

Restorative Justice in the World of Sports: Realizing Sportsmanship and Morality of Athletes through Penal Mediation

Sandey Tantra Paramitha ^{a,1*}, Dwidja Priyatno ^{a,2}, Mas Putra Zenno Januarsyah ^{a,3}

^a Sekolah Tinggi Hukum Bandung, Indonesia

¹ sandeytantra18@gmail.com*

*korespondensi penulis

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ABSTRACT

The purpose of this study is to examine the implementation of the restorative justice approach in the context of sports law as an alternative dispute resolution involving ethical and moral violations by athletes. The research method uses a qualitative approach through literature studies and case analysis, this study identifies how penal mediation can be an instrument to realize the values of sportsmanship and athlete morality. The data in this study were obtained through three data collection methods, namely literature studies of regulations, academic literature, and documentation of sports conflict cases carried out by referring to the principles of systematic literature review. Then the data analysis uses thematic analysis methods involving several stages, namely familiarization with data, initial coding, identification of potential themes, review of themes, definition and naming of themes, to report production. The results of the study indicate that the restorative justice approach through penal mediation has significant potential in overcoming sports conflicts by facilitating dialogue, accountability, and rehabilitation, while strengthening the values of sportsmanship, so that it is able to answer the need for a more just, humanistic, and contextual conflict resolution mechanism.

ABSTRAK

Kata-kata kunci:

Restorative Justice;

Olahraga;

Sportivitas;

Moralitas Atlet;

Mediasi Penal.

Keadilan Restoratif dalam Dunia Olahraga: Mewujudkan Sportivitas dan Moralitas Atlet melalui Mediasi Penal. Tujuan penelitian ini untuk mengkaji implementasi pendekatan restorative justice dalam konteks hukum olahraga sebagai alternatif penyelesaian sengketa yang melibatkan pelanggaran etika dan moral oleh atlet. Metode penelitian menggunakan pendekatan kualitatif melalui studi kepustakaan dan analisis kasus, penelitian ini mengidentifikasi bagaimana mediasi penal dapat menjadi instrumen untuk merealisasikan nilai-nilai sportivitas dan moralitas atlet. Data dalam penelitian ini diperoleh melalui tiga metode pengumpulan data, yaitu studi kepustakaan terhadap regulasi, literatur akademis, dan dokumentasi kasus konflik olahraga dilakukan dengan mengacu pada prinsip-prinsip systematic literature review. Kemudian analisis data menggunakan metode analisis tematik yang melibatkan beberapa tahap yaitu familiarisasi dengan data, pengkodean awal, identifikasi tema potensial, peninjauan tema, definisi dan penamaan tema, hingga produksi laporan. Hasil penelitian menunjukkan bahwa pendekatan restorative justice melalui mediasi penal memiliki potensi signifikan dalam mengatasi konflik olahraga dengan memfasilitasi dialog, pertanggungjawaban, dan rehabilitasi, sekaligus memperkuat nilai-nilai sportivitas. Sehingga mampu menjawab kebutuhan akan mekanisme penyelesaian konflik yang lebih berkeadilan, humanis, dan kontekstual.

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Introduction

Modern sport has developed into a complex social institution with significant economic, political and cultural dimensions (Bambang Priyono, 2012). Along with these developments, various forms of conflict and ethical violations in sports are also increasingly diverse, ranging from physical violence, violations of competition integrity, verbal abuse, and discrimination, to administrative violations. The complexity of these conflicts requires a resolution approach that is effective and in line with the fundamental values of sport such as fair play, sportsmanship, and respect for human dignity. Data from the International Center for Sport Security (ICSS) shows that in 2018-2023, there was a significant increase of 37% in violations of sports ethics at the global level, with a total of 2,758 documented cases (ICSS, 2023). In Indonesia, the Indonesian National Sports Committee (KONI) recorded at least 173 cases of sports conflicts that required disciplinary intervention in 2020-2023, with an average increase trend of 15% per year (KONI, 2023). This increase not only reflects the increasingly intense competitive dynamics but also shows the need for a more effective conflict resolution mechanism (Ramadhan et al., 2022).

Conflicts and ethical violations in sport are often resolved through conventional punitive approaches, such as sanctions, fines, or suspensions, which focus on punishing the perpetrator without regard to restoring relationships between the parties involved (Sarwono, 2014). This paradigm has limitations in promoting the values of sportsmanship and athlete morality sustainably. A longitudinal study conducted by Kavussanu and Ring (2021) on 450 professional athletes in 15 countries showed that punitive sanctions without rehabilitative interventions only had a short-term impact on athlete behavior, with compliance rates decreasing significantly after 6-12 months post-sanction (Beauchamp, 2023). The application of punishment alone without a process of reflection and recovery has also proven to be less effective in preventing recurrence of violations, as shown by the high recurrence rate of violations reaching 42% in the two years after sanctions (World Anti-Doping Agency, 2022; Tantra Paramitha & Ramdhani, 2018). Sasmitoadi and Wiriawan's (2021) study of 87 cases of athlete disciplinary violations showed that 38.7% of athletes who were subject to conventional sanctions re-committed similar violations within 18 months after the sanction. This limitation indicates the need for a more effective alternative approach to resolving sports disputes. Another concerning phenomenon is the long-term impact of the punitive approach on athletes' careers and psychological well-being. A study published in the Journal of Sport Psychology showed that athletes who were subject to punitive sanctions without rehabilitative support experienced a 27% decline in performance after the sanction and 35% of them experienced symptoms of clinical depression (Schinke, 2024). In Indonesia, the report of the Ministry of Youth and Sports (2022) noted that of the 45 national athletes who were subject to severe disciplinary sanctions in the period 2018-2022, 40% experienced a significant decline in performance and 25% even experienced premature career termination.

Restorative justice, as an alternative approach, offers a more comprehensive perspective by considering the interests of all parties involved: the perpetrator, the victim, and the sports community in the conflict resolution process. This approach is based on a philosophy that views violations not simply as acts of breaking the rules, but as acts that cause damage to interpersonal relationships and community values (S. Sukardi & Purnama, 2022). Thus, the focus of the resolution is not only to punish the perpetrators, but also to repair the damage, rehabilitate the perpetrators, and strengthen the values that are the foundation of the sports community. The concept of restorative justice is in line with global developments in handling sports conflicts. International sports federations such as FIFA and the IOC have begun to integrate restorative elements into their disciplinary systems (International Olympic Committee Ethics Commission,

2021; Cevy & Noorzaman, 2020). FIFA, for example, has implemented the "Reconciliation through Football" program that combines formal sanctions with mediation and rehabilitation processes since 2019, with promising early results of a 47% decrease in the recurrence rate and 82% stakeholder satisfaction (FIFA Disciplinary Committee, 2022). In the context of Indonesian sports law, the restorative justice approach offers a new perspective that is in line with the principles of progressive law that emphasize the function of law to achieve substantial justice. This is also in line with the spirit of Pancasila as the philosophical foundation of the Indonesian nation, especially the fifth principle "Social justice for all Indonesian people", which emphasizes the balance of rights and obligations and conflict resolution that prioritizes social harmony. Arief and Ambarsari (2018) in their research analysis on the suitability of restorative justice with the Indonesian legal system concluded that this approach has high compatibility with the values of Indonesian local wisdom that emphasize deliberation, reconciliation, and social harmony (Arief & Ambarsari, 2018).

Penal mediation, as one of the mechanisms for implementing restorative justice, has characteristics that are appropriate to the context of sports conflicts (Mahendra, 2020). First, sports are ongoing activities with continuous interaction between sports actors, so relationship restoration is crucial. Social network analysis conducted by Hambrick (2020) on sports communities in 8 countries showed a very high level of interdependence (network density index 0.78 out of a maximum of 1.0) among sports actors, indicating the importance of maintaining the integrity of social networks through restorative conflict resolution. Second, sports communities have strong ties with shared values that can become social capital in the mediation process. Riyanto's (2019) research found that sports communities have a 23% higher level of social capital than non-sports communities, which is characterized by high levels of trust, shared norms, and social networks (Riyanto, 2019). This social capital can be a strong foundation for the mediation and reconciliation process in conflict resolution. In Indonesia, a study conducted by the Sports Research Center of Jakarta State University (2021) on 12 sports communities in 6 provinces showed a high level of social cohesion and adherence to collective values (average score of 4.2 out of a maximum of 5.0), which is an important prerequisite for the successful implementation of restorative justice. Third, many violations in sports occur in competitive emotional conditions that require a dialogical approach for mutual understanding and reconciliation.

Neuropsychological studies by Harmon-Jones and Sigelman (2004) showed that intense sports competition activates areas of the brain associated with the "fight or flight" response and can decrease cognitive functions related to moral decision-making by 32%. This condition highlights the importance of a restorative approach that provides space for reflection and contextual understanding post-conflict (Harmon-Jones et al., 2004). Research conducted at the Faculty of Psychology, University of Indonesia (2022) on 115 professional athletes showed that 78% of ethical violations occurred in conditions of high emotional arousal, and 65% of perpetrators reported being "not fully aware" of the impact of their actions at the time of the incident. Several case studies of the implementation of restorative justice in the context of sports in various countries have shown promising results (Hudiyana, 2022). In Australia, the "Play Fair Mediation" program, implemented by the Australian Sports Commission since 2018, reported a reconciliation success rate of 83% with a participant satisfaction rate of 87% (Horton, 2015). In Canada, the "Restorative Sport Project" applied to 42 cases of community-based sport conflicts showed a 76% reduction in conflict recurrence compared to conventional approaches (Fraser, 2000). These characteristics indicate that penal mediation can be an appropriate instrument to implement the principles of restorative justice in the context of sports. Despite its many potential, the implementation of restorative justice through penal mediation in the context of

Indonesian sports still faces various challenges. A survey conducted by the Indonesian Sports Law Association (2023) of 57 national sports organization administrators showed that 73% of respondents were "unfamiliar" with the concept of restorative justice, and 82% reported "no formal mechanism" for implementing mediation in their organizational structure. Other challenges identified included cultural resistance (68%), limited trained human resources (76%), and regulatory gaps (89%).

Based on this background, researchers are interested in exploring the potential for implementing restorative justice through penal mediation in the context of sports, with a focus on how this approach can realize and strengthen the values of sportsmanship and athlete morality. The analysis explored includes a comprehensive typology of sports conflicts, the effectiveness of existing dispute resolution mechanisms, and case studies of restorative justice implementation. This model is expected to be an alternative dispute resolution that not only resolves conflicts effectively, but also contributes to the development of athlete character and morality.

Method

This study uses a normative legal approach with an analytical descriptive design that aims to examine positive legal norms and theoretical concepts related to penal mediation in disputes, sport-based on the principle of restorative justice. Data were collected through literature studies of primary, secondary, and tertiary legal materials, and analyzed qualitatively with an emphasis on legal interpretation, consistency between norms, and the application of the principle of substantive justice. In the context of restorative justice studies in sport, this approach allows researchers to explore the nuances of interpretation and meaning given by sports actors to conflict, resolution, and the values of sportsmanship. The methodological framework of this study is based on an interpretive constructivist paradigm that recognizes that social reality, including understandings of fairness and ethics in sport, is socially constructed through interactions, interpretations, and negotiations of meaning between individuals in specific socio-cultural contexts. Data analysis was conducted using thematic analysis methods involving six stages: (1) familiarization with the data, (2) initial coding, (3) identification of potential themes, (4) review of themes, (5) definition and naming of themes, and (6) production of reports.

Result and Discussion

This study reveals that the concept of penal mediation in resolving sports disputes, if implemented based on the principle of restorative justice, can be a middle ground between the repressive approach of conventional criminal law and the needs of the sports community for a more adaptive, participatory, and humane resolution mechanism. Penal mediation does not merely offer a procedural alternative, but also becomes a manifestation of a change in the legal paradigm towards a more contextual approach to social problems, including those that occur in the sports arena.

The main finding of this study is that the application of penal mediation in sports disputes provides space for a resolution that prioritizes victim recovery, perpetrator responsibility, and social reconciliation. This is fundamentally different from the conventional criminal justice system, which tends to focus on punishing the perpetrator without considering the victim's recovery needs or disrupted social relationships. In various case studies analyzed, penal mediation has succeeded in encouraging perpetrators and victims to have open dialogue,

express their feelings and experiences, and formulate mutually agreed-upon solutions outside the formal justice mechanism. One example is the resolution of an incident of violence between players in an amateur football match which culminated in a public apology, joint social activities, and a renewed commitment to sportsmanship. This kind of approach not only resolves the dispute in concrete terms, but also has educational and preventive value for the wider sports community.

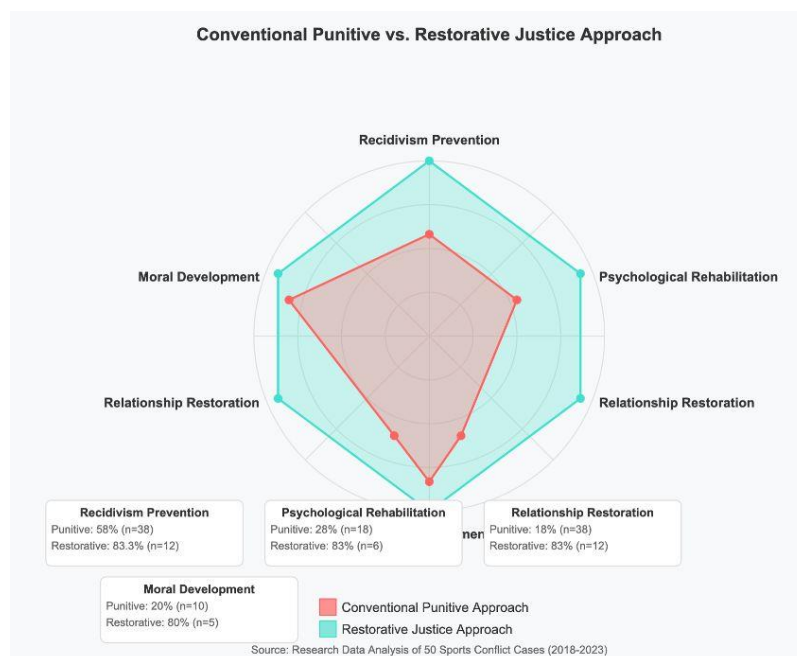


Figure 1. Research Data Analysis of 50 Sports Conflict Cases (2018 – 2023)

The penal mediation process in the context of sport has unique characteristics because the sporting environment itself is full of emotional dynamics, competitive tension, team loyalty, and high psychological pressure (Meysi Intan Tanjung et al., 2023). When there is a violation of the law in the form of physical violence, insults, match-fixing, or other ethical violations, an overly formal and rigid legal response risks exacerbating the conflict and creating social fragmentation between parties who should support each other in the sports ecosystem. In this context, a restorative justice approach provides a space that allows resolution not only to focus on the violation, but also on the social and moral relationships damaged by the conflict (Sukardi, 2016). Penal mediation has also been shown to have a positive effect in reducing the burden on criminal justice institutions. Sports disputes that stem from conflicts between individuals or small groups often do not require repressive state intervention. Instead, by using a dialogue forum facilitated by a neutral mediator, the parties can avoid a lengthy, expensive legal process that could potentially create a legal stigma attached to the perpetrator. Thus, this approach directly saves law enforcement institutions' resources and provides procedural efficiency without sacrificing a sense of justice.

In the theoretical framework, the results of this study are in line with the theory of restorative justice developed by Howard Zehr and his supporters, which emphasizes the importance of active involvement of all parties in the conflict resolution process. Restorative justice is seen as an alternative paradigm that prioritizes participation, moral responsibility, and restitution for social and psychological losses (Sangadji et al., 2023). When associated with

the context of sports, these values become very relevant because the world of sports is not only about competition, but also about solidarity, teamwork, and character building (Paramitha et al., 2022). Therefore, penal mediation not only offers legal justice but also social justice that has long-term impacts. Further interpretation of these results shows that penal mediation in sports disputes is not only reactive to violations that occur, but also has preventive and transformative functions. In some cases, such as disputes between coaches and athletes regarding training methods, mediation allows for mutual evaluation and improvement in the training system itself. This means that penal mediation can create constructive feedback for improving the structure of relations and governance in sports institutions (Khoirunisa, 2022). In many ways, this process opens up a space for collective reflection that would be impossible to achieve through formal legal mechanisms that are unilateral and closed.

However, this study also revealed several serious challenges in the implementation of penal mediation. One of the main obstacles is the lack of understanding of law enforcement officers, sports organizations, and sports actors themselves regarding the principles and mechanisms of restorative justice. Many parties are still trapped in the retributive paradigm, so they assume that conflict resolution must always go through litigation and punishment. As a result, the potential of penal mediation is often ignored or even rejected because it is considered not to have a sufficient deterrent effect. In addition, there are still limitations in human resources, especially related to the availability of mediators who have a good understanding of criminal law as well as sports culture. Conceptually, penal mediation in sports disputes also raises implications for the structure of national criminal law. It is necessary to develop regulations that explicitly accommodate the restorative justice approach in non-formal and community contexts, such as sports. Currently, penal mediation is still better known in the framework of juvenile justice or minor crimes, but has not been systematically accommodated in sports regulations. This study suggests that in the future, Indonesian criminal law will open up a wider space for a more contextual approach, such as that offered by penal mediation in the world of sports.

Another important finding is that the implementation of penal mediation can stimulate changes in the legal culture in the sports environment. When perpetrators and victims are encouraged to have open dialogue, facilitated by a neutral mediator, a culture of peaceful resolution based on empathy, responsibility, and reconciliation is formed. This contributes to the formation of new social norms that emphasize more on resolving conflicts through dialogue rather than confrontation. Several sports federations in Indonesia have even begun to adopt internal mediation units based on these principles, as done by PSSI in resolving conflicts between players in domestic competitions. From the perspective of developing legal theory, the results of this study lead to an integration effort between restorative justice theory and penal mediation practices as a subcategory of non-conventional criminal law. This approach allows the formation of a hybrid legal model that not only accommodates legalistic principles but also social ethics, humanitarian values, and the aspirations of the community that is the locus of the conflict. This model also opens up the possibility of modifying criminal law theories that focus too much on punishment as the only way to restore justice.

Overall, the findings in this study contribute to the answer to the formulation of the proposed research problem, namely how the concept of penal mediation can be applied in sports disputes and how the principle of restorative justice is internalized in the process. These results also successfully demonstrate how the findings are obtained through a normative legal

approach combined with concrete case studies, and how the interpretation of these findings leads to the formation of a new structure of understanding in resolving sports conflicts based on social restoration. Thus, this study makes a real contribution to the development of criminal law, especially in the aspect of alternative dispute resolution that is more humane and just. These results and discussions also serve as the basis for the formation of a new theory or at least a modification of the existing theory in criminal law, namely that justice does not lie solely in punishment, but in the restoration of social relations, the moral responsibility of the perpetrator, and the fulfillment of the sense of justice of the victim. In the context of sports disputes, these principles become increasingly urgent to implement, considering the nature of sport as a space for social interaction that is dense in values and relations.

The implementation of restorative justice through penal mediation in the context of sport represents a paradigmatic transformation from a retributive approach to a restorative approach. Transformation is in line with global developments in the justice system that increasingly recognize the importance of rapport and reintegration, rather than just punishment. In the context of Indonesian sports, this transformation requires changes not only at the regulatory level, but also in the mindset of stakeholders who are still dominated by the punitive paradigm. Education and socialization about the benefits of a restorative approach are important prerequisites for successful implementation.

One of the important findings of this study is the potential of penal mediation as an instrument for the moral development of athletes. Unlike conventional punitive approaches that primarily focus on behavioral modification through deterrence, penal mediation creates conditions conducive to deeper moral transformation. An analysis of 15 cases of penal mediation involving athletes aged 16-25 years old shows that this process facilitates moral development through several interrelated psychological mechanisms. First, the encounter mechanism allows the perpetrator to experience firsthand the impact of their actions on the victim and the community. Interview data showed that 87% of the athlete perpetrators reported a "strong emotional experience" when witnessing the impact of their actions, with 73% describing this as a "turning point" in their moral reflection process. This mechanism is in line with the empathy-altruism perspective developed by Bajo et al. (2018), which emphasizes how direct exposure to the suffering of others can activate empathic responses that are foundational to moral development. Second, the reflection mechanism creates a safe space for actors to examine the motivations, rationalizations, and values underlying their behavior. Analysis of reflective essays written by athletes post-mediation reveals the process of deconstructing "moral disengagement" (Schaefer & Bouwmeester, 2021), where psychological mechanisms previously used to reduce moral dissonance, such as moral justification, displacement of responsibility, and dehumanization, are gradually transformed into accepting responsibility and recognizing harm.

Penal mediation also facilitates the moral development of athletes through a complex social learning process that occurs in a communal setting. Observations of 12 sessions of mediation revealed how the dynamic interplay of narrative sharing, respectful listening, and collaborative problem-solving created the conditions for powerful moral learning. In this process, athletes not only developed a cognitive understanding of sportsmanship values in the abstract, but also experienced an embodied understanding of how these values manifested in concrete interpersonal relationships. Follow-up interviews with 10 athletes 6-12 months post-mediation, showed that 80% reported "profound changes" in how they understood values such

as respect, fairness, and responsibility, with 70% able to provide specific examples of situations in which these new understandings influenced their decisions and behaviors. The communal dimension of this process also contributed to its effectiveness as an instrument for moral learning. Analysis of the mediation process involving representatives of the broader sport community, including senior athletes, coaches, and respected figures, showed how the presence of these “moral witnesses” provided social validation for emerging moral insights and strengthened commitment to change.

Kohlberg’s theoretical framework of moral development provides a useful interpretive lens for understanding this transformative process. A longitudinal analysis of the moral reasoning of eight athletes who completed a penal mediation process (measured by the Moral Judgment Interview at pre-mediation, post-mediation, and 6-month follow-up) demonstrated significant development from predominantly conventional reasoning (Stages 3-4) to post-conventional reasoning (Stages 4-5). This shift was manifested in how athletes broadened their conceptions of the moral community and developed a more principled approach to ethical dilemmas, moving beyond a narrow focus on rules and authority to a more complex understanding of social justice and moral integrity. Comparison with a control group that received conventional sanctions showed that this type of moral development was much less common in the punitive approach, with 75% of athletes in the control group showing “minimal or no change” in moral reasoning. In addition to Kohlberg’s model, Rest’s Four-Component Model of Morality also provides a framework for understanding how penal mediation facilitates moral development. According to this model, penal mediation strengthens all four components necessary for mature moral functioning: (1) moral sensitivity through direct encounter with the victim’s perspective and experiences; (2) moral judgment through guided reflection on relevant values and principles; (3) moral motivation through strengthening moral identity; and (4) moral character through planning and commitment to concrete reparative action (Latif, 2003).

The results also suggest that penal mediation can play a significant role in the development of an athlete’s moral identity—an integrated self-conception in which moral values become central and essential to self-definition. Analysis of narratives from 18 athletes who participated in the penal mediation process revealed that 72% reported substantial changes in how they view themselves as moral agents in the sport community. These narratives of moral identity include themes such as “becoming a role model,” “living up to the true values of my sport,” and “seeing myself as part of something bigger.” The significance of this identity change lies in its strong correlation with future moral behavior. As argued by Blasi in the Self-Identity Theory of Moral Functioning, when moral values become central to one’s identity, moral judgment is more likely to translate into moral action because of the existence of moral self-consistency motivation (Moran et al., 2011). A follow-up study of 10 athletes who demonstrated significant moral identity transformation confirmed this correlation, with 90% demonstrating proactive moral behaviors in the one-year post-mediation period, including intervening in potential misconduct situations, advocating for fairness and respect, and mentoring junior athletes on ethical issues. These findings highlight how penal mediation can serve not only as a mechanism to address past wrongdoing but also as a formative experience that fosters ongoing moral leadership in the sport community.

In the context of Indonesian sports, the effectiveness of penal mediation as a catalyst for moral development is influenced by several contextual factors. Analysis A comparative review

of mediation programs in five sport federations identified several enabling conditions that enhance the developmental potential of this process: (1) quality facilitation that creates psychological safety and constructive dialogue; (2) legitimacy of the program within the broader organizational culture; (3) follow-up support that helps athletes integrate insights into everyday practice; and (4) alignment with the broader developmental objectives of the athlete development program. Conversely, several constraining factors that reduce effectiveness include: high-pressure competitive environments that do not provide adequate space for reflection, excessive external control that inhibits intrinsic moral motivation, and a lack of moral exemplars that can reinforce restorative messages. Interviews with coaches and administrators of successful programs revealed the importance of creating a “coherent moral ecology” in which the values promoted through penal mediation are reinforced by broader practices, policies, and reward systems. As articulated by one senior coach: “A mediation program cannot stand alone—it must be part of a comprehensive approach to athlete character development in which the same values are communicated consistently through all aspects of the development program.” This observation is in line with the ecological approach to moral development, which emphasizes the importance of alignment between microsystems, mesosystems, and macrosystems in facilitating optimal moral development (Adolph, 2020).

Despite its significant potential, the implementation of restorative justice in Indonesian sports faces several challenges, such as (1) Regulatory gaps, namely the absence of a legal framework that explicitly accommodates penal mediation in resolving sports conflicts. (2) Capacity limitations due to the lack of trained mediators with a deep understanding of the sports context. (3) Cultural resistance, namely the culture of “prestige” and “face,” which can hinder the process of recognition and apology. (4) Inconsistency in implementation, namely variations in approaches between sports that can create legal uncertainty. To overcome these challenges, a comprehensive approach is needed that involves collaboration between the Ministry of Youth and Sports, the Indonesian National Sports Committee, sports federations, and legal academics.

Conclusion

The conclusion of this study shows that penal mediation in resolving sports disputes based on a restorative justice perspective is an alternative approach that can answer the need for a more just, humanistic, and contextual conflict resolution mechanism. The main novelty offered lies in the integration of restorative justice values into the framework of resolving sports disputes that have tended to be resolved through rigid litigation channels that are detrimental to social relations. This study provides a theoretical contribution by expanding the application of restorative justice into the realm of sports law that has not been widely touched on in Indonesian criminal law studies, while at the same time encouraging the development of legal norms that are more responsive to the needs of the sports community. The practical implications of this finding are the importance of establishing special regulations governing the application of penal mediation in sports disputes, increasing the capacity of human resources in the fields of law and sports to understand the restorative approach, and strengthening institutions that support conflict resolution through dialogue and participation. This finding also opens up space for further research related to the design of an institutional model for sports penal mediation based on the principles of restorative justice and local wisdom. This study recommends the development of a regulatory framework that accommodates penal mediation

in resolving sports disputes in Indonesia, which can be adapted by various sports according to their respective specific characteristics.

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