

Children and Age Theft in Badminton Athlete Coaching

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Abstract. Children are the nation's future and have rights that must be protected, not least in the world of sports, especially badminton, but it is found that children in the coaching process, as athletes, must accept cheating that they do not want, such as age theft. In Article 1 Paragraph 2 of Law Number 35 of 2014 concerning Child Protection, it is stated that child protection is to guarantee and protect children and their rights, including in coaching athletes who uphold the values of sportsmanship and fairness with the theft of children's age does not get their rights that should be obtained. This article is a normative research method. Normative legal research is a process to find a legal rule, legal principles, and doctrines of the law to address the legal issues related to age theft and child protection in badminton coaching. Interest in badminton makes competition tighter, so age theft committed by clubs, coaches, and parents is a very important reason to pay attention to when coaching badminton athletes. However, in competitions that often occur, acts of age theft still often occur and violate the principle of sportsmanship in the world of sports, which is important for the development of coaching young badminton athletes. Violation of these rights: can children still be protected while coaching badminton athletes?

Keyword: Child, Age Theft, Athlete Coaching

1 Introduction

Children represent the future, embodying untapped potential as the forthcoming generation responsible for carrying forward the ideals and aspirations of a nation. They play a pivotal role and possess unique qualities that safeguard the nation's continuity. This is an intrinsic human right of children, enshrined within the United Nations Convention on the Rights of the Child and Article 28B(2) of the Constitution of the Republic of Indonesia. It declares that every child is entitled to survival, growth, and development, along with the right to be shielded from violence and discrimination.

According to Article 49, paragraph (1) of the United Nations Convention, children are recognized as bearers of fundamental rights and freedoms and, as such, are entitled to special protection. Consequently, children require dedicated physical and mental care and protection. This necessitates the Government of Indonesia to make efforts to uphold the rights of children within the country. Law Number 39 of 1999, addressing Human Rights in Chapter III, which pertains to Human Rights and Basic Human Freedoms in Part Tenth, governs the rights of

children. Article 52, paragraph (2) explicitly states that children's rights are a subset of human rights and emphasizes that these rights are acknowledged and safeguarded by the law, starting even before birth.[1]

The Republic of Indonesia, as a unified nation, guarantees the well-being of all its citizens through the safeguarding of the rights of children, which are a subset of human rights. To secure and promote the safety and welfare of children, the Government of Indonesia has put into effect Law Number 35 of 2014, specifically focusing on Child Protection.[1]

Child Protection encompasses all efforts aimed at ensuring and safeguarding the rights of children to live, thrive, develop, and engage to their full potential in accordance with principles of human dignity and integrity while also being shielded from violence and discrimination. [2] Child protection is intricately connected to five fundamental components: parents, families, communities, governmental bodies, local authorities, and the nation itself. These five entities collaborate as stewards of child protection. [3] Child protection serves as a supplement to other rights, ensuring that children receive the necessary support to survive, develop, and thrive. Nonetheless, the actual situation of children in Indonesia remains a matter of deep concern, particularly in relation to issues such as child labor, street children, and children who fall victim to sexual violence, sexual exploitation, and commercial sexual exploitation. Furthermore, the attention given to these issues in the context of badminton matches has been insufficient on the part of the Indonesian Badminton Association (PBSI). [3]

As mentioned earlier by the author, there are various laws and regulations in Indonesia that define the age limit for children. It is worth noting that these legal frameworks specify different age limits, but some also share similarities in how they address the age criteria for children. Badminton is a highly popular sport in Indonesia, enjoyed by people of all ages, including adults, teenagers, and children. However, when the PBSI committee announced the age categories for competitions, it became evident that many children were participating outside their designated age groups. This discrepancy was often due to the falsification of birth information and school diplomas, such as 15-year-olds registering for the 12-year-old category.

2 Research Method

Normative legal research involves the exploration of legal rules, principles, and doctrines to address a specific legal issue. The outcomes of legal research can take the form of arguments, theories, or novel concepts that serve as recommendations for resolving the problem at hand. Soetandyo Wignjosoebroto [4] describes doctrinal legal research, which falls under the umbrella of normative legal research, as an examination of laws that are created and developed based on the doctrines embraced by their creators. In doctrinal legal research, the aim is to identify the correct solution by referring to established truths and legal prescriptions found in legal texts or religious scriptures (depending on personal beliefs) in accordance with the adopted doctrine. This type of study seeks to provide normative legal guidelines grounded in jurisprudence and is characterized as both prescriptive and applied science. [5]

3 Discussion

3.1 Factors Causing Age Abuse by Badminton Athletes

Badminton sports performances are in great demand by the people of Indonesia, which can be seen in the public interest when international badminton matches occur. These athletes who compete internationally do not appear out of thin air, and these athletes are educated from a young age. Badminton education from a young age makes the role of other adults, such as parents and coaches, also quite important. Still, in badminton matches, the education process does not escape from actions that do not uphold sportsmanship.

The case of age abuse abroad can be seen in the case of Lakshya Sen (India), who reported to the Bengaluru Police, India, for allegedly committing age forgery. He allegedly faked his age with his coach when he was in the academy to participate in a competition. Sen's name and his coach at the academy, Vimal Kumar, were included in the preliminary report (FIR). In addition, Dharendra Sen (Lakshya Sen's father), Chirag Sen (Lakshya Sen's brother), and Nirmala Sen (Lakshya Sen's mother) are also included in the report. Sen and Kumar's parents are thought to have worked together to fake the player's age while still at Prakash Padukone Academy in Bengaluru. The lawsuit was filed by Nagaraja MG, the coach of one of the academies in Bengaluru. In his lawsuit, Nagaraja said Sen and Kumar's parents worked together to fake the player's age to enter a competition in 2010. He accused Sen of being born in 1998, not 2001.[6]

In the case of Indonesia, The men's badminton doubles specialist from PB Exist Jakarta, Gea Kamahamas Pratama Putra, was suspended for 4 years. He certainly will not be able to perform for the next four years after PBSI made a serious decision after being banned for four years. Gea could not perform due to an alleged age theft case inflicted on him after the 2015 Candra Wijaya Badminton Open Championship in Doubles. Gea allegedly committed age forgery after PBSI found two birth certificates of different dates, the first of which was birth certificate no. 851/1995 issued by the Head of the Cilacap Regency Civil Registration Office on April 11, 1995. The data on this certificate differs from Gea's birth date and year statement letter collected on May 1, 2015, when he was born on March 16, 1997. Gea's birth record is confirmed by Clarification of Birth Certificate Data Quotation in Cilacap Regency Population and Civil Registration Office Letter no 474.1/302/26/2015 dated June 5, 2015.[7]

Compared to the case of Laksya Sen (India), different from the case of age abuse in Indonesia, the case in India directly involved the authorities for falsifying proof of birth, in contrast to the case in Indonesia, which only received sanctions from PBSI but did not involve the police. When viewed from the positive Law in Indonesia violating existing provisions, falsification of the origin of children in authentic certificates is also contained in Law 24 of 2013 concerning Population Administration as this explains that birth certificates have legal force as strong evidence in which important events are listed for the birth of children as Indonesian citizens. Issued by the authorized official, namely by the Population and Civil Registration Service. Alteration of a birth certificate is subject to criminal penalties under Article 93 of the Population Administration Law.

In the law, the word "intentionally" clearly states that the actions of the parents of athletes who commit age abuse can meet the elements of the law. This is important because the origin of the birth of the child can be seen from the birth certificate of the child. In contrast, the child's birth certificate is not falsified because, with the birth certificate, the child's identity is known, for example, the child of father A and mother B. This is rightly considered important and protected by law because this event results in the future when the child is an adult, he can claim his inheritance rights from his parents. Evidence that the child's birth certificate is indeed regulated by the state and carried out by the authorized official is contained in Presidential Decree Number 12 of 1983 concerning the Arrangement and Improvement of Civil Registration Administration Development, one of which has the function as in Article 5 paragraph 2 is the recording and issuance of birth certificates. This is determined to obtain a kind of birth

certificate so that a person has legal standing and status as an authentic certificate. In addition, authentic certificates are also useful so that a person's existence is seen and recognized by the state as data and information for the state to improve population administration order, support development planning data and supervision and control, then the factors that cause age theft are Misuse of Child Birth Certificates, Negligence Caused by Badminton Athlete Registration Officers Lack of Supervision from Badminton Clubs, This results in the professional world of badminton loss of sportsmanship in matches, and entanglement of children and those concerned into the realm of law.

3.2 Solutions to Badminton Age Theft

3.2.1 Cultivating Ethics from an Early Age

Ethics represents a particular aspect of values education within educational institutions. In elementary education, ethics education should play a role in molding and guiding students' character development by instilling values they understand and hold dear. Nurturing ethical values is an extended, ongoing, and repetitive endeavor, essential for their integration into everyday behaviors. Ethical education entails facilitating the comprehensive growth of children, encompassing both their innate and intellectual aspects, steering them from their natural tendencies toward a more civilized state. It involves providing guidance, encouragement, and instruction to children on exhibiting proper behavior in the context of badminton competitions[8]

When compared to the ethical development of athletes in India who are Hindus, Hindu religious education is one of the fields of study that must be studied as a requirement in completing education at all levels of education designed and given to students who are Hindus to develop their religion. The main education in India is moral and ethical education, which is very important to be instilled in a child from an early age, even from infancy in the womb or prenatal.

Ethical development should also be the focus of coaching child athletes since they are scouted from the club. It will impact the value of sportsmanship that occurs among competing athletes. It can be exemplified by athletes who compete when they know their age is much older than their opponents; by instilling good ethics early, the athlete will feel reluctant to compete and even refuse. This is what the author sees as an example of coaching athletes in the future.

3.2.2 Strict Administration Personnel

The registration process for each tournament is a problem because it is not so strict that age abuse occurs. In the future, the solution from MPBI is to provide strict administrative personnel in tracing athlete files carried out when Pelatnas, because it becomes an important point and must be desperate in data processing so that age abuse can be minimized or even no longer occur. The implementation of strict registration cannot be carried out without adequate human resources, so one solution is quality human resources by maintaining integrity and transparency in the registration process so that age abuse can be eliminated.

When compared to India, which focuses more on developing its Human Resources. Many young Indians under the age of 30 have doctorates. In his 30s, he completed a postdoctoral program. This became a common phenomenon in the country nicknamed the Subcontinent. Since school, they have diligently studied and completed homework given by the teacher. They also learn to improve their skills. No culture like ours hangs out on the side of the road or sits casually discussing politics in coffee shops. Their lives are hard. There are a lot of them. They realize that life's challenges are not easy and very heavy.

This is inseparable from the economic situation and government support. In addition, India has a special ministry in charge of Human Resources Development (Ministry of Human Resources Development). In the past, this ministry was called the Ministry of Education, just like in Indonesia. However, with changes and the spirit of harmony for human resource development, the ministry was changed to the Ministry of Human Resource Development. This ministry is tasked with harmonizing human resource development programs in India, not only at all levels of education but also outside formal education, in the form of training and collaboration with the private sector and other stakeholders. This is so that human resources in India are not only results-oriented but values and curricula that are very dense but not right on target to be ready to compete globally. In addition, India can collaborate with private parties and other parties at home and abroad.

3.2.3 Suspension of athletes.

Satjipto Rahardjo stated that legal events are useful for moving the law. The law qualifies certain relationships, so it is called legal relations. Legal regulations, for example, because there are legal regulations, and what moves them are called legal events. The formulation of behaviour contained in legal regulations must occur to cause legal consequences. For a legal effect to arise, Satjipto Rahardjo formulates that there are 2 stages, namely the existence of certain conditions in the form of the occurrence of an event in reality that meets the formulation in legal regulations referred to as legal bases. It is advisable to distinguish between legal bases and regulatory bases by pointing to the legal regulations used as the frame of reference.^{[9][9][9]}

Judging from Article 18 of the PBSI Regulations, there are provisions regarding reporting to the authorities and suspensions to athletes and even coaches, as stated by PBSI Legitimacy Chairman Moch. Syahroni stated: "Age abuse or age theft is a serious problem in the world of badminton because it causes unfair matches and it is cheating, in the rules of the organization it is sounded in Article 18 of PBSI, which can result in scoring for athletes and not only athletes but also coaches can be punished."

The suspension of previous athletes felt unfair if the registration officer was not sanctioned, seeing the case of age abuse. This began with the receipt of a certificate that did not match the age received by the registration officer. In this case, the relevant parties should dismiss the registration officer so that age abuse by athletes can be reduced.

3.3 Sanction for parties who participate in age theft with the crime of falsification Article 263 of the Criminal Code

The imposition of criminal sanctions on related parties, including parents, clubs, and coaches, is necessary because in this scenario, the child typically lacks awareness of the applicable laws. To ascertain an offender's liability for their actions, it is crucial to evaluate their mental capacity. This concept is elucidated through the 'actus non facit reum nisi mens sit rea' doctrine (actus reus and mens rea), emphasizing that an individual cannot be held guilty of an offense unless their actions were carried out with malicious intent. This concept, also expressed as 'geen straf zonder Schuld,' underscores the importance of culpability in criminal liability, in conjunction with factors like the ability to take responsibility and the absence of justifiable excuses.

Mistakes are categorized into two types, namely intentionality and negligence. In this case, the focus is on intentionality because Article 263 of the Criminal Code requires the presence of intent. Intentionality or 'dolus' (opzet) is not explicitly outlined in the Criminal Code but is detailed in the Memorie van Toelichting (MvT), encompassing the willful execution of actions

and their consequences ('willen and wetten'). This type of conduct is also referred to as 'dolus manus.'

To ascertain intentionality, two theories can be considered: the 'theory of will' (willstheorie), which necessitates actions and their consequences, known as the principle of 'dolus manus.' The 'theory of imagining' (voorstellingstheorie) asserts that one cannot desire an outcome because, in principle, individuals only intend to undertake the action but cannot desire the result.

In addition to legal consequences by organizations due to athletes' attachment to PBSI, age abuse can be subject to unlawful acts in falsifying documents. When examined further, the act of resisting. Law One of the main elements of an objective criminal act is its unlawful nature. This relates to the legality principle implied in Article 1, paragraph 1 of the Criminal Code.

In Dutch, against the law is *wederrechtelijke* (weder: contrary to, against; recht: Law). In determining that the act can be criminalized, the framer of the law makes the unlawful nature a written element. Without this element, the formulation of the law would be too broad. In addition, reproachable properties are sometimes included in the *delic* formula, that is, in the *culpa delic* formulation.[10]

The articles in the Criminal Code will contain unlawful words (*wederrechtelijke*) to indicate the legitimacy of an action or an intention. The use of the word *wederrechtelijke* to indicate the illegitimate nature of an act is contained in Articles 167 paragraphs (1), 168, 179, 180, 189, 190, 198, 253-257, 333 paragraph (1), 334 paragraph (1), 335 paragraph (1) numbers 1, 372, 429 paragraph (1), 431, 433 numbers 1, 448, 453-455, 472 and 522 of the Criminal Code. While the use of the word *wederrechtelijke* to indicate an intention or *cogmerk* can be found in Articles 328, 339, 362, 368 paragraph (1), 369 paragraph (1), 378, 382, 390, 446, and 467 of the Criminal Code.[10]

4 Conclusion

The issue of age fraud in badminton arises due to inadequate oversight and administration in coaching and training, which ultimately undermines the well-being of athletes and the intended positive coaching process. The author suggests a potential remedy by introducing legal penalties for document falsification. This approach aims to ensure the effective enforcement of the law within the realm of sports coaching, ultimately leading to more transparent and successful coaching practices.

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