) Health services at productive age, g) Health services at old age, h) Health services for people with hypertension, i) Health services for people with diabetes mellitus, j) Health services for people with severe mental disorders, k) Health services for people with TB, l) Services health of people at risk of becoming infected with HIV.

The introduction of sports through the role of schools / formal education is achieved through good and quality physical/sports education activities so that the results of future generations of young people are expected to be intelligent, skilled, superior, competitive, and dignified. Physical education, sports, and health are educational processes that utilize a physical activity to obtain individual abilities, in physical, mental and emotional terms (14). UNESCO stated in the 1974 International Chart of Physical Education stated that physical education is a process of education of a person as an individual and as a member of the community that is carried out consciously and systematically through various physical activities in order to obtain increased physical abilities and skills, growth of intelligence, and the formation of character (15).

V. CONCLUSION

Implementation of Law No. 3 of 2005 concerning the National Sports System (UU SKN). After 13 years of enactment of the SKN Law, Indonesia's performance tends to decrease even more. this shows that the SKN Law has not been able to improve Indonesia's sporting achievements in the international arena. In implementing the SKN Law there are several indicators of problems concerning aspects: legal structure, a legal substance, legal culture, communication, and resources.

In the course of the SKN Law, various dynamics result in the disruption of effectiveness and efficiency in its implementation, namely the disruption of communication and coordination between sports institutions. For example, the overlapping authority of KONI and KOI, concurrent positions of public officials in KONI management, the dualism of BAORI and BAKI authority, as well as similarities between the Ministry of Youth and Sports and KONI.

As for the funding aspects, there are problems wherein the SKN Law there is no percentage of the budget allocation in the APBN, where this has an impact on the difficulty of programming and budgeting in fostering athletic achievement following the correct training rules. Also, there are problems that the management of sports funding has not been maximally sourced from the private sector and the community where there are no institutions that focus on collecting and managing sports funds, and the development of the sports industry is not yet optimal.

REFERENCES AND NOTES

- [1] Giriwijoyo S. Physiology of Sports (Human Body Functions in Sports for health and for achievement. *Bandung: Remaja Rosdakarya*, 2012. 34 p.
- [2] Arifin Z. The Effect of Physical Fitness Exercise (SKJ) on the level of fitness of fifth grade students in Min Donomulyo Malang Regency. *J Educ.*, 2018;1(1).
- [3] RISKESDAS. Health Research and Development Agency Ministry of Health Republic of Indonesia. Research Basic Health Basic Health. *Jakarta: Ministry of Health Republic of Indonesia*, 2013. p. 1–384.
- [4] RISKESDAS. Health Research and Development Agency Ministry of Health of the Republic of Indonesia. Research Basic Health. *Jakarta: Ministry of Health of the Republic of Indonesia*, 2018. p. 1–384.
- [5] Kemenpora. Government Performance Report of the Ministry of Youth and Sports year 2107. *Jakarta: The Ministry of Youth and Sport Republic of Indonesia*, 2017.
- [6] Kristiyanto A. Sports Development: for the welfare of the people and the glory of the nation. *Surakarta: Yama Pustak*, 2012. 2012 p.
- [7] Ring C, Kavussanu M. The impact of achievement goals on cheating in sport. *Psychol Sport Exerc [Internet]*. 2018; 35 (2017):98–103.
- [8] Kranenburg R, Sabaroedin TB. General State Science. *11th, editor. Jakarta: Pradnya Paramita*, 1989.
- [9] Soekanto S. Factors Affecting Law Enforcement. *Jakarta: PT. Raja Grafindo Persada*, 2008.
- [10] Soekanto S, Mamuji S. Normative Legal Research A Short Purpose. Vol. 1. *Jakarta: PT. Raja Grafindo Persada*, 2010. 7–37 p.
- [11] KONI Pusat. Analysis of KONI's Strengths, Challenges and Strategies, Indonesia Welcomes Multi Events. *Jakarta: Komite Olahraga Nasional Indonesi*, 2018.
- [12] KONI Pusat. Analysis of KONI's Strengths, Challenges and Strategies, Indonesia Welcomes Multi Events. *Jakarta: Komite Olahraga Nasional Indonesi*, 2014.
- [13] Kemenristek. Triple Helix and Innovation Acceleration. *Jakarta: Kementrian Riset dan Teknologi Republik Indonesia*, 2019.
- [14] Rahayu ET. Physical Education Learning Strategies. *Bandung: Alfabeta*, 2013. 17 p.
- [15] Mardiana PI. Physical Education and Sports. *Jakarta: Universitas Terbuka*, 2008. 14 p.