

## Depreciation of Employment Rights of E-Sports Athletes for Children in Indonesia

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### Abstract

E-Sports as a new sport in Indonesia dominated by children should provide guarantees of legal protection for children including employment rights. This study aims to analyze the depreciation of the work rights of E-Sports athletes who are still categorized as children in Indonesia. The method used is a qualitative method with an empirical approach. The results of the research obtained are as follows: first, there are 15 (fifteen) laws and regulations governing the status of child categories in Indonesia. Second, there are differences in interpretation regarding the determination of the status of child categories in laws and regulations. Third, there is not a single law that provides legal protection for children who become E-Sports players. Fourth, the Indonesian E-Sports Executive Board (PBESI) and Lex Sportiva have not paid special attention to professional athletes who are still categorized as children. Thus, researchers concluded that the government has not provided legal protection guarantees for children who become professional E-Sports players. The recommendations given are that the government together with PBESI think about legal protection guarantees, welfare protection guarantees, and even child health protection guarantees who become professional E-Sports players.

**Keywords:** Depreciation; Employment Rights; Athlete e-Sports; Children.

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### 1. INTRODUCTION

E-Sports athletes who are still children have the potential to lose their work rights. This is based on different interpretations regarding the determination of the category of children. The impact is the uncertainty of a child's career as a professional E-Sports player. In Indonesia, differences in interpretation related to the age of children have been regulated in 15 (fifteen) laws and regulations. So this can cause legal uncertainty so it becomes a problem for the future of E-Sports athletes who are still classified as children field (Wahidah & Fartini, 2025).

Employment rights for sports athletes have been widely written about by researchers. But there are still few who write about E-Sports athletes who are still categorized as children. In some previous studies, children were not the focus of E-Sports research because E-Sports is new and has not been in the government's spotlight. Law of the Republic of Indonesia Number 11 of 2022 concerning Sports has not accommodated children who become professional E-Sports Athletes. In addition, *Lex Sportiva* as the main legal principle of autonomy in sports also does not regulate the rights of children as professional athletes. The lack of researchers who write about the fulfillment of children's rights to become E-Sports players is an inspiration for the author to research the controversy over the loss of E-Sports athletes' work rights for children (Agatha & Jannah, 2025).

This study aims to find out and describe the potential loss of employment rights of children's E-Sports athletes. This is certainly a warning to the government in providing legal protection for children who become professional E-Sports players. Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower does not expressly address the fulfillment of labor rights for children who become E-Sports players. Therefore, this research is important to be studied to find solutions to the potential loss of labor rights for children who become E-Sports players (Adriana & Maslijar, 2025).

Researchers hypothesize that children not only lose their labor rights as professional E-Sports players but also lose their future as the nation's next generation. Children who are supposed to receive formal education on a tiered basis are not being educated effectively because they tend to focus more on their careers as E-Sports players, who often consider the sport nothing more than a game. In general, parents disagree if their children use gadgets more to play games, even though they are playing electronic sports. In the end, the child who was supposed to be the fulcrum of the family's hopes simply disappeared because the child lost his work rights.

## 2. RESEARCH METHOD

This research was inspired by the family of several researchers who were contracted to be E-Sports players but were still children. We see an inequality between the rights obtained and the obligations performed by E-Sports players. So, we looked for some E-Sports teams to sample the research. The research design used a *mixed method* with a qualitative approach accompanied by a survey of several underage E-Sports players. Researchers use a qualitative approach design considering that this research is legal research that must always be guided by legal rules, especially in Indonesia. The addition of research designs using surveys aims to corroborate the results of this study from an empirical point of view.

Some of the sources of information that researchers found were manuscripts, respondents, online newspapers, and social media. The script is the main source of information because the main source of the problem is the vagueness of the status of the child in the laws and regulations in the E-Sports game rules. Other sources are used as reinforcers of the main sources of information. The data collection process is carried out in several stages. First, observation by looking at social symptoms related to the rights of E-Sports players who are categorized as children. Secondly, analyze the documents to ascertain the distance between the watershed *das sein* and the watershed *das sollen*. Third, a questionnaire surveying E-Sports players categorized as children. After the data collection process is carried out, the last step is to perform data analysis. The stages of analysis carried out as mentioned above and the data analysis methods used are descriptive qualitative by explaining the results and updates of this study (Ilmah et al., 2025).

## 3. RESULTS AND DISCUSSION

In Indonesia, there are 15 (fifteen) laws and regulations governing the categorization of children's status. In general, the categorization of children in laws and

regulations regulates the category of children, namely the age of 18 years. However, there are some laws and regulations that regulate it differently. This difference is based on the fact that each regulatory substance has a point of view and consideration of determining the status of the child for the needs to be regulated. For example, the marriage law provides for the minimum age to hold a marriage for a man is 19 years old and a woman 16 years old. This is what makes Indonesia have different age standards for children (Wahyuni & Rusdianto, 2025).

In general, of the 15 (fifteen) laws and regulations governing the categorization of children, there are 4 (four) laws and regulations that have different interpretations related to the categorization of children. First, Article 330 of the Civil Code (*Burgelijk Wetboek*) regulates the category of children i.e. 21 years of age. Secondly, Article 45 of the Criminal Code (*Wetboek van Strafrecht*) regulates the category of children i.e. 16 years of age. Third, Article 1 number 34 of Law Number 7 of 2017 concerning General Elections. Fourth, Article 98 paragraph (1) of Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law which regulates the category of children, namely the age of 21 years (Haqqullah & Muni, 2025).

Differences in the diverse categorization of children in Indonesia create legal uncertainty for policymakers in determining the categories of children in Indonesia. Positive law in Indonesia does not include children as a legal subjects who can carry out legal acts, one of which is a contract with an E-Sports team for children who are professional E-Sports players. This has an impact on the lack of E-Sports teams in providing guaranteed legal protection for professional athletes who are still children.

Several laws and regulations in Indonesia overlap with each other regarding E-Sports athletes who are categorized as children. Law Number 11 of 2022 concerning Sports does not regulate the criteria for E-Sport players including children. Then, Law Number 13 of 2003 concerning Manpower regulates the prohibition of child labor. Researchers assess that the government has not thought seriously about the future of children who have talent in the world of electronic sports.

Indeed, Law Number 11 of 2022 concerning Sports has regulated the existence of E-Sports, but it only regulates one article, namely Article 21. The government only imposes obligations on coaches and organizers of electronic sports activities to ensure the safety and health of sportsmen. Law Number 13 of 2003 concerning Manpower which is the legal basis for contracts with E-Sports teams provides restrictions for children who do not cooperate with E-Sports teams even though they are already professional players.

In this context, E-Sports is indeed a contemporary sport in the era of the industrial revolution 5.0. However, the legislation seems to be restrictive and unable to keep up with the current development of the sport. The inability of laws and regulations to keep up with the latest developments, especially in the field of sports, is a warning to the government not to be half-hearted in triggering electronic sports that have been competed at the national and even international levels.

*Lex Sportiva* as an autonomous legal principle in universal sports also does not regulate employment rights for E-Sports athletes who are still children. This is in line with the Statute of PBESI (Indonesian E-Sports Implementing Agency) which imposes the principle of *lex specialis derogate lege in general* as a stand-alone guideline and is not integrated with national law. *Lex Sportiva* only regulates rules that are technical in the context of the game only.

Hinca Panjaitan and Ken Foster give the same statement as *Lex Sportiva* is all the parent regulations of sports organizations where each member must be subject to the articles of association of the organization. If we look at the types of laws and regulations in the Indonesia no way put the statute of PBESI or other sports organizations as one type of legislation. Moreover, the PBESI Statute is the result of internal congress only.

*Lex Sportiva* and PBESI are inseparable from Indonesia's positive law. PBESI's autonomy in regulating sports including E-Sports must remain based on the rules regulated in the legal system in Indonesia. PBESI is nothing more than a rule of the

*game*, not a rule of the law as stated in Law Number 13 of 2022 which contains the types of laws and regulations in Indonesia.

The vagueness of the determination of the category of children in Indonesian laws and regulations makes people confused about the seriousness of the government in determining the status of children. The government must provide certainty about the status of children in at least one regulation on the status of children in Indonesia. When the government provides certainty about the status of children, especially in Indonesia, at least it provides a glimmer of hope for children including their parents to have a career in electronic sports.

This not only aims to provide clarity on the status of children but also in pursuing a professional career in the field of E-Sports considering that there are too many laws and regulations governing the status of diverse children. This diversity adds to the problem of certainty of the category of children. Parents who hope for a bright future for their children can be stopped only because of the absence of regulations governing the guarantee of legal protection for children.

Law Number 11 of 2022 concerning Sports does not regulate categorized E-Sports players so child labor rights become blurred and there is no clarity. Likewise, Law Number 13 of 2003 concerning Manpower does not provide clarity on the status of children's rights. Researchers consider that the two laws and regulations have not accommodated the clarity of children's status and legal protection for children in the field of E-Sports because policymakers understand that E-Sports is nothing more than a game.

The vagueness of children's labor rights is based on the fact that the government does not focus on thinking about the rights of children who inevitably have to work; one example is children who work as professional E-Sports players. The Manpower Law has not accommodated the clarity of the status of children's rights because at that time there were no legal events that occurred like now, for example, a child named Rafli who represented DKI Jakarta Province in E-Sports at the age of 13 years or still at the junior

high school level. In addition, Rasya Rasyid, who is a professional E-Sports player, joined the EVOS Immortal team and is still 12 years old. These talented children should get the attention of the government because they have made the name of the region and even the country proud.

The Executive Board of E-Sports Indonesia (PBESI) seems to stand alone and has its laws so it is not integrated with positive laws in Indonesia. PBESI also does not provide legal clarity regarding employment rights for E-Sports athletes categorized as children. PBESI as the largest organization in Indonesia in the field of E-Sports should be sensitive and concerned about the existence of children in electronic sports. Because the majority of professional players in the field of E-Sports are children.

PBESI as an Indonesian E-Sports organization only follows the rules of the game from *Lex Sportiva* which is a universal sports rule and is followed by all countries in the world. They both ignore Indonesia's positive rule of law that prohibits children from working. The law should look down, and see the reality that exists in society. They don't just copy existing laws from the outside, including from *Lex Sportiva* itself.

#### 4. CONCLUSION

As it turns out, so far the legal arrangements regarding E-Sports involving children that are expected to be able to provide legal protection including children's employment rights and guarantees of legal protection for children have not occurred as they should. Similarly, the Indonesian government, the Executive Board of E-Sports Indonesia (PBESI), and *Lex Sportiva* should increase synergy to create quality E-Sports and provide space for children to pursue their professional careers. The results of this study are a new perspective because the focus of the research is related to the legal certainty of the rights of child workers who become E-Sports professional players who contract with E-Sports teams. This research contributes to thinking as a new variable, especially in the field of E-Sports. Correspondingly, with the limitations of the variables included by the researcher, further research is needed that accommodates a larger sample to

obtain a more complete explanation. Such a full explanation can be a solid basis for formulating an E-Sports policy that categorizes children.

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