



# Resolving sports disputes through the Saudi Sports Arbitration Center (SSAC) and the court of arbitration for sport (CAS)

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## Abstract

Sports disputes are fundamental part of the recent environment of sports, so dealing with special and effective tools for the settle this disputes, avoid the. The parties the complications of normal way for settle the disputes by national courts. so, sports arbitration rises as a main option that offers several advantages same speed, flexibility, and specialization, matching with the nature of sports activities. This study focuses on analyzing the legal framework of both the Court of Arbitration for Sport (CAS) and the Saudi Center for Sports Arbitration. the study reviews the experiment of Saudi Arabia's in adopting a similar national model of CAS through establishing Saudi Center for Sports Arbitration. the results of the study show that, sports arbitration consider as an effective tool for achieving legal stability within the sports system, despite of some challenges, such as arbitration costs or limited appeals. However, there are several advantages for the sports arbitration such as terms of speed, efficiency, and specialization. The study shows several recommendations, specially the need to enhance the regulatory frameworks for the sports arbitration, also, the role of freedom for choosing the arbitration as a tool for settle the disputes>

**Keywords:** Sports Arbitration, CAS, Saudi sports arbitration center, Lex sportiva

## Introduction

The settling of sports disputes is the main issue in the contemporary sports system, so it's important to deal with specialized and effective tools for their settlement, with referring to complexities of traditional judicial procedures. so, the Sport Court of Arbitration raise as an important model for settle the sports disputes at the international level, based on the principles of justice and speed and specialization (Gulati, 2020). Many countries, such as Saudi Arabia and Egypt, has similar tool compering with CAS for establish local sports arbitration centers. These centers targets to provide specialized courts for settle sports disputes with aligns with local legal and cultural contexts (Mesbah, 2020). This idea target to ensure the protection of the rights of participants in the sports field and to provide swift and effective redress, thereby contributing to the stability of the sports system (Bürger, 2000).

This research paper focuses on analyzing the legal and procedural framework of sports arbitration as a specialized and independent legal mechanism for resolving disputes outside of the judicial system. Disputing parties agree to refer their case to an arbitrator or arbitration panel, which issues a binding

decision (Gulati, 2020). This method of dispute resolution is considered an alternative dispute resolution approach, where a third party analyzes the case and imposes a legally binding ruling on the parties (Gulati, 2020). This approach is favored by the sports community because it avoids the lengthy and costly procedures of traditional courts and allows for a more effective handling of the specific nature of sports disputes (Gulati, 2020).

Court of Arbitration for Sport was established in 1984 by Antonio Samaranch, the former chairman of the International Olympic Committee, with the target of providing a specialized forum for settling the disputes of sports disputes in order to save time and cost. (Davanloo, 2017) (Reilly, 2012). The court founded to settle the disputes which happend during sports competitions, with the target of saving the integrity of sport and implementing uniform rules for all parties (Mitten & Opie, 2012). the court has developed into an institution completely independent to other sports organizations, ensuring the integrity and credibility in dispute settlement (Gulati, 2020).

Moreover, court of arbitration sport present services to facilitate settling sports disputes, even by

arbitration or mediation, using rules that meet the specific demands of the sports environment. (Gulati, 2020). In the early 1980s the world recorded a serious increase in sports disputes, considering with the development of professional sports, clubs, and sports federations, so the nature of the sports disputes has been changed, so that the sports world became in an urgent need for a special organization which has the ability to deal with all of these challenges (Mohammadi et al., 2021).

The methodology of settling sports disputes by arbitration comes from the fact that traditional courts usually characterized as slow and costly, which is unacceptable for the nature of sports disputes that mandate fast and effective solutions to ensure the continuation of sports competitions which the time will be affected deeply by this continuation (Chappelet, 2020) (Gulati, 2020). Arbitration contributes to the foundation of international sports rules, as the court is not obligated by a previous legal system, thus allowing it flexibility in forming the rules of sports justice (Ioannidis, 2016).

On the other hand, Saudi Arabia recognized the necessity to establish a special local center for disputing sports disputes, as considered in Vision 2030 to develop the environment of sports (Jain, n.d.).

In the same context, Saudi Sports Arbitration Center serves several alternative solutions for settling sports disputes, all of these alternative solutions characterized by speed and specialization, and fairness and equality, with speciality of the nature of the sports disputes. (Mesbah, 2020). It is important to note that sports organizations usually prefer to deal with the arbitration, either by joining the arbitration tribunal through sports arbitration center or court of Arbitration for Sport (McLaren, 2011).

## Literature Review

The beginning of the need for a fast and standardized settlement dispute comes from the potential conflicts which take a place in national court decisions, which will negatively impact international sports practice (Mesbah, 2020). The independence of sport is an essential principle focusing on the importance of keeping sporting issues under the management of sports organizations and to avoid national judicial

proceedings that could stop the smooth conduct of sports (Mesbah, 2020).

This independence didn't forgive sports organizations from legal responsibility, but it emphasized into the importance of specialized types of settling sports disputes like the Court of Arbitration for Sport (CAS) to maintain that the disputes are handled in a style compatible with the principles of sports justice while respecting the specificities of the sports field (Mohammadi et al., 2021).

The establishing of the court of arbitration for sport reflects with a great effort for standardization of the legal rules which execute to the sports disputes globally, which will enhance developing an international organization for settling sports disputes (Gulati, 2020).

Several studies have confirmed that alternative methods for settling sports disputes, like establishment of sports arbitration centers, has a great impact for predictability of sports disputes, which is one of the most important elements for sports investment and enhancing it. (Mesbah, 2020).

Moreover, latest changes of settling sports disputes emphasize the mandatory role of sports arbitration for settling the sports disputes, because the ineffectiveness of normal judicial dispute settlement for achieving prompt justice with consideration to the nature of sports events (Mesbah, 2020).

The court of arbitration for sport is a main example for preferring the arbitration, as the court provides a great proof for effectiveness in providing quick and consistent decisions in international sports claims, that enhance the principle of fairness and increases the independence of sport (Reilly, 2012).

For the same objectives and the previous advantages, the Saudi sport arbitration center was established

## Methodology

The researcher will use the descriptive and analytical manners to deal with the topic of settling the sports disputes by both the Court of Arbitration for Sport and the Saudi Sports Arbitration Center. As the court

consider as global model for settling sports disputes, while Saudi Sports Arbitration Center consider one of the most important local models of settling sports disputes

### **The variety of alternative dispute settlement in the field of sports claims:**

Several methods considering as alternative methods for settling the sports claims, such as mediation and conciliation and arbitration, all of these methods consider an essential item on building an effective sports justice system which characterized by speed and specialization (Gulati, 2020). However, arbitration consider the best alternative methods for settling the sports claims as the tribunal court can issue decisions that must be implemented for the parties.

Countries experiences, for example, Egypt, show that the absence of specialized local sports arbitration causes an effectiveness of alternative methods for settling the sports in reaching their targeted goals (Mesbah, 2020). so, establishing arbitration committees and activate it consider a fundamental step to reach the effective and efficient application of principles of sports justice (Jain, n.d.,). that's because the ability of arbitrators to understand the complicated sports claims as they have a great score of specialization related to sports disputes (Jain, n.d.,). also these specialized arbitrations will generate solutions that compatible with international and local sports rules which are widely accepted (Gulati, 2020).

### **The concept of sports arbitration**

Sports arbitration defined as kind for settling disputes which is related to the field of sports in a special way theme by impartiality and speed, and flexibility. that's will perform through a specialized arbitration tribunal that issues an obligatory decision for the parties (Davydova & Bernaz-Lukaetska, 2021). this tool of settling sports disputes is faster and less costly than normal litigation process, making it the unique option for settling sports disputes that require urgent settlement due to the nature of competition deadlines (Gulati, 2020). the speed feature makes sure keeping the integrity of sports competitions and increase the confidence of athletes and sports organizations that their cases will be

settled effectively and efficiently (Gulati, 2020).

For example, Swiss Federal Court has adopted a flexible situation regarding the legal form of arbitration agreement in sports disputes, reflecting on its desire to keep the arbitration one of the swiftest and effective resolution of disputes method (Baddeley, 2019). this aligns with the idea that arbitration is the best way to resolve sports disputes avoiding lengthy judicial proceedings that may not align with the timeframe of sporting events (Gulati, 2020). this flexibility and speed, both with the specialized experience of the arbitrators, carefully selected from among legal and sports experts (Bürger, 2000) (Gulati, 2020) —ensure informed decisions that respect the special nature of the sporting disputes. While arbitration provide a quick and effective alternative solution, besides, it raises questions about the validity of consenting to it, particularly when arbitration is compulsory for participation in sports events (Mitten & Opie, 2012) (Reilly, 2012). this denies the individuals of the most fundamental right to arbitration: “the will”.

### **The advantages of arbitration as a method of resolving sports disputes**

Arbitration plays an important role in ensuring the swift and effective resolution of disputes, in line with the quick nature of sports and avoid the parties lengthy and complicated legal proceedings (Rigozzi & McAuliffe, 2013). this rapidity, especially in disputes happens during major sporting events, guarantees athletes meaningful outcomes without jeopardizing their careers (gulati, 2020) (Reilly, 2012). This speed is highly important in maintaining the continuity and reputation of competitions, as the delay in settling disputes can deactivate entire events (gulati, 2020).

Specialization of the arbitrators is another important advantage. the arbitrators have a deep understanding of the complex regulations and technicalities of each sport, distinguishing them from state judges who may lack this expertise (Gulati, 2020). The arbitrators experience contributes to decreasing the time required to settle the dispute, which provide another important advantage to sports arbitration (Gulati, 2020).

Furthermore, arbitration contributes to uniformity and consistency in the implementation of sports law

across different jurisdictions, reducing contrast in judicial rulings and enhance the principle of legal certainty in the field of sports (Mitten, Opie, 2012).

The confidentiality of arbitration proceedings, unlike state court hearings, protects the privacy of the parties involved and avoids potential negative consequences on the reputation of athletes and sports organizations (O'Leary 2021)

The final and obligatory nature of sports arbitration decisions limits the possibility of appeal in ordinary courts, providing legal stability and decreasing the periods of uncertainty that can result from lengthy appeal procedures. This fundamental role of arbitration comes from several factors, including the ability to provide swift and effective solutions to disputes, which is compatible with the dynamic nature of sports that requires cases to be resolved within tight time frames (Jain, n.d.).

This speed is especially crucial in eligibility or selection cases during the Olympic Games for example, where determined decisions must be taken within 24 hours to ensure the continuation of the events (Blackshaw, 2013).

This expedited procedure allows athletes to obtain effective results before the end of sporting events, ensuring their careers are not harmed by unproductive legal delays (Reilly 2012)

### **The disadvantages of sports arbitration**

Despite the advantages of sports arbitration, there are some disadvantages for the sports arbitration which parties may face. The most important prominent are the challenges related to implementing provisional decision and the confidentiality of proceedings (Blackshaw, 2013). Another important issue is the high cost of arbitration, especially in complex or international cases. This makes it difficult for some athletes or less-resourced organizations to access justice. The lack of an effective legal aid system for low-income athletes is another major challenge, as expensive arbitration fees can sometimes prevent them from adequately defending their rights (Rigozzi & McAuliffe, 2013). This, indeed, highlights the importance of third-party funding for arbitration, allowing parties unable to

afford the costs to resort to it to present their claims (Awad & Elhadeedy, 2024).

Moreover, the limited possibility of appealing arbitration decisions, Swiss federal court refers to concerns related to the right to review final judgments, potentially impacting the principle of global justice (Perruchoud, 2023). Despite these drawbacks, the primary advantage of sports arbitration lies in its ability to provide swift and effective solutions to claims requiring urgent resolution, particularly in the context of major events (Arroyo, 2013).

### **Sports arbitration in the Saudi Arabia**

The Kingdom of Saudi Arabia has taken significant steps in the field of sports arbitration through the establishment of the Saudi Sports Arbitration Center. This center is targeted to provide a specialized and effective platform for settling sports claims within the Kingdom. These centers, including the Saudi Sports Arbitration Center, are a response to the growing need for a fast, flexible, and specialized dispute resolution process, distinct from traditional judicial procedures (Blackshaw, 2013).

Establishment of these specialized centers refers to the commitment of the countries that decided to establish them to enhance the sports sector in line with leading international practices in sports claims resolution (Jain, n.d.). The Saudi Sports Arbitration Center is an essential step towards achieving sports justice and providing a stable environment for all stakeholders in the Saudi Arabia sports sector. The center contributes to standardizing arbitration practices and implementing best international practices in sports claims resolution, also enhancing the Kingdom's position as a key player on the global sports stage. This development is essential for dealing with the challenges related to the application of the justice of sports at the national level, ensuring the rights of all parties and saving the integrity of sporting competitions (Rigozzi, McAuliffe, 2013).

### **The jurisdiction of Saudi sports arbitration center**

The jurisdiction of the Saudi Sports Arbitration Center includes several disputes arising within the sports sector, such as those related to contracts, eligibility,

and disciplinary issues falling under the centre specialization (mohammadi et al., 2021).

This jurisdiction contributes to build a comprehensive sports judicial system that compatible with modern developments in the sports field, with a focus on efficiency and transparency. these claims specifically include disagreements between athletes and clubs, or between clubs and sports federations, and claims involving agents and sponsors (baamir & bantekas, 2009).

Also, the center has jurisdiction to review appeals against decisions issued by various sports organizations, providing an additional stage of legal protection for the parties involved. furthermore, the center is authorized to adjudicate cases related to doping and violations of fair play rules, in accordance with applicable international standards.

Moreover, the center is responsible for resolving disputes related to broadcasting and sports marketing rights, which have become an integral part of the modern sports economy.

This integrated legal framework will provide a supportive environment for sports arbitration, enhancing the Centre vision as a trusted organization for resolving sports disputes both locally and internationally (kryvoi, 2023), in line with global experiences of specialized centers for adjudicate sports disputes.

The center implement modern arbitration practices and procedures to ensure the efficiency and success of resolving sports disputes. Its decisions serve as important legal precedents, helping to unify legal principles in the sports field and strengthen legal certainty within this sector. This role is significant of arbitration as an effective mechanism for settling sports disputes, also highlighting its contribution to the development and advancement of sports law in the Kingdom, in line with global trends toward specialized dispute resolution systems.

This specialization is also fundamental for dealing with the complex nature of sports disputes, which often require a deep understanding of sports rules and the internal regulations of various sports organizations (davydova, bernaz-lukaetska, 2021).

Same Like other specialized sports arbitration centers, the center also handles disputes related to sports contracts, transfers between clubs, registration applications, and any other issues arising from contractual relationships within the sports environment. this variety of expertise is an important issue in strengthening the position of the center as a trusted legal authority for resolving all forms of sports disputes within the Kingdom (kryvoi, 2023).

These broad areas of expertise align with global developments in sports law, specifically Lex sportiva (the international sports law), which largely comprises specific agreements and dispute resolution mechanisms established and implemented globally (blackshaw, 2013) (mitten, opie, 2012).

Also, the center targets to contribute to the development of local sports legislation and regulations to ensure their compliance with international principles of sports arbitration.

### **Resolving sports disputes based on international sports arbitration**

International arbitration, considered by court of arbitration for sport as a notable representation, is a one of the most important methods of resolving sports disputes worldwide. It is theme by its ability to provide a specialized and independent way that transcends national jurisdictions (Pauls-son, 1993).

The international nature of sports has created a cretical need for a unify dispute resolution system, particularly given the increasing complexity and diversity of international issues (Oliveira, 2017). also, the court of arbitration for sport stands out as the supreme international court in the field of sport, offering specialized solutions to disputes differ from commercial issues to disciplinary issues, including doping cases (Ioannidis, 2016).

Its essential role comes from its ability to implement a unified sports law which called lex sportiva, obtained from the rules of international sports organizations and accumulated case law (oliveira, 2017). the court of arbitration for sport is the most important judicial authority in the world in this field, which responsible for resolving sports disputes through arbitration procedures that guarantee impartiality and effectiveness (blackshaw, 2013).

Court decisions are widely respected and enforceable internationally, reinforcing its role as a crucial mechanism of disputes resolution (baddeley, 2019)

### The role of the CAS in settling sports claims

The important of establish court of arbitration for sport come from the urgent need for a specialized and independent judicial organization able of deal with the international nature of sports and providing effective solutions to sports claims (Reilly, 2012).

The significance role of court of arbitration for sport is its contribution to strengthening the principles of public law, especially in establishing precedents that contribute to the development of sports law principles (Ioannidis, 2016).

The Court has also played a assential role in clarifying numerous legal issues that have arisen since its esestablishing, through the creating of important precedents (mohamadi et al., 2021).

These precedents have contributed to create global legal framework for sports, combining the rules of international sports federations with accumulated arbitration decisions (chap pelet. 2020).

### The procedures of court

The procedures which is followed in court of arbitration sport are significant with flexible and designed to accelerate the resolution of sports disputes. They allow parties to choose between ordinary arbitration or appellate arbitration, as well as the option of mediation to settle disputes pacifically (Ioannidis 2016).

These flexibility contributes to achieving quick justice, especially given the urgent nature of many sports disputes that require quick solutions (chap pelet, 2020).

The procedures which implement in the court, known as the "sports arbitration code" <sup>(1)</sup>, define the structure and timeline of every case starting from the filing of the application with the end to the issuance of the final decision (davanloo, 2017). the procedures

include the exchange of written memorandums, hearings, and, in some cases, the using of experts to present special technical opinions, guaranteeing a comprehensive and thorough examination of the dispute (Black shaw, 2013). Hearings are usually take a place in Lausanne, Switzerland, or at another location based on the party's desire which is consider an advantage for the arbitration (McLaren, 2011).

The arbitration system of the court comprises from two main divisions: ordinary arbitration and appeals. this provides outstanding procedural pathways specially formed to deal with the nature of the dispute and allows the parties to choose the most suitable procedure for litigation (davanloo, 2017) (mesbah, 2020) this specialized sections, beside with the temporary section that handles the disputes during major events, contribute to legal consistency and the uniform of the application of law of sports (Davanloo, 2017) (Ioannidis, 2016).

"The ordinary section" deals with non-disciplinary cases, while "the appeals section" handles appeals against decisions which issued by sports organizations, so confirm the principle of two-stages of litigation in the sports context (chap pelet, 2020). furthermore, the section dedicated to urgent disputes during major sporting events, such as the Olympic Games, serves as a model of efficiency and speed, with cases usually handled within 24 hours to ensure the continuity of sporting competitions without any delaing (davanloo, 2017) (rigozzi , mcauliffe, 2013).

### Conclusion

In the end of the research, the study shows that, sports arbitration cannot be considered as alternative dispute resolution choice, but it is become an mandatory feature for ensuring the stability and smooth function of the sports bodies at both levels, international and national levels. the court of arbitration for sport has contributed to establishing an overall dispute resolution frame based on speed, specialization, and impartiality, enabling it to develop a unified sports rules that is globally accepted and strengthens the principle of sports justice and the independence of sports organizations from national

<sup>1</sup> <https://www.tas-cas.org/en/arbitration/code-procedural-rules>)

judicial interventions. The study also shows that adopting national models based on cas experience, such as the Saudi sports arbitration center, represents a strategic step towards aligning local legal frameworks compatible with international standards for settle the sports disputes. This approach has contributed to a more efficient and flexible legal environment, supporting swift dispute resolution and ensuring the rights of all parties, in line with the dynamic nature of the sports feald.

So, the study recommends the continued development of regulatory frameworks for sports arbitration to keep pace with the rapid progress in the industry of sports, while enhancing cooperation between international and national organizations to exchange proficiency and unify principles. It also refers to the importance of supporting scientific research in this field to enhance sports law and provide unique solutions to beginner challenges. In light of the Saudi vision 2030, reinforce the role of the Saudi arbitration center for sports is a crucial feature in establishing professional and sustainable sports system based on transparency, fairness, and the rule of law. This will contribute to attract the investments, raising competition levels, and enhance the Kingdom position on the international sports map. therefore, sports arbitration, in its developed form, remains an effective tool for achive a balance between the independence of sports and ensuring its obligate to the principles of justice and equity.

### Recommendations

It's important to emphasize for third-party funding for arbitration, as it would allow sports parties lacking the financial instruments to join the arbitration to resolve sports disputes.

To highlight the essential role of the parties will in utilize to sports arbitration is very significant, given that arbitration, in general, is based on the will of the parties.

Working on qualify and train legal and sports personnel specializing in sports arbitration through accredited training programs and international partnerships. this will contribute to enhance the efficiency of arbitrators and ensuring the quality of issued rulings.

Developing more flexible procedural rules that applicable to the nature of sports disputes, especially which is related to competitions with tight schedules.

Enhance the cooperation between saudi sports arbitration center and the court of arbitration for sport for exchange of experiences, rulings, and best practices in sports claims, thats will contributing to the unify the sports law principles.

Encouraging the specialized studies which is related to sports law and arbitration, targeting to build a knowledge base that contributes to the development of this field and expect future challenges

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