

**REVOCATION OF FIFA WORLD CUP U-20 HOST STATUS IN INDONESIA**

**(REVIEW OF FOREIGN MINISTER REGULATION NUMBER 3 OF 2019)**

**SIYASAH DAULIYAH PERSPECTIVE**

**THESIS**

By :

Anisa Putri Al Qomari

200203110069



**CONSTITUTIONAL LAW STUDY PROGRAM (SIYASAH)**

**SHARIA FACULTY**

**MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY**

**MALANG**

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## STATEMENT OF THE AUTHENTICITY OF THE THESIS

For the sake of Allah,

With awareness and a full sense of responsibility for scientific development, the author states that the thesis with the title:

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**REVOCAION OF FIFA WORLD CUP U-20 HOST STATUS IN INDONESIA  
SIYASAH DAULIYAH PERSPECTIVE (REVIEW OF FOREIGN  
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So the supervisor declares that the thesis has met the requirements to be submitted and tested by the Board of Examiners.

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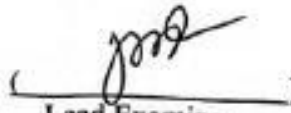
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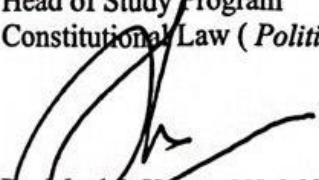
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## MOTTO

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ ۗ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

*“Orang-orang beriman itu sesungguhnya bersaudara. Sebab itu damaikanlah (perbaikilah hubungan) antara kedua saudaramu itu dan takutlah terhadap Allah, supaya kamu mendapat rahmat.”*



## FOREWORD

Alhamdulillahirabbil'alamin, all praise be to Allah Subhanu Wa Ta'ala who has given grace and help to the writer to complete the writing of the thesis titled: "Revocation of the Host Status of the Fifa World Cup U-20 In Indonesia (Review of Foreign Minister Regulation Number 3 Year 2019) Dauliyah Political Perspective " can be solved well by the writer . We send our blessings and salutations to His Majesty Rasulullah Muhammad S halallahu 'Alaihi Wasallam who has given us uswatun hasanah in living this life according to syar'i. By following him, may we be among those who believe and receive his intercession on the last day of judgment. Amen.

With all the teaching, guidance and direction, as well as the service assistance that has been given, then with all the humility the writer conveys an incomparable thank you to:

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3. Dr. H. Musleh Harry, SH, M.Hum . , as the Head of the Constitutional Law Study Program of the Sharia Faculty of the State Islamic University of Maulana Malik Ibrahim Malang.



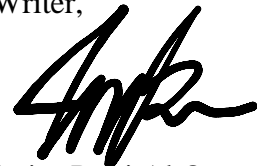
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With the completion of this thesis report, it is hoped that the knowledge we have gained during college can provide charitable benefits in life in this world and the hereafter. As a human being who never escapes mistakes, the author really hopes for forgiveness as well as criticism and suggestions from all parties for efforts to improve in the future.

Malang, 21 May 2024  
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## TRANSLITERACY GUIDELINES

The transliteration of Arabic words used in the preparation of this thesis is guided by the Joint Decree between the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia Number 158 of 1987 Number 0543 b/U/1987 dated 10 September 1987 concerning guidelines for Arabic-Latin transliteration with several adjustments to following:

### 1. Consonant

Arabic font	Name	Latin letters	Name
ا	Alif	Not denoted	Not denoted
ب	Bar	B	Be
ت	Pitch	T	Until
ث	Sir	Ṣ	es (with ticks above)
ج	Gym	J	Je
ح	ḥ a	Ḥ	ha (with ticks below)
خ	Kha	KH	to the limit ha
د	Dal	D	Are
ذ	Ḍ al	Ḍ	zet (with a dot

			above)
ر	Ra	R	Er
ز	Za	Z	Zel
s	Sin	Q	Ice
sh	Shin	Mrs	ice and yes
p	ş ad	Ş	es (with dots below)
z	đ ad	Đ	de (with dot below)
i	a	Ṭ	te (with dot below)
Z	z a	Ẓ	oil (dengan titik di bawah)
A	'ain	...'	There are many different ways
g	Gain	G	Ge
F	Fa	F	Ef
Q	Qof	Q	Ki
K	Kaf	K	Ka
to	Lam	L	El
M	Mim	M	Em

ن	Nun	N	En
و	Wow	W	We
هـ	Ha	H	Ha
ء	Hamza	'	Apostrophe
ي	Yes	Y	Ye

## 2. Vocals

### 1) Single vowel (monophthong)

A single Arabic vowel whose symbol is a sign or harakat, the transliteration is as follows:

Sign	Name	Latin letters	Name
ـَ	fathah	A	A
ـِ	Kasrah	I	I
ـُ	damah	U	U

Example: كَتَبَ - *kataba*

يَذْهَبُ - *yazhabu*

-فَعَلَ- *fa'ala*

-سُئِلَ- *su'ila*

### 2) Double Vowel (diptong)

Double vowels in Arabic whose symbols are a combination of harakat and letters, the transliteration is as follows:

Signs and Letters	Name	Letter Combination	Name
عِي	<i>Faṭḥah and yes</i>	<i>Ai</i>	a and i
أُو	<i>Faṭḥah and wawu</i>	<i>Au</i>	a and u

Example: كَيْفَ - *kaifa*

هَوَّلَ - *hauḷa*

### 3. Madda

Maddah or long vowels whose symbols consist of vowels and letters, the transliteration consists of letters and signs, namely:

Signs and Letters	Name	Letters and Signs	Name
اَ ... ا... ...	<i>faṭḥah and alif</i>	<i>A</i>	a and the line above
يِ	<i>Kasrah and yes</i>	<i>e</i>	i and the line above
وُ و	<i>ḍamah and wawu</i>	<i>Ū</i>	u and the line above

Example: قَالَ - qāla

قِيلَ - qīla

رَمَى - ramā

يَقُولُ - yaqūlu

#### 4. *Ta Marb ūṭ ah*

There are two transliterations for *ta marb ūṭ ah* :

1) *Ta marb ūṭ ah* Life

*Ta marbūṭah* who live or get ḥarakat *fathah*, *hasrah*, and *dammah*, the transliteration is /t/.

2) *Ta marb ūṭ ah* die

*Ta marbūṭah* who dies or gets ḥ arakat sukun, the transliteration is /h/.

3) If a word that ends in *ta marbūṭah* is followed by a word that uses the word sandang *al*, and the two words are read separately, then *ta marbūṭah* is transliterated with *ha* (h).

Example :

روضة الطفل	<i>Rauḍah al-Aṭf ā l</i>
<b>Al Madinah Al Manura</b>	<i>al-Madīnah al-Munawwarah</i>
تلحة	<i>Ṭalḥah</i>

#### 5. *Shaddah (Tasydid)*

*Syaddah* or *tasydid* which in the Arabic writing system is denoted by a *syaddah* or *tasydid sign* . In this transliteration, the *syaddah sign* is denoted by a letter, which is the same letter as the letter given the *syaddah sign* .



Example:

**Our Lord** - *rabbānā*

نَزَّلَ - *nazzala*

## 6. Sandang said

Articles in the Arabic writing system are symbolized by letters, namely ال, but in the transliteration they are distinguished between articles followed by the letters *syamsyiyyah* and articles followed by the letters *qomariyyah*.

- 1) Articles followed by the letters *syamsyiyyah*, articles followed by the letters *syamsyiyyah*, are transliterated according to their sound.
- 2) Articles followed by the letters *qomariyyah* are transliterated according to the rules outlined in front and according to their sound.

Whether followed by *syamsyiyyah letters* or *qomariyyah letters*, articles are written separately from the words that follow and are connected with hyphens or hyphens.

Example:

الرجل - *al-rajulu*

القلم - *al-qalamu*

## 7. Hamza

It was stated earlier that hamzah is transliterated with an apostrophe. However, it is only located in the middle and at the end of words. If Hamza is at the beginning of a word, it is symbolized because in Arabic writing it is an alif.

Example:

Hamza at the start	أكل	<i>Akala</i>
Hamza in the middle	تأخذون	<i>ta'khuz ūna</i>
Hamza at the end	التوء	<i>an-nau'u</i>

## 8. Word Writing

Basically every word, whether fi'il, isim or letters, is written separately. For certain words which are written in Arabic letters which are commonly combined with other words because letters or vowels are omitted in this transliteration, these words can be written in two ways: they can be separated into words and also put together. However, the author chooses to write these words word by word.

Example:

وان الله هو خير الرازقين : *wa innallāha lahuwa khair ar-rāziqīn*

فاوفوا الكيل والميزان : *fa aufū al-kaila waal-mīzan*

## 9. Capital letters

Although in the Arabic writing system capital letters are not recognized, this transliteration of these letters is used as well. Capital letters are used to write the initial letter of a proper name, not the first letter of an article.

Example:

وما محمد الا رسول	<i>Wa māMuḥammadun illā rasūl.</i>
ولقد راه بالافق المبين	<i>Wa laqad raāhu bi al-ulfuq al-mubīn</i>

## ABSTRAK

Al Qomari, Anisa Putri, 2024. Kedudukan Peraturan Menteri Luar Negeri Nomor 3 Tahun 2019 Terkait Batalnya Indonesia Menjadi Tuan Rumah Fifa World Cup U-20 Perspektif Siyasah Dauliyah. Skripsi. Program Studi Hukum Tata Negara, Fakultas Syari'ah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

Pembimbing: Nur Jannani, S.HI., M.H.

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**Kata Kunci:** FIFA World Cup U-20, Peraturan Menteri Luar Negeri Nomor 3 Tahun 2019, *Siyasah Dauliyah*.

Pada 29 Maret 2023 secara resmi FIFA mencabut status Indonesia sebagai tuan rumah pada World Cup U-20. Dalam Pasal 150 bab X Peraturan Menteri Luar Negeri Nomor 3 Tahun 2019, secara eksplisit mengatur bahwa Indonesia dengan Israel tidak memiliki hubungan diplomatik. Maka dari itu Indonesia tidak dapat menjalin hubungan diplomatik secara resmi dengan Israel. Tujuan penelitian ini adalah : 1) Mendeskripsikan dan menganalisis kedudukan Peraturan Menteri Luar Negeri Nomor 3 Tahun 2019 perspektif teori Positivisme Hukum terkait sikap politik Indonesia yang menolak delegasi Israel dalam keikutsertaan FIFA World Cup U-20. 2) Mendeskripsikan dan menganalisis tinjauan Siyasah Dauliyah terkait penolakan Indonesia untuk membangun hubungan diplomatik dengan Israel berdasarkan Pasal 150 Peraturan Menteri Luar Negeri Nomor 3 Tahun 2019.

Jenis penelitian yang digunakan adalah penelitian yuridis normatif, dengan pendekatan perundang-undangan dan pendekatan konseptual. Sumber bahan hukum yang digunakan yaitu bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier yang dianalisis menggunakan metode deskriptif.

Hasil penelitian ini menunjukkan bahwa, kedudukan Peraturan Menteri Luar Negeri Nomor 3 Tahun 2019 di Indonesia termasuk perundang-undangan atau dapat disebut dengan hukum nasional atau hukum positif. Menurut teori Positivisme Hukum, apabila suatu peraturan telah ditetapkan dan menjadi hukum positif disuatu negara hukum maka wajib untuk dipatuhi dan dilaksanakan, maka penolakan yang dilakukan oleh para Pemerintah Daerah telah sesuai dengan regulasi yang berlaku. Kemudian, Peraturan Menteri Luar Negeri dalam perspektif Siyasah Dauliyah sudah sesuai dengan asas dan prinsip yang terdapat dalam Siyasah Dauliyah, begitupun dengan penolakan yang telah dilakukan oleh para ulama dan organisasi Islam telah sesuai dengan aturan dalam Siyasah Dauliyah dan Perundang-undangan di Indonesia.

## ABSTRACT

Al Qomari, Anisa Putri, 2024. The Position of Minister of Foreign Affairs Regulation Number 3 of 2019 Regarding Indonesia's Cancellation of Hosting the Fifa World Cup U-20 Perspective of *Siyasah Dauliyah*. Thesis. Constitutional Law Study Program, Faculty of Shari'ah, Maulana Malik Ibrahim State Islamic University Malang.

Supervisor: Nur Jannani, S.HI., M.H.

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**Keywords:** FIFA World Cup U-20, Prisoners, Miniseign Affairs Regulation Number 3 of 2019, *Siyasah Dauliyah*..

In March 29 2023, FIFA officially revoked Indonesia's status as host of the U-20 World Cup. In Article 150 chapter Therefore, Indonesia cannot officially establish diplomatic relations with Israel. The aims of this research are: 1) Describe and analyze the position of Minister of Foreign Affairs Regulation Number 3 of 2019 from *Lex Sportiva*'s perspective regarding Indonesia's political stance in rejecting the Israeli delegation from participating in the U-20 FIFA World Cup. 2) Describe and analyze the review of *Siyasah Dauliyah* and the theory of Legal Positivism regarding Indonesia's refusal to establish diplomatic relations with Israel based on Article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019.

The type of research used is normative juridical research, with a statutory approach and a conceptual approach. The sources of legal materials used are primary legal materials, secondary legal materials and tertiary legal materials which are analyzed using descriptive methods.

The results of this research show that the position of Minister of Foreign Affairs Regulation Number 3 of 2019 in Indonesia includes statutory regulations or can be called national law or positive law. According to the theory of Legal Positivism, if a regulation has been established and becomes positive law in a legal country, it is mandatory to obey and implement it, then the approval made by the Regional Government is in accordance with the applicable regulations. Then, the Regulation of the Minister of Foreign Affairs from the perspective of *Siyasah Dauliyah* is in accordance with the principles and principles contained in *Siyasah Dauliyah*, as well as the approvals made by Islamic scholars and organizations are in accordance with the rules in *Siyasah Dauliyah* and Indonesian legislation.

## تلخيص

القمرى, أنيسافوتري, 2024. موقف وزير الخارجية من اللائحة رقم 3 لسنة 2019 بشأن إلغاء إندونيسيا استضافة بطولة كأس العالم لكرة القدم تحت 20 سنة من منظور سياسة دوليا. , أطروحة. برنامج دراسة القانون الدستوري, كلية الشريعة , جامعة مولانا مالك إبراهيم الحكومية الإسلامية مالا ع

دليل الأطروحة: نور جناني. S. HI., M.H.

**الكلمات الدالة: كأس العالم تحت 20 سنة, لائحة وزير الخارجية رقم 3 لسنة 2019, سياسة دولية .**

في 29 مارس 2023 وضع إندونيسيا كمضيف لكأس العالم تحت 20 سنة. وفي الفصل 150 من المادة، لا تستطيع إندونيسيا إقامة علاقات دبلوماسية رسمية مع إسرائيل. أهداف هذا البحث هي: (1) وصف وتحليل موقف وزير الخارجية اللائحة رقم 3 لعام 2019 من وجهة نظر ليكس سبورتيفا فيما يتعلق بالموقف السياسي الإندونيسي في رفض الوفد الإسرائيلي من المشاركة في كأس العالم تحت 20 سنة لكرة القدم. (2) وصف وتحليل مراجعة سياسة دوليا ونظرية الوضعية القانونية فيما يتعلق برفض إندونيسيا إقامة علاقات دبلوماسية مع إسرائيل بناءً على المادة 150 من لائحة وزير الخارجية رقم 3 لعام 2019.

ونوع البحث المستخدم هو البحث القانوني المعياري، ذو المنهج القانوني والمنهج المفاهيمي. مصادر المواد القانونية المستخدمة هي المواد القانونية الأولية والمواد القانونية الثانوية والمواد القانونية الثالثة التي يتم تحليلها باستخدام الأساليب الوصفية.

تظهر نتائج هذا البحث أن لائحة منصب وزير الخارجية رقم 3 لعام 2019 في إندونيسيا تتضمن لوائح قانونية أو يمكن تسميتها بالقانون الوطني أو القانون الوضعي. وفقاً لنظرية الوضعية القانونية، إذا تم وضع لائحة وأصبحت قانوناً إيجابياً في بلد قانوني، فمن الضروري الالتزام بها وتنفيذها، فإن موافقة الحكومة الإقليمية تكون متوافقة مع اللوائح المعمول بها. بعد ذلك، فإن لائحة وزير الخارجية من وجهة نظر السياسة الدولية تتوافق مع المبادئ والمبادئ الواردة في السياسة الدولية، كما أن الموافقات الصادرة عن العلماء والمنظمات الإسلامية تتوافق مع القواعد الواردة في السياسة الدولية و التشريع الاندونيسي.

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# CHAPTER 1

## INTRODUCTION

### A. Background of the problem

Indonesia is a country with islands that are rich in culture, history and ethnic wealth. Over the last few decades, Indonesia has tried to strengthen its position in the international world through various diplomatic efforts and participation in various global forums, including in sports, especially football.

The proudest thing in the beginning of Indonesian football was that after the 12th congress, PSSI in 1950 under Maladi's leadership was sending a letter to FIFA to be accepted as an official member of FIFA. This breakthrough was taken as a diplomatic step to strengthen Indonesia's position, which is still new in the international world. With a letter dated 18 November 1951, FIFA informed PSSI that Indonesia had been accepted as an official member of FIFA and was allowed to take part in all international football activities. PSSI officially joined as a member of FIFA on November 1 1952 at the FIFA congress in Helsinki.<sup>1</sup> After that, on May 8 1954 Indonesia also officially became a member of the AFC (Asian Football Confederation) and on February 2 1953 PSSI was legally incorporated through the Republic of Indonesia Minister of Justice's Decree No.JA.5/11/6.<sup>2</sup> After that, Indonesia continued to try to develop its football skills with the big hope that one day Indonesia would be able to participate in the

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<sup>1</sup> Alif Cahyo and Mitra Pratama, "The Rebirth of Pssi (All Indonesian Football Association) 1950-1954" 10, no. 1 (2020): 6. file:///C:/Users/Asus/Downloads/37603-Article%20Text-50811-1-10-20210109%20(1).pdf

<sup>2</sup>Lutfi Avianto, *Getting to Know Football*, (Jakarta: Balai Pustaka, 2012), 82.

biggest football event in the world, namely *the FIFA World Cup* which is held directly by FIFA every 4 years, for which qualification is certainly not easy.

FIFA (Fédération Internationale de Football Association) is the organizer of world football which has been established for a long time since 1904 with the mission of developing and controlling football in an international scope.<sup>3</sup> FIFA has a basic instrument which contains the principles, objectives and structure and way the organization works, these things are contained in *the FIFA Statutes*.<sup>4</sup> *The FIFA Statutes* are the result of an agreement between the country associations that joined FIFA and are present in Paris. Thus, *the Statutes* that have been agreed upon and approved by the country's associations become the principles or legal basis for football under the auspices of FIFA.<sup>5</sup> One of FIFA's authorities is to organize international football tournaments, known as *the World Cup*, which was first held in 1930.

In October 2019, FIFA appointed Indonesia to host the U-20 World Cup which will be held in 2021. Due to obstacles caused by the global Covid-19 pandemic, this activity was postponed until a new match schedule was determined for 20 May-11 June 2023. Approaching In its implementation, the Governor of Bali Province, I Wayan Koster, sent a letter to the Minister of Youth and Sports (Menpora) containing the rejection of the Israeli National Team (which was then called the National Team). This rejection also came from the Governor of Central

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<sup>3</sup> Emil Radhiansyah, Danar Jovian, and Salsabilla Zafira Leonita, "Journal of Political Issues Analysis of Fifa's Authority to Revoke Indonesia's Status as Host of the 2023 U-20 Football World Cup" 5 (2023): 17. file:///C:/Users/Asus/Downloads/118-Article%20Text-777-7-10-20230713%20(6).pdf

<sup>4</sup> Joseph S. Blatter, "Fifa Statutes," (2015), 1.

<sup>5</sup> Joseph S. Blatter. "FIFA Statutes",4.

Java, namely Ganjar Pranowo, so that on March 29 2023, FIFA officially revoked Indonesia's status as host for the U-20 <sup>6</sup>*World Cup* .

FIFA's decision to cancel hosting status has become a hot topic of discussion. Many preparations to become the host have been made starting in 2019 for the biggest football event in the world which then ended in vain. The reason for the rejection by several governments was because the participation of the Israeli National Team was considered to have the potential to threaten Indonesia's security, especially considering Israel's conflict with Palestine. The reason for the rejection was also conveyed by the Governor of Central Java, Ganjar Pranowo, on the grounds that Indonesia does not have official diplomatic relations with Israel, so accepting the Israeli national team is not in line with the meaning of the 1945 Constitution which rejects colonialism, and is also contrary to Article 150 Chapter X in the Ministerial Regulations. Foreign Affairs Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments.<sup>7</sup>

Relations between countries in international interaction are relationships between one country and another, there is mutual dependence in fulfilling their respective domestic interests according to their national interests. The realization of relations between countries is usually realized through foreign policy as an instrument for establishing cooperation with other countries in fields deemed necessary according to their respective national interests. In general, foreign

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<sup>6</sup> Anggita Dwi Rahayu et al., "Analysis of the Indonesian Government's Problem Solving in the Conflict over Cancellation as Host of the 2023 U-20 World Cup," no. 4 (2023): 3. <https://www.researchgate.net/publication>

<sup>7</sup> Harry Setiawan and Ilka Zufria, "Sentiment Analysis of Indonesia's Cancellation as Host of the FIFA U-20 World Cup Using Naïve Bayes" 7, no. 3 (2023): 1, <https://doi.org/10.30865/mib.v7i3.6144>.

policy is a reflection of domestic politics, so that in the context of foreign formulation, apart from being based on the constitution, it must also truly reflect domestic political aspirations. Thus, a set of values, vision and direction of foreign policy orientation must of course receive appropriate space so that they are useful for the interests of the nation and state and contribute actively in building an adequate and civilized international relations order.<sup>8</sup>

In terms of Indonesia's foreign policy towards the Middle East, Indonesia has established official relations with Middle Eastern countries except Israel, which is known as the Zionist colonizer of the Palestinian people. In Indonesia, the issue of Indonesia's relations with Israel is a very sensitive issue. What is a problem in Indonesia is the formation of a negative stigma in the majority of Indonesian society regarding Israel's colonization of Palestine. However, on the other hand, Indonesia may also have an interest in establishing relations with an influential country such as Israel, which is known for its wide international diplomatic space so it is hoped that it can take advantage of Israel's lobbying access in the international world for Indonesia's strategic interests. Apart from that, Israel is also known as a high-tech country which could possibly be utilized by Indonesia to increase its domestic production. However, the fact of oppression carried out by Israeli Zionists against the Palestinian people, of course has an impact on Indonesia's political attitude in terms of rejecting relations in any form with Israel.

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<sup>8</sup>Kerangkin Syahmam, A. *Diplomatic Law in the Framework of Analysis* , (Jakarta; 2008, ) Rajawali Pers, 237

However, in fact, Indonesia is not consistent in limiting its relations with Israel, there are several official events but Israel is also present in them. There is some data that the author presents before 2019, because before the issuance of Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments, Indonesia during the time of President Soekarno had been persistent in rejecting Israel, such as prohibiting the Indonesian National Team against Israel. in the 1958 World Cup qualifiers and did not invite Israel to the 1962 Asean Games in Jakarta. The basis or foundation that President Soekarno used at that time was the preamble to the 1945 Constitution in the first paragraph which read "That in fact independence is the right of all nations and therefore, colonialism in the world must be abolished, because it is not in accordance with humanity and justice."<sup>9</sup>

Some data on delegations from Israel who have entered Indonesia, namely;

1. Knesset Delegation at the Inter-Parliamentary Union (IPU) Bali 2022
2. President Soeharto received Israeli Prime Minister Yitzhak Rabin in 1993
3. Misha Zilberman (Badminton Athlete) at the 2015 World Championships
4. Mikhail Yakovlev (Cycling Athlete) 2023
5. Yuval Shemla (Rock Climbing Athlete) 2022

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<sup>9</sup> Masyrofah, *Indonesian Foreign Policy in the Reform Era: Efforts to Resolve the Israeli-Palestinian Conflict*, (Sleman,, Deepublish: 2023), 24

6. The Israeli Intelligence Agency, Mossad, built a station in Indonesia and brought its intelligence to Indonesia.<sup>10</sup>

This is proof that Indonesia is inconsistent in its relations with the State of Israel. This should be a concern for the central government, especially after Indonesia's cancellation of hosting the FIFA U-20 *World Cup* . However, according to the writer's observers, so does FIFA. With FIFA's principle of not wanting to mix politics with sport, in fact FIFA is also discriminating against Russia, which is not allowed to take part in the World Cup in 2022 because at that time it was highlighted as invading Ukraine.<sup>11</sup>

In Article 150 chapter Therefore, Indonesia cannot establish official diplomatic relations with Israel, the following article also explicitly regulates that Israel is not allowed to fly or use their flag, symbols or other attributes and the playing of the Israeli national anthem in the territory of the Republic of Indonesia is also prohibited. If you look at the provisions of this article, the involvement of the Israeli National Football Team should be prohibited from competing in the territory of the Republic of Indonesia. This is because international football events under the auspices of FIFA always begin with a ceremonial parade such as raising the flag or singing the national anthem. Meanwhile, a number of these activities are not permitted to be carried out in the sovereign territory of the Republic of

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<sup>10</sup>" Prime Ministers, Politicians and Israeli Athletes Turn Out to Have Come to Indonesia", *Kumparan* , 28 March 2023, accessed 20 October 2023, <https://kumparan.com/kumparannews/perdana-menteri-politikus-untuk-atlet-israel-ternyata-ever-came-to-ri-206Nwf66MZw/full>

<sup>11</sup> Rizqi Sumas Ryanda, "FIFA (Federation Internationale de Football Association) Double Standards of Political Attitude towards Israel and Russia on the Issue of State Sovereignty 2017-2022," 2023. <https://repository.unsoed.ac.id/22737/>



Indonesia based on Minister of Foreign Affairs Regulation Number 3 of 2019 which applies in Indonesia.<sup>12</sup>

In constitutional law in Indonesia, law is the main source and guideline for making policies. And when there are laws or regulations that regulate it, then we automatically have to comply. And in Indonesia there is also a hierarchy of legislation, namely from laws that have a higher position to laws that have a lower position, and when there are inequalities between laws, the principle of *lex superior derogate legi inferiori* applies, namely laws that have degrees. lower in the hierarchy of statutory regulations must not conflict with those that are higher. Therefore, the author analyzes the position of Minister of Foreign Affairs Regulation Number 3 of 2019 in constitutional law in Indonesia.

Apart from this, there are no statutory regulations governing the scope of international relations organizations, such as when Indonesia joined FIFA (Federation Internationale de Football Association), even though the PSSI Statute in article 5 paragraph 1 states that "PSSI is neutral in political matters. and religion", then also in paragraph 2 states that "All forms of discrimination against a country, individual or group of people on the basis of ethnicity, gender, language, religion, politics, or other reasons are expressly prohibited and can be punished by temporary dismissal or dismissal "<sup>13</sup>, then also in article 9 it is stated "PSSI Bodies and Officials must comply with the statutes, regulations, instructions, decisions and codes of ethics of FIFA, AFC and PSSI in their

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<sup>12</sup>Article 150 paragraph 1 Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments.

<sup>13</sup> PSSI, *PSSI Statutes*, (Jakarta: 2018). 15

activities"<sup>14</sup>, where FIFA also calls for a separation between sport and politics. So, here there is a lack of synchronization between the regulations issued by the government and those issued by PSSI and FIFA. The important thing to analyze is the position of Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments in national law and law. international.

The majority of Muslims also expressed their rejection of the Israeli National Team, this rejection was conveyed through a demonstration by Islamic community organizations (Ormas) on Monday 20 March 2023 in Jakarta.<sup>15</sup> Apart from that, the Indonesian Ulema Council (MUI), Chairman of the Indonesian Ulema Council (MUI) Sudarnoto Abdul Hakim, said that this statement was the result of the MUI's relationship with Islamic mass organizations.<sup>16</sup> Therefore, the author feels it is necessary to analyze these cases and regulations using the concepts of *Siyasah Dauliyah* and legal positivism, and include both in the discussion and title, namely "Revocation of FIFA U-20 World Cup Host Status in Indonesia *Siyasah Dauliyah* Perspective on Minister of Foreign Affairs Regulations Number 3 of 2019". The definition of *Siyasah Dauliyah* itself is the power of the head of state in international relations, territory, nationality,

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<sup>14</sup>PSSI, *PSSI Statutes* (Jakarta : 2018) 16.

<sup>15</sup>Indonesian Politics, "Mass of Islamic Mass Organizations Reject the Arrival of the Israeli National Team" Dw, 20 March 2023, accessed 19 June 2024, [https://www.dw.com/id/ratusan-massa-ormas-islam-menolak-kedasaran-timnas-israel\\_/a-65055967](https://www.dw.com/id/ratusan-massa-ormas-islam-menolak-kedasaran-timnas-israel_/a-65055967)

<sup>16</sup>Widya Michella, "MUI: All Islamic Organizations Reject the Participation of the Israeli National Team in the U-20 World Cup" Sindonews.com, on Saturday 18 March 2023, accessed 19 June 2024, <https://nasional.sindonews.com/read/1050257/12/mui-all-islamic-mass-organizations-refuse-participation-of-israeli-national-team-in-the-world-cup-u-20-1679133803>

extradition, detention, exile of political prisoners, etc. Apart from that, it also deals with dhimmis, religious differences, reciprocal and unilateral agreements among dhimmis, hudud and qishas or can be called regulating between these countries (international legal politics).<sup>17</sup>

FIFA's trust given to PSSI to organize the U-20 *FIFA World Cup* is actually a great opportunity for Indonesia to improve Indonesia's reputation in the eyes of the world. This can also open the door to further cooperation in various fields, such as economics, diplomacy and tourism. However, it is very unfortunate that FIFA canceled Indonesia's bid to host *the FIFA U-20 World Cup* due to local governments' rejection of the Israeli National Team. The decision to reject the Israeli National Team can be considered a form of public diplomacy, where local governments use international sporting events as a platform to convey certain political or moral messages to the world.<sup>18</sup>

The rejection of the Israeli National Team has social and cultural impacts at the national and international levels. The resulting social impacts include Indonesia's image being at stake in the international sphere, especially in the context of sports. Indonesia may be considered a country that does not adhere to the principles of inclusivity and tolerance in sports. Then the cultural impact that arises is, where Indonesia is famous for its principle of *Bhinneka Tunggal Ika*, namely being different but still one, while the decision to cancel Indonesia's

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<sup>17</sup> Muqsi Muqsi, "Islamic Communication Studies Media" 1, no. 1 (2017): 4. <https://moraref.kemenag.go.id/archives/journal/97874782241954569?issue=Vol+1%2C+No+1+%282018%29+%3A+Kajian+Komunikasi+Islam&page=2&size=10>

<sup>18</sup> Liana Nurul Qowiyyu, "Indonesian Maritime Axis Diplomacy (International Political Perspective and Fiqh Siyâsah Dauliyah)," no.3 (2019) ;25. <https://repository.uinjkt.ac.id/dspace/handle/123456789/48615>

hosting of the U-20 World Cup is a big question about how far Indonesia applies the principle of diversity in its policies. the sport. Apart from that, this decision also resulted in tension and division among people who had different opinions.

The *siyasah dauliyah* perspective is a method of analyzing international relations from the perspective of Islamic law, namely about how the *siyasah dauliyah* perspective responds to the cancellation of the U-20 World Cup in Indonesia from a political perspective from an Islamic perspective. Then also analyze what political steps taken by Indonesia are appropriate according to Islam in responding to the conflict between Israel and Palestine. So that the uncertainty in Indonesia's political stance which resulted in Indonesia's cancellation of hosting the FIFA U-20 *World Cup* does not happen again.

Based on the explanation above, the author can group several identified problems, including foreign policy implications caused by Indonesia's indecisiveness in taking a stand, the position of Minister of Foreign Affairs Regulation Number 3 of 2019 in Indonesia, and a review of *siyasah dauliyah* in Indonesia's refusal to establish diplomatic relations with Israel.

## **B. Scope of problem**

From the problem identification explanation above, the problem boundaries that the author wants to focus on so that this research is more focused and directed, namely on:

1. The position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the perspective of Legal Positivism theory
2. *Siyasah dauliyah* review of Indonesia's refusal to establish diplomatic relations with Israel based on article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019.

## **C. Formulation of the problem**

With regard to the background above, the problem formulation can be taken as follows:

1. What is the position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the perspective of Legal Positivism theory regarding Indonesia's political stance in rejecting the Israeli delegation from participating in the U-20 *FIFA World Cup* ?
2. What is *Siyasah Dauliyah's* review regarding Indonesia's refusal to establish diplomatic relations with Israel based on Article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019?

#### **D. Research purposes**

Based on the description of the problem formulation above, the aim of this research is to:

1. Describe and analyze the position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the perspective of Legal Positivism theory regarding Indonesia's political attitude in rejecting the Israeli delegation from participating in the U-20 *FIFA World Cup*.
2. Describe and analyze *Siyasah Dauliyah*'s review regarding Indonesia's refusal to establish diplomatic relations with Israel based on Article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019.

#### **E. Benefits of research**

Based on the problem formulation above, the benefits of this research are expected to provide double benefits, namely theoretical benefits and practical benefits:

##### **1. Theoretical Benefits**

This analysis can make an important contribution to international law and contribute to an understanding of how the principles of international law, including diplomatic law and public international law, can also influence relations between states with differing political views. This can expand theoretical understanding of diplomatic conflicts and mediation efforts in a global context.

Apart from that, this analysis can also develop the concept of *siyasah dauliyah* in applying or synchronizing the concept of *siyasah dauliyah* in Islamic

law with national law and international law. This can also be a case study to understand how this concept is applied in the context of international relations and how Muslim countries like Indonesia can integrate Islamic values in their foreign policy.

## **2. Practical Benefits**

This analysis can provide important insights for the Indonesian government in evaluating and understanding the impact of foreign policy on its bilateral relations and diplomatic relations with other countries, especially Israel. This can help the government take better decisions on sensitive issues.

Apart from that, this analysis can also provide insight into how decisions related to hosting *the FIFA U-20 World Cup* affect Indonesia's sovereignty and diplomatic relations with various countries, including Israel. This can help in designing better strategies to safeguard national interests.

And this case can be a valuable case study in the context of international negotiations and diplomacy. How Indonesia manages a potential conflict with Israel in this context can provide valuable lessons for other countries that may also face a similar dilemma.

## **F. Conceptual Definition**

The research entitled " Revocation of Host Status for the FIFA U-20 World Cup in Indonesia. Study of Constitutional Law on Regulation of the Minister of Foreign Affairs Number 3 of 2019 from the Siyasah Dauliyah Perspective " will provide an overview of each variable related to the discussion so that it becomes

clear and does not cause problems. multiple interpretations, so in this sub-sub the author emphasizes the terms of each variable related to the title used in this research as follows:

### **1) FIFA World Cup U-20**

FIFA World Cup U-20 is an international football tournament held by FIFA every two years. This championship is attended by every country that participates in the national football team in the under 20 age group.<sup>19</sup>

### **2) Minister of Foreign Affairs Regulation Number 3 of 2019**

Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments regulates the implementation of relations and cooperation between regional governments and foreign countries. However, this regulation is not stated explicitly as stated in Article 7 of Law Number 12 of 2011, but this regulation is mentioned in article 8 paragraph 1 of Law Number 12 of 2011, with the conditions stated in paragraph 2 of article 8 that is, its existence is recognized as long as it is ordered by higher laws and regulations or is formed based on authority.

### **3) Siyasa Dauliyah**

Siyasah Dauliyah is a chain of two words that have their own meaning. The meaning of the word siyasah itself is to organize certain objects for a purpose. While the meaning of Dauliyah has several meanings, such as sovereignty, between countries, authority, and power. Of the various meanings of Dauliyah, the

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<sup>19</sup> Agam Anggawan, "World Cup," 1 (2021): 1. <https://id.scribd.com/document/509205533/Jurnal-Piala-Dunia>



one that has a relevant meaning is the relationship between countries. Therefore, *Siyasah Dauliyah* is the science that regulates the authority of a country to regulate its relations with other countries (inter-state).<sup>20</sup>

## G. Research Method

Research methods are (scientific) means of developing science or technology. This is because research aims to reveal the truth systematically, methodologically and consistently. Through the research process, analysis and construction of the data collected and processed is carried out.<sup>21</sup> The research method used to analyze and process data in this research is:

### 1. Types of research

written regulations ( *law in book* ) or law can be conceptualized as rules or norms that serve as a benchmark for humans. in behavior deemed appropriate.<sup>22</sup> According to Soerjono Soekanto, it is called doctrinal legal research or library research because this research is only shown in written regulations, so this research is very closely related to libraries because it will require secondary data in libraries.

In normative legal research, written law is studied from various aspects such as theory, philosophy, comparison, structure or composition, consistency, general explanations and specific explanations for each article, formality and

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<sup>20</sup> Ija Suntana, "The Politics of Islamic International Relations (*Siyasah Dauliyah*)," no. 3, *Online*, 2015, <https://digilib.uinsgd.ac.id/3894/>.

<sup>21</sup> Soerjono Soekanto and Sri Mamudji, *Normative Legal Research A Short Objective* (Jakarta: PT RajaGrafindo Persada, 2014),1.

<sup>22</sup> Johnny Ibrahim Jonaedi Efendi, *Legal Research Methods: Normative and Empirical* (Depok: Prenada Media Group, 2018), 143.

binding force of a law and the language used is legal language.<sup>23</sup> In this case, what is applied by the author is library research or secondary data obtained in statutory regulations. In this research, the focus point is the position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the *Siyasah Dauliyah* Perspective which will later be studied using the *Lex Sportiva* theory, Legislative legal theory, and Legal Positivism theory.

## 2. Research Approach

The approach used in this research is a statutory approach and a conceptual approach, in order to answer the problems to be studied:

### a. Legislative Approach

The Legislative Approach is an approach taken by reviewing all laws and regulations that are related to the legal issue being handled.

<sup>24</sup>In this research, the legislative approach that will be examined is Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments and the first paragraph of the Preamble to the 1945 Constitution.

### b. Conceptual Approach

The Conceptual Approach is research that refers to the use of theoretical concepts or conceptual frameworks to analyze a problem.

In the research context, the conceptual approach helps the author understand and explain the relationship between the concepts involved in the following study. A conceptual approach is usually used to

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<sup>23</sup> Lilik Sofyan Achmad Asri Wijayanti, *Legal Writing Strategy* (Bandung: CV Lubuk Agung, 2011), 43.

<sup>24</sup> Peter Mahmud Marzuki, *Legal Research*, 11th ed. (Jakarta: Kencana, 2011). 26.

outline and analyze research problems by referring to relevant theories to provide a strong basis for understanding the problem being studied.<sup>25</sup>

Therefore, this approach is used to examine and conduct a study of legal concepts or ideas regarding the Position of Ministerial Regulation Number 3 of 2019 from the *Siyasah Dauliyah* Perspective, which will later be studied using the *Lex Sportiva* theory, statutory legal theory and legal positivism theory.

### 3. Types and Legal Materials

Legal materials in research methods refer to documents that have legal force and are relevant for analysis in the research context. Legal material is one of the most important in research, because the source of data in research is the subject from which the data was obtained. In research that uses normative law, legal materials become the main basis for analysis and interpretation of the legal issues being studied, and the main characteristic of normative legal research in conducting legal studies lies in the data sources.<sup>26</sup>

So in this research the legal materials studied are:

#### a. Primary Legal Materials

Primary legal materials refer to documents or data sources that are primary sources that have legal force that is directly applicable. These primary legal materials generally include statutory regulations, official

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<sup>25</sup> I Made Pasek Diantha, *Normative Legal Research Methods in Justifying Legal Theory*, ed. Irfan Fahmi and Witnasari, 2nd ed. (Jakarta : Prenada Media Group, 2017). 37.

<sup>26</sup> Bahder Johan Nasution, *Legal Research Methods* (Bandung: Mandar Maju, 2008), 65.

records or minutes in the making of statutory regulations, or court decisions.<sup>27</sup>The following is included in the primary legal materials in this research:

- a) The 1945 Constitution of the Republic of Indonesia;
- b) Law Number 12 of 2011 concerning the Formation of Legislative Regulations;
- c) Law Number 11 of 2022 concerning Sports;
- d) Law Number 3 of 2005 concerning the National Sports System;
- e) Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments;

b. Secondary Legal Materials

Secondary legal materials in research methods refer to documents or data sources that do not directly apply as law, but which are relevant for analysis in the research context.<sup>28</sup>Such as books, legal dictionaries, legal journals, legal cases, results of seminars, workshops, symposiums including sources of legal material in the form of publications using internet media which are correlated with Indonesia's cancellation of hosting the U-20 World Cup and Article 150 Minister of Foreign Affairs Regulation Number 3 of 2019.

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<sup>27</sup> Marzuki, *Legal Research* . (Jakarta : Prenada Media Group) 2017, 34.

### c. Tertiary Legal Materials

Tertiary legal materials in research methods refer to documents or data sources that are used as references or interpretations of primary and secondary legal materials. Tertiary legal materials can be analyzed, comments, or interpretations of primary and secondary legal materials that help writers understand the legal issues being researched. The tertiary legal materials used by the author are dictionaries, *encyclopedias*, and others.

## 4. Methods for Collecting Legal Materials

Data collection in normative legal research is by means of literature studies, secondary data as basic material for research by conducting searches on regulations and other literature related to the problem being studied.<sup>29</sup> Then the data obtained by the author will be analyzed normatively. After all the legal materials have been collected, the next step is to map the legal materials according to the main problem which is analyzed using the interpretation method which is then interpreted as the process of changing non-understanding into understanding.

## 5. Legal Material Processing Methods

The way to process legal materials is by drawing conclusions from a general problem regarding the concrete problem being faced. Processing of legal materials is carried out through the following stages:

### a. Data Check ( *editing* )

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<sup>29</sup> Soekanto and Mamudji, *Normative Legal Research A Short Aim* . 67.

Carrying out checks on notes, files, information collected by researchers with the aim of minimizing errors that occur so that the data obtained is concrete and clear. Examination of legal materials or editing, by selecting and sorting legal materials and excluding information that is inconsistent with the subject of discussion. In this case, of course, choose legal materials related to Minister of Foreign Affairs Regulation Number 3 of 2019, *Siyasah Dauliyah Perspective*.

b. Classification ( *classifying* )

Group the data according to the problem formulation and then carry out analysis. The next step is to map and classify the data which provides certain plans to facilitate discussion and provide certain patterns. After this process is carried out, validity or truly concrete data will emerge.

c. Verification ( *verifying* )

Carry out in-depth data verification to obtain valid data. The author also re-examined the sources of legal materials or data obtained, such as legal materials from various laws and regulations relating to the Position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the *Siyasah Dauliyah Perspective*.

d. Analysis

The steps for analysis have specific characteristics that must be fulfilled by the law itself, namely using statistics because it is a pure study. His pragmatic theory of truth is appropriately used practically in social life.

e. Making *Conclusions*

Drawing a conclusion is carried out by exploring the characteristics of the message objectively and systematically. The conclusion is the final step which is carried out carefully by re-examining the legal materials and analytical tools, namely the Lex Sportiva theory, Legislative Law, and the theory of legal positivism regarding the Position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the Siyasaah Dauliyah Perspective.

f. Analysis of Legal Materials

This research uses normative juridical research methods, namely legal research carried out by examining library materials or secondary data as a basis for research by using searches of regulations and literature related to the problem being researched. So, the first thing you need to look for is the positive legal norms, then look for the applicable laws or regulations, after that the jurisprudence related to the problem.

This normative legal research was carried out to analyze data that had been collected and was based on written legal materials. Next, discussion, examination and analysis are carried out to be processed into valid information data.

## **H. Previous Research**

Research regarding Indonesia's cancellation of hosting *the FIFA U-20 World Cup* has of course been carried out by several researchers, but with different discussions. To complete the data in research and avoid repetition of discussions, research data of the same type that has been studied previously is needed. There

are several previous studies that discussed Indonesia's cancellation of hosting the FIFA U-20 World Cup , as follows;

1. Journal by Anggita Dwi Rahayu, Nawalia Azzahra, and Azhari Dwi Syafi'i, Faculty of Law, Veterans National Development University, Jakarta, entitled "Analysis of the Indonesian Government's Problem Solving in the Cancellation Conflict as Host of the 2023 U-20 World Cup".<sup>30</sup>This research journal uses qualitative methods. Qualitative research is research used to analyze and explain an event, social dynamics and a person's or group's perception of something. The research technique used in the research is literature study. Literature research or literature studies are carried out by collecting library data, reading and taking notes, and managing research materials. Regarding data collection, references were taken from written legal materials from journals and articles, data collected through electronic media. The conclusion of this research is, a dispute involving many countries usually requires the intervention of an international court in the resolution depending on the decision of the parties to the dispute. The issue of canceling Indonesia's hosting of the U-23 World Cup was not resolved through the International Court because the Indonesian government took diplomatic steps and negotiations to resolve it. The results obtained from this meant that Indonesia was not given heavy sanctions from FIFA, so the steps taken by the Indonesian government can be said to be successful. Even though decision

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<sup>30</sup> azhari Dwi Syafi'i Anggita Dwi Rahayu, Nawalia Azahra, "Analysis of the Problem Solving of the Indonesian Government in the Conflict Analysis of the Problem Solving of the Indonesian Government in the Conflict of Cancellation as Host of the U-20 World Cup Email:" 2, no. June (2023): 1.



making has several impacts, objective assessment of all aspects of the problems faced and taking realistic decisions to be implemented so that the consequences of the decisions to be faced can be anticipated properly and properly. The difference between this research and the research conducted by the author is in the discussion, in the journal research the focus is on how to resolve before FIFA's decision is made, while the author focuses more on the regulations governing Indonesia and Israel which are the basis for Indonesia's cancellation of hosting the U-20 World Cup. .

2. Journal by Emil Radhiansyah, Danar Jovian, and Salsabilla Zafira Leonita Paramadina University International Relations Study Program entitled "Analysis of FIFA's Authority for the Revocation of Indonesia's Status as Host of the 2023 U-20 Football World Cup" <sup>31</sup>. This research uses a literature study method whose data comes from library data such as books, journals, internet sources and documents needed in the research. The data collection technique in this research went through three processes, namely *Editing*, *Organizing* , and *Finding* . The conclusion in the journal's research is that FIFA's decision to revoke Indonesia's hosting status seemed very sudden just because the 'current situation' in Indonesia seemed one-sided. Indirectly, FIFA provides a negative perspective towards Indonesia in front of the international community, especially world football fans. This perspective provides an assessment of the inability of the Indonesian government together with elements of ministries/institutions and the general Indonesian public in

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<sup>31</sup> Radhiansyah, Jovian, and Leonita, "Journal of Political Issues Analysis of Fifa's Authority to Revoke Indonesia's Status as Host of the 2023 U-20 Football World Cup." no. 2 (2023),1.

carrying out its commitment to host the U-20 World Cup. Apart from this, FIFA may also imagine that matches will be overshadowed by political messages that can corner Israeli players and use FIFA as a political arena. The difference between this research and the research carried out by the author lies in the subject matter of the discussion, where the journal discusses and analyzes FIFA's authority in making the decision to cancel, whereas what the author researched is the main position of the regulations governing Indonesia and Israel in article 149 chapter X of the Regulations. Minister of Foreign Affairs Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments, as well as clarity of these regulations. Of course, the two studies will differ in the focus of discussion.

3. Thesis by Mohammad Ilham Trisdianto International Relations Study Program, Budi Luhur University, Jakarta, entitled "Israel's Position in Indonesian Foreign Policy: Case Study of the Cancellation of Hosting the 2023 U-20 World Cup in Indonesia".<sup>32</sup>This research uses a qualitative approach, the procedures that will be used are analyzing data, formulating study results, formulating problems as the focus of the research which are several procedures in qualitative research. The conclusion in this thesis is that Israel's participation in the U-20 World Cup which should be held in Indonesia creates its own problems for Indonesia, especially related to foreign policy and also Indonesia's policy towards Israel. In the context of foreign

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<sup>32</sup> Ahmand Zaki and Diyan Yusri, "Israel's Position in Indonesian Foreign Policy: Case Study of the Cancellation of Hosting the 2023 U-20 World Cup in Indonesia," *Journal of Educational Sciences* 7, No. 2 (2020);1.. file:///C:/Users/Asus/Downloads/FULL%20TEXT\_1842500298%20(1).pdf

policy, Indonesia consistently maintains the principle of solidarity with the Palestinian people and rejects the Israeli occupation of Palestine. Constitutionally, Indonesia also has Minister of Foreign Affairs Regulation no. 3 of 2019 which regulates foreign relations carried out by regional governments and there is a special section that regulates the arrival of the Israeli delegation in Indonesia. This is what makes many parties ranging from the public, religious organizations, to regional leaders reject Israel's arrival and participation in the U-20 World Cup because they think it will violate the constitution. The difference between the research in this journal and the research conducted by the author is in the subject of discussion. Where in the journal the focus is on Israel's position in Indonesian foreign policy, while the author focuses more on the position of the regulations governing Indonesia's relations with Israel. Of course, this discussion will be different later.

4. Journal by Shafa Rizky Raqim Putra, Department of International Relations, Airlangga University 2023, with the title "Constructivism in International Relations: Analysis of the Cancellation Policy for the U-20 World Cup in Indonesia"<sup>33</sup>. This research uses normative research methods, where data collection uses books, journals and the internet. The conclusion in the research journal is, Indonesia's policy of canceling hosting the U-20 World Cup was due to political pressure from political parties, regional heads, mass organizations and the MUI. This also cannot be separated from the Indonesian people who are predominantly Muslim and do not have

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<sup>33</sup> Nur Azizah, "Constructivism in International Relations," no. 5 (2021). 1 <https://www.researchgate.net/publication/361925513>

diplomatic relations. However, the government is trying to separate Israel's presence in the context of diplomatic relations with sports, because the U-20 World Cup is organized by FIFA, which is an international organization and is a non-actor. Apart from that, the 1945 Constitution also condemns countries that still carry out colonialism, such as what Israel did to Palestine. The difference between this research journal and the research conducted by the author is in the subject of discussion, where in the research journal the focus is more on the reasons for Indonesia's cancellation of hosting the U-20 World Cup, while the author is more focused on analyzing the position of Minister of Foreign Affairs Regulation number 3 of 2019 In national law and international law, of course the two discussions are different.

5. Thesis by Muhammad Ilham Balindra with the title "Students' Perceptions of Reporting on Ganjar Pranowo's Electability on the Cancellation of the Indonesian U-20 World Cup at Tempo.Co." <sup>34</sup>This research used qualitative methods, this research was conducted online via a questionnaire distributed via Google Form. The conclusion of this research thesis is that the news about Ganjar Pranowo's electability during the cancellation of the U-20 World Cup had a positive relationship with students. The difference between this thesis and the research conducted by the author lies in the subject of discussion, where in the thesis the focus is more on Ganjar's electability due to the cancellation of the U-20 World Cup in Indonesia, while the author focuses more on the position of Minister of Foreign Affairs Regulation Number 3 of

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<sup>34</sup> Muhammad Ilham Balindra, "Students' Perceptions of Reporting on Ganjar Pranowo's Electability on the Cancellation of the Indonesian U-20 World Cup at Tempo.Co," 2023.

2019 concerning Guidelines General Foreign Relations by Regional Governments which is used as the basis for rejection by regional governments.

**Table 1.1**  
**Previous Research**

No.	Name/Agency/ Year/Title	Formulation Problem	Results	Difference	Newness
1.	Anggita Dwi Rahayu, Nawalia Azzahra, and Azhari Dwi Syafi'I/Veterans National Development University Jakarta/2023/ Analysis of the Indonesian Government's Problem Solving in the Conflict of Cancellation as Host of the 2023 U-20 World Cup.	1. What is Problem Solving in International Scale Organizations ? 2. How is the problem resolved by the Indonesian government in overcoming the conflict over the cancellation of hosting the U-20 World Cup?	The research results in this journal are that Problem Solving can be interpreted as the ability to think in finding solutions to deal with a problem that is currently occurring. For a leader who oversees an organization, problem solving skills are really needed, especially for a government as a policy maker. The government, which is a state apparatus which is a large form of organization, is often faced with complex	The difference between this research journal and the research conducted by the author lies in the subject matter of the discussion, in the research the journal focuses on how to resolve before FIFA's decision is made, while the author focuses more on the regulations governing Indonesia and Israel which are the basis for Indonesia's cancellation	This research is a development of previous research journals, the author's research will develop from this research, the author will discuss the clarity of the position of regulations governing Indonesia's relations with Israel in national law and international law.

			problems that require wise decision making. Not only domestic problems, but problems outside the territory of state sovereignty also need to be handled with careful consideration.	of being the host. U-20 World Cup.	
2.	Emil Radhiansyah, Danar Jovian, Salsabilla Zafira Leonita/Paramadina University/2023/Analysis of FIFA's authority over Indonesia's withdrawal as host of the 2023 U-20 Football World Cup	<ol style="list-style-type: none"> <li>1. What is the Analysis of the Revocation of Host Status for the FIFA U-20 World Cup?</li> <li>2. What is the Analysis of Security Commitments in Organizing <i>Sport Mega Events</i>?</li> </ol>	The results of research in this journal are in a statement from the Indonesian Survey Circle which stated that 71.3% of Indonesian people did not have a problem with the presence of the Israeli national team in the U-20 World Cup, and 79.6% of 1229 respondents agreed to separate sports from politics. FIFA's assessment of the rejection that came from government officials who had become a political symbol, as well	The difference between this research journal and the research conducted by the author lies in the subject matter of the study, the research conducted by the author focuses on discussing the position of the regulations governing Indonesia's relations with Israel, whereas in the research journal the focus is on discussing data from people who	This research is a development of previous research journals, the author's research will develop from this research, in this research discusses data which states that Indonesian society agrees to separate politics from sports. Meanwhile, the author will discuss the clarity of the position of regulations governing Indonesia's relations with Israel in

			as the rejection of the Israeli national team by several elements of society, made FIFA confident with this decision that Indonesia could not provide security for the holding of the U-20 World Cup.	agree to separate sports from politics and analyzing security in organizing the u-20 world cup.	national law and international law.
3.	Mohammad Ilham Trisdianto/ Budi Luhur University Jakarta, /2023/Israel's Position in Indonesian Foreign Politics: Case Study of the Cancellation of Hosting the 2023 U-20 World Cup in Indonesia.	1. What is Israel's position in Indonesian foreign policy regarding the cancellation of hosting the 2023 U-20 World Cup in Indonesia?	The results of this research are: The pros and cons regarding Israel's participation in the U-20 World Cup ultimately led FIFA as the parent of international football to revoke Indonesia's hosting rights regarding the security of all parties involved. The cancellation of the 2023 U-20 World Cup in Indonesia can be used as a lesson for Indonesia, especially in handling issues related to the constitution	The difference between this research journal and the research conducted by the author is that it lies in the discussion study, in the thesis the focus is on Israel's position in Indonesian foreign policy, while the research conducted by the author focuses on analyzing the position of the regulations governing Indonesia's relations with Israel which	This research is a development of this thesis, the author will develop from the discussion in the research thesis, namely the author will discuss the clarity of the position of Minister of Foreign Affairs regulation number 3 of 2019 in national law and international law.

			<p>because in the future, if Indonesia wants to bid for the World Cup or Olympics, Israel could be included as a participant because The event will definitely go through a qualifying stage so this problem will continue to occur. Therefore, a large evaluation, especially from the regional and central government, is very necessary to avoid the same results in the future</p>	<p>have been regulated. in Minister of Foreign Affairs Regulation Number 3 of 2019.</p>	
4.	<p>Shafa Rizky Raqim Putra/ Airlangga University/ 2023/ Constructivism in International Relations: Policy Analysis of the Cancellation of the U-20 World Cup in Indonesia</p>	<ol style="list-style-type: none"> <li>1. What is the Analysis of the U-20 World Cup Cancellation Policy?</li> <li>2. How to Analyze <i>the Role of Ideas and Social Norms</i> in Making a Country's Sport Mega</li> </ol>	<p>The results of this research journal are that the cause of Indonesia's cancellation of hosting the U-20 World Cup was because of the controversy over Israel's participation in the U-20 World Cup, because Indonesia is also one of the countries with the largest</p>	<p>The difference between this research journal and the research carried out by the author lies in the subject of discussion, in this journal the focus is on analyzing the cancellation policy carried out</p>	<p>This research is a development of this journal, the author will develop this research, namely the author will analyze the regulations governing Indonesia's relations with Israel, and discuss Indonesia's</p>



		Event (SME) a Success	number of Muslims in the world, then Indonesia also does not have diplomatic relations with Israel.	by FIFA, and analyzing this policy using constructivist theory. Meanwhile, the research conducted by the author focuses on discussing the position of regulations governing Indonesia's relations with Israel.	consistency in Indonesia's relations with Israel, as well as analyze the position of Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments in national law and international law
5.	Muhammad Ilham Balindra/ UIN Syarif Hidayatullah / 2023/ Student Perceptions of Reporting on Ganjar Pranowo's Electability on the Cancellation of the Indonesian U-20 World Cup at Tempo.Co	<ol style="list-style-type: none"> <li>1. Is there an influence of the news about Ganjar Pranowo's electability on the cancellation of the Indonesian U-20 World Cup at Tempo.Co on student perceptions?</li> <li>2. How much influence does</li> </ol>	The results of this thesis research are that the news about Ganjar Pranowo's electability during the cancellation of the U-20 World Cup has a positive relationship with students.	The difference between this journal and the research conducted by the author lies in the discussion's study, where in the thesis discusses Ganjar Pranowo's electability after Indonesia's cancellation of hosting the U-20 World Cup, while the author	This research is a development of a previous thesis. And the author will develop what is discussed in the thesis, the author will analyze the regulations governing Indonesia and Israel, so that these regulations find clarity in the position of these regulations in national law

		Ganjar Pranowo's electability have on the news about the cancellation of the Indonesian U-20 World Cup at Tempo.Co on student perceptions?		focuses on discussing the regulations governing relations between Indonesia and Israel through analysis in Minister of Foreign Affairs Regulation Number 3 of 2019 and clarifying the position of this regulation in national law and international law.	and international law.
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## I. DISCUSSION SYSTEMATIC

So that the research carried out by this author is systematic and easy for readers to understand, the author will divide five chapters in this research in accordance with the Writing Guidelines for the Sharia Faculty of UIN Maulana Malik Ibrahim Malang in 2022. Due to the research carried out by the author using normative research methods, therefore the author uses guidelines for writing normative legal research.

**Chapter I** (*one*) is an introduction, in this chapter the author discusses the explanation and description of the problems behind this research, these problems

are stated in the problem formulation, the objectives that will be aimed at in this research, the benefits of the research, the research methods which are divided into five points (type of research, conceptual definition, research approach, type of legal material, method of collecting legal material and method of processing legal material), previous research, theoretical framework, and systematic writing which functions to provide an overview of the research to be conducted.

**chapter II** (*two*) which discusses literature reviews. In this chapter, five previous studies and theoretical studies will be presented which will be discussed specifically regarding the position of Ministerial Regulation Number 3 of 2019 from the *Siyasah Dauliyah* perspective, using the *Lex Sportiva* theory, Legislative Law and Legal Positivism. With this method, it is hoped that it can have a broad impact on the discussion in the next chapter so that the conclusions obtained can be justified and to reduce plagiarism in this research.

**Chapter III** (*three*) is the research results, in this chapter the data obtained will be described and then edited, classified, verified and analyzed to answer the problem formulation that has been determined. Regarding the answer to the problem formulation in this research, namely the perspective of *Siyasah Dauliyah* in the Position of Minister of Foreign Affairs Regulation Number 3 of 2019 which will also be studied using the *Lex Sportiva* theory, statutory law, and the theory of Legal Positivism.

**Chapter IV** (*four*) is the closing, this chapter is the last chapter which contains conclusions and suggestions. The conclusion in this chapter is not a

summary of the research that has been carried out, but rather a short answer to the problem formulation that has been set. The number of points in the conclusion must correspond to the number of problem formulations. Suggestions are proposals or suggestions to related parties or parties who have more authority regarding the theme being researched for the good of society, and recommendations for further research in the future. The content of the suggestions can also be linked to the benefits of the research written in chapter I.<sup>35</sup>

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<sup>35</sup> Drafting Team, "Writing Guidelines," (Malang: Faculty of Sharia UIN Malang 2022), 27.

## CHAPTER II

### LITERATURE REVIEW

#### A. Overview of FIFA

##### 1. FIFA Institution

FIFA (Federation Internationale de Football Association) is the organization responsible for holding international football championships. FIFA was founded on May 21, 1904, in Paris. FIFA is a private international organization legal entity with Swiss legal entity that owns and manages professional football alone in the world. The total membership of FIFA is 208, which is greater than the membership of the United Nations which is only 192 countries.<sup>36</sup>

FIFA membership is not a "country" , but a single private football association formed by a group of people who manage football clubs that are legal entities in the country concerned in accordance with the relevant mechanism in accordance with the mechanism and system of rules set out in Article 10 paragraph (1) FIFA Statutes.<sup>37</sup>

*“ Any Association which is responsible for organizing supervision of football in its country may become a member of FIFA. In this context, the expression country shall revert to an Independent state recognized by the international community. Subject to par. 5 28 and par. 6 29 below, only one association shall be recognized in each country .”*

Like a country, FIFA institutions consist of:

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<sup>36</sup> Hınca IP Pandjaitan, *State Sovereignty Versus FIFA Sovereignty in Professional Football Competitions to Promote Public Welfare* (Jakarta: PT Gramedia, 2013), 10.

<sup>37</sup> Joseph S. Blatter, "Fifa Statutes."

- a) Congress as the highest legislative institution;
- b) Executive committee, as an executive institution;
- c) Secretariat general, as an administrative institution;

Meanwhile, the judicial institutions are the Disciplinary Commission and the Appeals Commission and CAS ( *Court of Arbitration for Sports* ). Apart from that, FIFA also has *a standing committee* and *an Ad-Hoc Committee* which provide advice and assistance to the executive committee. To support the running of the FIFA organization optimally, FIFA is supported by *Expert Bodies* .<sup>38</sup>

FIFA has a big role and responsibility in organizing, developing and promoting football throughout the world. Some of FIFA's roles and responsibilities include:

- (a) Organizing quality, competitive and attractive international football.

FIFA strives to improve the standards of the game of football, adopting the latest technology such as VAR or goal-line technology, and ensuring integrity and fair play in every match.

- (b) Developing football throughout the world, especially developing countries. FIFA provides financial and technical assistance to its members through programs such as FIFA Forward, FIFA solidarity, etc.

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<sup>38</sup> Pandjaitan, *State Sovereignty Versus FIFA Sovereignty in Professional Football Competitions to Promote Public Welfare* . 12

(c) Promote football as a tool for education, health, social, environmental and technological. FIFA has several programs that aim to have a positive impact on society through football, such as FIFA foundation, FIFA 11 for Health, FIFA green goal.<sup>39</sup>

## 2. FIFA World Cup U-20

FIFA World Cup U-20 is an international football match held by FIFA for groups aged 20 and under. With this match, it opens up opportunities for those who want to show their abilities at the international level. The U-20 World Cup is part of the international sports system managed by FIFA which is regulated in FIFA statutes.<sup>40</sup>

In October 2019, FIFA appointed Indonesia to host the U-20 World Cup which will be held in 2021. Due to obstacles caused by the global Covid-19 pandemic, this activity was postponed until a new match schedule was determined for 20 May-11 June 2023. Approaching In its implementation, the Governor of Bali Province, I Wayan Koster, sent a letter to the Minister of Youth and Sports (Menpora) containing the rejection of the Israeli National Team (which was then called the National Team). This rejection also came from the Governor of Central Java, namely Ganjar Pranowo, so that on March

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<sup>39</sup>UI An-Nur Lampung "FIFA; "Organizational Structure and Responsibilities" *UI An-Nur Lampung Blog*, 04 October 2023, accessed 06 March 2024, <https://an-nur.ac.id/blog/fifa-structure-organization-peran-dan-responsibility.html>

<sup>40</sup> Hotman Bintang Parulian Aruan, "The Applicability of the Statute of the Fédération Internationale De Football Association (Fifa) is Linked to State Sovereignty (Case Study of the Dualism of the Indonesian Football Association (PSSI))," 2014, 15. <https://media.neliti.com/media/publications/14999-ID-applicability-statute-fadaration-internationale-de-football-association-fifa-dikait.pdf>

29 2023, FIFA officially revoked Indonesia's status as host for the U-20 *World Cup*.

## B. Overview of the Statutes

### 1. FIFA Statutes

The FIFA Statutes are documents that state the rules and principles that this international organization follows in carrying out football activities throughout the world.<sup>41</sup> The FIFA Statutes have the function of ensuring that the professional management of football organization competitions in accordance with the *Lex Ludica* (The Rules of the Game) can be carried out well.<sup>42</sup>

In the FIFA Statutes, FIFA has its own legal system and is fully sovereign and states that it cannot be intervened by anyone, including countries. Therefore, to resolve disputes that arise as a result of the management and organization of football matches, FIFA has its own judicial institution. Apart from that, to resolve specific disputes related to contracts between players and clubs, between coaches and clubs, or clubs and clubs, FIFA has its own institution, namely *the Disputes Resolution Chamber* (DRC) with its own legal system as well. So that the national laws of a country do not apply at all.<sup>43</sup>

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<sup>41</sup> ikhsanur Sukri, "Juridical Analysis of the Regulations of the Indonesian Football Association (PSSI) According to Indonesian National Law in View from the Statute of the Fédération Internationale De Football Association (Fifa)(Case Study of Pssi Administrative Sanctions by the Ministry of Youth and Sports " 2017. <http://scholar.unand.ac.id/29921/>

<sup>42</sup> Moch Marsa Taufiqurrohman, "Problematic Position, Certainty and Law Enforcement of FIFA Statutes in Indonesia" 20, no. 3 (2023): 20. [file:///C:/Users/Asus/Downloads/1055-4373-1-PB%20\(2\).pdf](file:///C:/Users/Asus/Downloads/1055-4373-1-PB%20(2).pdf)

<sup>43</sup> Pandjaitan, *State Sovereignty Versus FIFA Sovereignty in Professional Football Competitions to Promote Public Welfare*. 23.



The FIFA Statutes have several very important articles, including<sup>44</sup>:

- a) Membership: Articles 13 and 17 of the FIFA Statutes state that FIFA membership can only be taken up by football associations, not countries, and each FIFA member is obliged to maintain its independence from any third parties.
- b) Intervention: The FIFA Statutes prohibit intervention from third parties against FIFA members, including state intervention through the government.
- c) Regulations: The FIFA Statutes have independent power in providing assessments of situations faced in carrying out the objectives of its formation.
- d) Implementation: The FIFA Statutes provide for the implementation and implementation that the parties must comply with.

The FIFA Statutes function as the *Lex Sportiva*, which functions as international law that affects football. *Lex sportiva* is a legal doctrine that regulates sports and is formed by the institutions of the sports community itself. *Lex sportiva* is a legal principle in the world of sport, where sport has its own legal autonomy which is independent and independent without having to be bound by national law.<sup>45</sup> *Lex Sportiva* can be formulated as a law that specifically regulates sports which is formed by the institution itself and applies and is

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<sup>44</sup> Joseph S. Blatter, "Fifa Statutes."

<sup>45</sup> Khairul and Ridwan Amar and Ridwan, "Implementation of *Lex Sportiva* Principles in Resolving Criminal Cases in Football in Bima NTB," *Postgraduate National Seminar 2019*, 1109–16, <https://proceeding.unnes.ac.id/index.php/snipasca/article/view/423/264>.

enforced by the institution itself without intervention from the positive law of a country and without intervention from international law.<sup>46</sup>

Lex Sportiva is understood as a legal system that is neither within national law nor international law, but enters the area of transnational law. However, this does not mean that national and international law are separated from each other, but rather that the three are integrated with each other.

The application of Lex Sportiva in Indonesia is still limited and has not been fully recognized by the national legal system. Despite this, the Indonesian Football Association (PSSI) as the country's sports governing body and member of FIFA, is empowered by the Lex Sportiva law to establish and enforce the rules for football competitions in Indonesia.<sup>47</sup>

## 2. PSSI Statute

The PSSI Statute is a document that regulates administrative, technical and disciplinary aspects of PSSI. This document is the main basis for regulating governance in PSSI. In contrast to the FIFA Statute which is in the form of Lex Sportiva and is not bound by any national law because it is at the international level, while the PSSI statute is in Indonesia, where Indonesia of course has

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<sup>46</sup> Slamet Riyanto, "Application of the Principle of Lex Sportiva in the Indonesian Legal System in the Perspective of State Sovereignty. Study of Legal Philosophy Regarding the Clash of Historical-Cultural Understandings with Positivism in the Development of National Sports Law," *VERITAS: Journal of Law Studies* 5, no. 1 (2019): 36–65. <https://uia.e-journal.id/veritas/article/view/259>

<sup>47</sup> Iqbal Hirzi Romadhon and Slamet Suhartono, "The Urgency of Enforcing Lex Sportiva If There Are Criminal Elements in Soccer Match Fixing Cases" 105, no. 3 (1945): 129–33, <https://webcache.googleusercontent.com/search?q=cache:BDsuQOHoCi4J:https://media.neliti.com/media/publications/9138-ID-perlindungan-Hukum-terhadap-child-of-harmful-content-in-print-and-elements.pdf+&cd=3&hl=en&ct=clnk&gl=en>.

national law and PSSI itself is within the scope of the Indonesian State, which must comply with its national law. .

Indonesia is a country of law, where we have laws which are the basis for regulations and guidelines in all matters, while in the legal system in Indonesia there is only one type of law known, namely decisions made by the House of Representatives (DPR). which was then approved by the President. This is because the DPR is an institution that has the authority to formulate laws, so every law formation must go through the DPR which is a legislative institution in accordance with Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Meanwhile, the PSSI statute is a product produced by PSSI congress and not a law discussed through the DPR and approved by the President

This shows that even though the PSSI statute is *Lex Sportiva* which is recognized because of its position as the parent of professional football in Indonesia, it cannot necessarily free all aspects of football activities from positive legal ties in the legal system in Indonesia and the existing rules. In the FIFA statutes, they must remain subject to all the rules contained in the legal system in Indonesia.<sup>48</sup>

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<sup>48</sup> Muhammad Ajid Husain et al., "PSSI Statutes in the Hierarchy of Legislative Regulations in Indonesia" 14, no. 1 (2022): 122. <https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/5989/0>

## C. Theoretical review

Theory is a thought used to analyze a field of science. According to Ziauddin, theory is a set of concepts, definitions and proportions that attempts to explain the systematic relationship of a phenomenon, by detailing the causes and effects that occur.<sup>49</sup> In the theoretical study, the author uses several theories as a basis and analysis tool for the research being carried out by the author.

### 1) Legislative Legal Theory

Legislative legal theory in Indonesia emphasizes principles such as clarity, overall regulatory products, and openness in the formation of regulations. According to Bagir Manan, statutory regulations are written decisions containing generally binding rules. These regulations must be made by authorized institutions or officials with clear objectives and must be in accordance with the existing hierarchy of legal regulations.<sup>50</sup>

The formation of statutory regulations in Indonesia is regulated in Law No. 12 of 2011 concerning the formation of statutory regulations. There are two types of statutory regulations, namely those within the hierarchy and those outside the hierarchy. The content material at each level of the statutory hierarchy is different

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<sup>49</sup> Lili Marliyah, "The Nature of Theory in Social Research," *Journal of Economic Education and Entrepreneurship* 2, no. 1 (2021): 31, <https://doi.org/10.31331/jeee.v2i1.1691>.

<sup>50</sup> Bagus Catur Setiawan And Eny Sulistyowati, "The Urgency of Regulating Definitions of Essential Medicines in Legal Regulations in Indonesia," 2021, Vol.9, no.1, 15. <https://ejournal.unesa.ac.id/index.php/novum/article/view/39758>

according to the level. The legal force of these regulations is in accordance with their hierarchy.<sup>51</sup>

Based on article 7 paragraph (1) of Law Number 12 of 2011, the legal hierarchy in Indonesia is as follows:<sup>52</sup>

1. Constitution of the Republic of Indonesia (UUD 1945)
2. Decree of the People's Consultative Assembly (MPR)
3. Law or Government Regulation in Lieu of Law
4. Government regulations
5. Presidential decree
6. Provincial Regional Regulations
7. Regency/City Regional Regulations

This system provides guidelines for the enactment of legislation, with higher regulations influencing lower regulations.

However, Ministerial Regulation Number 3 of 2019 is not mentioned explicitly like the hierarchy of statutory regulations above, but is mentioned in the next article in article 8 paragraph 1 of 2011<sup>53</sup>. Types of statutory regulations other than those referred to above include regulations stipulated by:

- a. People's Consultative Assembly (MPR)
- b. House of Representatives (DPR)
- c. Regional Representative Council (DPD)
- d. Supreme Court
- e. Constitutional Court
- f. Audit Board of the Republic of Indonesia
- g. Judicial Commission
- h. Bank Indonesia
- i. Minister
- j. Institutional bodies or commissions of the same level established by law or by the government by law.

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<sup>51</sup> Giri Ahmad Taufik and Rahayu Prasetyaningsih, *Good Regulation: Theory, Practice, Evaluation*, (Bandung : Unpad Press, 2021 ). 19.

<sup>52</sup> Preamble to the Law, First Paragraph of Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislative Regulations.

<sup>53</sup> Article 8 paragraph 1 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations.

- k. Provincial Regional People's Representative Council (DPRD) and district/city DPRD
- l. Governor, Regent/Mayor
- m. Village Head or equivalent.

Then it is explained in paragraph 2, namely that its existence is recognized and has binding legal force as long as it is ordered by higher laws or regulations or is formed based on authority.

## 2) Legal Positivism Theory

The theory of legal positivism is a view in legal philosophy which considers that law must be understood as a social phenomenon that is separate from moral phenomena. Legal positivism is a school of thought that has a strong influence from the teachings of positivism (in general). Therefore, understanding the teachings of legal positivism is a positive norm in the legislative system.

<sup>54</sup>According to this theory, law is what has been established by competent authorities, such as statutes, regulations, and court decisions. This theory emphasizes legal certainty and objectivity in law enforcement. In the context of Indonesian law, legal positivism theory is also considered strong in influencing several aspects, such as political authority, economics, social, culture, security and order.<sup>55</sup>

In simple terms, legal positivism adheres to two basic principles, the first is that only laws are called law, so outside of laws there is no law. Second, the state

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<sup>54</sup> Asep Bambang Hermanto, "Teaching Legal Positivism In Indonesia: Criticism And Alternative Solutions," Vol.2, 2016 109. <https://journal.univpancasila.ac.id/index.php/selisik/article/view/650>

<sup>55</sup> Suswoto Suswoto Sudyana Sudyana, "A Critical Study of the Theory of Legal Positivism in the Search for Substantive Justice," Vol. 11, no.1 (2018) 17. <https://publikasiilmiah.unwahas.ac.id/index.php/QISTIE/article/view/2225>

is the only source of law. The implication of these two principles is that every law that has been established by a legitimate authority must be considered a law that must be obeyed, whatever the contents of the law.<sup>56</sup>

Positivism according to Prof. Herbert Lionel Adolphus Hart (1907-1992), distinguished five meanings of positivism as mentioned in contemporary science, namely:<sup>57</sup>

1. The assumption that there is no necessary relationship between law and morals or existing law and law that should exist.
2. The assumption that laws are commands from human *beings* .
3. The assumption that the legal system is a closed logical system, where appropriate legal decisions can be produced in a logical way from legal regulations determined without considering social demands and moral norms.
4. The assumption that moral judgments cannot be given or maintained. For example, statements about facts, with rational reasons, clues, or evidence. (*non-cognitivism* in ethics).
5. Assuming that the analysis studies the meaning of legal conceptions worth continuing, and must be differentiated from historical research regarding the causes or origins of law from sociological research regarding the relationship of law with other social phenomena, and

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<sup>56</sup> Johni Najwan, "Implications of Positivism Trend on Legal Thought" Vol.1 (2020): 27. <https://media.neliti.com/media/publications/43170-ID-implikasi-aliran-positivisme-terhadap-pemikiran-hukum.pdf>

<sup>57</sup>W. Friedman., Theory and Philosophy of Law, *Critical Study of Legal Theories* (composition I), translated from the original book "Legal Theory" by Mohamad Arifin., (Rajawali, Jakarta. 1990), 147.

criticism or appreciation of law whether in terms of morals, social demands, functions, or vice versa.

In positivism theory, law emerges as an explicit product of a certain legitimate source of political power. In this case, the main law is manifested as explicit orders that are clear to ensure certainty, such as legislation that applies nationally in a country.<sup>58</sup>

Based on the thoughts of the exponents of positivism, in essence, judging from its form, the theory of positivism views law as a law, judging from its content, the law is an order from the ruler, so there is a ruling authority that makes the law.<sup>59</sup>

In the context of Minister of Foreign Affairs Regulation Number 3 concerning General Guidelines for Foreign Relations by Regional Governments, positivism theory implies that these regulations have a position that must be recognized and obeyed by Regional Governments in accordance with Indonesian national law. Besides that, in an international context, these regulations must also comply with applicable international legal principles.<sup>60</sup>

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<sup>58</sup> Mario Julyano et al., "Construction of Legal Positivism Reasoning" Vol.1, no.01 (2019): 19. <https://ejournal2.undip.ac.id/index.php/crepido/article/view/6325>

<sup>59</sup> Suswoto Sudyana, "Critical Study of Legal Positivism Theory in Seeking Substantive Justice Vol. 11 No. May 1, 2018 107" 11, no. 1 (2018): 110. <https://publikasiilmiah.unwahas.ac.id/index.php/QISTIE/article/view/2225>

<sup>60</sup> Indra Rahmatullah, "Philosophy of Legal Positivism (Legal Positivism)" Vol.6, no.1 (2022): 8. <https://journal.uinjkt.ac.id/index.php/hadap/article/view/26427>



### 3) **Siyasa Dauliyah**

The science of international relations in Islamic political studies is known as *siyasa dauliyah*. This term developed since Islam became the center of world power. The drafting of the Medina constitution and the making of a peace agreement between the Medina government and forces outside Medina were the initial stages of the practice and concept of *siyasa dauliyah*.<sup>61</sup>

*Siyasah Dauliyah* is a concept in Islamic law that refers to foreign policy and international relations. This concept emphasizes the principles of humanity, justice, equality, tolerance and fulfilling promises in relations between countries. In Islamic political theory, the method of Islamic international relations is based on experimentation, rational inquiry, and a normative intellectual format within the circle of revelation and empirical evidence. The politics of Islamic international relations also emphasizes the importance of the authority that will carry out international relations and its objectives. Individual behavior is not accepted as international action. Umar bin Khatab said that organized authority was important to avoid chaos.<sup>62</sup>

Islamic international relations are based on written normative sources and practical sources. Normative sources come from Al-Qu'an and Hadith of the Prophet SAW. While the practical sources are the governments in Islamic countries in relation to other countries. This can be directly referred to by the

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<sup>61</sup> Suntana, *Politics of Islamic International Relations (Siyasah Dauliyah)* , (Bandung: Pustaka Setia, 2015), 20

<sup>62</sup> Suntana. *Politics of Islamic International Relations* , 15.

political policies of Prophet Muhammad SAW towards friendly and enemy countries.<sup>63</sup>

The principles or propositions of Islamic international relations in the Qur'an, namely written in Surat Al Hujurat verse 13, namely:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَعَلْنَاكُمْ سُوءَ وَقَبَائِلٍ لِيعَارَفُوا إِنَّ أَكْرَمَكُمْ

عِنْدَ اللَّهِ ۖ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: " *O mankind, indeed We created you from a male and a female and made you into nations and tribes so that you may know each other. Indeed, the most honorable among you in the sight of Allah is the most pious among you. Indeed, Allah is All-Knowing and All-Knowing . "* (Al Hujurat 43.11)<sup>64</sup>

In the context of Indonesian law, *siyasah dauliyah* is also considered as one of the legal sources that can be used in solving legal cases related to international relations. This context is not limited to Islamic international law only, but can also be applied in international law in general as well.<sup>65</sup>

The legal theory of *siyasah dauliyah* refers to the branch of international law relating to relations between countries. In this context, the rejection of the Israeli national team by the Indonesian regional government could have international legal implications involving the principles of non-discrimination and equal

<sup>63</sup> Muqsi, "Islamic Media Studies" .4.

<sup>64</sup> Qur'an, Ministry of Religion, 2022

<sup>65</sup> A Ratna Wulan, "Implementation of Diplomatic Immunity in the 1961 Vienna Convention from the Perspective of *Siyasa Dauliyah* A. Ratna Wulan," Vol. 11, no. 2 2017 , 15 <https://journal.uinsgd.ac.id/index.php/adliya/article/view/4859>

treatment. If such refusal is deemed to be discriminatory based on national origin or ethnic background, it may violate the principles of international law. Law in

International law generally prohibits discrimination based on race, religious origin, or national origin.<sup>66</sup>

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<sup>66</sup> Devi Destiani, "Legal Protection of Refugees According to the 1951 Convention and the 1967 Protocol from a Siyasah Dauliyah Perspective," (2018). 17.

### CHAPTER III

## REVOCATION OF FIFA WORLD CUP U-20 HOST STATUS IN INDONESIA SIYASAH DAULIYAH PERSPECTIVE ON FOREIGN MINISTER REGULATION NUMBER 3 OF 2019

### A. Position of Minister of Foreign Affairs Regulation Number 3 of 2019 in National and International Law

The meaning of the Regulation of the Minister of Foreign Affairs in Article 1 paragraph 3 of the Regulation of the Minister of Foreign Affairs of the Republic of Indonesia Number 1 of 2020 concerning Procedures for Forming Ministerial Regulations, Ministerial Decrees and Middle High Decisions within the Ministry of Foreign Affairs, namely

Minister of Foreign Affairs Regulations are statutory regulations stipulated by the Minister of Foreign Affairs, to implement higher or equivalent statutory regulations, or general regulatory and binding authority in carrying out government affairs in the field of foreign relations and foreign politics. .<sup>67</sup>

In Article 150 of the Minister of Foreign Affairs Regulation Number 3 of 2019, it discusses Indonesia's foreign relations with countries that do not have diplomatic relations with Indonesia. The basis for several governments rejecting Israel's participation in *the FIFA U-20 World Cup* and this is one of the reasons for Indonesia's cancellation of hosting *the FIFA U-20 World Cup* .

The types of statutory regulations in Indonesia are regulated in Law Number 12 of 2011 concerning the Formation of Legislative Regulations. There are two types of statutory regulations, namely those within the hierarchy and those outside

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<sup>67</sup>Ministerial Decree, "STATE NEWS," no. 87 (2020): 3.

the hierarchy. The legal force of these regulations is in accordance with their hierarchy. <sup>68</sup>Based on article 7 paragraph (1) of Law Number 12 of 2011, the hierarchy of laws and regulations in Indonesia is as follows:<sup>69</sup>

1. Constitution of the Republic of Indonesia (UUD 1945)
2. Decree of the People's Consultative Assembly (Tap MPR)
3. Law or Government Regulation in Lieu of Law (PERPPU)
4. Government regulations
5. Presidential decree
6. Provincial Regional Regulations
7. Regency/City Regional Regulations.

Recognition of Ministerial Regulations as Legislative Regulations is not stated explicitly as contained in article 7 paragraph 1 of Law Number 12 of 2011, but is stated in the next article, namely Article 8 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation -Invitation. The position of Ministerial Regulations is regulated as long as they are ordered by higher Legislative Regulations or are formed based on authority. Apart from that, the constitution states that the President is assisted by state ministers, this is regulated in Article 17 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. When linked to the theory of a unitary state, the President is the Central Government. The government in a unitary state is the only government recognized as having the highest authority.<sup>70</sup>

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<sup>68</sup> Taufik and Prasetianingsih, *Good Regulation: Theory, Practice, Evaluation*. .19.

<sup>69</sup>Article 7 paragraph 1 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations.

<sup>70</sup> Elva Imeldatur Rohmah, "Comparison of Government Systems" Xiii, No. 1 (2019): 123.  
<https://download.garuda.kemdikbud.go.id/article.php?article=3492004&val=28313&title=COMPARISON%20SISTEM%20PEMERINTAHAN%20INDONESIA%20IRA>

In its implementation, the central level Legislation requires implementing regulations. One thing that can become a technical regulation to implement laws or government regulations is a Ministerial Regulation. This is because the Ministerial Regulation is a regulation that is substantively operational or technical in nature.<sup>71</sup> Because as implementing regulations, it is the central level Legislation that gives orders or mandates to form Ministerial Regulations. If it is related to the unitary state theory or statutory theory, then the Ministerial Regulations are one unit with the central level Legislative Regulations or in other words are organs of the Central Government. In this way, the position of Ministerial Regulations is at the central level.<sup>72</sup>

According to the various explanations above, Minister of Foreign Affairs Regulation Number 3 of 2019 is included in the type of legislation which is national law and of course is the basis in Indonesia, as well as being a guideline for regional governments in making policies related to foreign relations. This indicates that the political stance taken by several governments to reject the Israeli delegation has gone through procedures and has a clear basis.

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<sup>71</sup> Juwita Putri Pratama et al., "The Existence of the Position of Ministerial Regulations on Regional Regulations in the Hierarchy of Legislative Regulations The Existence of the Position of Ministerial" 19, no. 4 (2022): 876. file:///C:/Users/Asus/Downloads/melisafd,+865-885+Juwita+et al%20(1).pdf

<sup>72</sup> Pratama et al, " The Existence of the Position of Ministerial Regulations on Regional Regulations", 877.

**Figure 1**  
**Position of Minister of Foreign Affairs Regulation Number 3 of 2019 in**  
**the Hierarchy of Legislative Regulations in Indonesia**



It can be seen based on the graph above that the position of Minister of Foreign Affairs Regulation Number 3 of 2019 is below the Minister of Foreign Affairs Regulation in general because Minister of Foreign Affairs Regulation Number 3 of 2019 does not contain an order for its formation from other higher statutory regulations.

National law and international law are important aspects of a global legal system. National law and international law interact and influence each other in various ways, in the application, interpretation and adaptation of law to meet different needs and principles. <sup>73</sup>When discussing the relationship between international law and national law, the theories that are most commonly used are the theories of monism and dualism. The flow of dualism is an understanding that

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<sup>73</sup> Faculty of Law, Sultan University, and Ageng Tirtayasa, "The Position of International Law in the National Legislative System" 8, no. 1 (2019): 37. file:///C:/Users/Asus/Downloads/285-Article%20Text-788-4-10-20151117%20(6).pdf

holds that the binding force of international law originates from the will of the state, national law and international law are two separate systems or legal instruments. There are several reasons put forward by dualism to explain this view;<sup>74</sup>

- a. The subject of law, the subject of national law is a person, whether in civil law or public law, while the subject of international law is the state;
- b. The legal structure, institutions needed to implement the law in reality are courts and executive bodies which only exist in national law, and these do not exist in international law;
- c. Source of law, this understanding assumes that national law originates from the will of the state, while international law originates from states as a community of international law.

This dualistic view has several important consequences, one of the consequences of which is that the rules of one legal device cannot possibly be derived from another legal device. In other words, there is no issue of hierarchy between national law and international law. The second consequence of international law provisions is a transformation of national law, international law cannot be applied directly without being transformed into national law first. If a country accepts an international legal treaty but its national law does not adapt it

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<sup>74</sup> Monism theory and AND theory, "Relationship of International Law and National Law Perspective of Monism Theory and Hasanuddin Hasim's Dualism Theory" 1 (2019): 174. <https://core.ac.uk/download/pdf/276535184.pdf>



first, or does not create national legislation to explicitly incorporate the treaty, then this is considered a violation of international law.<sup>75</sup>

Another ideology that is contrary to dualism is monism. Monism is based on the idea of the unity of all the laws that govern humans. This theory holds that the position between international law and national law is an inseparable unity.<sup>76</sup> The result of this monistic view is that between these two sets of laws there may be a hierarchical relationship. This issue of the hierarchy between international law and national law has given rise to different views asking which is the main thing between international law and national law.

There are those who argue that between national and international law, national law is more important.<sup>77</sup> This understanding is called the ideology of primate monism of national law. According to the school of primate monism of national law, international law originates and originates from national law, for example, international law grows from practices existing in national law. Because international law originates from national law, according to this understanding, the position of national law is higher than international law, so that if there is a conflict, national law takes precedence.<sup>78</sup>

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<sup>75</sup> Rahmat Efendy et al., "The Relationship between International Law and National Law" VII, no. 1 (2017): 26. file:///C:/Users/Asus/Downloads/224-Article%20Text-273-1-10-20171116%20(1).pdf

<sup>76</sup> Sultan, and Tirtayasa, "The Position of International Law in the National Legislative System.", 40.

<sup>77</sup> Andi Tenripandang, "The Relationship between International Law and National Law" 14, No. 1 (2020): 72. file:///C:/Users/Asus/Downloads/224-Article%20Text-273-1-10-20171116.pdf

<sup>78</sup> Ah. Fajruddin Fatwa Miftakhul Nur Arista, "Relationship between International Law and National Law" 1 (2020): 370. <https://jurnalfsh.uinsby.ac.id/mhs/index.php/mal/article/view/25/21>

Another understanding is the understanding that holds that international law is superior to national law, this understanding is called the primacy monism of international law. According to this school, national law originates from international law which is a set of provisions of a higher hierarchy. According to this understanding, national law must be subject to international law which essentially has binding power based on a delegation of authority from international law.<sup>79</sup>

It is also possible that there is monism which assumes that national law and international law are equivalent. The relationship between the two is complementary.<sup>80</sup> This is reflected in the Rome Statute or the Bonn Convention on Terrorism. International law does not require that a country adhere to monism or dualism. In practice, the choice of priority between international law and national law is determined by ethnic or political preferences. Those who have a nationalist political attitude will prioritize national law, whereas those who are sympathetic to international law will prioritize international law.<sup>81</sup>

The position of international law in the framework of law as a whole is based on the assumption that as a type or field of law, international law is part of law in general. International law is a set of rules and principles that are effective in regulating human life within the scope of their respective national laws, which is

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<sup>79</sup> Tenripandang, "The Relationship between International Law and National Law." .73.

<sup>80</sup> Muhammad Burhantsani, *Law and International Relations*, (Yogyakarta: Liberty Publishers, 1990), 26.

<sup>81</sup> Efendy et al., "The Relationship between International Law and National Law." 9.

usually called national law. <sup>82</sup>In the theory of primate monism of international law, the position of international law is higher than national law, and national law must not conflict with the principles of international law, which include;<sup>83</sup>

- a. State Sovereignty, this principle recognizes that every country has the right to regulate affairs within its territory without interference from other countries, except in certain circumstances permitted by international law.
- b. Pacta Sunt Servanda, this principle emphasizes that international agreements must be respected and implemented by the countries concerned.
- c. Respecting Human Rights, international law regulates Human Rights (HAM) at the global level, ensuring that countries safeguard and respect basic human rights.
- d. Prohibition of the Use of Force, This principle prohibits the use of the threat or use of military force in resolving international conflicts, except in situations permitted by international law.
- e. Dispute Resolution, international law encourages dispute resolution through diplomatic channels, negotiations, arbitration or international courts.

In forming national law, national law must not conflict with several of the principles of international law above, which indicates that international law has a higher position than national law because international law also serves as a

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<sup>82</sup> Miftakhul Nur Arista, "The Relationship between International Law and National Law.",370.

<sup>83</sup> I Wayan Parthiana, *Introduction to International Law* , (Bandung: CV Mandar Maju, 2017), 234.

guideline in the formation of national law. Therefore, the position of Minister of Foreign Affairs Regulation Number 3 of 2019 or what can be called national law in international law is not higher than international law, and the rules contained in Minister of Foreign Affairs Regulation Number 3 of 2019 must not conflict with the principles international law.

## **B. The Position of FIFA as an International Organization in National Law and International Law**

FIFA ( *Fédération Internationale de Football Association*) has a complex relationship with national law in general, especially in the context of the sport of football. FIFA as an international football federation, has an important role in regulating aspects related to sports. <sup>84</sup>FIFA has two main regulatory systems, namely Lex Ludica and Lex Sportiva. Lex Ludica is an integral and inseparable part of Lex Sportiva. <sup>85</sup>Just like formal legal terms that ensure the enforcement of material law, Lex Sportiva ensures that Lex Ludica can run according to its mechanism. Meanwhile, Lex Ludica functions to ensure that football is carried out in accordance with the established rules. <sup>86</sup>ensure that football is carried out in accordance with the established rules. <sup>87</sup>

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<sup>84</sup>Taufiqurrohman, "Problematic Position, Certainty, and Law Enforcement of FIFA Statutes in Indonesia." Vol.20.no.3 ; (2023), 17. file:///C:/Users/Asus/Downloads/1055-4373-1-PB%20(3).pdf

<sup>85</sup> Franck Latty, "La Lex Sportiva," *Recherche Sur Le Droit Transnational*, 2007, 17. <https://brill.com/display/title/13805>

<sup>86</sup>Richard Parrish, "Lex sportiva and EU sports law," *European Law Review* 37, no. 6 (2012): 11. <https://research.edgehill.ac.uk/en/publications/lex-sportiva-and-eu-sports-law-2>

<sup>87</sup>Richard Parrish, "Lex sportiva and EU sports law," *European Law Review* 37, no. 6 (2012): 11. <https://research.edgehill.ac.uk/en/publications/lex-sportiva-and-eu-sports-law-2>

FIFA has its own legal system and is fully sovereign, and states that it cannot be intervened by anyone, including countries whose football associations are members of FIFA.<sup>88</sup> This is based on the FIFA statutes as an international football federation which has a unique position, where FIFA operates as *a civil society* and *market*, as well as as *a state* in a legal context. FIFA was founded based on Article 60 of the Swiss Civil Code, which shows that FIFA has its own legal entity status and has a central role in regulating the sport of football internationally.<sup>89</sup>

The FIFA Statutes function as *Lex Sportiva*, which is a legal system that is not within the national legal system or international legal system, but enters the area of transnational law. Transnational law is a legal rule that crosses national boundaries and has cross-country influence or impact. Transnational law requires cooperation between countries and often involves international organizations.<sup>90</sup>

*Lex Sportiva* covers private international law originating from the sources of private international bodies such as FIFA. An example is in the disciplinary law enforcement mechanism for professional football competitions, where the sanctions given do not apply to a country's national law or international law, but transnational legal doctrine applies.<sup>91</sup> As in the context of the PSSI dualism case in Indonesia, FIFA statutes are a source of law that PSSI complies with even though it does not rule out state involvement and avoids sanctions from FIFA.

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<sup>88</sup> Pandjaitan, *State Sovereignty Versus FIFA Sovereignty*, 111. .

<sup>89</sup> Ivy WWilliam, *The Swiss Civil Code* (Oxford: University Press), 216.

<sup>90</sup> Ariawan and Martono Gunadi, *Transnational Law* (Jakarta: LPPI UNTAR, 2022), 2.

<sup>91</sup> Taufiqurrohman, "Problematic Position, Certainty, and Law Enforcement of FIFA Statutes in Indonesia." .23.

This shows how FIFA as an international organization can influence state sovereignty in the context of sports, especially football.<sup>92</sup> Overall, FIFA's position as an international organization in national law has the power to regulate and can influence the sovereignty of countries that join the FIFA international organization.

National law is closely related to international law, so when discussing FIFA's position in national law it is of course closely related to FIFA's position as an international organization in international law itself. Mochtar Kusumaatmadja defines international law as the totality of legal rules and principles that regulate relations or issues that cross state borders (international relations) that are not civil in nature.<sup>93</sup> In international law, there is such a thing as a subject of international law. According to Martin Dixon, the subject of international law is an institutional body or entity that has the ability to control rights and carry out obligations in international law.<sup>94</sup> Types of subjects of international law, including:<sup>95</sup>

- a) Country;
- b) International Organizations;
- c) International Red Cross;
- d) The Holy See or the Vatican;
- e) Liberation Organizations or Nations who are fighting for their rights;
- f) Trust territories;
- g) Belligerence;
- h) Individual

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<sup>92</sup> I Putu Wintara et al., "The Role of FIFA in Resolving the PSSI Dualism Conflict in Indonesia in 2011-2013," 2015, VOL.1, 15. [https://simdos.unud.ac.id/uploads/file\\_penelitian\\_1\\_dir/115d2c495db8ae8863847fd23847b497.pdf](https://simdos.unud.ac.id/uploads/file_penelitian_1_dir/115d2c495db8ae8863847fd23847b497.pdf)

<sup>93</sup> Mahendra Putra Kurnia, "International Law (Ontological Study) (International Law; an Ontological Review)" 4, no. 2 (2008): 80.

<sup>94</sup> Prof. I Made et al., *Textbook of International Law by: Faculty of Law, Udayana University*, (Udayana University, 2017), 74.

<sup>95</sup> Ahmad Syofyan, *International Law* (Bandar Lampung: Center for Constitutional and Legislative Studies, University of Lampung, 2022), 48.

In the types of legal subjects above, international organizations are one of the subjects of international law, where international organizations are one of the focal points in the author's research. International organizations in a broad sense are essentially divided into two, namely public international organizations *and* private international *organizations*.<sup>96</sup> The differences between the two can be seen in the following explanation:<sup>97</sup>

- 1) Public international organizations can also be referred to as intergovernmental *organizations*. However, because its members are countries, the organization is usually called just an international organization. Actions carried out by the government on behalf of its country as a party or member of the international organization.
- 2) A private international organization ( *Private International Organization* ) is an organization that was formed without involving the government, therefore it is usually called a Non-Governmental Organization ( *Non Government Organization* ), hereinafter referred to as (NGO), or also what we usually call a Non-Governmental Organization whose members are bodies private or individual.

There is no generally accepted definition of an NGO. However, there are several basic characteristics of an NGO. NGOs must be independent from

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<sup>96</sup> Hotman Bintang Parulian Aruan, "The Applicability of the Statute of the Fédération Internationale De Football Association (Fifa) is Linked to State Sovereignty (Case Study of the Dualism of the Indonesian Football Association (PSSI))." (Thesis, University of North Sumatra, 2014) <https://www.neliti.com/id/publications/14999/berlakunya-statuta-f%C3%A9d%C3%A9ration-internationale-de-football-association-fifa-dikait>

<sup>97</sup> Sumaryo Soyokusumo, *Case Study of International Organization Law* (Bandung: PT Alumni, 2012), 37.

government control. Apart from that, NGOs are also not formed by a political party, and will not be non-profit organizations, and will not be a group created to carry out criminal acts. These characteristics are valid in general use, because they match the conditions for UN (United Nations) recognition. Thus, it can be concluded that NGOs are defined as voluntary and independent associations that act together continuously to achieve the same goals and public interests.<sup>98</sup>

FIFA deserves to be called an international organization by fulfilling the elements of an international organization as stated by Leroy Bennet, namely:

- 1) *A Permanent Organization to Carry on a Continuing Set of Functions* (A permanent organization to carry out a function continuously)

FIFA's position as an international organization has been recognized by the international community. FIFA is an international organization that since its formation in 1904 has grown to have 209 member associations from countries to date. FIFA is an international organization that is permanent and was formed by voluntary state football associations which have articles of association or constitution in the FIFA statutes which contain the objectives and structure of the organization.<sup>99</sup>

- 2) *Vountry Membership of Eligible Parties* (voluntary membership of eligible parties)

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<sup>98</sup>Suryokusumo, *International Legal Studies* , 38.

<sup>99</sup> Hotman Bintang Parulian Aruan, "The Applicability of the Statute of the Fédération Internationale De Football Association (Fifa) is Linked to State Sovereignty (Case Study of the Dualism of the Indonesian Football Association (PSSI))." .12.



FIFA members are football associations from countries in the world that join voluntarily. To become a FIFA member, there are several terms and conditions that must be fulfilled as contained in Articles 9-18 of the FIFA Statutes concerning Membership. Article 10 of the FIFA Statutes regulates *admission* where the conditions are:

- a) *Any Association which is responsible for organizing and supervising football in all of its forms in its Country may become a Member of FIFA. Consequently, it is recommended that all Members of FIFA involve all relevant stakeholders in football in their own structure. Subject to par. 5 and par. 6 below, only one Association shall be recognized in each Country.*<sup>100</sup> (Any Association responsible for organizing and supervising football in all its forms in its country may become a FIFA Member. It is therefore recommended that all FIFA Members involve all relevant stakeholders in football within their own structures. In accordance with section 5 and section 6 below, only one Association is recognized in each State.)
- b) *Membership is only permitted if an Association is currently a member of a Confederation. The Executive Committee may issue regulations with regard to the admission process.*<sup>101</sup> (Membership is only permitted if an Association is currently a member of the Confederation. The Executive Committee may issue regulations relating to the admission process.)

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<sup>100</sup>FIFA Statutes regarding Admission, 1.

<sup>101</sup>FIFA Statutes Concerning Admission, 2.

c) *Any Association wishing to become a Member of FIFA shall apply in writing to the FIFA general secretariat.*<sup>102</sup> (Each Association wishing to become a FIFA Member must make a written application to the FIFA General Secretariat.) Then, the congress, as the place where the highest decision is taken, determines the status of the prospective member who applies, whether the Association will be recognized as a member or not.

3) *Basic instrument stating goals, structure, and method of operations* (basic instrument stating goals, structure, and method of operations)

FIFA's primary goal is to pursue the common interests of its members, including improving the quality of football, developing the sport of football throughout the world, and holding fair and professional<sup>103</sup> football competitions .

Thus FIFA meets the requirements to be an international organization according to Leroy Bennett's definition, by having a sustainable structure, being formed through agreements between members, and pursuing the common interests of its members.

FIFA's position as an international organization that has the legal capacity to support rights and obligations means that it is also a person of international law and as such is a subject of international law. Subjects of international law

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<sup>102</sup>FIFA Statutes Concerning Admission, 3.

<sup>103</sup> A Leroy Bennet, *International Organization* (New Jersey: Prentice-Hall, 1979). ,3.

are holders of rights and obligations according to international law.<sup>104</sup> FIFA can also make agreements with the subject of international law, for example in 2006 FIFA and the European Union signed a cooperation agreement until the 2010 World Cup championship took place in South Africa. Cooperation related to the use of football as an instrument linked to development assistance projects in Africa. In the next 4 years after the agreement was made at that time, the European Union provided funds amounting to 25 billion euros or almost the equivalent of 300 trillion rupiah for development assistance in Africa.<sup>105</sup>

As a federation of international organizations, FIFA not only engages with member associations, but also international development institutions, non-governmental organizations, and also other bodies interested in participating in making football a bearer of hope and using football to achieve positive social change. positive.<sup>106</sup>

Thus, it can be seen that FIFA has become a non-governmental organization with its personality playing a role in the international world and even international law itself. FIFA carries out actions that demonstrate the capacity of its international legal personality where FIFA plays an important role in determining strategic interactions in the international realm such as

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<sup>104</sup> Ade Tiara Puteri Cornelez, "The Position of International Organizations as a Forum for Cooperation Between Countries According to International Law Studies," *Lex Et Societatis* 6, no. 6 (2018):23. file:///C:/Users/Asus/Downloads/lexetsocietatis\_dk28,+3.+Ade+Tiara+Puteri+Cornelez%20(4).pdf

<sup>105</sup>FIFA and EU Cooperation for the Development of African Assistance, published in <http://www.dw.de/kerjasama-fifa-dan-ue-untuk-pengembangan-bangunan-afrika/a-294350>, accessed on 19 March 2024 at 11.42 WIB

<sup>106</sup>Ken Foster, "Is There a Global Sports Law?, Entertainment Law", Vol.2, No.1, (Frank Cass ; London, 2003),12.

agendas. setting, norm forming, and policy making in the world of football. And this also shows that international law is not limited to laws made by countries, but also includes laws made by international organizations such as FIFA.<sup>107</sup>

**C. Position of Minister of Foreign Affairs Regulation Number 3 of 2019  
Legal Positivism theoretical perspective regarding Indonesia's political  
stance in rejecting the Israeli delegation from participating in the U-20  
FIFA World Cup**

Legal positivism theory is a school of thought in legal philosophy that focuses on positive law, namely law created and enforced by the state. This theory emphasizes aspects of legal formality, namely the form and structure of law, and ignores the moral, ethical and underlying values. Hans Kelsen views that law is a coercive order of human behavior ( *law is a coercive order of human behavior*). Law is a primary rule that determines sanctions ( *it is the primary norm with specifies the sanctions* ).<sup>108</sup>

In the context of a formal legal state, the positivist view is appropriate to implement and implement in the context of forming national law. Because the theory of legal positivism is very influential; political authority, areas of life; such as economics, social culture, security and order. All aspects of the nation

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<sup>107</sup> Aruan, "Entry into force of the Statutes of the Fédération Internationale De Football Association (Fifa)." , 16.

<sup>108</sup> Sudyana, "Critical Study of Legal Positivism Theory in Seeking Substantive Justice." ,109

and state are regulated in the form of written law, namely statutory regulations.<sup>109</sup>

The main characteristics of the theory of Legal Positivism are as follows<sup>110</sup>:

1. Focusing on positive law, legal positivism only recognizes laws created and enforced by the state as valid law. Other norms, such as morals, religion, or customs are recognized as valid sources of law.
2. Seeing law as the only source of norms, positive law is considered the only source of norms that are valid and binding. Other norms are considered not to have binding legal force.
3. Literal interpretation of law, legal positivism emphasizes literal interpretation of law, based on written legal texts.

Positivism in law, meaning that the law is positive as the highest status among various norms ( *the supreme of law* ), which consists of a long series of statements about various events identified as legal facts with their consequences which are called legal consequences.<sup>111</sup> The flow of positivism in legal norms is called legism, namely an understanding that holds the view that state life must be based solely on statutory law. According to Langdell In the 19th century the study of positive law was called *Legal Science* or *Mechanistic Jurisprudence*. In this flow, there needs to be laws that are based

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<sup>109</sup> Sudyana, "Critical Study of Legal Positivism Theory", 111.

<sup>110</sup> Faissal Malik, "Review of the Theory of Legal Positivism in the Indonesian Criminal Justice System," *Journal of Citizenship Education Undiksha* 9, no. 1 (2021): 188, <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/31488>.

<sup>111</sup> Ahmad Hadi Prayitno, "The Existence of Positivism in Legal Science," *Meta Juridical Journal* 2, no. 1 (2019): 98, <https://doi.org/10.26877/my.v2i1.3521>.

on agreements which are then positive and realized in law. Positive law is therefore law that exists and applies, and contains validity because there is an authority that determines it. Positive law means that it always refers to *ius constitutum*.<sup>112</sup>

National law can be interpreted as *a binding rule or body of rules prescribed by the government of a sovereign state that holds force throughout the regions and territories within the government's dominion*,<sup>113</sup> in the sense that national law is a legal system in both the public and private sectors created by the state and has limited jurisdiction in the sovereign territory of that state.

In the Indonesian context, the implementation of national law refers to the 1945 Constitution of the Republic of Indonesia as the constitution or basic state rules. This was confirmed by Rio Admiral Parikesit who stated that the body of the 1945 Constitution (*staatsgrundgesetz*) is the legal norms under Pancasila, which is a written source of basic law that regulates the outline or main points of state policy. The body of the 1945 Constitution is the source of basic authority for the formation of laws, implementing regulations and autonomous regulations.<sup>114</sup>

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<sup>112</sup> Tundjung Herning Sitabuana and Ade Adhari, "Positivism and its Implications for Science and Law Enforcement by the Constitutional Court (Analysis of Decision Number 46/PUU-XIV/2016)," *Constitution Journal* 17, no. 1 (2020): 114, <https://doi.org/10.31078/jk1715>.

<sup>113</sup> <https://www.informea.org/en/terms/national-law>, accessed Thursday, 16 May 2024.

<sup>114</sup> Rio Admiral Parikesit et al., "Evaluation of Designation Change Policy" 15, no. 1 (2000): 101. <https://e-jurnal.peraturan.go.id/index.php/jli/article/view/11>

The actions of rejecting Israel by Ganjar Pranowo and I Wayan Koster are essentially in line with the national law in force in Indonesia. Based on Points 150-151 of the explanation of Minister of Foreign Affairs Regulation Number 3 of 2019, it is stated that:

*150. Until now, Indonesia does not have diplomatic relations with Israel, and opposes Israel's colonization of the Palestinian territory and people, therefore Indonesia rejects all forms of official relations with Israel.*

*151. When carrying out relations with Israel, it is necessary to pay attention to existing procedures which are still in force:*

- a) there is no official relationship between the Indonesian Government at any level and Israel, including in correspondence using official letterhead;*
- b) not receiving the Israeli delegation officially and at an official place;*
- c) The flying/using of flags, symbols and other attributes as well as the playing of the Israeli national anthem in the territory of the Republic of Indonesia is not permitted*
- d) Israel's presence does not carry the implication of political recognition of Israel;*
- e) Visits by Israeli citizens to Indonesia can only be made using a regular passport; And*
- f) Authorization for granting visas to Israeli citizens is carried out by the Ministry of Law and Human Rights cq Directorate General of Immigration. Visas are granted in the form of an affidavit through the Embassy of the Republic of Indonesia in Singapore or the Embassy of the Republic of Indonesia in Bangkok .<sup>115</sup>*

Referring to these provisions, any activities related to the matters mentioned above should not be carried out throughout Indonesia. This is because, according to FIFA regulations, before the match starts, it is mandatory to sing the national anthem and bring the flag of each country.

Apart from that, in the preamble to the 1945 Constitution, the first paragraph also rejects colonialism in any form, "That in fact independence is

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<sup>115</sup> Ministry of Foreign Affairs Government et al, "State Gazette of the Republic of Indonesia," no. 125 (2019): 45.

the right of all nations and therefore, colonialism in the world must be abolished because it is not in accordance with humanity and justice " which means that Indonesia has long been never supported and recognized the colonial state, and the refusal of the Israeli delegation to take part in the football tournament did not only happen in 2023, but in 1957 Indonesia had the opportunity to appear in the 1958 FIFA World Cup in Sweden. However, failure came to the Indonesian national team because of President Soekarno's decision to refuse to play against the Israeli national team.

Around 66 years ago, the Garuda squad qualified for the second round of qualifying for the 1958 World Cup. This was thanks to their victory when they beat the People's Republic of China in Sub-Group 1 of the Asia/Africa zone. This success made Indonesia one of the best teams in Asia, and opened up opportunities to appear in the World Cup. However, it should be remembered that at that time, relations between Indonesia and Israel were tense because of the Palestinian issue. Unfortunately, Indonesia joined the group of Sudan, Egypt and Israel in the second round. President Soekarno, who was one of the main supporters of Palestinian independence, decided to refuse the invitation to play against Israel out of respect for Palestine. Initially, Israel submitted a proposal for the first leg to be held in Tel Aviv (Israel) on July 31 and the second leg in Jakarta (Indonesia) on August 18. However, this decision was ignored by the Indonesian government.

Political reasons are still the basis for President Soekarno's rejection. RI considers that if it accepts Israel's offer, it could result in the loss of support



from 14 Arab countries in Indonesia's struggle to seize West Papua at the 1957 UN General Assembly. This decision also triggered a strong reaction from FIFA, which asked Indonesia to follow the rules of the game.

On the other hand, the Indonesian Football Association (PSSI) has a different attitude to President Soekarno. At the Padang Congress meeting in Padang, PSSI submitted a request to the government to review its rejection of the match against Israel. PSSI is also trying to bring this problem to the FIFA congress in Stockholm. They submitted a proposal to FIFA and the Indonesian government so that the two matches would be held in neutral territory. They have an opinion that President Soekarno's refusal actually gave rise to the Indonesian people's dissatisfaction with the government, thereby causing a greater danger than the loss of support from 14 Arab countries. Apart from that, this is a golden opportunity for the world of Indonesian football.

PSSI also began to launch its efforts. They sent a letter to FIFA and the Israeli Football Federation (IFA), regarding plans to hold the World Cup in this neutral country. FIFA also answered that they had no objection to the proposal given. However, they gave a deadline of 20 September 1957 to get an agreement with the IFA.

To launch the Indonesian national team's struggle at the world event, FIFA proposed various 'advantages' obtained by Israel. First, Israel can choose two neutral countries for the match. Second, PSSI will pay all costs required by the Israeli national team. Third, the referee will come from Italy and the linesmen will come from local linesmen who comply with FIFA standards.

However, FIFA does not agree with this. They insisted that the first event take place in their country. However, the second event can be held at a neutral venue. This attitude became a dead end for PSSI so that they could not reach an agreement within the FIFA deadline. Because of this, FIFA officially removed Indonesia's name from the World Cup qualifiers and considered withdrawing. The reason for the resignation was political reasons. Due to this decision, Indonesia received a fine of 5,000 francs for withdrawing when the World Cup qualifying match had started. This was in accordance with FIFA regulations at that time. Israel managed to qualify for the 1958 World Cup because apart from Indonesia, the countries that were supposed to play against Israel in that phase also withdrew. They also escaped without ever stepping on the field grass, Young People. However, FIFA cannot accept this 'instant' victory. They also chose a national team from a country in the European Zone that did not pass the qualifying phase but had the highest score. At that time, the country that got this golden opportunity was the Wales national team. Israel also had to compete with Wales to occupy a place in the 1958 World Cup in Sweden. As a result, Israel lost with a score of 0-2 against Wales. The team also failed to enter the 1958 World Cup.<sup>116</sup>

Based on the first paragraph of the Preamble to the 1945 Constitution, and the rejection of the Israeli delegation by Ir. Soekarno, this indicates that Indonesia has always consistently defended Palestine and been hostile to

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<sup>116</sup>Helen, "Soekarno once rejected Israel until Indonesia failed to go to the 1958 World Cup", Prambos, 06 April 2023, accessed 19 June 2024, <https://www.pramborsfm.com/sport/soekarno-pernah-tolak-israel-untuk-indonesia-failed-to-world-cup-1958/all>

colonialism. Likewise, the stipulation of Minister of Foreign Affairs Regulation Number 3 of 2019 is nothing more than a form of maintaining Indonesia's consistency in rejecting the colonialism that Israel has carried out over Palestine.

The position of Minister of Foreign Affairs Regulation Number 3 of 2019 is included in the type of legislation in Indonesia which can be called national law. When it becomes national law, according to the theory of legal positivism, the regulation becomes a guideline in making policies, and must be obeyed by the people of Indonesia. Legal Positivism Review of Article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments in the context of the rejection of the Israeli delegation which led to Indonesia's cancellation of hosting the U-20 World Cup can be analyzed from various aspects:

1. Source of law: According to legal positivism, valid sources of law are norms ratified by the state, such as laws, government regulations, court decisions, etc. Article 150 of the Minister of Foreign Affairs Regulation Number 3 of 2019 is a legal norm created by the Indonesian government. Therefore, according to legal positivism, article 150 has binding legal force and must be obeyed by all parties involved in the formulation of foreign policy.

2. **Objectivity and facts:** Article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019 covers policies and procedures that must be followed by the government in managing international relations, including in the context of participation in international sports competitions. In this case, Indonesia's rejection of the Israeli delegation was based on existing policies and procedures, which include support for Palestinian independence and a commitment to eliminating colonialism in the world as well as a commitment to good diplomatic relations with other countries.
3. **Testing and Verification:** The Indonesian government's decision to reject the Israeli delegation can be tested and verified through existing documentation and communications. FIFA stated that the decision was taken from the current situation, which includes a request from the regional government in Indonesia not to include the Israeli delegation in the U-20 World Cup.<sup>117</sup> This also goes against FIFA's principle of prohibiting government intervention in sporting activities.<sup>118</sup>
4. **Compliance:** The government's rejection of the Israeli delegation has a clear legal basis. In Legal Positivism, the laws that have been established have binding legal rules and must be obeyed. So this means that Indonesia's political stance is in accordance with the context and procedures contained in the regulations.

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<sup>117</sup> I Gede Titah Pratyaksa, Ni Luh, and Wiwik Eka, "Analysis of the Policy Framing of the Governor of Bali in the Cancellation of the U-20 World Cup Drawing," nd, 62..

<sup>118</sup> Radhiansyah, Jovian, and Leonita, "Analysis of Fifa's Authority to Revoke Indonesia's Status as Host of the 2023 U-20 Football World Cup." , 16.

5. Guidelines for Minister of Foreign Affairs Number 3 of 2019: Minister of Foreign Affairs Regulation Number 3 of 2019 provides guidelines for regional governments in conducting foreign relations, including prohibiting the reception of Israel in official places, prohibiting the national anthem as well as flying flags or wearing attributes related to the Jewish State. The decision to reject Israel's delegation to the U-20 World Cup can be seen as an implementation of these guidelines.

However, the author also has criticism of the theory of legal positivism in the case of Indonesia's cancellation of hosting the U-20 World Cup, namely:

- a. Violating universal principles, the rejection of the Israeli delegation based on article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019 is considered to violate universal principles of non-discrimination and sportsmanship in sports.
- b. Endangering national interests, Indonesia's cancellation of hosting the U-20 World Cup caused economic and reputational losses for the country.
- c. This case shows the weaknesses of the legal system of legal positivism which is rigid and less adaptive in complex situations.

Based on the explanation above, the position of Minister of Foreign Affairs Regulation Number 3 of 2019 from the perspective of Legal Positivism theory is that it must be obeyed and implemented, because when a regulation has been established and the process is in accordance with the

regulations that have been regulated, then the regulation is mandatory to be followed, apart from that Israel's rejection is also supported by the first paragraph of the Preamble to the 1945 Constitution which reads, " Indeed, independence is the right of all nations and therefore, colonialism over the world must be abolished because it is not in accordance with humanity and justice." So the rejection that has been made by the Regional Government is in accordance with the regulations that have been set.

**D. Review of Siyasaah Dauliyah and Legal Positivism Theory regarding Indonesia's refusal to establish diplomatic relations with Israel based on Article 150 of Minister of Foreign Affairs Regulation Number 3 of 2019**

Indonesia once refused to open diplomatic relations with Israel in 2020 as a form of Indonesia's disagreement with Israel's colonialism or annexation plans for Palestine. Then, Indonesia's foreign policy is also aimed at supporting Palestinian independence through the peace framework of a two-state solution. This policy direction is the result of decision making made by Indonesia. The DPR RI is also committed, in the absence of Israel's recognition of Palestine, Indonesia will not make efforts to normalize relations with Israel.<sup>119</sup>

As a people's representative institution, the DPR RI has conveyed to the government to always consistently fight for Palestinian independence. The DPR RI has encouraged the Indonesian government to condemn Israel's plans

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<sup>119</sup>DPR RI "Puan Maharani: Indonesia will firmly not open diplomatic relations with Israel". Accessed 14 May 2024. <https://www.dpr.go.id/berita/detail/id/31145/t/Puan+Maharani%3A+Indonesia+Tegas+Tak+Aka>

which are contrary to international law and applicable UN resolutions.<sup>120</sup>In this way, the foreign policy that Indonesia has taken is to oppose Israel's annexation plans for Palestine, namely by not opening diplomatic relations with Israel and fully supporting Palestinian independence.

Indonesia's great support for Palestinian independence is not without reason, namely because of several factors, including the humanitarian factor and the main factor is Indonesia, which is predominantly Muslim and has a strong sense of solidarity or *ukhuwah Islamiyah* which is usually interpreted as fellow Muslim brothers and sisters . Therefore, Islam is also a major factor in the direction of Indonesia's foreign policy towards Israel.

Islamic law has an important role in building public order and society in Indonesia. The position of Islamic law in the national legal system is clear, Islamic law as stated in the government's legal politics in the GBHN (Outline of State Policy) stipulated by the MPR Number IV/MPR/1999 explains that the direction of legal development policy recognizes and respects religious law (including law). Islam) in organizing a comprehensive and integrated national legal system and efforts are made so that all laws and regulations do not conflict with the morals of religions (including the morals of the Islamic religion).<sup>121</sup>Therefore, the author also includes Islamic legal theory to analyze

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<sup>120</sup>DPR RI "The DPR supports the Government in strongly rejecting Israel's plan for annexation of Palestine" *DPR.Go. Id*

<sup>121</sup> Tomi Saladin And Islam Fsei, "Inclusive: Journal of Research Studies on the Position of Islamic Law in the National Legal System in Indonesia" 6, No. 2 (2021): 173. file:///C:/Users/Asus/Downloads/9747-27492-1-PB.pdf

the problems being researched, because Islamic law has an important role in the national legal order in Indonesia.

Fiqh Siyasah Dauliyah in the scope of the study of Islamic governance, is an academic study of the power and order of society in the perspective of the Islamic religion that includes international relations, dogma, tradition, history, and the thoughts of figures.<sup>122</sup> The science of international relations in the study of Islamic politics is known as *Siyasah Dauliyah*. The term *Siyasah Dauliyah* is a chain of two words that have different meanings. The word *dauliyah* has a variety of meanings, including relations between countries, sovereignty, power and authority.<sup>123</sup> From the variety of meanings of the word *dauliyah*, the meaning that suits the study of Islamic international relations is the relationship between countries. Therefore, *Siyasah Dauliyah* is the science that regulates the authority of a country in order to regulate its relations with other countries.<sup>124</sup>

International relations in Islam are based on formal normative sources and practical sources that have been applied by Muslims in history. Written normative sources come from the Qur'an and the Prophet's Hadith. From these two sources, scholars then poured it into the study of fiqh al-siyarwa al-jihad (international law about war and peace). The term "siyar" for the study of

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<sup>122</sup> M. Junaidi, "War and Jihad in the Perspective of Fiqh Siyasah Dauliyah (Historical Study Based on Sacred Texts)" 1, no. 1 (2016): 65. <https://journals.ums.ac.id/index.php/laj/article/view/2861/1865>

<sup>123</sup> Abdul Hamid Abu Sulayman . "Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought . Virginia , US: International Institute of Islamic Thought , 1993 . Pp ." 1, no. 1 (2018): 105. <https://kardana.edu.af/data/public/files/zahid-jalaly-book-review27102018061254.pdf>

<sup>124</sup> Suntana, "Politik Hubungan Internasional Islam (Siyasah Dauliyah).", 15.



international relations in Islam, according to Syarifuddin Pirzada, was used for the first time by Abu Hanifah (80-150H/699-767 AD). This discussion/study was further systematically written by his students Muhammad ibn Ahmad al-Syaibani (131-189 H/748-804 AD) in the books al-Siyar al-Kabir and al-Siyar alShaghir. Besides al-Syaibani, Imam Malik (93-179 AH/716-795 AD) also discussed international relations in his book al-Muwaththa. In later times, many scholars wrote books that studied this international relationship. Terms such as al- Jihad, al-ghanimah and al-maghazi for this discussion of international law.

The aim of international law in Islam (ad-Daulah al-Islamiyah) is essentially that Islamic government is to disseminate the message of Islam, protect and defend religion carried out by the state and its various instruments and devices. This means improving and rectifying religion and the world, upholding justice, increasing the word of Allah (i.e. implementing Islamic teachings contained in the Qur'an and Sunnah), enjoining ma'ruf and rejecting evil.

The Basic Principles of the Qur'an in International Relations are

- a. Good and fair cooperative relations.
- b. Prioritize peace
- c. Strengthen vigilance in a peaceful atmosphere
- d. War is permitted only when forced and for the purpose of self-defense
- e. Invite others to Islam in a good way. If they do evil, repay their evil in kind, don't overdo it f. You cannot force religion on other people

Discussion of international relations law can be divided into special international law and general international law. The first is the law which discusses the law of civil civil relations. In other words, special international law is also called international civil law, while general international law is what regulates diplomatic relations between each other. In the context of siyasah dauliyah, the basics of international law in Islam are used as a basis for the ulama and used as a measure of whether they are in accordance with the spirit of Al-Islam or not, in this case there are several basics or what are usually called the principles of siyasah dauliyah, as follows:

#### 1. The Principle of Human Unity

This principle emphasizes that humanity is one human unit because they are all God's creatures, even though they differ in ethnicity, skin color, homeland and religion.<sup>125</sup> Differences are a natural reality that cannot be denied. The principle of human unity is taken from the Al-Qu'an verse Al-Baqoroh verse 213;

كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّنَ مُبَشِّرِينَ وَمُنذِرِينَ وَأَنْزَلَ مَعَهُمُ

الْكِتَابَ بِالْحَقِّ لِيَحْكُمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ وَمَا اخْتَلَفَ فِيهِ إِلَّا

الَّذِينَ أُوتُوهُ مِنْ بَعْدِ مَا جَاءَتْهُمْ الْبَيِّنَاتُ بَعِيًّا بَيْنَهُمْ فَهَدَى اللَّهُ الَّذِينَ

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<sup>125</sup> Abu Sulayman . "Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought . Virginia , US : International Institute of Islamic Thought" , 1993 . Pp ."128.

آمَنُوا لِمَا اٰخْتَلَفُوا فِيهِ مِمَّنَ الْحَقِّ بِاٰذْنِهِ وَاللّٰهُ يَهْدِي مَن يَشَاءُ اِلَى صِرَاطٍ

مُسْتَقِيمٍ

*Meaning: "Man is one nation. (After disputes arose), then God sent the prophets as bearers of glad tidings and warners, and God sent down with them the Book in truth, to decide between people about matters in which they differ. There is no dispute about the Book except those to whom the Book has come, that is, after clear evidence has come to them, because of envy among themselves. So God guides those who believe in the truth about what they disagree with about His will. And God always guides those whom He wills to the straight path."*

The principle of human unity is the operational definition of the principle of monotheism, which confirms that whatever source on earth, including humans, is Allah. Therefore, the relationship between one human being and another is close. Basically, this principle requires that there be no conflict between nations, because the original relationship between humans is harmony. Thus, differences between humans must be addressed with positive thoughts to provide each other with their strengths and cover each other's weaknesses. So this principle is in accordance with Minister of Foreign Affairs Regulation Number 3 of 2019, which in this regulation rejects colonialism in order to respect fellow human beings without differentiating between one human being and another, or between one tribe and another tribe.

## 2. Principle of Equality

The principle of equality emphasizes that every nation in the world must place other nations as having the same status. Relations between nations are not permitted to take into account racial origin, religion and social status in determining the right to develop international relations. The contents of the cooperation agreement must place each nation in an equal position in terms of rights and obligations.<sup>126</sup>

### 3. AL-Musawah (equation)

Humans have the same human rights. To realize justice, it is absolutely necessary to equalize humans before the law. International cooperation is difficult to implement if it is not in terms of equality between countries and between nations.

### 4. Humanitarian cooperation

This humanitarian cooperation is the realization of the basics stated above, cooperation here is cooperation in every region and humanitarian environment, this cooperation is necessary because there is interdependence between individuals and between countries in this world.

### 5. Principles of Justice

Islamic teachings oblige the enforcement of justice both towards oneself, family, neighbors, even towards enemies even though we must act justly. Every nation has the same rights and the nation is

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<sup>126</sup> Suntana, "Politik Hubungan Internasional Islam (Siyasah Dauliyah).", 16.

responsible for what it does. According to this principle, every human being has the same rights, and it is not appropriate for a human being to feel better that he ignores the rights of other human beings. In the politics of dauliyah, peaceful coexistence can only be achieved if it is based on justice both between people and between countries, even war occurs because one of the parties is treated unfairly. Therefore, the teaching of Islam obliges the enforcement of justice both towards oneself, family, and neighbors as contained in Surat Al-Maidah verse 8 :

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

*Meaning : "O you who believe, let you be people who always uphold (the truth) for the sake of Allah, be witnesses fairly. And never let your hatred of a people encourage you to act unfairly. Be fair, because justice is closer to piety. And fear Allah, verily Allah is All-Knowing of what you do."*<sup>127</sup>

6. The principle of deliberation teaches that a decision must be the result of various agreed desires, namely by deliberation. This is in accordance with the process of forming regulations in Indonesia, where regulations are established through deliberations of the House of Representatives (DPR), as well as Minister of Foreign

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<sup>127</sup>Republic of Indonesia Department of Religion, Al-Qur'an and its Translation,..., p.99.

Affairs Regulation Number 3 of 2019 which of course goes through deliberation in its determination.

7. Tasamuh (tolerance)

This basis does not contain the broad meaning of giving in to evil or providing opportunities for evil. Allah requires rejecting hostility with better actions. This better rejection will give rise to friendship if done in the right place, at least it will neutralize tension.

8. The Principle of Human Honor

Because of this human respect, humans must not demean other humans and one group must not insult other groups. International cooperation is impossible to develop without a foundation of mutual respect. The principle of human honor requires that one nation not demean another nation. Because of this human honor, humans must not demean other humans. Human honor develops into honor for a people or community and can be developed into honor for a nation or state. The principle of human honor rejects the superior and inferior claims of nations. All humans are honorable by nature. The principle of human honor is a foundation that must be adhered to in international relations.<sup>128</sup>

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<sup>128</sup> Suntana. "The Politics of Islamic International Relations", 17.

## 9. Freedom, independence / Al-Huriyah

Freedom and independence are clearly the basis for international relations because they have a profound influence on human life.

Freedom here is further detailed, such as:

- a. Freedom of thought
- b. Religious freedom
- c. Freedom of expression
- d. Freedom to study.
- e. Freedom to own property<sup>129</sup>

With some of the principles of *Dauliyah Policy* above, where Islam upholds human values and respects people very much, the principle of Dauliyah Policy also upholds the right of every nation to be independent and determine its own destiny without colonization, and Dauliyah Policy considers Israel's occupation of Palestine to be against this principle, and consistently support Palestinian independence. Therefore, the Minister of Foreign Affairs Regulation Number 3 of 2019 is appropriate and in line with the principles of *Siyasah Dauliyah*, so it can be concluded that *Siyasah Dauliyah* clearly does not agree with the existence of colonialism, and indirectly also the principles of *Siyasah Dauliyah* are in line with Indonesian principles where Indonesia holds tightly to the principle that colonialism over the world must be eliminated. And Indonesia's rejection of Israel is in line with the principle of *Siyasah Dauliyah* or international relations in Islam.

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<sup>129</sup>Djazuli, *Siyasah fiqh Implementation of the Benefits of the People in Ramburambu Syari'ah*, (Jakarta: Putra Graphics, 2003), p.122.





## CHAPTER IV

### CLOSING

#### A. Conclusion

Based on the description previously presented, several conclusions can be drawn, namely:

1. The position of Minister of Foreign Affairs Regulation Number 3 of 2019 is included in the type of legislation in Indonesia which can be called national law. And regulations that have been established and become positive law in a legal country, according to the theory of Legal Positivism, must be obeyed. So the rejection that has been made by the Regional Governments is in accordance with the regulations that have been established, namely Regulation of the Minister of Foreign Affairs Number 3 of 2019 and the first paragraph in the Preamble to the 1945 Constitution.
2. *Siyasah Dauliyah* has the same principles and values as Minister of Foreign Affairs Regulation Number 3 of 2019 concerning humanity and rejecting colonialism. So Minister of Foreign Affairs Regulation Number 3 of 2019 is in accordance with the principles and values contained in *Siyasah Dauliyah*. In this way, the rejection that has been made by several Islamic scholars and mass organizations is in accordance with the principles of *Siyasah Dauliyah* and is in accordance with the procedures and guidelines in Minister of Foreign Affairs Regulation Number 3 of 2019.

**B. Suggestion**

From the results of the research and discussion carried out by the author, the author provides the following suggestions:

1. For the government, it is best to have clear and harmonious principles from the central government to regional governments and implement a policy in accordance with established regulations, so that similar cases do not happen again.
2. For the PSSI institution, it would be best to be able to synchronize government policies based on regulations or laws with FIFA policies so that similar dilemma cases do not occur again.

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## **LEGISLATION**

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Law Number 12 of 2011 concerning the Formation of Legislation


Law Number 11 of 2022 concerning Sports

Law Number 3 of 2005 concerning the National Sports System

Minister of Foreign Affairs Regulation Number 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments

Regulation of the Minister of Foreign Affairs of the Republic of Indonesia Number L of 2020 concerning Procedures for Forming Ministerial Regulations, Ministerial Decrees, and Decisions of Middle High Leadership within the Ministry of Foreign Affairs

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