

Sports Arbitration In Jordan: From The Absence Of An Institutional Framework To Building An Integrated Legal Environment- A Comparative Analytical Study

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Abstract: This study examines the reality of sports arbitration in the Hashemite Kingdom of Jordan and the extent of its compliance with the international standards adopted by the Court of Arbitration for Sport (CAS), as the supreme judicial authority responsible for resolving sports disputes at the international level. The study reveals a clear legislative gap in Jordanian law regarding the regulation of sports arbitration, as Arbitration Law No. (31) of 2001 contains no specific provisions governing this type of arbitration. Consequently, sports parties resort either to civil courts or directly to the Court of Arbitration for Sport (CAS), provided that an arbitration clause exists. The study concludes with several findings, most notably the need to develop the legislative framework governing sports arbitration in Jordan in line with modern international standards. It also recommends establishing an independent national sports arbitration court to enhance the efficiency of resolving sports disputes, reduce the burden on national courts, and ensure a higher level of justice, specialization, and procedural effectiveness in sports-related disputes

Keywords: Sports Arbitration, Court of Arbitration for Sport (CAS), Sports Disputes, International Arbitration

Introduction

Over the past decades, the world has witnessed significant developments in the field of sports, to the extent that it has evolved into a fully-fledged industry closely intertwined with economics, investment, and legal regulation (Duval & Van Rompuy, 2020). This evolution has led to a marked increase in sports-related disputes, including those concerning players' contracts, broadcasting rights, doping issues, and disciplinary sanctions, thereby necessitating the establishment of a specialized adjudicatory system that aligns with the unique nature of the sports sector (Mitten, 2014).

In this context, the Court of Arbitration for Sport (CAS) was established as the supreme judicial body responsible for resolving international sports disputes. Recourse to CAS has become quasi-mandatory for athletes, federations, and clubs, pursuant to the regulations issued by international sports governing bodies, most notably the International Federation of Association Football (FIFA) and the International Olympic Committee (IOC) (Rigozzi, 2015).

Within the Jordanian context, a fundamental question arises regarding the extent to which national legislation is harmonized with the mechanisms of international sports arbitration, particularly in light of the absence of a specialized national sports arbitration tribunal. Consequently, reliance is placed on civil courts, national committees, and arbitration bodies, or alternatively, on direct recourse to CAS (Akhtar, 2023).

The Court of Arbitration for Sport has become an indispensable necessity in light of the increasing volume of disputes in the sports domain. It represents a cornerstone for ensuring both fairness and efficiency in dispute resolution by providing a specialized and independent legal framework that accommodates the distinctive nature and requirements of sporting activities (Cooper, 2023).

The Court seeks to resolve sports disputes through various mechanisms, most notably arbitration, alongside amicable methods such as mediation, all conducted in accordance with clear and structured procedural rules. Its arbitral awards carry the same legal force as international judicial decisions, thereby enhancing their enforceability (CAS Code, 2024).

Furthermore, the applicable legal framework allows for appeals against CAS decisions before the Swiss Federal Tribunal in limited circumstances, which strengthens the Court's credibility and ensures judicial oversight (Rigozzi, 2015). Accordingly, CAS plays a crucial role in settling legal controversies arising from decisions issued by judicial bodies within sports federations, whether in football, handball, or other sporting disciplines.

Research Problem

The core problem of this study is encapsulated in the following overarching question: To what extent do the rules and jurisprudential orientations of the Court of Arbitration for Sport (CAS) align with the provisions of Jordanian law, and what is the current state and future trajectory of sports arbitration in Jordan?

From this central inquiry, a number of subsidiary questions emerge:

To what extent are current Jordanian legislative frameworks compatible with the requirements of sports arbitration in accordance with the international standards adopted by CAS?

What is the nature of sports-related disputes in Jordan, and which bodies are competent to adjudicate them at both the domestic and international levels?

What are the areas of deficiency or overlap between the Jordanian judiciary and the mechanisms of international sports arbitration?

To what extent is it feasible to establish a national sports arbitration tribunal in Jordan, and what would constitute the appropriate legal framework for such an institution?

How can the sports arbitration system in Jordan be developed in a manner that enhances the attractiveness of sports investment and improves the efficiency of dispute resolution?

To what extent does the mandatory recourse to arbitration for athletes comply with the constitutional right of access to justice guaranteed to Jordanian citizens under the Constitution, particularly in light of the general jurisdiction of the national judiciary?

Objectives of the Study

This study aims to analyze the extent to which Jordanian legislation is aligned with the international standards adopted by the Court of Arbitration for Sport (CAS), through an examination of the legal framework governing sports disputes in Jordan and an assessment of its consistency with contemporary international developments in this field.

It further seeks to examine the nature of sports disputes brought before the Jordanian judiciary in comparison with those referred to CAS, while identifying areas of deficiency and overlap between the national judicial system and the mechanisms of international sports arbitration.

Moreover, the study focuses on proposing legal and practical mechanisms for the establishment of an independent national sports arbitration tribunal, or alternatively, for the development of a more attractive and internationally compliant sports legal environment. It also aims to explore the future of sports arbitration in Jordan and its role in enhancing sports investment, as well as supporting the legal and institutional development of the sports sector.

Methodology

This study adopts a multi-method approach. First, it relies on the analytical method through an examination of relevant Jordanian legal texts, particularly Arbitration Law No. (31) of 2001 and the Sports Federations Regulation No. (73) of 2021, in order to assess the adequacy of these provisions in regulating sports arbitration. This is complemented by an analysis of the Court of Arbitration for Sport Code (CAS Code) to extract the governing principles applicable to sports disputes.

Second, the study employs the descriptive method to examine the practical reality of sports arbitration in Jordan by analyzing dispute resolution mechanisms within sports federations, as well as

the role of disciplinary and appellate committees. It further clarifies the relationship between these bodies, the national judiciary, and CAS.

Finally, the study adopts a comparative method aimed at identifying best legislative and institutional practices. This includes an examination of selected CAS decisions to identify emerging jurisprudential trends and to develop a conceptual understanding of the nature of international sports law.

Chapter One: The Nature of Sports Arbitration

Sports arbitration constitutes an effective alternative dispute resolution mechanism for resolving disputes arising within the field of sports. It is based on the agreement of the parties to submit their disputes to a specialized arbitral body instead of resorting to national courts. This system is characterized by efficiency, flexibility, and specialization, in a manner that corresponds to the technical nature and particularities of sports disputes, especially in light of the evolution of sport into a professional and investment-driven sector at the international level.

Section One: The Concept of Sports Arbitration

As previously noted, arbitration is one of the principal alternative means of dispute resolution, grounded in the agreement between the parties to a legal relationship. Party autonomy constitutes the fundamental basis for arbitration, as this system cannot exist without the explicit and unequivocal consent of the parties to resort to it. (Alsaraireh et al., 2026) Such an agreement is regarded as a waiver of their right to bring the dispute before national courts in favor of resolving it through arbitration.

In the sports domain, arbitration has become a central mechanism for resolving disputes related to sporting activities, given their distinctive nature in terms of parties, subject matter, and governing legal frameworks. Sports disputes are not limited to the practice of sport itself, but extend to issues such as professionalism, player transfers, sponsorship agreements, doping violations, and disciplinary sanctions.

Definition of Sports Arbitration:

Sports arbitration may be defined as a specialized alternative dispute resolution mechanism for sports-related disputes, based on the parties' agreement to submit their conflicts to arbitrators possessing both legal and sporting expertise, away from the complexities of national judicial systems. It is characterized by speed, confidentiality, specialization, and an international dimension consistent with the unique nature of the sports sector (Rigozzi, 2015; Duval & Van Rompuy, 2020).

The importance of sports arbitration stems from its effectiveness and efficiency in resolving disputes within the sports field, as it provides a specialized alternative to national courts that is better suited to the technical and complex nature of such disputes (Duval & Van Rompuy, 2020). It also contributes to the realization of timely justice through the rapid resolution of disputes, which aligns with the time-sensitive nature of sports (Mitten, 2014).

Furthermore, sports arbitration is distinguished by a high degree of specialization, as disputes are adjudicated by arbitrators with both legal and sports-related expertise, thereby enhancing the accuracy and contextual appropriateness of decisions (Rigozzi, 2015). In addition, it offers a degree of confidentiality and independence, which helps protect the reputation of the parties and ensures the stability of sporting relationships. It also reinforces the international character of sport by promoting uniform mechanisms for dispute resolution across borders (CAS Code, 2024).

Section Two: The Concept of Sports Disputes

A sports dispute may be defined as any legal disagreement arising out of or in connection with the practice of sport, whether relating to contractual relationships within the sports system, administrative and regulatory decisions issued by sports governing bodies, or disciplinary matters, including doping-related cases (Al-Zuhairi, 2017; Abdel Naeem, 2007).

Legal scholarship has further defined it as “any legal dispute concerning a legal relationship of a sporting nature, regardless of its type,” a broad definition encompassing disputes related to player contracts, sponsorship agreements, broadcasting rights, player transfers, as well as disputes arising from the application of sports federation regulations (Al-Hijrasi, 2024; Al-Ahmad & Zubair Hussein Youssef, 2015).

Sports disputes are characterized by their unique nature, as they are often governed by international rules and regulations issued by global sports organizations, such as the Fédération Internationale de Football Association (FIFA), which regulate the relationships between players, clubs, and federations, and determine the mechanisms for resolving disputes arising therefrom. This imparts an international dimension to such disputes that transcends the boundaries of national legal systems (Lindholm et al., 2019).

In this context, the Court of Arbitration for Sport has played a pivotal role in harmonizing the legal principles governing sports disputes by developing what is commonly referred to as *Lex Sportiva*. This has contributed to establishing a stable and coherent legal framework for the resolution of sports disputes at the international level (Lindholm et al., 2019; Mitten, 2014).

Sports disputes may also take multiple forms: some are commercial in nature, relating to sports contracts; others are administrative, connected to the organization and regulation of sports bodies; while others are disciplinary, concerning violations and sanctions. This diversity necessitates the existence of specialized bodies capable of adjudicating such disputes through procedures characterized by efficiency and technical expertise (Abdel Naeem, 2007; Abdel Zaher, 2023).

Section Three: The Court of Arbitration for Sport (CAS)

The Court of Arbitration for Sport (CAS) was established in 1984 at the initiative of the International Olympic Committee (IOC), with the aim of creating a specialized body for the resolution of sports disputes, independent from the complexities of national judicial systems. Its headquarters are located in Lausanne, Switzerland, with regional offices in Sydney, New York, and other locations. This development marked a fundamental shift toward the establishment of an independent international sports adjudicatory system (Akhtar, 2023).

In its early stages, the institutional structure of CAS raised concerns regarding its independence, particularly due to its association with the IOC. However, the reforms introduced by the 1994 Paris Agreement led to the establishment of the International Council of Arbitration for Sport (ICAS), thereby strengthening the Court’s independence and ensuring its impartiality (Rigozzi, 2015).

International practice demonstrates that the evolution of CAS was not merely institutional but rather a response to a pressing practical need. Most international sports federations, such as the Fédération Internationale de Football Association (FIFA), now require recourse to CAS as the final appellate body. This has conferred upon CAS a quasi-mandatory character that extends beyond the traditional notion of arbitration based solely on party autonomy (Cooper, 2023).

CAS enjoys broad jurisdiction encompassing a wide range of sports-related disputes, whether contractual or disciplinary in nature. Its jurisdiction includes disputes relating to player transfers, doping cases, disciplinary sanctions, as well as disputes concerning broadcasting rights and sponsorship agreements (Duffy et al., 2023).

It is noteworthy that CAS performs a role that goes beyond mere dispute resolution, as it contributes to the harmonization of the interpretation of international sports regulations. This has rendered it a significant source of sports-related jurisprudence, commonly referred to as *Lex Sportiva*. Consequently, this has led to the emergence of a relatively autonomous global sports legal order, distinct from national legal systems (Crespo & Badenes, 2023).

Table (1): Structure and Jurisdiction of the Court of Arbitration for Sport

Body	Role and Jurisdiction
International Council of Arbitration for Sport (ICAS)	Supreme supervisory body responsible for ensuring the independence and neutrality of CAS
Ordinary Arbitration Division	Competent to hear contractual and rights-based disputes between sports stakeholders
Appeals Arbitration Division	Competent to hear appeals against decisions issued by sports federations and governing bodies
Ad Hoc Division	Operates during major sporting events (e.g., Olympic Games)
Mediation and Advisory Division	Provides mediation services and legal opinions to sports federations

Chapter Two: The Regulation of Sports Arbitration under Jordanian Law

Section One: Scope of Application of the Jordanian Arbitration Law

The Jordanian Arbitration Law No. 31 of 2001 constitutes the primary legal framework governing arbitration in the Hashemite Kingdom of Jordan. Article (3) thereof provides that the provisions of this Law shall apply to any consensual arbitration whose seat is in the Hashemite Kingdom of Jordan, or to any arbitration in which the parties agree to subject it to its provisions, without prejudice to the international agreements in force within the Kingdom.

Paragraph (b) of the same Article further emphasizes that the interpretation of the Law's provisions shall be conducted in accordance with the legal rules and principles applicable in international arbitration, taking into account international commercial customs. This reflects the legislator's orientation toward harmonizing domestic legislation with contemporary international principles.

Article (9) of the same Law defines the arbitration agreement as an agreement between parties possessing legal capacity to submit existing or potential disputes to arbitration, in relation to a specific legal relationship, whether contractual or non-contractual. However, the same provision excludes from the scope of arbitration matters that are not subject to settlement.

First: Sports Judicial Bodies in Jordan

The Sports Federations Regulation organizes the internal judicial bodies of sports federations. Article (13), paragraphs (a) and (f), affirm the independence of these bodies by stipulating that: "The

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judicial bodies of the federation shall issue their decisions with full independence and without interference from the board of directors or any other entity."

However, practical reality reveals a clear deficiency, as many Jordanian sports federations have either failed to establish such judicial bodies or have constituted them in an incomplete manner. This has negatively affected the effectiveness of local sports dispute resolution mechanisms.

Second: Absence of Explicit Provisions on Sports Arbitration

Despite the general applicability of the Arbitration Law to all forms of arbitration, it does not contain any specific provisions regulating sports arbitration, whether in terms of procedures, competent bodies, or the types of disputes that may be referred to arbitration in this field.

As a result of this legislative gap, athletes, clubs, and federations in Jordan are left with only two primary options:

Recourse to the national judiciary (civil or administrative courts);

Direct recourse to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, where the contract or the federation's statutes include an international arbitration clause.

This deficiency in domestic regulation leads to weakened protection of sports-related rights at the national level, delays in dispute resolution, and imposes financial and practical burdens on the parties due to the necessity of resorting to distant foreign tribunals (Akhtar, 2023).

Section Two: The Effectiveness of CAS Awards and Their Enforcement in Jordan

First: The Binding Nature of CAS Awards

Awards rendered by the Court of Arbitration for Sport (CAS) are final and binding, and are generally not subject to appeal except in limited circumstances relating to procedural irregularities or jurisdictional issues before the Swiss Federal Tribunal. (Abdelrahman et al., 2026) Their enforcement at the international level is made possible under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 (New York Convention), to which the Hashemite Kingdom of Jordan is a party. This enables the enforcement of such awards within the Jordanian legal system.

Second: The Domestic Legislative Framework for the Enforcement of CAS Awards

The Jordanian legal framework contains several provisions that support the enforcement of CAS awards, most notably:

Jordan Olympic Committee Law No. (13) of 2007

Article (4) provides for the Committee's role in "promoting and developing sport at the national level and participating in relevant international activities," thereby reinforcing the principle of compliance with international sports standards.

Sports Federations Regulation No. (73) of 2021

This constitutes the most significant instrument in this context. Article (22) explicitly provides that sports federations and their members must refer disputes of a sporting nature to the competent bodies, national sports arbitration bodies, or the Court of Arbitration for Sport (CAS), as appropriate. Article (23) further emphasizes the obligation of federations to fully comply with the decisions of international federations or CAS.

Third: Conditions for the Enforcement of CAS Awards in Jordan

Pursuant to the New York Convention of 1958 and the Jordanian Law on the Enforcement of

Foreign Judgments, an award issued by CAS may be enforced in Jordan provided that the following conditions are satisfied:

The award does not contravene Jordanian public policy or public morals;

The arbitration was conducted on the basis of a valid arbitration agreement between the parties;

The award is final and enforceable in the country in which it was issued;

An application for enforcement is submitted before the competent Court of First Instance for recognition and enforcement.

Fourth: Practical Reality of Enforcing CAS Awards in Jordan

Despite the existence of a legal framework that theoretically permits the enforcement of CAS awards, practical realities reveal several challenges. These include a limited level of legal awareness among stakeholders in the sports sector, which often results in misunderstandings regarding the nature and mechanisms of international arbitration (Cooper, 2023).

Moreover, the absence of a national sports arbitration tribunal imposes significant financial burdens on parties due to the necessity of resorting to international arbitration. Additionally, the scarcity of Jordanian judicial precedents in this field creates a degree of legal uncertainty. (Alrfoua et al., 2026) This is further compounded by the reluctance of some domestic sports entities to refer disputes to international bodies, due to concerns over high costs or the perceived loss of control over the dispute resolution process.

Section Three: The Constitutional Compatibility of Sports Arbitration in Jordan

The incorporation of constitutional considerations into sports arbitration is essential to ensuring the legitimacy of this system, as it raises fundamental questions regarding its potential impact on the “general jurisdiction of the judiciary” and the “right of access to justice.” This section may be analyzed through the following points:

First: The Right of Access to Justice and the General Jurisdiction of the Jordanian Judiciary

The Jordanian Constitution, particularly Article (101) of the Constitution of 1952, provides that courts possess general jurisdiction over all disputes, and that the right of access to justice is safeguarded and guaranteed to all.

In light of the absence of explicit provisions governing sports arbitration within the Jordanian Arbitration Law No. 31 of 2001, a constitutional issue arises where athletes or clubs are compelled to resort to international arbitration (such as the Court of Arbitration for Sport (CAS)) solely pursuant to federation regulations, without a robust national legislative basis. Such a requirement may be construed as depriving individuals of their natural judge.

Second: The Principle of Separation of Powers and the Independence of Sports Adjudicatory Bodies

From a constitutional perspective, bodies entrusted with dispute resolution must enjoy full independence from the executive authority, as this constitutes a fundamental pillar of the rule of law and institutional governance. This principle is explicitly enshrined in Articles (25), (26), and (27) of the Jordanian Constitution of 1952.

Although the Jordanian Sports Federations Regulation affirms the independence of the judicial bodies within sports federations, the absence of an independent national sports arbitration tribunal—operating under the auspices of the Olympic Committee and subject to oversight by a higher judicial

authority—renders these bodies vulnerable to constitutional challenges. This is particularly due to their administrative affiliation and the potential lack of adequate guarantees of a fair trial.

Third: Public Policy and Legal Sovereignty

Constitutional considerations are closely linked to the concept of public policy in Jordan. While Jordan is bound under the 1958 New York Convention to recognize and enforce foreign arbitral awards, such enforcement remains subject to the condition that these awards do not contravene public policy or public morals within the Kingdom. (Awaisheh et al., 2025)

In this regard, the absence of a well-developed domestic sports law doctrine makes it difficult to assess the extent to which international decisions rendered by CAS are compatible with constitutional principles and the fundamental values of Jordanian society.

Fourth: The Principle of Equality and Equal Access to Justice

Constitutions enshrine the principle of equality among citizens. Article (6) of the Jordanian Constitution of 1952 affirms this foundational principle.

However, the near-exclusive reliance on CAS in Lausanne, Switzerland, for the resolution of sports disputes imposes substantial financial burdens that may be beyond the capacity of amateur athletes or smaller clubs. This may, in practice, result in unequal access to justice and undermine the principle of equality. (Rukba et al., 2025) Accordingly, this underscores the necessity of establishing a national arbitration platform capable of ensuring the protection of rights for all parties, regardless of their financial capacity.

Chapter Three: The Current Reality and Future Prospects of Sports Arbitration in Jordan

Section One: Sports Bodies Competent for the Resolution of Sports Disputes

Despite the absence of an independent sports arbitration tribunal in Jordan, the sports system relies on a set of internal committees within sports federations, in addition to supervisory frameworks associated with the Jordan Olympic Committee. These bodies are entrusted with addressing sports disputes at the domestic level and may be classified as follows:

First: Disciplinary Committees

Disciplinary committees constitute the primary bodies responsible for addressing violations within sporting activities. They are tasked with imposing sanctions on players, clubs, and administrators in cases of breaches of internal regulations. These committees are characterized by efficiency and procedural flexibility; however, their administrative nature raises concerns regarding impartiality, as they operate within the same institutional framework that may be indirectly involved in the dispute. This partially conflicts with the guarantees of a fair trial recognized in international arbitration (Cooper, 2023).

Second: Appeals Committees

These committees represent a second tier of internal adjudication, with competence to review, amend, or annul decisions issued by disciplinary committees. Although their existence reinforces the principle of hierarchical review, they do not enjoy full institutional independence, rendering them closer to internal administrative review bodies rather than genuinely independent judicial entities.

Third: Players' Status and Transfer Committees

Such committees exist within certain federations, particularly in football, and are concerned with contractual disputes between players and clubs, including contract termination, financial disputes, and transfer-related issues. While their functions closely resemble those of arbitral bodies, their decisions remain subject to appeal, and disputes often ultimately proceed to the Court of Arbitration for Sport (CAS) in cases involving international appeals.

Fourth: Ethics and Integrity Committees

These committees are responsible for safeguarding sports integrity and combating corruption within the sports sector. They adjudicate matters relating to conflicts of interest and unethical conduct. Their existence reflects a degree of institutional development within the Jordanian sports system; however, their effectiveness remains constrained by weak enforcement mechanisms and the absence of full independence. (Alhrerat et al., 2025)

From the foregoing, it is evident that sports committees possess several strengths that render them an effective mechanism for resolving disputes within the sports domain. Most notably, they provide expedited resolution of disputes by avoiding lengthy judicial procedures and delivering decisions in a timely manner consistent with the time-sensitive nature of sport. They are also characterized by technical specialization, as they include experts with in-depth knowledge of sports regulations and governing frameworks, thereby enhancing the accuracy and contextual relevance of their decisions. Additionally, they contribute to reducing the burden on ordinary courts by diverting specialized sports disputes away from the general judiciary and assigning them to specialized bodies. (Alayaydeh et al., 2025)

However, these committees also face several significant challenges and limitations. Chief among these is the absence of full institutional independence, which may affect their impartiality and integrity, particularly where they are affiliated with national sports bodies. Furthermore, the legal guarantees afforded to parties are often limited compared to those available before ordinary courts, which may restrict rights of defense and appeal in certain instances. Finally, the absence of an independent national sports arbitration tribunal remains one of the most critical gaps hindering the development of a unified and reliable sports arbitration system. This, in turn, weakens confidence in the decisions rendered and limits the overall effectiveness of sports justice at the national level.

Section Two: The Role of Jordanian Sports Legislation and Regulations in the Regulation of Sports Arbitration

Despite the absence of explicit provisions regulating sports arbitration within Jordanian legislation, certain laws and regulations governing the sports sector contain implicit references that support recourse to arbitration, whether at the national or international level.

The Jordan Olympic Committee Law No. (13) of 2007 constitutes one of the principal legislative instruments governing the sports sector. It provides for the Committee's role in organizing and developing sport within the Kingdom, as well as ensuring compliance with international charters and regulations. This reflects the legislator's inclination toward adopting international standards, including mechanisms of sports arbitration (Jordan Olympic Committee Law, 2007).

Similarly, the Sports Federations Regulation No. (73) of 2021 represents a cornerstone in regulating the relationship between sports federations and their members. It contains explicit provisions referring sports disputes to arbitral bodies. Article (22) stipulates that disputes of a sporting nature must be submitted to the competent bodies, whether domestic or international, including the Court of Arbitration for Sport (CAS).

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This reference carries significant legal importance, as it reflects an implicit recognition within the Jordanian legal system of the legitimacy of international sports arbitration and confers a binding character on its decisions with respect to Jordanian sports stakeholders (Sports Federations Regulation, 2021).

Moreover, Article (23) of the same Regulation affirms the obligation of Jordanian sports federations to comply with decisions issued by international bodies, including those of CAS. This further enhances the enforceability of such decisions within Jordan and strengthens their legal authority.

An analysis of these provisions reveals that the Jordanian legislator adopts an indirect approach to regulating sports arbitration. Rather than establishing a standalone legal framework, sports arbitration is incorporated within the broader context of compliance with the international sports system. (Harahsheh, 2023)

While this approach achieves a degree of harmonization with international norms, it also gives rise to several challenges, most notably:

The absence of a clear procedural framework governing sports arbitration at the national level;

The lack of a specialized domestic body competent to adjudicate sports disputes;

The near-total reliance on international bodies, particularly CAS.

Furthermore, this indirect regulatory approach may lead to inconsistencies in application, particularly in cases where certain arbitral awards conflict with concepts of public policy under Jordanian law.

On the other hand, this approach may be viewed as a transitional step toward the adoption of a comprehensive sports arbitration system, particularly if these provisions are further developed and incorporated into an independent legislative framework.

In light of the foregoing, it becomes evident that, despite their limitations, Jordanian sports regulations have established a foundational legal basis upon which a more robust sports arbitration system can be built. However, this foundation still requires explicit legislative intervention to define the institutional and procedural framework of sports arbitration, in a manner that ensures a balanced reconciliation between international obligations and national legal sovereignty.

Section Three: The Relationship Between the Jordanian Sports System and CAS

As demonstrated in the preceding analysis, the Jordanian sports system operates through two primary stages: a domestic stage represented by the internal committees of sports federations, and an international stage represented by the Court of Arbitration for Sport (CAS). However, the absence of an intermediate, independent national arbitration layer creates a clear legal gap, resulting in Jordan's direct reliance on the international system without a domestic institutional structure capable of effectively accommodating or interacting with it.

The relationship between CAS and the Jordanian legal system is characterized by a notable duality. On the one hand, Jordan recognizes international arbitral awards and provides for their enforcement; on the other hand, it lacks a specialized legal framework that explicitly regulates sports arbitration. This situation leads to a form of "external dependency" on CAS, without the existence of a domestic structure capable of internalizing this system or developing a national sports law doctrine (*Lex Sportiva National*).

From a comparative perspective, several jurisdictions have adopted structured sports arbitration systems. In the United States, the United States Olympic Committee relies on arbitration mechanisms administered by the American Arbitration Association. In France, a sports arbitration chamber has been established to adjudicate economic disputes related to sport. Similarly, Belgium has established a national sports arbitration tribunal, while Italian law permits recourse to arbitration in sports employment disputes, provided that a valid arbitration agreement exists (Al-Hijrasi, 2024).

In light of the foregoing, the establishment of a specialized legal body to regulate sports arbitration in Jordan becomes imperative. The current framework perpetuates external dependency on CAS, without the presence of a national institutional structure capable of effectively engaging with this system. Moreover, the absence of specialized legislation limits the capacity of judicial practice and arbitral precedents to contribute to the development of a national sports law doctrine (*lex sportiva national*).

To illustrate the binding nature and significance of international sports arbitration, reference may be made to several landmark cases adjudicated by CAS. In the case of Caster Semenya (2019–2023), the Court examined the dispute between the South African athlete and the International Association of Athletics Federations (now World Athletics) concerning testosterone regulations. CAS upheld the legitimacy of the regulations in principle, while acknowledging that they may infringe upon certain athlete rights, thereby generating significant debate regarding the balance between sporting fairness and the protection of human rights (Cooper, 2023).

In another case involving FC Sion, the Fédération Internationale de Football Association (FIFA) refused to register certain players for the club, prompting recourse to CAS, which upheld FIFA's decisions. This case reaffirmed the supremacy of international sports regulations over local club policies and reinforced the principle of the primacy of international sporting rules within the regulatory framework. (Bayyat et al., 2022)

These cases demonstrate that CAS is not merely a conventional arbitral body, but rather constitutes a global sports legal order (*Lex Sportiva*), contributing to the harmonization and interpretation of sports regulations. Its decisions thus carry a quasi-binding effect within the international sports system (Duval & Van Rompuy, 2020).

Accordingly, achieving effective integration between the international sports system and the national legal order requires explicit legislative intervention aimed at incorporating sports arbitration into the Jordanian legal framework, while ensuring alignment with international standards and practices.

Conclusion

In conclusion, international sports arbitration constitutes an effective and equitable mechanism for resolving sports-related disputes. The Court of Arbitration for Sport (CAS) has played a pivotal role in establishing unified and professional standards in this field at the international level. At the national level, however, this study demonstrates that the Jordanian legal environment still requires significant modernization and development in order to keep pace with these global transformations.

While the existence of a partial legislative framework—particularly through the New York Convention of 1958 and the Sports Federations Regulation of 2021—provides a positive starting point for the recognition and enforcement of CAS awards, it remains insufficient to address the evolving demands of sports arbitration in light of the rapid development of the Jordanian sports sector and its regional and international ambitions.

Accordingly, achieving effective integration between the national and international systems requires comprehensive legislative intervention aimed at incorporating sports arbitration into the Jordanian legal framework. Such reform must ensure alignment with international standards while fostering the development of a national sports law doctrine capable of safeguarding the rights of all stakeholders and delivering justice in a timely and efficient manner.

First: Findings

There exists a clear regulatory and legislative gap in Jordanian law with respect to specialized sports arbitration, as Arbitration Law No. 31 of 2001 contains no provisions specifically governing arbitration in the sports field.

The predominance of international adjudicatory mechanisms in sports disputes does not fully correspond to the national, technical, temporal, and contextual characteristics of such disputes.

There is a limited level of legal awareness among key stakeholders, including clubs, athletes, and sports federations.

The absence of a national sports arbitration tribunal results in a lack of an intermediate adjudicatory stage prior to recourse to CAS.

While CAS awards may be recognized and enforced in Jordan under the 1958 New York Convention, practical application reveals limitations in their effective enforcement.

The presence of implicit provisions within the Sports Federations Regulation No. (73) of 2021, which refer to CAS and mandate compliance with its decisions, provides a foundational basis for further legislative development.

A gap persists between the procedural regulation of sports arbitration and the constitutional right of access to justice, raising potential legal challenges regarding the mandatory nature of arbitration in the absence of an explicit legislative basis conferring adjudicatory authority on sports bodies.

Second: Recommendations

In light of the above findings, the study proposes the following recommendations:

Establishment of an Independent National Sports Arbitration Tribunal

The study recommends the prompt establishment of a national sports arbitration tribunal operating under the auspices of the Jordan Olympic Committee, while maintaining full institutional independence from sports federations. This body should be vested with broad jurisdiction to adjudicate all types of sports disputes.

Legislative Reform

It is recommended that the Jordanian Arbitration Law, or a dedicated sports law, be amended to include explicit provisions regulating sports arbitration. Such provisions should define procedural rules, competent bodies, and the types of disputes subject to arbitration, while taking into account the specific nature of sports activities.

Capacity Building and Legal Training

Specialized training programs in international sports law and arbitration should be developed for judges, lawyers, and sports administrators. Furthermore, sports law should be incorporated into the curricula of law faculties in Jordanian universities.

Strengthening Cooperation with CAS

Efforts should be made to establish formal cooperation with CAS, including the possibility of concluding a memorandum of understanding or establishing a regional office in Amman. This would facilitate access to arbitration and reduce the financial burden on Jordanian parties.

Enhancing Legal Awareness in the Sports Sector

Awareness programs should be developed and implemented for sports federations, clubs, and athletes to improve understanding of their rights and obligations within the framework of sports arbitration, as well as the procedures for accessing competent dispute resolution bodies.

Institutionalization of Sports Arbitration

There is a pressing need to institutionalize sports arbitration through the enactment of a dedicated sports law or through amendments to the Arbitration Law, thereby providing a clear constitutional and legal foundation that balances international obligations with national judicial sovereignty.

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