


DOI: <https://doi.org/10.34069/AI/2024.83.11.6>

How to Cite:

Ryndiuk, V.I., Yushchik, O.O., Kryzskyi, Y.Y., Kunenko, I.S., & Teptiuk, M.P. (2024). Acts of sports law: concept, classification and application. *Amazonia Investiga*, 13(83), 78-88. <https://doi.org/10.34069/AI/2024.83.11.6>

Acts of sports law: concept, classification and application

Акти спортивного права: поняття, класифікація та застосування

Received: October 1, 2024

Accepted: November 26, 2024

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Abstract

In this study, the concept of acts of sports law is analyzed and their types are determined in connection with the concept of information, as well as the specifics of their application, in particular, in the justice system. The methodological basis of the research is the dialectical theory of law, in the context of which the law is defined as a normative means of social management of society. Legal acts of sports law are management decisions in the field of sports, which are accepted and implemented by the subjects of sports relations. Acts of normative and legal regulation, which contain legal information, and acts of normative and technical regulation, which contain non-legal (technical) information, are distinguished. It is claimed that the branch of sports law is formed by norms that contain a certain composition of legal information and make up the system of normative-legal regulation of sports relations. It was concluded that the

Анотація

У цьому дослідженні аналізується поняття актів спортивного права та визначаються їх види у зв'язку з поняттям інформації, а також особливості їх застосування, зокрема, в системі юстиції. Методологічною основою дослідження є діалектична теорія права, в контексті якої право визначається як нормативний засіб соціального управління суспільством. Правові акти спортивного права є управлінськими рішеннями у сфері спорту, які приймають і реалізують суб'єкти спортивних відносин. Проводиться відмінність між актами нормативно-правового регулювання, в яких міститься правова інформація, та актами нормативно-технічного регулювання, в яких міститься неправова (технічна) інформація. Стверджується, що галузь спортивного права утворюється нормами, які містять певний склад правової інформації та складають систему нормативно-правового регулювання

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normative base of sports in Ukraine does not have proper accounting and systematicity, which creates problems both for the formation of the branch of sports law in the national legal system, and for the practice of solving court cases of a sports-legal nature. One of the reasons for this is the combination of activities of state authorities and non-governmental (public) organizations, primarily national and international sports federations, in sports management.

Keywords: application of the legal act, legal information, sports law act, sports management, sports federation.

спортивних відносин. Зроблено висновок, що нормативна база спорту в Україні не має належного обліку й системності, що створює проблеми як для формування галузі спортивного права в національній правовій системі, так і для практики вирішення судових справ спортивно-правового характеру. Однією з причин цього є поєднання в управлінні спортом діяльності органів державної влади і неурядових (громадських) організацій, насамперед, національних та міжнародних спортивних федерацій.

Ключові слова: акт спортивного права, застосування правового акта, правова інформація, спортивна федерація, управління спортом.

Introduction

The legal acts from which sports law is formed as a specific legal branch are studied in this article. In particular, Davis (2012) poses the question as follows: is sports law recognized as an independent substantive area of the law such as torts, contracts or employment law? The formation of this branch in the national legal system requires a clear understanding of the acts of sports law, their difference from other normative acts, as well as the proper accounting and systematization of such acts, and therefore the organization of relevant legal information on this basis. Without this, it is difficult to ensure the correct application of such acts not only by the subjects of sports relations, but also by courts and other law enforcement bodies. The specificity of the branch of sports law is that it most closely combines state management with self-governing principles of sports management, and therefore, different legal acts interact and apply.

The article consists of five parts. The first part is the general theoretical basis of the research, it defines the general concept of a legal act. In the second part, the acts of normative regulation of the field of sports are considered, as well as the difference between acts of normative-legal regulation containing legal information and acts of normative-technical regulation containing non-legal (technical) information. The third part highlights the issue of self-regulation of the sports field and, in particular, the types of normative legal acts of sports federations in the context of the formation of the branch of sports law of Ukraine. The fourth part examines the system of all sources of national sports law, which form the branch of sports law, and their classification. The fifth part analyzes the issues of participation of justice bodies in the formation of the normative framework of sports law, as well as in the application of acts of sports law in judicial practice. The study is summarized with the main conclusions.

Sport is a special phenomenon that needs two-level legal regulation: national and international. International sports federations (for example, FIFA, IOC, WADA) set rules and standards for their sports. National sports federations ensure normative regulation of a certain type of sport in Ukraine. At the same time, the normative framework of sports consists of two components that are different in nature: sports legislation and corporate regulation. An analysis of the practice of judicial dispute resolution in the field of sports indicates that, in addition to legislative normative acts, the rights and obligations of sports entities, their responsibilities are also regulated by normative acts of sports organizations. Therefore, the lawful practice of implementing sports law acts when resolving specific cases depends on a clear, scientifically based definition of the nature of sports law acts, their types, and their relationship with each other. In the field of sports jurisdiction, the correct determination of the nature of the legal act that should be applied when resolving specific cases to the relevant legal relations depends on the degree of guarantee of the rights of the subjects of sports relations. Similarly, the quality of an automated system of legal information on the rights and obligations of sports entities and their guarantees cannot be ensured without a clear theoretical definition of the concept of legal information in the field of sports and its relationship with sports law acts.

Literature Review

The research is based on the dialectical theory of law (is a theory of sociological understanding of law), developed by the famous Ukrainian scientist Yushchuk (2013). In the context of dialectical theory, law is defined as a normative means of social management of society, and legal acts are management decisions that are adopted and implemented by subjects of legal relations and contain legal information. Therefore, Van der Kaaij (2019) presents a new theoretical concept of the juridical act, which is not limited to the national laws of any specific country. The theoretical framework of this article is a special scientific study of the issue of the formation of the branch of sports law in the national legal system of Ukraine by one of the authors of this article. It is claimed that the activities of state authorities and non-governmental organizations, in particular international sports organizations, are combined in the management of sports. Therefore, the legal norms that regulate social relations in the field of sports should include the norms of all relevant law-making subjects, and not only the norms established by the state. On the other hand, scientists overextend the concept of sources of sports law, including acts that have a non-legal (technical) content. The circle of sources of sports law is also expanded due to the inclusion of those acts that regulate other relations (labor, tax, criminal, etc.), that contradicts the objective criterion of the formation of the branch of law according to the subject of regulation, which is determined by the nature of social relations in the sports field (Yushchuk, 2023). In addition, the information and analytical base of the research consists of scientific publications related to the research problem and legal acts that are the sources of sports law of Ukraine.

Cui (2015) writes that due to the differences in the legal concepts, the legal cultures and the practice of the sports laws, there is a big difference in the understanding of the domestic and the foreign scholars on the sports laws, and there is no clear concept so far what the sports law is. In this author's opinion, the "sports laws" are the standards and systems of building the sports orders. The sports orders include two levels of the social orders and the industrial orders of sports. The standard systems include the national sports laws and the sports autonomous specifications. The national sports laws are divided into two levels of the domestic sports laws and the international sports laws, while the sports autonomous specifications are divided into the two categories of the domestic sports autonomous specifications and the global or super-country sports autonomous specifications.

Foster (2012) distinguishes between "international sports law" and "global sports law". International sports law can be applied by national courts. Global sports law by contrast implies a claim of immunity from national law. Siekmann (2012) considers that the "hard core" of sports law is chiefly "judge-made law": of the European Court of Justice (now: Court of Justice of the EU) as the public judge—at least from a European (EU) perspective, or court (regional), and of the Court of Arbitration for Sport as the private court (global). In particular, Senyk, Churpita, Borovska, Kucher & Petrovskyi (2022) examine the legal nature of a court decision, which is one of the types of sports law acts. Mitten & Opie (2012) observe that legal regulation of national and international sports competition has become extremely complex and has entered a new era, which provides fertile ground for the creation and evolution of broader legal jurisprudence with potentially widespread influence and application. Specifically, the evolving law of sports is having a significant influence on the development of international and national laws, is establishing a body of substantive legal doctrine ripe for analysis from a comparative law perspective, and has important implications for global dispute resolution. In addition, judicial resolution of sports-related cases may develop jurisprudence with new applications and influence.

Methodology

This is a qualitative research based on conceptual analysis. The methodological basis of the research is a complex of philosophical-worldview, general scientific and legal methods.

The main one is the dialectical method, which implies the need to study such a concept as "acts of sports law" in its comprehensive relationships and development. Concepts of acts in the field of sports are studied in their relationship with such concepts as "legal acts", "normative acts", "normative legal acts", "individual legal acts". In particular, the dialectical connection of the general, the particular and the individual is provided by deduction and induction. Deduction is the movement of thought from the general to the individual, and induction is from the individual to the general. With the help of deduction, moving from the general concept of a document through the particular concept of a legal act, an idea of a individual act of sports law was formed. Induction was used in the case when the analysis of the practice of solving

some court cases in the field of sports law made it possible to draw a conclusion about the need to improve the norms of sports justice, which limit appeals to national courts. The dialectic categories "content" and "form" as universal logical forms of thinking were used to establish the relationship between legal information and sports law acts.

The formal-legal method is applied to the analysis of such concepts as acts of normative-legal regulation, which contain legal information, and acts of normative-technical regulation, which contain non-legal (technical) information in the field of sports law. For example, two laws of Ukraine were analyzed, the direct subject of which is rule-making activity, namely normative-legal regulation and normative-technical regulation: Law of Ukraine "On Law-Making Activity" (Law of Ukraine No. 3354-IX, 2023) and the Law of Ukraine "On Technical Regulations and Compliance Assessment" (Law of Ukraine No. 124-VIII, 2015).

This made it possible to compare normative-legal regulation and normative-technical regulation, and to find out the difference between normative-legal and normative-technical acts in the sphere of sports.

Using the system-structural method, the system of sources of sports law has been determined. This method made it possible to consider the object (sports law) as a whole set of elements (sports law acts) and their interrelationships. In particular, it was concluded that today the normative base of sports does not have proper systematicity and a clear structure. Legislation on physical culture and sports is dispersed in various normative acts, in which material and procedural norms, norms of national law and international law, norms of state regulation and norms of non-state self-regulation interact.

The logical method, based on the laws of formal logic, was used to study the classification of acts of sports law on types. In particular, the division of a concept is a logical operation that reveals the scope of a generic concept through a list of its types. The normative sphere of sports includes sports-technical, sports-regulatory and organizational-sports acts. The last two of the named categories form a system of normative-legal regulation of sports relations, the specifics of which depend on the nature of the activity that functions as "sports activity". The first category, that is, the acts that establish requirements for sports facilities, special equipment and inventory, as well as establishing the qualification categories of judges, are not legal, but belong to technical ones, since they do not regulate social relations between legal entities.

The functional method made it possible to determine the peculiarities of rule-making activities related to the adoption of acts of sports law and the problematic issues of their practical implementation. This method involves not only the study of sports law acts and their classification, but also requires the study of the processes of adoption and application of sports law acts. In particular, the functional method made it possible to investigate the role of the justice system, first of all, the Ministry of Justice of Ukraine, in improving the normative base in the sphere of sports, that is, sports law acts. Also, the functional method made it possible to identify the problems of the practice of applying acts of sports law, which have both a technical and a conceptual nature.

Results and Discussion

Traditionally, in the theory of law, legal acts are understood as the result of rule-making activity, in which the norms of law are expressed (formulated), as well as acts of implementation of these norms. The first are called normative legal acts, and the second are called individual legal acts. Rabinovych (2001) defines the concept of "juridical act" as an expression of the will of the state (its bodies, officials), which is formally obligatory for execution. There are other forms of expressing the will of the state (statements, appeals, notes, etc.), but they, as a rule, do not contain mandatory prescriptions. According to the method of external expression - oral (verbal), written (documentary), active (implied-in-fact). According to the entities that adopt legal acts - legislative, presidential, executive, judicial, etc. According to the juridical form - to laws, decrees, resolutions, judgments, decisions, resolutions, orders, instructions, etc. It should be noted that scientists consider the definition of the concept of a legal act not only as a document, but as lawful actions carried out to achieve certain legal consequences in the form of the emergence, change and termination of legal relations. At the same time, the term "lawful actions" means actions that comply with the norms of law (in contrast to illegal actions), and legal acts and legal actions are called lawful actions (Sydorenko, 2020). Or, a legal act is understood as the result of an action, for example, legal acts in the form of special signs and symbols (Sydorenko, 2021).

Having analyzed the situation that has developed in legal science, with the idea of a legal act, the following conclusions can be made. First, the given interpretation of the concept of "juridical act" is based on positivist legal understanding. In the case of sociological or natural legal understanding, this concept will be explained differently. Secondly, the concepts of "juridical act" and "legal act" are not distinguished, although, from our viewpoint, juridical acts are only one type of legal acts, along with customs, etc. Thirdly, quite often the concepts of legal and normative acts are equated, although individual, informational and other acts are not included in the normative acts. Documentation is conditioned by the need to record and certify facts, events and states, i.e. record information necessary for management and other types of activities according to the established form. A document, as a written form of fixation and certification of certain information, is its most common medium. These are laws, resolutions, instructions, appeals, letters, certificates, agreements, attestations, certificates, licenses, etc. Legal acts occupy a special place among them. A legal act as a type of document is primarily characterized by the official recording of information in a clearly defined form. We cannot agree with such a narrow understanding of the concept of legal acts, which contracts, receipts and other written acts (documents) of entities that do not belong to powerful entities are excluded from this concept.

In fact, we are not talking about legal acts as such, but only about public-legal acts, as authoritative decisions, which are expressed in different document forms. At the same time, not all public-legal acts have a normative nature, but only those aimed at establishing, changing or terminating of legal norms, addressed to a wide range of persons and are long-term acts. In contrast to normative acts, non-normative acts are addressed to a specific subject and are intended for one-time use. However, a "non-normative" decree, for example, on the appointment of a minister, can be valid much longer than some laws (for example, the law on the state budget). In addition, if the act is legal, it is always addressed to many subjects, first of all, state bodies and officials, who must take it into consideration. In essence, legal acts are normative and non-normative management decisions that must be implemented, like any management decision in general (Yushchuk, 2013).

It is necessary to mention one more aspect that points to the insufficient definition of the concept of legal acts in the theory of law. If the normative legal act is the result of rule-making activity, then it is necessary to have a clearer idea of the specified activity. In the field of sports, as in other fields, normative-legal regulation is carried out in an organic connection with normative-technical regulation. Therefore, legal norms and norms of a technical nature can be contained in the same normative acts. For example, in the Law of Ukraine "On Physical Culture and Sports" (Law of Ukraine No. 3808-XII, 1993), some articles include the provisions of technical norms. For example, Article 40 of the Law establishes that "Sports competition rules in kinds of sport that are recognised in Ukraine, include requirements to the participants of the competition, to relevant sports facilities, special equipment and gear, conditions and procedure of defining results and competition winners. Rules are developed by all-Ukrainian sports federation in relevant kind of sport while considering sports competition rules from relevant international sports federation". And Article 41 of this Law about sports judging defines the qualification categories of sports judges: "sports judge of National category", "sports judge of first category", "sports judge of second category", "young sports judge". From our viewpoint, the norms that set the requirements for sports facilities, special equipment and gear, as well as the establishment of qualification categories of judges, are not legal, but belong to technical norms, as they do not regulate social relations between subjects of law.

Legislative practice is a confirmation of the fact that the concept of rule-making activity is currently not certain. Let's pay attention to two laws of Ukraine, the direct subject of which is rule-making activity, namely normative-legal regulation and normative-technical regulation. These are the Law of Ukraine "On Law-Making Activity" (Law of Ukraine No. 3354-IX, 2023) and the Law of Ukraine "On Technical Regulations and Compliance Assessment" (Law of Ukraine No. 124-VIII, 2015). Due to the effect of the provisions of the first of these laws, normative regulation of the adoption of normative legal acts, i.e. law-making activity, is carried out. However, the law does not contain a definition of what "normative regulation" means as one of the types of legal regulation. In contrast, Article 1 of the Law of Ukraine "On Technical Regulations and Conformity Assessment" (Law of Ukraine No. 124-VIII, 2015) provides a definition of the term "technical regulation", according to which "technical regulation - legal regulation of relations in the field of definition and implementation of mandatory requirements for product characteristics or related processes and production methods, as well as verification of their compliance through conformity assessment and/or state market supervision and control of non-food products or other types state supervision (control)". Therefore, by this definition of "technical regulation", normative-legal and normative-technical

regulation are reduced to legal regulation of relations. However, the term "legal regulation" has not been defined in the current legislation of Ukraine.

In our opinion, the legislator mistakenly equates normative and legal regulation, since normative regulation is a broader concept that includes both normative-legal and normative-technical, and normative-religious and other normative regulation. The difference between normative-technical and normative-legal regulation stems from the difference between technical and legal norms, which, in turn, is due to the different subject of these norms. If the subject of a legal norm is a disposition ("right-obligation" relationship), then the subject of a technical norm is a one-sided relationship of the subject, with a normative definition of only the subject's obligation regarding certain aspects of the object of his activity (requirements for labeling, transportation, and other manipulations of the object) (Yushchuk, 2013).

As you know, researchers divide the normative regulation of sports into two complexes: sports law and "lex sportiva" - a complex of normative corporate regulation. Specifically, de Oliveira (2017) notes that contracts involving sports matters, such as the participation of an athlete in an international sports competition, would normally have a clause submitting disputes to arbitration under the rules of the Court of Arbitration for Sports. As a result, in international sports disputes, the subject matter of disputes has been predominantly decided by a private tribunal. In making such decisions, the Court of Arbitration of Sports has been interpreting and applying the rules established by sports governing bodies. Consequently, in its 30 years of existence, the Court of Arbitration for Sports has produced a rich jurisprudence regarding sports disputes. Such body of case law, combined with the rules of the sports governing bodies, has created what today is called a *lex sportiva*.

Therefore, there is a need to clarify which acts belong to the "lex sportiva" and whether to include them in the composition of sports legislation and the branch of sports law. From our viewpoint, without understanding the clear relationship between normative-legal and normative-technical regulation in the field of sports, this issue is difficult to solve, since the branch of law is formed from a set of specific norms, which are formulated as provisions of the text of the normative act. This means that the branch of law forms a certain composition of legal information contained in branch norms, which differs from the composition of legal information of other branches of law. In this connection, the question arises: can documentary acts of normative-technical regulation contain legal information, and acts of normative-legal regulation - non-legal information (in this case, technical). That is, it is necessary to determine the scope of those normative acts that are included in the branch of "sports law", and to find out how to systematize the acts of this branch as sources of normative information. Determining the composition of legal acts of sports law and the practical legislative activity of the formation of this branch in Ukraine depends on the understanding of the relationship between two types of normative regulation - normative-legal and normative-technical - in the aspect of legal information.

At the same time, when determining those legal acts that form the branch of sports law, it is necessary to take into account that the legislation on physical culture and sports is contained in various normative acts, in which material and procedural norms, norms of national law and international law, norms of state regulation interact and norms of non-state self-regulation interact. The normative field of sports includes sports-technical norms, sports-regulatory norms and organizational-sports norms. The last two of the mentioned categories form a system of normative and legal regulation of sports relations, the specifics of which depend on the nature of the activity that functions as a "sports activity" (Yushchuk, 2023).

According to the basic law in the field of sports Law of Ukraine "On Physical Culture and Sports" (Law of Ukraine No. 3808-XII, 1993), the key entity that implements the function of the development of sports in Ukraine is a sports federation for a certain type of sport. Having the legal status of a public organization, sports federations, together with the central body of the state executive power, which ensures the formation of state policy in the field of physical culture and sports, implement sports policy in the state. Sports federations function on the basis of the statute, which is subject to state registration. The content of the statute must comply with the requirements of the current legislation of Ukraine, international norms, including the rules of international federations. A mandatory condition for the creation of a federation is the definition of the type of sport, the development of which is promoted by this federation; and when creating sports federations of persons with disabilities, health defects must be indicated. The statute is a kind of "constitution" for the sports federation, which in its activity is governed, in addition to the statute, by various normative acts in the field of sports.

The sources of national law that regulate the activities of sports federations include: the Constitution of Ukraine; codes containing provisions regulating activities in the field of sports (Budgetary, Tax, Land, Air, Merchant Shipping Code, Criminal Code, Code on Administrative Offenses); laws of Ukraine directly devoted to the regulation of physical culture and sports, as well as other laws that contain provisions related to sports; decrees of the President of Ukraine; resolutions of the Cabinet of Ministers of Ukraine; orders of the Ministry of Youth and Sports of Ukraine; normative acts of international and national sports organizations and bodies (International Olympic Committee, National Olympic Committee, National Committee of Disabled Sports of Ukraine, Sports Committee of Ukraine, international sports federations in various sports, etc.).

In general, the organizational-management activities of sports federations in Ukraine are carried out in the normative array, which includes almost 4,000 normative acts. Therefore, a clear classification of these acts becomes important both for the formation of the sports-legal branch in the legal system of Ukraine, and especially for the practice of sports management. In particular, the governing bodies of the sports federation (president, vice-president, members of the executive committee, heads of separate subdivisions) must have a certain level of legal culture and awareness in the field of normative regulation of sports for the adoption and implementation of management decisions. Awareness of the existence of certain normative legal acts, the involvement of professional lawyers specializing in sports law will undoubtedly increase the effectiveness of sports management in Ukraine. In connection with this, there is a problem of training managers, specialists, in particular, lawyers at the appropriate level for work in the field of sports. For the successful implementation of this task, an appropriate scientific and educational-methodical platform is needed. At the same time, the current legislation of Ukraine and, in particular, the normative base of sports today do not have proper accounting and systematicity, and the rule-making activity needs significant improvement, a new level of quality of normative regulation.

A significant role in the improvement of the regulatory framework in the field of sports belongs to the justice system, first of all, to the Ministry of Justice of Ukraine. The powers of the Ministry, which directly relate to the field of sports law, include: development of draft laws and other normative legal acts; carrying out legal examination of draft laws, other acts of legislation submitted for consideration by the Government of Ukraine by other subjects of the right of legislative initiative; preparation of comments and proposals to the laws adopted by the Verkhovna Rada of Ukraine, sent to the President of Ukraine for signature; carrying out an examination of draft laws, other legislative acts submitted for consideration by the Cabinet of Ministers of Ukraine, and draft laws submitted for consideration by the Parliament by other subjects of the right of legislative initiative, and comments and suggestions to such regulatory and legal acts subject to state registration for compliance the provisions of the Convention on the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights; implementation of state registration of normative legal acts of those bodies whose acts are subject to state registration in accordance with legislation, cancellation of the decision on registration of a normative legal act; generalization of the practice of application of the legislation and provision of methodological recommendations on issues assigned to the Ministry of Justice of Ukraine. Regarding the state registration of regulatory acts of subjects in the field of sports, the Ministry of Justice of Ukraine registers the orders of the Ministry of Youth and Sports of Ukraine (in particular, orders have been registered: On the organization of educational and training work of children's and youth sports schools; On the approval of the Rules of sports competitions for various types of sports; On the procedure for the recognition of sports in Ukraine; Provisions on the Unified sports classification of Ukraine; The procedure for the recognition of sports, their inclusion to the Register of Recognized Sports in Ukraine, its procedure, etc.).

The Ministry of Justice also carries out the registration of public organizations of physical culture and sports orientation, the activities of which are based on the statute (Article 9 of the Law of Ukraine "On Physical Culture and Sports" (Law of Ukraine No. 3808-XII, 1993), Article 8 of the Law of Ukraine "On Public Associations" (Law of Ukraine No. 4572-VI, 2012). The main place in the sports system is occupied by federations from certain types of sports. National sports federations establish the basic principles of the organization of sports activities on the territory of Ukraine in their respective sports, adopt their own rules and regulations, including disciplinary rules containing both material and procedural norms, regulating the activities of quasi-arbitration bodies. As a rule, these are separate provisions in the form of rules or a code, although sometimes such rules are included in a separate section of the statute. Such rules (apart from the statute) are not subject to registration in the judicial authorities, but are mandatory for the relevant subjects of sports activity.

The statutes of most national sports federations oblige their members, the participants of the competitions organized by them, to recognize the binding nature and fulfill the decisions of their judicial bodies. Such an obligation reflects the principle of the independence of sports, in some places it even prohibits the appeal of decisions of sports justice bodies in courts of general jurisdiction. As a rule, disputes in this field should be considered in disciplinary committees of sports organizations or arbitration commissions (for example, the Disciplinary Committee of the Ukrainian Football Association, Chamber for resolution of disputes of the Football Federation of Ukraine, Sports Arbitration Court of the National Olympic Committee of Ukraine, Basketball Arbitration Tribunal established by the World Basketball Organization), or in the Court of Arbitration for Sport (CAS), which is completely independent and operates on the basis of the Code of International Sports Arbitration as the highest quasi-judicial authority specializing in the resolution of cases in the field of sports. Decisions of the Special Division and the appellate arbitration oblige both the parties and the CAS panel to refer to previous decisions concerning the same or similar issues. However, Flaminio da Silva & Mirante (2020) note that nowadays, CAS' is an important actor and its relevance cannot be denied. Nevertheless, there are still multiple lessons to be taken in what concerns the best configuration of an arbitral option for the resolution of sports conflicts. The criticism that surrounds CAS' is proof of the need to evolve.

Part 9 of Article 45 of the Law of Ukraine "On Physical Culture and Sports" (Law of Ukraine No. 3808-XII, 1993) provides that the resolution of disputes that arise between subjects in the field of physical culture and sports is carried out in accordance with the law by a permanent sports arbitration court. The legal regulation of such protection is provided by the Law of Ukraine "On Arbitration Courts" (Law of Ukraine No. 1701-IV, 2004), which, however, does not contain reservations regarding the subordination of cases in the field of sports or related to sports, as well as the Law of Ukraine "On International Commercial Arbitration" (Law of Ukraine No. 4002-XII, 1994), the Law of Ukraine "On International Private Law" (Law of Ukraine No. 2709-IV, 2005) etc. An obligatory prerequisite for the possibility of resolving disputes by an arbitration court is an arbitration agreement - this is an agreement of the parties to refer to the arbitration court all or certain disputes that have arisen or may arise between them in connection with any specific legal relationship, regardless of whether they have whether they are contractual in nature or not. An arbitration agreement can be concluded in the form of an arbitration clause in a contract, a contract with relevant entities in the field of physical culture and sports on participation in competitions among professional athletes, on cooperation or on joining a club (names may be different), or in the form of a separate written agreement. A clause on referral to an arbitration court may also be contained in the statute of a sports organization to which a participant joins.

Therefore, the resolution of disputes can take place in the manner prescribed by the statutory and regulatory documents of the relevant entities in the field of physical culture and sports. This applies to any dispute that arises from civil or economic legal relations, except for the cases provided for by law. At the same time, more than 500 different arbitration courts are registered in the Unified Register of Public Organizations of the Ministry of Justice of Ukraine, of which sports arbitration courts – units (in particular, the Permanent arbitration court at the "Sports Industry of Ukraine" association, the Sports Arbitration Court of the National Olympic Committee). Decisions of arbitration courts are outside the competence of the State Executive Service of the Ministry of Justice, and enforcement of decisions of such courts is carried out by submitting relevant applications to courts of general jurisdiction.

The lack of a clear concept of legal acts and their verified classification results in the fact that the rule-making activity is carried out inconsistently, often chaotically and inconsistently, with gaps and other technical-legal defects. And this affects the formation of a single normative framework for regulation in all spheres of social relations, including in the field of sports, and leads to the destruction of the system of accounting for normative acts. All this has an extremely negative impact on the practice of applying normative acts in general, including acts of sports law, and leads to the violation of the rights of the subjects of legal relations. The practice of solving court cases in the field of sports law is faced with problems of not just a technical, but a conceptual nature, which require their theoretical understanding and the development of relevant scientific-practical recommendations. This especially applies to the combination of the activities of state authorities and non-governmental organizations, both national and supranational, in the management of sports, in connection with which questions arise about their relationship, problems of jurisdiction to resolve conflict situations, etc.

Legislation in the field of physical culture and sports provides for such sanctions as disqualification of an athlete, restriction of participation in sports events, exclusion of a sports team (club) from the membership

of industry associations, from tournaments, competitions or restriction of such participation, imposition of a fine. However, the law does not define the concept of a sports dispute, despite the fact that each sport has its own disciplinary rules. Therefore, the court of general jurisdiction, when accepting the relevant application, must decide whether the dispute belongs to the special competence of sports bodies. In Ukraine, there is currently no clear structure of out-of-court institutes for consideration of sports disputes. Most of the sports federations have neither their own such structures (quasi-arbitration bodies) nor specialists in the consideration of sports disputes. An exception is the football federation (Ukrainian Football Association - UFA), in which the Committee for Certification of Football Clubs, control-disciplinary committee of the UFA (CDC), the appeal committee of the UFA and the Dispute Resolution Chamber of the UFA (DRC) functions.

At the same time, the DRC of the UFA had to be registered in the prescribed manner precisely as an arbitration court. However, Article 6 of the Law of Ukraine "On Arbitration Courts" (Law of Ukraine No. 1701-IV, 2004) excludes labor disputes from the jurisdiction of arbitration courts. The latter are a significant category of cases of the DRC. Because of this, the latter was not registered as an arbitration court, and therefore the decisions of the DRC are not subject to enforcement according to the executive legislation of Ukraine. Such a situation creates a legal conflict, since any of the parties to the dispute can apply simultaneously to the court of general jurisdiction and to the DRC of the UFA. Such a situation took place, in particular, in the case of ex-football player of Lviv "Karpat" V. Gudyma against the club regarding the payment of salary arrears. The DRC satisfied the demand and obliged the club to pay 73,800 dollars. The club refused to fulfill this decision. The CDC imposed sanctions on the club in the form of a ban on transfers. The club appealed to the Frankivskiy District Court of Lviv with a demand to cancel the decision of the DRC and CDC. The court fully satisfied the lawsuit and removed the debt and sanctions from the club. The club appealed to the DRC, but the Chamber refused to review the case based on the newly discovered circumstances. The full stop was put by the CAS in case No. 145/05/2014 (Tribunal Arbitral du Sport, 2017), recognizing the refusal of PVA is legitimate. And the club was forced to pay the debt to the athlete, and the dispute was resolved in this way.

In this regard, it is necessary to pay attention to such norms of sports justice, which limit appeals to national courts. This limits access to justice and violates Article 55 of the Constitution of Ukraine. In our opinion, the application of the rules of sports law cannot compete with the right to access to justice. Sports law should apply only to sports, sports competitions and certain cases of legal relations based on sports relations, on participation in sports competitions, on the organization of their holding, on rules that exist exclusively in the sports field. And the right to work is a constitutional right guaranteed by the Constitution of Ukraine.

hus, the problem of the concept of acts of sports law, their classification and application is supplemented by new additional provisions compared to the views on this subject existing in the legal theory. First of all, this concerns the methodological aspect of defining the concept of legal acts, as well as their classification. The following provision is fundamental: all legal acts are acts related in one way or another to legal norms, and therefore are normative. This leads to the following important question regarding the connection between legal acts, normative information and legal information, which is almost not studied by scientists. The specified general points regarding the legal system as a whole should find their specification in the branch aspect, in particular, and in the formation of the sports law branch. This applies to legal acts of public authorities in the field of sports, as well as acts of national and international sports organizations, first of all legal acts of sports federations.

Also, solving an extremely important problem in the information society, which is the development of automated legal information systems in the field of sports law based on the latest information technologies, including the use of so-called "artificial intelligence", depends on a scientifically based classification of sports law acts. For example, Prokhazka & Melnyk (2023) study the issue of the implementation of artificial intelligence in legal norms at both the international and national levels, in particular, the use of its opportunities in justice for the purpose of more effective consideration of cases, and at the same time reducing the burden on judicial systems.

Conclusions

The following conclusions can be formulated as a result of this research:

- 1) The development of the field of sports in Ukraine requires appropriate management of this field, especially its legal support through the formation of sports law as an independent legal branch.
- 2) The creation of the sports-legal branch in the national legal system necessitates the integration of sports-legal acts into a separate subsystem, which indicates the need for a scientific definition of the concept of legal acts and their classification on the appropriate basis.
- 3) The definition of the scientific concept of legal acts is ensured by a dialectical approach to the interpretation of law, according to which law is a component of social management. At the same time, legal acts represent specific management decisions and are carriers of legal information. In this way, they differ from non-legal (technical) management decisions and, accordingly, normative-technical acts.
- 4) The sports law branch consists of legal acts (management decisions) of both state bodies and, to a large extent, acts of sports organizations, in particular, national and international sports federations.
- 5) An important role in the accounting of sports legal acts belongs to justice bodies, which provide conditions for rational rule-making, as well as the application of sports law acts by subjects of sports legal relations and bodies of justice, including sports justice bodies.
- 6) The specificity of the sports-legal branch and the state of legal support for sports management in Ukraine actualize the need for additional scientific research, in particular, the concept of legal acts, their classification and systematization, the formation of the legal branch, etc.

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