



The Urgency of Sports Health Law Tools in the New Normal Era

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Abstract

Corona Virus Disease 2019 or Covid-19 has been declared a pandemic determined by the World Health Organization (WHO). In addition to causing health emergencies, the presence of this virus also has implications for several sectors, such as finance, which originates from an unstable economy. Based on this, the role of the state is needed to ensure prevention and handling. Indonesia as a rule of law country actually has to guarantee certainty and protection of its citizens through the handling set forth in a regulation and the establishment of a synergy between the center and the regions. Then, preventive steps through this literature research review will comprehensively examine the state of the Covid-19 pandemic in Indonesia and regarding the urgency of sports health law tools in the new normal era in handling this pandemic both at the central and regional levels even through handling in perspective. emergency constitutional law. This research uses normative juridical research by means of a statutory approach and is obtained through literature study as a reference source. The results of this study are to explain and explain the role and efforts of the state in handling the pandemic as a manifestation of the purpose of the presence of the state, namely protecting the entire Indonesian nation through health sports in the new normal era.

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INTRODUCTION

Indonesia, which has been a member of the G-20 or twenty countries with the strongest economy in the world in the last few decades, has grown at an average rate of 4-5% (Sushanti, 2019). This new era is supported by demographic bonuses in which around 40% of the approximately 260 million people are educated young people with high productivity, competitive labor costs, investment climate for micro, small and medium businesses as the economic foundation is very well maintained, and democracy continues to grow dynamically amid cultural diversity. The disruption of behavior in the modernity of the industrial age 4.0 in the midst of a pandemic presents an opportunity for implementing creators, stakeholders, and policy lovers.

Coronavirus disease 2019 or (Covid-19) which is considered a genetic mutation of the SARS virus (Severe acute respiratory syndrome) and appeared in China in 2002, then at the end of 2019 similar viruses reappeared in China (Cortegiani, et al, 2020). Covid-19 which spread through the air quickly entered in all countries throughout the world to reach Indonesia. Fundamentally capital, Covid-19 which emerged in Indonesia since March 2020 led to the decline of the country's macro and micro organ joints. Sectors such as: education, social, especially economic and health, are highly affected. Health issues become a joint that has not been thought that would destroy all lines from the source of state power. State defense and security tools such as the army and police seemed unable to deal with invisible viruses.

Through the Special Agency for Handling the Acceleration of Covid-19, the government continues to work hard in an effort to reduce and reduce the spread of dangerous viruses that have not yet found a cure. Medical personnel such as doctors and nurses became heroes as the vanguard in the fight against Covid-19 transmission. However, behind all the efforts taken there arises a tremendous sorrow in which health workers who help the community one by one in carrying out their duties for the sake of the nation and state. The question now is how long will the Republic of Indonesia survive with the current pandemic situation? A large amount of funds from the allocation of changes have been spent to overcome this health crisis, then the question arises back to where the power of the government to continue to issue a budget minus this balance?

A logical consequence of the negligent behavior of some components of this nation, since

it first appeared in China, the government actually has anticipated, but rather incidental prevention. Whereas on the other hand is the culture of the community that considers health problems light, especially viruses, making this problem increasingly chaotic and seem scary. A unique scene when a pandemic situation arises, where everyone becomes very familiar with the hand-sanitizer and mask that is never separated from everyone's body. This social phenomenon arises when everyone is afraid of contracting from Covid-19. But the irony if then this becomes a social phobia. People overuse digital and social interaction through online media, it is not impossible someday a moral disintegration will arise between multi-ethnic and multicultural citizens.

Everyone is busy with the digital and economic world, over the function of technology in the world of education, on the other hand the government has a dual role in overcoming and minimizing the distribution of patients with Covid-19. These roles are: promotive, educative, preventive, curative, and persuasive in almost the same time. Like a football game, a striker, defender, goalkeeper, coach, referee, as well as spectators who play on the field. Health becomes a sector such as the heart in human organs, once affected the effects are very fundamental.

Health is closely related to body immunity or the level of endurance in the face of disease (Moses, 2018). Speaking of body immunity, can be obtained through: consumption of good nutritional intake, clean living behavior, and especially sports, and adequate rest. Some of these aspects can actually be covered through sports, this media is very effective as a promotive to curative means. Economic productivity in countries with strong economies such as China, the United States, and Japan require workers to have excellent physical quality. Health is one of them obtained from sports activities to increase the amount of oxygen intake of the maximum vital lung capacity (Indroasyoko, et al, 2019).

Questioning the importance of sports health in the sustainability of national development, a discourse then needs to be raised with the existence of the Covid-19 pandemic. The field of sports development development such as the mandate of the Indonesian National Sports System Law (UU SKN) Number 3 of 2005 covers three aspects: educational sports, performance sports, recreational sports, with not accommodating health sports. The field of sports health as an independent scientific study within the sports science family has become a study study. Then the question is why this should not be considered

in the draft revision of the SKN Law that is being discussed ?

Various studies, researches, and important findings are interesting in this paper, including: (1) Firdaus and Eliyana (2020): External control is needed through public surveillance efforts. This public participation is important which functions as a counterweight and supervisor to the running of the country through the protection of discretionary policies in handling Covid-19; (2) Wildani and Gazali (2020): moderate exercise and maintaining a safe distance are currently the safest, precise, and effective strategies to achieve healthy individual goals during the Covid-19 period; and (3) Hasibuan and Ashari (2020): the role of the state's efforts in handling the pandemic as a manifestation of the goal of the state's presence, namely to protect the entire Indonesian nation.

The author tries to dissect academically in the perspective of social dynamics, law, and sports science of the urgency of health sports in the auspices of the positive legal instruments of the Unitary Republic of Indonesia. The text of this study can ignite a number of benefits for actors and policy makers in the political and health sectors, and the sports sector to jointly formulate the field of coordination and sub-ordination of how health sports become a cornerstone in efforts to prevent and cope with the potential impacts of productivity disruption and the nation's progress.

METHODS

This research uses normative juridical research. Normative juridical writing is a literature study through secondary material (Indah, 2020). This study uses a statutory approach (statue approach), a conceptual approach, and a comparative approach (Sonata, 2014). The data source as a reference for this research is literature study (Benuf and Azhar, 2020).

RESULTS AND DISCUSSION

Sports and Social Dynamics

Sports in the perspective of cultural anthropology can be pinned on the meaning of a social paradox, where in sports culture there is a unique sitematics that does not distinguish age, taste, spiritual beliefs, and gender differences (Gristyutawati, & Purwono, 2012). This perspective deeply reveals the reasons for this, including: (1) Existence; (2) Symbols of modernity; (3) physical health; (4) Lifestyle trends; (5) Sports and entertainment events; and (6) social solidar-

ity. These six things are the foundation of why sport has become a cultural phenomenon. The interactionist theory paradigm in the perspective of sport and culture cites that: "communities are created and nurtured through social interaction, sports give meaning to how they are created" (Cottingham, 2012).

Therefore, sports appear in every culture, then and now. But every culture has its own definition of sport depending on time and space. Implicitly the social dynamics of sport is an entity in contemporary culture, through the sports hall can be seen the purest expressions such as humanity, shouting with joy, crying happily, or sadness and anger that lead to a brutal act. For a long time, sport has become an important part of human civilization.

Entities that arise are that body movements become part of the culture developed by humans, their activities can be seen to have a pragmatic meaning, and have a sacred meaning. Sport has become a dynamic and complex social phenomenon along with positive consequences, sport has a comprehensive content, where sport can also cause health benefits, such as: functional health, achievement, active participation. Then, in the perspective of functional health, exercise is a source of building body and soul resilience of humans in defending themselves from disease and can have normal functional activities, there are promotive and preventive meanings.

Furthermore, from the point of view of achievement in health sports, sport is not always seen as a form of competition that defeats each other and wants victory, but how sport can provide a role as a medium of treatment from those who experience bodily, mental and spiritual functional disorders, and this goes into in the curative realm. Meanwhile, this active participation includes the spirit of olympic values and the value of sports for all in all activities arising from conscious human effort through physical movement together.

Sports in a Health Perspective

The symbiosis between sport and health has a close relationship with spiritual and physical well-being. Explicitly, being healthy can be interpreted as a dynamic situation where individuals are able to adapt to changes, both changes in the internal environment (psychological, intellectual, spiritual and disease) as well as changes in the external environment (physical, social, and economic environment) in maintaining their health (Svalastog, et al, 2017). Sport creates conditions that enable perfection of physical, mental

and social functions, and are free from disease or decline in organ functions (Febriyani, et al, 2018).

In addition, sport is also able to provide services in communal health, because through sports it can essentially provide an activity or effort to deliver health messages to the public, groups or individuals (Malm, et al, 2019). This includes: (1) Providing knowledge and skills about the principles of healthy living; (2) Cultivation of healthy behavior or habits and the deterrence of bad influences from outside; (3) Training and planting a healthy lifestyle so that it can be implemented in everyday life.

Therefore, it is fitting for health sports to be the basis in facing the new normal era. The effectiveness of sport in health places it in a position where: (1) From an educational promotive perspective, sport is able to describe the community's knowledge, attitudes and skills for healthy living behavior; (2) Preventive, sports give messages and encourage people to be spiritually, physically and socially healthy; and (3) Curatively persuasive, sport presents people to have a deterrent ability to influence bad environment.

Sports in a health perspective intersects with the theory of planned behavior, where: "behavior from a biological view is an activity or activity of the organism concerned (Song & Park, 2015). Behavior and behavioral symptoms that appear from the activities of these organisms are influenced by genetic (hereditary) and environmental factors. Behavior is the result of the relationship between stimulants (stimulus) and responses (Hermahayu, et al, 2019).

Humans as social creatures have a relationship between one another and this can use sports as a mediator to deliver goals. Sports with good quality and intensity are able to: (1) Control body blood sugar; (2) Reducing the risk of high blood pressure; (3) Prevents back pain, (4) Prevents obesity; (5) Postpone physical limitations when old age; (6) Preventing heart disease and stroke; and (8) Reducing the risk of osteoporosis.

Urban Sport and The New Normal Era

Health sports were developed as a pillar in developing aspects of fitness in society in order to improve the quality of the whole human being. The official establishment of WHO (World Health Organization) related to Covid-19 or other infectious diseases as a pandemic has encouraged governments, related agencies, and aid organizations around the world to turn containment efforts into mitigation. The Covid-19 pandemic has influenced all aspects of human life. Then, in

the handling of the Covid-19 Outbreak, various countries established various policies to deal with widespread dissemination. The health sector is the area of concentration of various parties or countries as affected by Covid-19. Various studies on health and fitness related to the body's immune system in an effort to deal with the dangers of Covid-19. Many articles appear, studies that discuss how, methods, health tips in order to increase endurance against the Covid-19 outbreak.

Seeing the many benefits that can be obtained by doing physical activity on a regular basis is able to increase body immunity. Sports activities with physical activity will be able to improve mental health, and reduce the risk of depression, cognitive decline, and prevent dementia. This will certainly benefit anyone When faced with the danger of the Covid-19 pandemic. So people will start to be interested in physical activity to improve fitness for body immunity.

One alternative to health sports in the developing modern era is urban sport. Urban sport is an alternative sport that is carried out in urban areas with limited land and areas (Smith, 2010). Urban Sport arises from children who need sports activities but are constrained by limited land. Urban sports began to develop in the Industrial Revolution Era 4.0 which gave rise to many metropolitan cities. Urban Sport arises from spontaneous expression and improvisation with limited land availability. One type of urban sport that developed at the beginning was a street sport that was done by children of basketball and soccer by doing street basketball and Street Soccer. Then it developed with other street sports in the modern and contemporary era without realizing it, urban sport can be said to be highly developed in many countries including Indonesia.

Some characteristics of urban sports are basically health sports that are recreational and are carried out with the aim of pleasure. Urban sports contain elements of creativity, and challenges which tend not to have fixed rules. Another feature of urban sports in this modern era is that it contains elements of entertainment that have been packaged in a professional manner (Pyea, et al, 2015). The professional in question is urban sport performers who have the skills and expertise to do and they practice to play it so they can entertain when shown. The last characteristic of urban sport is the element of fun and hobbies, besides that many young people who pursue urban sport a lot to become a hobby, so that not many teenagers who do this sport to become addicted (addict sport).

Based on the above characteristics, several

examples of urban sports that have developed include: street sports, parkour and bike parkour, free running, freeletics chalestenic and street workout, slackline, skateboarding, street and break dancing, BMX, scooters and roller skates and many others . The dynamics of the current millennial generation are closely related to technological disruption in various fields. Disruption in the field of transportation technology and technology in everyday life especially makes the activity of movement in this generation to be low. Almost all human activities today can be facilitated with technology that makes it lazy and less mobile.

The problems that arise are of course how this millennial generation can still have good fitness and health and are always productive with limited mobility. Then in urban areas where there is exercise, the place of exercise becomes increasingly limited, it will also encourage people to move less. Furthermore, in some urban sport countries have developed into communities where adolescents and young people and even children can do sports activities with limited space and areas. Judging from the characteristics of urban sports can certainly be seen from various aspects including: activities and needs of movement, social aspects development, maturity and mental health of a person.

Urban sport as a motion activity which means that the activity contains elements of motor ability and the development of physical aspects (physical fitness). For example parkour as an activity that contains these elements. Someone who wants to learn parkour certainly does not directly learn complex movements such as somersaults or extreme movements first. They will gradually learn from simple to complex movements. Then they also certainly need abilities that they have to practice such as strength of the legs, hands and of course endurance as a supporter of their movements. This means they will need time to practice to become even professional.

Urban sports develop social aspects which means that the types of urban sports mostly derive from hobbies and creativity. So as to encourage someone with similar interests and hobbies to join one another, socialize to form a community, in Indonesia itself there have been many emerging urban sports communities such as: BMX, skateboarding, freeletics, parkour, roller skates and many other types of urban sports. Communities or organizations are formed from the common interests, hobbies, and interests of several people. The emergence of these communities will certainly develop one's social aspects.

Urban sports also develop aspects of men-

tal health which means that activities through urban sports are carried out on the basis of pleasure, then the intensity of the exercise that is not strenuous and does not burden. Healthy physical activity will certainly avoid stress anxiety and depression, foster optimism, unyielding spirit. People who are doing physical activities with pleasure will have a stronger mental level from the aspects of optimism, motivation, fighting spirit, self confidence.

The Covid-19 pandemic does not only affect mental health, limiting unusual activities due to being "laid off" or working from home will lead to boredom. For example, at the level of the older groups, this policy also impacts cognitive decline/dementia, making them more anxious, angry, stressed, and restless. The new normal era is a time when humans are confronted with a new order after the Covid-19 pandemic. The government has appealed to the public to be prepared for new normal, aka living side by side with Covid-19 while undergoing activities as usual with the limitations and the health protocol.

As a step in this regard facing the new normal era requires physical activity as the body's immune needs and is also able to refresh the brain so as to avoid mental health disorders. Urban sports as an alternative motion activity that can be done as an alternative sport in the new normal period. Choose alternative sports or motion activities tailored to the current normal era and the fun of each.

Some urban sports as alternative sports that can be chosen include: (1) Sport at home include: freeletics workout at home, chalestenic, dance & aerobic at home; (2) Utilizing the street sports and freestyle sports home page, slackline, simple parkour; and (3) Utilizing less crowded streets, skateboards, street and break dances, bmx, scooters and rollerblading, free running parkour & bike parkour. Some of the sports categories in urban sports can be done as an alternative sport for young people and millennials with the following advantages: starting from the fun and interests; tend to be cheap and easy to do in leisure time; can develop talent; strengthen physical and mental health; and channel hobbies through motion activities.

However, if viewed from the type of urban sports, several things we must pay attention to especially in the new normal era Covid-19 include: (1) Paying attention to safety if the sport involves complex aspects of motion such as parkour, parkour bike and others that require accompaniment; (2) Intensity must also be considered and adjusted to the age and movement needs; (3) It is

best to be programmed even though most people who have enjoyed what they have done can forget time; (4) choose sports that can be done alone or just a few people such as family; and (5) always applying health protocols in sports.

National Law Systematics

Health is one of the basic human needs, which has constitutional rights guaranteed. Article 28 H paragraph (1) of the 1945 Constitution of the Unitary Republic of Indonesia (NKRI) states that "Every person has the right to live in peace and harmony, to live, and to have a good and healthy living environment and the right to obtain health services"(Hutapea, 2016). The inclusion of these provisions in the 1945 Constitution illustrates an extraordinary paradigm shift. Health is seen as no longer merely a private matter related to the fate or gift of God that has nothing to do with the responsibility of the state, but rather a legal right that is guaranteed by the state.

Accordingly, the WHO Constitution of 1948 has also emphasized that "obtaining the highest degree of health is a human right for everyone" (the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being). The term used is not "human rights", but "fundamental rights", which if we translate directly into Indonesian becomes "hak-hak dasar" (basic rights).

Evidence that the presence of the state in guaranteeing the basic human needs in the health sector, namely the existence of Law Number 36 of 2009 concerning Health. However, it cannot be denied that health can be obtained by exercising. Therefore, sports health is an effort that can be done by the community through physical activities, physical training, and/or sports to improve the degree of public health and physical fitness. This is in accordance with Article 80 and Article 81 which specifically addresses sports health. If the Law on Health still contains rules regarding sports health, it is different from Law Number 3 of 2005 concerning the National Sports System (UU SKN) which apparently does not accommodate any rules regarding sports health.

In accordance with the hierarchy of laws and regulations in force in Indonesia, it should be stated in the form of a law on sports health, what must be done next is to make the rules below as a derivative of the law. This is done so that the rules that have been outlined in the law can be implemented in the form of Government Regulations as implementing regulations on sports health which are certainly more specific.

As for efforts to deal with the Covid-19

pandemic, a series of legal instruments are needed to reduce the rate of its spread (Nurhalimah, 2020). Indonesia is currently in a phase of new normal life that requires its people to live a normal life, but also must co-exist with Covid-19. Responding to this new normal era, the authors argue that it is time for the public to be given knowledge and understanding of sports health. To expedite the process, it is very much needed Government Regulations regarding Regulations on the Implementation of Sports Health.

This is very important, because through these government regulations the central and regional governments can optimally elaborate on what has been regulated in Article 80 and Article 81 of Law No. 36 of 2009 concerning Health which regulates sports health. The urgency of government support, both central and regional in the implementation of sports health is needed in a new normal life in the midst of the existence of Covid-19. Therefore, sports health will be successful when all parties together with the government collaborate and work together to create a healthy, fit and productive society.

Improved coordination, collaboration and partnerships between cross-programs and related sectors largely determine Indonesia's success in getting out of the Covid-19 problem and showing the world that with a new normal life, Indonesian people can survive side by side with Covid-19. This happens because the Indonesian people have succeeded in implementing the mandate of Article 80 and Article 81 of Law No. 36 of 2009 concerning Health and Government Regulations concerning Sports Health Implementation Regulations through routine habits in carrying out physical activities by means of physical training or sports to improve the degree of physical health and physical fitness of the community, so that people are not easily exposed to Covid-19. Then, in this way the presence of the state in providing health insurance to its people is very much felt.

Sports should be part of the process and achievement of national development goals, so that the existence and role of sports in the life of society, nation and state must be placed in a clear position in the national legal system.

Sports and Health Law

Today, the world is faced with a similar problem, namely the spread of Covid-19. The health crisis also hit the world, various policies have been carried out by their respective governments. Specifically in Indonesia, the government has made efforts to reduce the number of additional cases of the spread of Covid-19. These ef-

forts, among others, must use masks/PPE (personal protective equipment), social distancing/physical distancing to Large Scale Social Restrictions (PSBB) (Rahmatullah, 2020). After all of these policies have been carried out, now Indonesia has again issued a new policy in the effort to deal with Covid-19, namely the community is expected to coexist with Covid-19 or referred to as the new normal era. Actually, there are things that can be done before the massive spread of Covid 19 occurs in Indonesia. Of course, this is done as a preventive measure to prevent the large number of people exposed to Covid-19.

These preventive measures have actually been accommodated in Article 80 and Article 81 of Law Number 36 Year 2009 concerning Health. Based on these rules, it has been explained that there are sports health efforts aimed at improving public health and physical fitness. Health efforts that utilize sports or physical exercise to improve health status. Routine habits in physical activity, physical exercise, and or sports, in addition to increasing fitness can also improve work performance and productivity. Therefore, people who are fit don't get sick easily and even if they fall ill it won't be as bad as people who aren't fit.

Physical fitness is very much needed in a new normal life amidst the plague of Covid-19 in Indonesia. Therefore, the authors argue that it is not excessive if the implementation of sports health is a priority of the government, both central and regional to synergize with each other in the successful implementation of sports health and make physical activity, physical exercise, and or sports a lifestyle in daily life. So that all play a role in welcoming the new normal life, both the central and regional governments and the people themselves.

Based on Article 81 paragraph (2) of Law No. 36 of 2009 concerning Health explained that the implementation of sports health efforts must be carried out by the government, local government and the community. However, this has not been fully supported by the relevant stakeholders (stakeholders). There is still sectoral ego in institutions/ministries/local governments so that policies, programs, and activities that are prepared and implemented partially, are ineffective and inefficient. Therefore, coordination and harmonization efforts need to be increased.

So that the implementation of programs and activities can run well, it needs to be supported by adequate regulations. Changes and drafting of regulations are adapted to global, regional and national challenges. The regulatory framework is aimed at providing regulations re-

lated to sports health. The regulatory framework that will be drawn up includes the formulation of relevant government regulations and ministerial regulations, including in the context of creating synchronization and integration of the implementation of sports health between the center and the regions. Therefore, in this new normal era, it is expected that the following regulations will be able to provide solutions to the implementation of sports health in Indonesia, including: (1) Government Regulations on Sports Health Implementation Efforts; (2) Minister of Health Regulation concerning Sports Health; and (3) Guidelines and Technical Guidelines, including planning and Deconcentration Funds, Sports Health Data Management.

CONCLUSION

Based on the review of the above study, it can be concluded that Covid-19 which has spread throughout the world also has an impact on important sectors in Indonesia. The community then realizes that health problems make disruption of productivity and progress of the nation. Health potential through increasing one's body immunity is obtained through exercise. Sports that have become a culture, are always dynamic, including the emergence of urban sports in the midst of a pandemic that also marks life in the new normal era.

Therefore, it then becomes important to make the field of health sports stand alone apart from other fields such as sports education, achievement and recreation. Based on all of that then a legal tool that regulates the jurisdiction of sports health is needed.

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