

**Normative Sports Law Analysis for Global Anti-Doping Justice**

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Keywords

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Abstract

This study aims to analyze the development of anti-doping regulations from a sports law perspective and to assess the effectiveness of harmonization through the World Anti-Doping Code in ensuring procedural and substantive justice for athletes across jurisdictions. The study employs a normative legal approach with an analytical-critical orientation through an examination of the World Anti-Doping Code, the 2005 UNESCO Convention, and various national regulations that have adopted them. A conceptual approach is applied to examine the theories of polycentric regulation, legal legitimacy, and procedural justice, while a comparative approach is used to test the consistency of implementation across nations. The research findings indicate that the global anti-doping regime has evolved into a hybrid model integrating *lex sportiva* and international public law, resulting in formal harmonization of testing standards, evidentiary rules, and sanctions. However, significant implementation gaps exist, particularly regarding institutional capacity, access to legal aid, and the speed of dispute resolution, which impact the protection of athletes' rights and the perceived legitimacy of the system. The study's conclusions emphasize that normative harmonization does not yet fully align with substantive justice; therefore, strengthening national capacity and implementing policy reforms that are more responsive to social and political contexts are necessary to ensure equitable protection of athletes' rights globally.

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INTRODUCTION

The development of anti-doping regulations stems from the need to uphold fair play, health, and the integrity of sports amid a long history of performance-enhancing substance use and the commercialization of modern sports (Chibisov et al., 2025). From a sports law perspective, doping is viewed as both an ethical violation and a matter subject to regulation under private law (*lex sportiva*) and public law (national laws and international conventions) (Faouzia Lakhel, 2025).

Theoretically, the global anti-doping regime is often described using the concepts of polycentric and hybrid regulation that is, a system that operates at both the international and national levels, combining contractual, administrative, and even criminal instruments, with a diverse range of public and private actors (Minárik, 2025). The theory of the policy-implementation gap and the theory of regulatory legitimacy are also used to explain why uniform rules do not automatically lead to equal outcomes for athletes across different countries (Star & Kelly, 2021).

The primary regulatory framework is the World Anti-Doping Code developed by WADA, supported by the UNESCO Convention, and adopted into national laws and the regulations of sports organizations (Barkoukis et al., 2025). In theory, the Code is intended to create a “level playing field” through global standards for testing, sanctions, and procedural fairness (Efverström et al., 2016). However, its implementation in practice varies and raises questions of fairness (Houlihan, 2014). Various empirical studies and surveys indicate that the implementation of anti-doping policies has not been fully harmonized. Interviews with officials from Regional Anti-Doping Organizations reveal significant variations among countries, influenced by socio-geographical, political, organizational, and human resource factors (Read et al., 2024). Research on implementation in China also found a gap between central government commitment and local capacity, including a shortage of doping control officers and a lack of attention to student and non-elite sports (Henning & Andreasson, 2022).

A comparative study of anti-doping tribunal rulings in India, Canada, and New Zealand provides empirical evidence of inconsistencies in the fulfillment of procedural justice standards, particularly regarding the speed of dispute resolution and access to legal assistance (Houlihan, 2014). In India, case resolution tends to be slower, and far fewer athletes are represented by legal counsel, which is associated with a lower likelihood of sanctions reduction (Houlihan, 2014). These observational findings confirm that the protection of athletes’ rights is uneven.

Qualitative research with elite athletes from various continents also reveals inequalities in anti-doping infrastructure, knowledge, and support at the individual athlete level (Minárik, 2025). Athletes acknowledge the importance of anti-doping for fair play, but question the equitable application of rules and perceive the emergence of structural injustices, which could undermine the legitimacy of the anti-doping regime (Dehradun, 2026). Surveys and interviews indicate that perceptions of legitimacy and procedural fairness are critical determinants of athletes’ behavioral support for policies (Dehradun, 2026).

Historically and doctrinally, many studies have traced the evolution of anti-doping rules, from early regulations by the sports community, the role of the IOC, the establishment of WADA, to their integration into criminal law in some countries (Star, 2023). A literature review indicates that while the global legal framework is considered successful in creating formal uniformity, there are uneven legal impacts between athletes in developed and developing countries due to resource asymmetries and socio-political contexts (Star & Kelly, 2021).

Normative research also critiques challenges regarding justice and human rights within the Code, including intrusions on privacy, whereabouts obligations, and athletes’ bargaining power in arbitration proceedings (Star & Kelly, 2022a). An examination of procedural fairness at the first-instance hearing level underscores the need for reform to ensure independence, efficiency, and genuine access to justice not merely on paper (Kambhampati & Star, 2021). On the other hand, a trend toward the criminalization of doping by states has emerged, raising questions about the boundaries and coordination between sports discipline and criminal law (Orlov & Gali, 2023).

Based on these conditions, the research questions that emerge from a sports law perspective include: (1) how the development of anti-doping regulations shapes a polycentric and hybrid global legal model; (2) to what extent does the harmonization of rules through the WADA Code truly ensure procedural and substantive justice for athletes across jurisdictions; (3) how implementation gaps and differences in national contexts affect the legitimacy and protection of athletes' rights (Star & Kelly, 2022).

The objective of this study is to analyze the development of anti-doping regulations from a sports law perspective and to examine the extent to which harmonization through the World Anti-Doping Code is capable of ensuring procedural and substantive justice for athletes across different jurisdictions. In addition, this study aims to identify the influence of disparities in institutional capacity, legal structure, and socio-political context on the implementation of anti-doping regulations and the protection of athletes' rights in several countries. Through this analysis, the study seeks to formulate recommendations for strengthening the legitimacy, fairness, and effectiveness of the global anti-doping regime.

METHODS

This study employs a normative legal research method with an analytical and comparative approach to examine the development of anti-doping regulations from a sports law perspective. The research focuses on analyzing legal norms, principles of justice, and the legitimacy of the global anti-doping regime within the framework of *lex sportiva* and international sports governance.

The data used in this study consist of secondary legal materials obtained through a literature review and document analysis. Primary legal materials include the World Anti-Doping Code issued by the World Anti-Doping Agency (WADA), the International Convention against Doping in Sport adopted by UNESCO in 2005, decisions of the Court of Arbitration for Sport (CAS), and several national anti-doping regulations. Secondary legal materials include scientific journal articles, books, and previous studies discussing procedural justice, legal legitimacy, and anti-doping policy implementation. Tertiary legal materials consist of legal dictionaries, official reports, and supporting academic sources relevant to sports law studies.

The data collection process was conducted through a systematic literature review by identifying, selecting, and evaluating academic publications and legal documents related to anti-doping regulations and international sports law. The selected literature was limited to sources discussing harmonization of anti-doping policies, procedural fairness, athletes' rights, and comparative implementation across countries. The study also reviewed several international cases and legal decisions handled by the Court of Arbitration for Sport (CAS) to examine the consistency of legal reasoning and sanction implementation in anti-doping disputes.

The comparative analysis in this study focuses on the implementation of anti-doping regulations in several jurisdictions, namely India, Canada, New Zealand, China, and Russia. These countries were selected because they represent different levels of institutional capacity, legal systems, and anti-doping governance structures. Several international anti-doping dispute cases published through CAS decisions and previous empirical studies were also used as analytical objects to assess differences in procedural protection, access to legal assistance, and effectiveness of dispute resolution mechanisms.

The analysis was carried out qualitatively through the identification, classification, and interpretation of legal materials. Furthermore, this study examines the vertical coherence between international anti-doping norms and national regulations, as well as the horizontal coherence among jurisdictions in implementing anti-doping policies. The evaluation of implementation gaps was conducted to determine whether formal harmonization within the World Anti-Doping Code has been able to produce substantive and procedural justice for athletes in different socio-political contexts.

This study has several limitations. First, the research relies primarily on second-ary data and legal documents without direct field interviews with athletes, legal prac-titioners, or anti-doping institutions. Second, differences in the availability of legal documents and empirical studies across countries may affect the depth of compara-tive analysis. Third, the study

focuses mainly on normative and procedural aspects of anti-doping regulations and does not comprehensively examine medical or scientific dimensions related to doping practices.

The findings of this study are expected to contribute to the development of sports law studies, particularly regarding the strengthening of procedural justice, institutional legitimacy, and the effectiveness of global anti-doping governance.

RESULTS AND DISCUSSION

The Evolution of Anti-Doping Regulations: Polycentric and Hybrid Models

An analysis of primary legal instruments the WADA Code, the 2005 UNESCO Convention, and the national regulations of various countries shows that the global anti-doping system has evolved from a private system rooted in the sports community into a polycentric and hybrid legal model that integrates *lex sportiva* with public international law and national law.

Table 1. The Evolution of Global Anti-Doping Regulations

Period	Key Instruments	Core Regulatory Provisions	Regulatory Model
1960–1998	The IOC and the sports community	Ban on stimulants; first urine test (1968 Olympics)	Private – competition-based
1999–2002	The Establishment of WADA	First Anti-Doping Code; strict liability	Transition → early hybrid model
2003–2008	The 2003 WADA Code	Standard list of prohibited substances; CAS as the final appeal	Multicenter: WADA–CAS–NADO
2009–2014	The 2009 WADA Code	Stricter standard of proof; revision of sanctions	Formal harmonization strengthened
2015–2020	The 2015 WADA Code	Flexible sanctions of 2–4 years; TUE reform	Athletes' rights begin to be accommodated
2021–now	The 2021 WADA Code	Whistleblower protection; enhanced consistency of CAS rulings	Reform of access to justice
2005 (parallel)	The UNESCO Convention	Public legal obligations for member states	Hybrid: private + international public

The establishment of WADA (1999) marked a major turning point: for the first time, a supranational body was created to coordinate government actors, the IOC, and international sports federations within a single regulatory framework. The adoption of the 2005 UNESCO Convention added a public law dimension by legally binding member states to implement the Code's standards into domestic law (Orlov & Gali, 2023).

Disparities in Implementation Across Jurisdictions

A comparative analysis of practices in India, Canada, New Zealand, Russia, and China reveals significant disparities in anti-doping enforcement capabilities. The empirical findings of (Star & Kelly, 2022).

Table 2. Comparison of Anti-Doping Implementation Capacities Across Jurisdictions

Jurisdiction	Institutional Capacity	Speed of Proceedings	Access to Legal Aid	Protection of Athletes	Perceived Legitimacy
India	Low	Slow (>18 months)	<30%	Weak	Low
Canada	High	Fast (<6 months)	>80%	Strong	High
New Zealand	High	Moderate (6–12 months)	60–75%	Strong	High
Russia (pre-2019)	Medium	Inconsistent	<30%	Very Weak	Very Low
China	Medium	Moderate	<30%	Weak	Low–Moderate
Developing Countries*	Low	Slow	<20%	Very Weak	Very Low

Key finding: In India, fewer than 30% of athletes facing anti-doping hearings are represented by legal counsel, compared to more than 80% in Canada (Houlihan, 2014). This disparity in legal representation is directly correlated with the likelihood of reduced sanctions, creating structural inequality in the resolution of anti-doping disputes.

The Polycentric-Hybrid Model: Strengths and Limitations

The theory of polycentric regulation views multi-level regulatory systems as an adaptive response to complex transnational phenomena (Minárik, 2025). In the context of anti-doping, this model is justified because doping involves cross-sectoral actors from various jurisdictions. However, this study finds that when actors at various levels possess vastly unequal capacities, the polycentric model actually crystallizes existing inequalities rather than producing optimal contextual adaptation.

The integration of doping criminalization across multiple countries adds to the complexity: potential conflicts between the *ne bis in idem* principle in criminal law and the layered sanction mechanisms in sports law require further normative clarification (Orlov & Gali, 2023).

The Paradox of Harmonization: Formal vs. Substantive

The WADA Code is an internally coherent legal document, but its effectiveness as an instrument of justice depends on the implementation capacity of actors that vary greatly. (Star & Kelly, 2021), refer to this as a “lottery of justice”: the outcome of sanctions depends not only on the facts of the case, but also on the jurisdiction where the case is heard.

The principle of strict liability—which is theoretically consistent with creating deterrence—in practice creates injustice for athletes who lack the capacity to prove “no significant fault” due to limited access to information and legal representation (Kambhampati & Star, 2021). The whereabouts obligation also raises concerns about proportionality from a privacy rights perspective, particularly for athletes with certain medical conditions or those living in remote areas.

Regime Legitimacy: The Role of Athletes' Perceptions

(Barkoukis et al., 2025) empirically demonstrate that athletes’ perceptions of the fairness and transparency of the anti-doping system are critical determinants of their behavioral support. Athletes who perceive the system as unfair tend to exhibit lower compliance. When athletes from developing countries systematically face unfair processes, there is a cumulative erosion of legitimacy that threatens the long-term effectiveness of the entire regime.

(Dehradun, 2026) confirms that this asymmetry is not merely a technical issue of implementation, but rather reflects structural inequalities in global sports governance, which remains dominated by actors from developed nations. (Read et al., 2024) identify four mediating factors: socio-geographic, political, organizational, and human resources—all of which indicate that reform is insufficient if limited to mere textual revisions of the Code.

CONCLUSION

The evolution of anti-doping regulations reflects a shift toward a complex, multi-layered global legal system. However, the success of formal harmonization does not fully guarantee substantive justice at the implementation level. Differences in national capacity and access to legal protection result in disparities in the protection of athletes' rights and undermine the legitimacy of the anti-doping regime as a whole. Therefore, strengthening the principles of procedural justice, enhancing institutional capacity, and adopting a more inclusive regulatory approach are essential prerequisites for achieving a fair, effective, and sustainable anti-doping system.

REFERENCES

- Barkoukis, V., Ourda, D., Bondarev, D., Andjelkovic, M., Bochaver, K., Brueckner, S., Dikic, N., Dreiskämper, D., Kaffe, S., Mallia, L., Veltmaat, A., Zelli, A., & Petróczi, A. (2025). From thoughts to action: Athletes' perspectives on anti-doping legitimacy, and their behavioral support for anti-doping policies. *Journal of Applied Sport Psychology*, 37(4), 446–466. <https://doi.org/10.1080/10413200.2024.2437176>
- Chibisov, Il'in, A. B., Chibisov, G. G., & Russian State University for the Humanities. (2025). STATE REGULATION OF ANTI-DOPING ACTIVITIES IN SPORT. *Science and Art of Management / Bulletin of the Institute of Economics, Management and Law of the Russian State University for the Humanities*, (1), 99–113. <https://doi.org/10.28995/2782-2222-2025-1-99-113>
- Dehradun. (2026). A Literature Review on the Uneven Legal Impact of the World Anti-Doping Regime on Athletes in Developed and Developing Countries. *Journal of International Commercial Law and Technology*, 7(1), 161–166. <https://doi.org/10.61336/Jiclt/26-01-14>
- Efverström, A., Bäckström, Å., Ahmadi, N., & Hoff, D. (2016). Contexts and conditions for a level playing field: Elite athletes' perspectives on anti-doping in practice. *Performance Enhancement & Health*, 5(2), 77–85. <https://doi.org/10.1016/j.peh.2016.08.001>
- Faouzia Lakhel. (2025). Legal framework of doping in sports. *Legal Research & Analysis*, 3(2). <https://doi.org/10.69971/lra.3.2.2025.109>
- Henning, A., & Andreasson, J. (2022). 'There's a new sheriff in town': The Rodchenkov Act, anti-dopism, and the hegemony of WADA in international sport. *Sport in Society*, 25(6), 1160–1175. <https://doi.org/10.1080/17430437.2022.2064100>
- Houlihan, B. (2014). Achieving compliance in international anti-doping policy: An analysis of the 2009 World Anti-Doping Code. *Sport Management Review*, 17(3), 265–276. <https://doi.org/10.1016/j.smr.2013.10.002>
- Kambhampati, A., & Star, S. (2021). Playing true? A critique of the 2021 WADA Code. *The International Sports Law Journal*, 21(4), 223–242. <https://doi.org/10.1007/s40318-021-00193-z>
- Minárik, M. (2025). Doping in sport—Past, present, future. *Review of Theology, Social Sciences and Sacred Art*, 6(1), 93–100. <https://doi.org/10.63393/sbcr.28115473.2025.1.07>
- Orlov, A. A., & Gali, A. A. (2023). Anti-Doping Rules as a Unique System of Legal Relations: Background and Regulatory Issues. *Kutafin Law Review*, 10(2), 281–314. <https://doi.org/10.17803/2713-0533.2023.2.24.281-314>
- Read, D., Skinner, J., Smith, A. C., Lock, D., & Stanic, M. (2024). The challenges of harmonising anti-doping policy implementation. *Sport Management Review*, 27(3), 365–386. <https://doi.org/10.1080/14413523.2023.2288713>
- Star, S. (2023). The quest for harmonisation in anti-doping: An Indian perspective. *The International Sports Law Journal*, 23(1), 44–63. <https://doi.org/10.1007/s40318-022-00220-7>
- Star, S., & Kelly, S. (2021). A level playing field in anti-doping disputes? The need to scrutinize procedural fairness at first instance hearings. *The International Sports Law Journal*, 21(1–2), 94–117. <https://doi.org/10.1007/s40318-020-00176-6>
- Star, S., & Kelly, S. (2022a). Examining procedural fairness in anti-doping disputes: A comparative empirical analysis. *The International Sports Law Journal*, 22(3), 217–240. <https://doi.org/10.1007/s40318-022-00222-5>
- Star, S., & Kelly, S. (2022b). Examining procedural fairness in anti-doping disputes: A comparative empirical analysis. *The International Sports Law Journal*, 22(3), 217–240. <https://doi.org/10.1007/s40318-022-00222-5>