

ADVISORY | Addressing the eDoping Threat; Indonesia's Legal Approach



PREFACE

The pursuit of athletic excellence has long been intertwined with challenges to maintain fairness and uphold the true spirit of competition. While traditional doping practices have dominated anti-doping efforts for decades, the digital age has ushered in a new frontier: eDoping. This emerging phenomenon utilizes technological methods to manipulate performance and gain an advantage. The recent controversy surrounding the "Netflix.exe" incident in the Indonesian Valorant community serves as a striking example of the impact eDoping can have on esports. Moreover, it is crucial to recognize that eDoping is not confined to the realm of esports; its influence extends even into traditional sports.

This article delves into the intricacies of this issue within the Indonesian context. We establish a clear definition of eDoping and existing regulations. We then look at relevant case studies in the Indonesian esports community to understand what eDoping may entail. Next, we examine the real-world impact of eDoping practices on stakeholders and explore the challenges posed to detection, evidence collection and awareness efforts. Finally, we propose necessary actions to combat this threat through regulatory enhancements and collective responsibility. Thus, we aim to contribute to the discourse on preserving the spirit of competitive integrity against the novel challenges introduced by technological advancements.

1. EXPANDING THE DEFINITION AND CURRENT REGULATIONS

Before delving into the complexities of eDoping in Indonesia, establishing a precise definition of eDoping is essential. Understanding the nuanced definition of eDoping and its distinction from legitimate technological advancements constitutes the initial step in effectively addressing this issue within the sports landscape. This foundational clarity provides the groundwork for further analysis. It also allows us to examine the existing regulatory framework and its adaptability to novel forms of cheating.

The emergence of eDoping necessitates a broader understanding. Unlike its physical counterpart, eDoping transcends the manipulation of the athlete's body and ventures into the digital realm. A stark example is the case of Nikhil "Forsaken" Kumawat during the eXTREMESLAND 2018 Finals, where his use of a certain program granted him an unnatural advantage by allowing him to see through walls and automatically target opponents, fundamentally compromising the principles of fair play.¹ Additionally, eDoping's effect can be felt beyond esports, infiltrating traditional sports like chess. The rise of online chess has raised concerns about possible technological manipulation, with accusations suggesting players are using chess engines to analyse positions on the fly, gaining an advantage surpassing even the capabilities of the world's best chess grandmasters.² The application of eDoping in chess would also extend to cases where players receive outside communication through technological means during live games to determine the best move.³

Traditionally, doping has been defined by the World Anti-Doping Agency ("WADA") Code as "the occurrence of one or more anti-doping rule violations."⁴ These violations encompass a range of prohibited substances and methods aimed at artificially enhancing an athlete's physical performance. Examples include anabolic steroids, blood manipulation techniques, and specific masking agents.⁵ However, the emergence of eDoping necessitates a broader understanding of this concept. Unlike its physical counterpart, eDoping transcends the manipulation of the athlete's body and ventures into the digital realm. It involves the utilization of technological tools to enhance performance, create an uneven playing field, and gain a competitive advantage.

¹ Nichola Daunton, 'One map away from winning: How one player rocked Indian esports' Euronews (9 July 2022) <https://www.euronews.com/next/2022/07/09/one-map-away-from-winning-how-one-player-rocked-indian-esports> accessed 12 February 2024

² Chess.com, 'About Online Chess Cheating' (10 October 2022) <https://www.chess.com/article/view/online-chess-cheating> accessed 12 February 2024.

³ Alex Finnis, 'How do you cheat at chess? The Hans Niemann cheating scandal explained and what he's said about it' iNews (6 October 2022) <https://inews.co.uk/sport/chess-cheat-how-hans-niemann-cheating-scandal-explained-what-said-1896827> accessed 12 February 2024

⁴ Articles 1&2 WADA Code 2021

⁵ World Anti-Doping Code International Standard Prohibited List 2024

In Indonesia, WADA is represented by the Indonesia Anti-Doping Organization (“**IADO**”). IADO was established under the Indonesian Ministry of Youth and Sports as a national level anti-Doping task force that is independent and affiliated with WADA and regional anti-Doping agencies.⁶ The Indonesian Sports Law also refers to IADO as the body that is authorized to regulate anti-doping in Indonesia.⁷ Regarding its content, the specific regulation establishing IADO specifically mentions that it should adhere to the WADA Code in performing its function.⁸ Subsequently, IADO’s definition of doping is identical to the WADA Code, which is that doping is the use of prohibited substances and/or methods to enhance sports performance as well as any other violation of anti-doping regulations.⁹ A similar definition of doping is used in the Indonesian Sports Law.¹⁰

When it comes to esports specifically, the Esports Federation of Indonesia’s (“**PB ESI**”) Regulations take precedence, as they are the detailed rules established by Indonesia’s government-recognized governing body for esports. PB ESI is the parent organization of esports as a competitive sport in Indonesia, which the Indonesian Sports Law grants authority to enact its administrative-level policy for the field of esports, known as PB ESI Regulations.¹¹ In this case, the PB ESI Regulations specifies that the use of prohibited substances or methods to gain an undeserved competitive edge qualifies as doping.¹² PB ESI has even highlighted eDoping specifically, pointing it out as an outstanding issue in the esports community.¹³ Based on this, eDoping can be understood as “the use of technological methods to enhance performance and gain an underserved advantage” under the current regulations in Indonesia.

While the specific methods and technologies employed in eDoping vary across esports and traditional sports utilizing technology, the underlying principle remains the same: achieving an advantage through external means (such as exploiting algorithms, software, and technological tools) to strengthen an athlete and result in unequal starting state compared to opponents. It’s essential to distinguish that doping, in this context, focuses on enhancing one’s own performance rather than making others perform worse (which would instead fall under sabotage or unsportsmanlike conduct). However, not all use of technological advancements in esports fall under the umbrella of eDoping. Legitimate training tools, performance analysis software, and even certain hardware upgrades do not inherently violate fair play principles. The crucial factor in differentiation lies in the intent and impact, as technologies should not provide an inherent advantage that undermines the fundamental principles of fair competition.

⁶ Article 2(1), Regulation of the Minister of Youth and Sports of the Republic of Indonesia Number 1 of 2021 Concerning the Indonesian Anti-Doping Body

⁷ Article 98(3), Law No.11 of 2022 on Sports

⁸ Article 3(2), Regulation of the Minister of Youth and Sports of the Republic of Indonesia Number 1 of 2021 Concerning the Indonesian Anti-Doping Body

⁹ Article 1, Indonesia Anti-Doping Organization (IADO) Rules 2024

¹⁰ Article 1(21), Law No.11 of 2022 on Sports

¹¹ Article 36(5), *Ibid*

¹² Article 1(19), PB ESI Regulation No. 034/PB-ESI/B/VI/2021

¹³ Arnidhya Nur Zhafira, ‘PB ESI highlights e-doping as an important issue in esports’ Antaranews (30 January 2024) <https://www.antaranews.com/berita/3938382/pb-esi-soroti-e-doping-sebagai-salah-satu-isu-penting-dalam-esports> accessed 12 February 2024

2. CASE STUDIES ANALYSIS

The recent "Netflix.exe" incident in the Indonesian Valorant community sent shockwaves through the Indonesian esports scene. While the investigation remains ongoing, the allegations paint a worrying picture. During a Valorant Champions Tour qualifier, an Indonesian player named Mica was accused of using a cheat software disguised as a program named "Netflix.exe."¹⁴ Evidence shared by caster Bredel, included a folder named Fantech Audio found on Mica's computer, containing the suspicious "Netflix.exe" file. Further investigations unearthed a text file with instructions on disabling Riot Games' Vanguard anti-cheat and activating aim assist, a feature granting significant targeting advantages. The Indonesian Esports Federation has not addressed this incident in specific but is unequivocal in its opposed stance to the use of such programs. This incident exemplifies the deceptive nature of eDoping, where seemingly harmless names mask sophisticated cheating tools, making detection even more challenging.

Another case of eDoping in the Indonesian esports scene involved player "MSCZEINFYSARC" from the semi-pro team MSC Arcane during the DGWIB tournament in 2022.¹⁵ The player faced accusations of resorting to cheats, prompting a thorough investigation that uncovered conclusive evidence. As a consequence of these findings, the entire team faced disqualification from the tournament, while "MSCZEINFYSARC" bore the weight of a permanent ban from all official PUBG Mobile Indonesia tournaments. This incident serves as an example of the disciplinary measures that can be taken once eDoping has been identified.

These cases ignited discussions surrounding the legal ramifications of eDoping. However, navigating this legal terrain proves complex due to the absence of specific anti-eDoping legislation. While the anti-doping regulations under the Sports Law exist, their focus on traditional physical sports leaves the nuances of the digital realm largely unaddressed. Additionally, the rapid growth of esports means legal frameworks haven't fully matured to encompass its intricacies. Here, the PB ESI Regulations offer a crucial piece of the puzzle, outlining two distinct categories of violations, which are "in-game" and "out-of-game" violations.¹⁶

¹⁴ Abhimannu Das, 'Valorant's "Netflix.exe" Cheating Hack Leaves Indonesia Challengers in Disarray' AFK Gaming (28 January 2024) <https://afkgaming.com/esports/news/valorants-netflixexe-cheating-hack-leaves-indonesia-challengers-in-disarray> accessed 12 February 2024

¹⁵ Mouza Putra Ibrahim, 'Cheating at DGWIB, MSC ARCANE Player Permanently Banned' Metaco.gg (11 February 2022) <https://m.metaco.gg/pubg/cheating-dgwib-pemain-msc-arcane-sanksi-banned-permanen> accessed 12 February 2024

¹⁶ Article 42 (1), PB ESI Regulation No. 034/PB-ESI/B/VI/2021

In-game violations occur directly within the competitive sphere and encompass actions that compromise fair play. This includes utilizing unauthorized software like "Netflix.exe" or "aimbots" that grant unfair advantages, employing "jockeys" who compete on behalf of another player, and breaching the established rules of sanctioned Esports Leagues, Tournaments, and multi-sports events. Out-of-game violations extend beyond the immediate gameplay and encompass a broader range of actions that impact the integrity of the esports ecosystem. This includes misusing the PBESI name through impersonation or misrepresentation, breaches committed by professional teams such as violating employment contracts, improper player transfers, and failing to fulfill obligations to PBESI. We can see here that eDoping would fall squarely in the category of in-game violations.

When professional athletes engage in such in-game violations, the PB ESI Regulations outline a range of potential sanctions, including¹⁷:

1. **Mild reprimand:** For minor offenses, a verbal or written warning may be issued.
2. **Severe reprimand:** More serious infractions can result in a stronger formal reprimand.
3. **Suspension/temporary suspension of membership:** Depending on the severity, temporary suspension from competing or participating in PBESI activities can be imposed.
4. **Revocation of Professional Esports Athlete status:** In egregious cases, the athlete's professional status within the organization may be revoked.
5. **Dismissal from PBESI membership:** The most severe consequence involves complete expulsion from the Esports Federation.
6. **Fine:** Additionally, financial penalties may be levied as part of the disciplinary measures.

Analyzing the "Netflix.exe" and "MSCZEINFYSARC" cases through the lens of the PB ESI Regulations reveals clear violations in both instances. Even though the PB ESI Regulations don't explicitly mention "eDoping," the use of unauthorized software like "Netflix.exe" would likely fall under the category of "utilizing unauthorized software" and could incur any of the aforementioned sanctions. This is further supported by the existence of instructions found on Mica's computer detailing how to disable Riot Games' Vanguard anti-cheat and activate aim assist.¹⁸ The same is true for the "MSCZEINFYSARC" case, as the evidence gathered during the investigation in this PUBG Mobile tournament was damning. The player, "MSCZEINFYSARC," demonstrably used unauthorized cheat software, a clear violation of "utilizing unauthorized software."

¹⁷ Article 42 (3), *Ibid*

¹⁸ Abhimannu Das, 'Valorant's "Netflix.exe" Cheating Hack Leaves Indonesia Challengers in Disarray' AFK Gaming (28 January 2024) <https://afkgaming.com/esports/news/valorants-netflixexe-cheating-hack-leaves-indonesia-challengers-in-disarray> accessed 12 February 2024

While both the "Netflix.exe" and "MSCZEINFYSARC" cases demonstrate clear violations of fair play principles, since both of these players were not registered as professional esports athletes with the Esports Federation of Indonesia, it cannot directly sanction them under the PB ESI Regulations. However, existing practice within the PB ESI shows that there are still steps that can be taken. Firstly, the PB ESI has demonstrably imposed bans on players caught cheating, such players would be blacklisted from competing at official PB ESI-recognized events. Other than that, the PB ESI also often coordinates with game publishers, tournament organizers, clubs, and other members of the community to verify the identity of individuals being called up to represent Indonesia in multi-sports events (SEA Games, Asian Games, etc), such that individuals who have been involved in eDoping cases are guaranteed never to participate in such events.

While the current landscape might see eDoping primarily impacting competition through rule violations, the potential for escalation into positive law violations exists under specific circumstances. As an example, if the "Netflix.exe" software in the above case manipulates game data, systems, or utilizes unauthorized access methods, it could potentially fall under the Electronic Information and Transactions Act (Law No. 11 of 2008). This Act criminalizes acts that alter, damage, or destroy computer systems or data, or interfere with their functioning. Another example would be if the eDoping software involves collection of personal data belonging to other players or spectators, which could violate Law No. 27 of 2022 on Personal Data Protection. Depending on the nature and extent of the data breach, this could lead to significant legal repercussions.

In-Game Violations

- eDoping
- Bug Exploitation

Out-of-Game Violations

- Misrepresentation
- Collusion

3. THE IMPACT OF EDOPING

The burgeoning phenomenon of eDoping in competitive gaming and traditional sports presents multifaceted challenge with far-reaching consequences. To ensure the integrity and ethical foundation of these domains, a thorough investigation of its impact on athletes, fair competition, and the broader sports ecosystem is essential. Firstly, eDoping introduces a host of ethical and moral dilemmas for athletes involved in competitive gaming and traditional sports. The use of deceptive software, as exemplified by the "Netflix.exe" incident places a dark shadow on the pursuit of excellence. Athletes implicated in eDoping cases face not only potential bans but also significant damage to their reputations and integrity. This threatens the very essence of sportsmanship and fair play, as competitors resort to surreptitious means to gain an advantage, undermining the principles that form the foundation of athletic endeavours.

Secondly, the competitive landscape undergoes a profound shift with the advent of eDoping. As seen in the case of "MSCZEINFYSARC" from MSC Arcane, teams implicated in eDoping incidents face severe consequences, such as disqualification from tournaments and permanent bans for players. This not only disrupts the equilibrium of competitive gaming but also raises concerns about the legitimacy of victories and the fairness of the playing field. Such incidents erode the trust and credibility within the esports community and traditional sports, posing challenges to the establishment of a level and equitable competitive environment.

Thirdly, eDoping transcends the digital realm, challenging the very integrity of sports. The use of cheat software and deceptive tactics undermines the trust placed in athletes and the sanctity of competitive endeavours. Beyond individual cases, the pervasive threat of eDoping casts a shadow on the entire sports ecosystem, prompting questions about the efficacy of anti-doping measures and the need for more stringent regulations. Maintaining the integrity of sports becomes an uphill battle as eDoping threatens the spirit of fair play, sportsmanship, and the principles that define the noble pursuit of athletic excellence.

The widespread threat of eDoping demands immediate action. There needs to be heightened vigilance from governing bodies, esports organizations, and even traditional sports institutions to protect athletes from temptation and maintain fair competition. Robust regulatory frameworks must be established to safeguard esports' integrity and uphold the core values of sportsmanship, both online and off. Only through continuous adaptation and collective commitment can we effectively combat eDoping's evolving threats and ensure a level playing field for all participants.

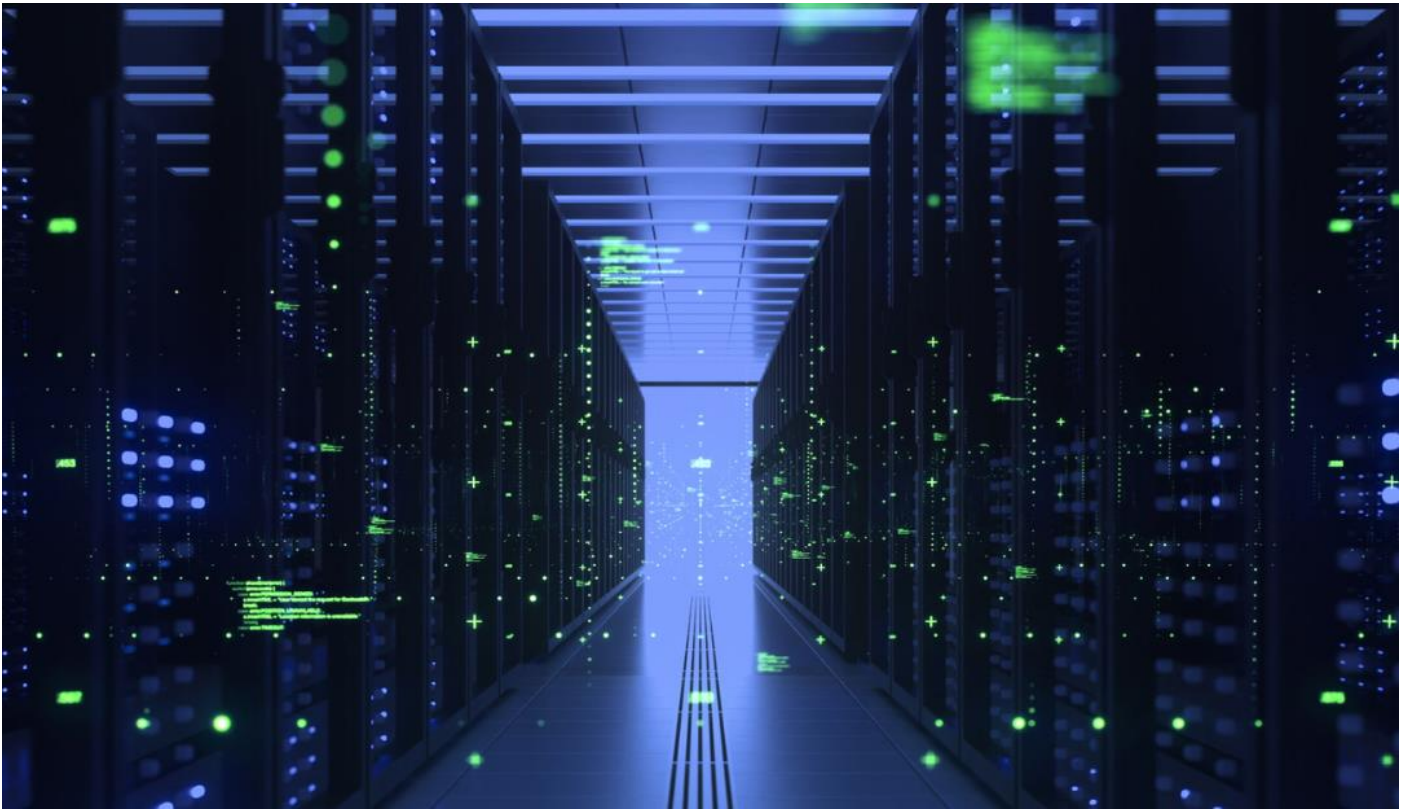
4. CHALLENGES IN ADDRESSING EDOPING

Embarking on a detailed exploration of the challenges posed by eDoping, this section delves into three key aspects: detection, evidence collection, and the crucial issue of awareness. The practice of eDoping presents a unique set of hurdles for effective detection, as it often leaves intangible footprints, contrasting with the more traceable nature of physical doping. The complexities deepen when considering evidence collection, where specialized expertise and collaboration with tech companies and cybersecurity professionals are essential, especially in an era dominated by online competitions. Finally, a notable challenge lies in the pervasive lack of awareness surrounding eDoping within esports and traditional sports communities, highlighting the need for proactive education among viewers, athletes, tournament organizers, and game publishers.

Unlike traditional doping, eDoping operates predominantly in the digital realm, leaving behind intangible footprints that pose a significant challenge for detection. In contrast to physical substances that leave traces, identifying modified codes, hidden programs, or other types of software becomes inherently challenging, especially when there are constantly new methods of eDoping being innovated. This difficulty is exacerbated when eDoping methods utilize sophisticated techniques to disguise their presence, making it imperative to develop advanced and adaptive detection mechanisms that can keep pace with evolving methods.

The intricacies of collecting and analysing digital evidence add another layer of complexity to combating eDoping. Specialized expertise and resources are crucial for tasks such as accessing encrypted files, tracing online activities, and differentiating between legitimate software and malicious tools. Collaboration with tech companies and cybersecurity professionals becomes essential to navigate the evolving landscape of digital competition, especially in an era where online tournaments and competitions dominate. This multifaceted collaboration is indispensable to ensuring a robust and comprehensive approach to evidence collection against the elusive nature of eDoping.

Another fundamental challenge in addressing eDoping lies in the pervasive lack of awareness within the esports and traditional sports communities. Awareness around eDoping needs a significant boost among viewers, athletes, tournament organizers, referee, administrator and/or game publishers. The biggest challenge lies not just in recognizing violations, but in understanding the specific nature of "eDoping." Many perceive it as a general rule break, unaware of its distinct category and the sophisticated methods it encompasses. This lack of awareness hinders proactive identification and effective prevention measures. Educating stakeholders about the deceptive nature of seemingly harmless programs, as highlighted in the "Netflix.exe" incident, is paramount for fostering a collective commitment to maintaining the integrity of competitive gaming.



5. NECESSARY ACTIONS TO COMBAT EDOPING

As technology continues its rapid evolution, anti-doping regulations must remain dynamic and adaptable to address emerging eDoping methods. The proactive definition of new eDoping techniques, the establishment of clear detection protocols, and the delineation of appropriate disciplinary measures are critical components of a robust defence against the clandestine practices of eDoping. Continuous revisions and updates to these regulations are essential, as a stagnant framework leaves vulnerabilities that can be exploited. These regulatory advancements aim to specifically address the challenges associated with detection and evidence collection, ensuring that the evolving tactics of eDoping are met with an equally dynamic and effective response.

Raising awareness emerges as a cornerstone in the battle against eDoping, encompassing athletes, officials, and the broader public. Educational programs and other efforts play a pivotal role in equipping athletes with the knowledge needed to identify and resist the temptations of eDoping. Simultaneously, training for officials becomes essential, enabling them to recognize suspicious activities and effectively employ detection tools. Public awareness fosters a culture of fair play, instilling a sense of responsibility among all stakeholders. Additionally, heightened public awareness encourages the reporting of potential eDoping cases, creating a collective commitment to maintaining the integrity of competitive sports. This measure strategically addresses the pervasive lack of awareness within the esports and traditional sports communities, forming a proactive defence against the deceptive tactics employed by those seeking to compromise fair play.



CONCLUSION

The emergence of eDoping as a novel form of cheating poses complex challenges that necessitate collaborative efforts from all stakeholders to comprehensively address. As technology rapidly evolves, the regulations must remain equally dynamic, coupled with extensive programs to foster awareness. Through continuously updated frameworks, proactive training, and collective vigilance, the sanctity of competitive gaming and sports can be preserved despite the threats introduced by clandestine eDoping practices. Such a collaborative effort involving all stakeholders is required to ensure the spirit of competition is protected from eDoping.

ABOUT THE FIRM

K-CASE Lawyer is a law firm based in Jakarta, Indonesia, specializing in the lifestyle and entertainment sector. As the first esports-dedicated law firm in Indonesia, we have carved a niche for ourselves by contributing significantly to the industry. Our influence extends beyond legal representation as we actively engage in groundbreaking research through partnerships with esteemed educational institutions and policy-making bodies. These collaborations result in the formulation of policies that resonate throughout Indonesia, shaping the landscape of esports. Our diverse clientele and collaborators in the Indonesian esports ecosystem include: Game Publishers, Esports Clubs, Esports Event Organizers, Streamers & Influencers, Government Parent Organizations, Esports Associations & Communities, and Research Institutions.



In a recent milestone, K-CASE Lawyer achieved extraordinary recognition by securing a spot as a finalist for the prestigious 2023 South East Asia Legal Business Awards. Our nomination in the Technology, Media, and Telecommunications Law Firm of the Year category underscores our dedication to excellence and innovation in the legal field and showcases that we are one of the best in the region. We have also been shortlisted as one of the leading firms to watch in Indonesia.

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