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Characteristics of the influence and role of sports and sports organizations in countering military aggression: Organizational and legal aspect

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Abstract

The research exposes the introduction of the necessary changes in the regulatory and legislative framework related to armed aggression and martial law regime for holding sports events in various sports. In this context, the features of the legal regulation of relations in the field of professional sports during the war are discussed. The features of competitive and training activities of athletes from the eastern regions of Ukraine are analyzed in connection with the destruction of sports infrastructure, evacuation to other regions and out of the country. The authors emphasize the national-patriotic position of Ukrainian athletes. As stated and substantiated in the article, many famous and successful Ukrainian athletes make a significant contribution to the

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information struggle at the international level to completely eliminate Russian and Belarusian athletes and world sports teams and actively participate in numerous charitable fundraising projects, sacrificing their own. It is concluded that sports activities can be a mechanism of resistance to military aggression.

Keywords: international competitions; regulations; sports infrastructure; charity events; depository organizations.

Características de la influencia y el papel de los deportes y las organizaciones deportivas en la lucha contra la agresión militar: Aspecto organizativo y legal

Resumen

La investigación expone la introducción de los cambios necesarios en el marco regulatorio y legislativo relacionado con la agresión armada y el régimen de la ley marcial para la celebración de eventos deportivos en varios deportes. En este contexto, se discuten las características de la regulación legal de las relaciones en el campo de los deportes profesionales durante la guerra. Se analizan las características de las actividades competitivas y de entrenamiento de los atletas de las regiones orientales de Ucrania en relación con la destrucción de la infraestructura deportiva, la evacuación a otras regiones y fuera del país. Los autores enfatizan la posición nacional-patriótica de los atletas ucranianos. Como se afirma y se fundamenta en el artículo, muchos atletas ucranianos famosos y exitosos hacen una contribución significativa a la lucha de la información a nivel internacional para eliminar completamente a los atletas rusos y bielorrusos y los equipos deportivos mundiales y participan activamente en numerosos proyectos de recaudación de fondos benéficos, sacrificando los suyos. Se concluye que las actividades deportivas pueden ser un mecanismo de resistencia ante una agresión militar.

Palabras clave: competiciones internacionales; reglamento; infraestructuras deportivas; eventos benéficos; organizaciones deportivas.

Introduction

From the moment of the full-scale invasion of Russian armed formations, one can state a violation of the stability of the entire system of

public relations. While significant attention of state structures is directed to the solution of the most important humanitarian issues today, certain areas of public life remain in the background, which leads to the risk of potential unbalancing of the legal settlement of less protected subjects. The war could not bypass the sports sector, which, although, according to media reports (media), is still capable of producing high sports achievements, at the same time suffers from the consequences of aggression and ambiguity in the legal regulation of relevant relations during martial law.

This has affected every sport, every team, every athlete. Athletes, like the entire Ukrainian people, rallied in activities aimed at accelerating our victory, in supporting the development of Ukrainian sports and information warfare. The relevance of participation in the information struggle is very important in the current situation, not only by government agencies but also by the sports community.

The horrors of a senseless and ruthless war have changed and continue to change legal relations in the sports environment not only in Ukraine, but also in world sports.

1. Materials and methods

The purpose of the article is to analyze the purposeful activities of athletes during aggression on the information front, support for the development of sports and wrestling, namely: to characterize the consequences of the influence of aggression on various spheres of public life, in particular, sports and the changes made to the legislative framework; - highlight the participation of athletes in the defense of the country, their volunteering, support for the development of sports and information activities.

The study used a theoretical analysis of social practice, generalization of information from electronic sources, a review of scientific analytical studies.

2. Literature review

As most scientists note, the management of the sphere of physical culture and sports can be considered as a purposeful, organizing, coordinating, systematic and controlling influence of government bodies on the industry of physical culture and sports, aimed at improving the efficiency of its functioning. The science of management is considered by specialists from different countries as intersectoral. It has a long history, includes many scientific schools, concepts and definitions of the essence of management. One of them, the most popular, belongs to the American scientist Drucker. According to him, management is "a special kind of activity that turns an

unorganized crowd of people into an effective, purposeful and productive group.” (Zarnota, 2011; Manukov, 2016).

Some scholars point out that the sphere of physical culture and sports is characterized by branched social relations that perform socially useful functions, which necessitate public administration in this area. At the same time, it should be taken into account that physical culture and sports contribute to the intellectual, physical and spiritual development of young people, ensure the full and harmonious development of the individual, improve the quality and standard of living, characterize the established traditions of a healthy lifestyle and the country’s authority in the international arena (Deutsch, 2000; Numerato, 2012; Maening, 2006).

The sphere of physical education and sports is considered as a subsystem of society, as well as a relatively independent system. The spheres of activity of society are its social subsystems. The social subsystems related to people’s lives and their relations in society include: economic, political, legal, science, culture, physical education and sports, etc.

They are also social because their main component is a person, they are created by people and cannot function without people. Such subsystems have certain features and characteristics that complement each other and enable a holistic perception of a particular system (Duggan, 2001; Reznik, 2020).

Public governing bodies of physical culture and sports complement the state forms of organization of physical education, contribute to the involvement of the broad masses of the population in solving problems related to health-improving physical culture, the development of mass, professional and Olympic, Paralympic, deaflympic sports. Public governing bodies carry out the coordinating development of physical culture and sports, taking into account the territorial-departmental principle.

The governing and executive bodies of management are formed according to the principle of election from the bottom up from the grass-roots team to the central bodies, by nominating candidates and holding elections at the general meeting, conferences, plenums - the relevant bodies are elected and their quantitative composition is determined (Chernyshova, 2010; Bondarenko, 2017).

Public governing bodies of physical culture and sports (groups of physical culture, sports and fitness clubs) in their activities rely on the physical culture asset, create various commissions, federations for sports, in order to stimulate the growth of business qualifications of physical culture personnel, increase responsibility, higher physical culture is informed. about the work done, etc. Sports societies have their own symbols (flag, emblem, membership cards, badges, sportswear, etc.).

Public authorities for physical culture and sports are financed from various sources - partly from the state budget, trade union organizations, income from industrial, economic, publishing, commercial activities, sponsors, organized exhibitions, lectures, lotteries, auctions, sports events, personal contributions, social budgets from exploitation sports facilities and other various paid services.

Issues of legal responsibility relate mainly to the spheres of economic and civil law, but in the field of sports, to a large extent, they relate to a new branch of sports law for Ukraine, which regulates the totality of public relations that arise and are implemented in the process of organizing and forming sports teams, establishing requirements for professional athletes when monitoring compliance with rules or regulations.

A wide range of legal relations covered by the field of sports law includes the legal regulation of not only professional sports, but also children's sports, the legal support of public physical culture and sports associations, the regulation of the legal status of various participants in sports activities (athletes, coaches), the legal aspects of organizing and conducting sports competitions, regulation of tax relations in the sports field, intellectual property rights in this field, relations in the field of refereeing, sports arbitration, international relations in the sports industry.

3. Research Results and Discussions

Today, society is faced with the task of educating a healthy, strong, able-bodied younger generation with an active lifestyle. These issues are implemented in the process of educating children and youth in educational institutions, at home and during leisure. Organized meaningful leisure for children and youth can have a significant impact on the harmonious formation of their personality, the expansion of motor potential, the satisfaction of needs for communication and self-expression, as well as fill free time and distract from the street and bad habits.

Meaningful leisure activity is one of the factors that leads to the formation of a child's personality and affects the development of his creative potential. In the conditions of leisure, the child acquires experience that determines his behavior, the perception of spiritual and cultural values, which ensures the continuity of generations, the transmission of traditions, and also stimulates the development of his creative inclinations and abilities. In the explanatory dictionary, leisure is interpreted as free time from work; Time relax. Most modern researchers also identify these concepts and define leisure as a set of leisure activities, through which immediate physical, mental and spiritual needs are satisfied, mainly of a restorative nature.

The main negative factors affecting sports organizations under martial law are shown in Figure 1.

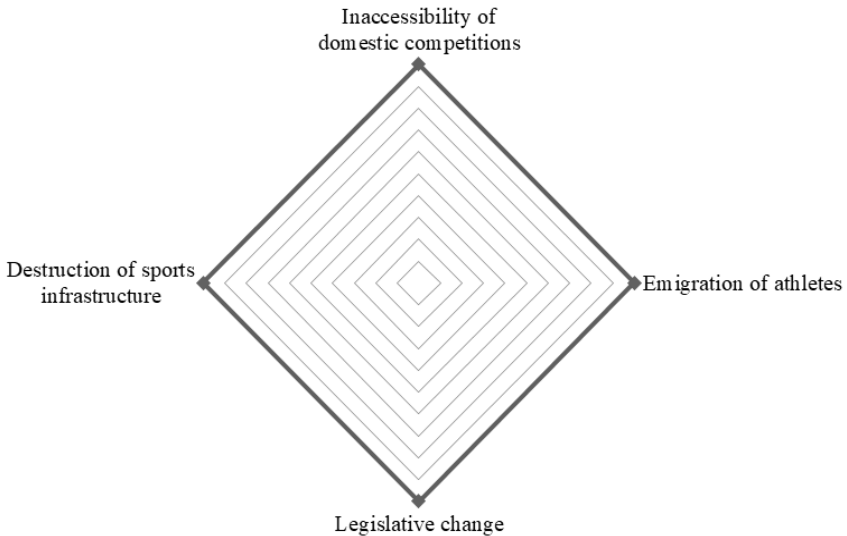


Figure 1. The main negative factors affecting sports organizations under martial law. Fuente: elaboración de los autores.

Focusing on the issues of legislative regulation of professional sports relations, we note that by a normative legal act we mean an official document adopted (issued) by an authorized subject in a form and procedure determined by law, establishing the rules of law for an indefinite circle of persons and designed for repeated application.

At the same time, it was noted in the legal literature at one time that the fundamental recognition of the priority of international law does not always lead to its consistent implementation in the legal system of the country, with which we cannot unequivocally agree, since both at the legislative and law enforcement levels, the standard provision about the priority of application of the Rules of the international treaty is considered as an axiom.

The changes taking place in modern sport require their legislative registration at different levels: international, state, state entities and municipalities. The progress of sports relations in our country is quite dynamic, which, in turn, requires constant work to improve the legal framework, the creation of fundamentally new legislative acts that consolidate the achievement of Ukrainian sports. Paying tribute to the efforts of the legislator to improve the legal regulation of relations in the

field of sports, however, it should be noted that the existing legal framework does not fully meet the modern needs of the development of domestic sports.

This legislation still remains insufficiently systematized, it contains many gaps and contradictions, outdated norms and ambiguous wording, which creates difficulties in practice. The complexity of the organizational structure of the modern sports movement, the interaction of different socio-normative regulators in the sports sphere of public relations also actualize the problem of improving the legislation in the field of sports.

The function of promoting the development of sports, involving the population in physical culture and health and sports activities, as well as organizing and holding sports events in society, is carried out by sports organizations. These organizations include international and national federations in the relevant sports, sports (including Olympic) committees, and other public organizations of physical culture and sports.

Sports organizations acting as organizers of sports events have the right to use the name and symbols of a sporting event, carry out advertising at the venues of events, identify manufacturers whose products (sportswear, footwear, sports equipment and inventory) are necessarily used by sports subjects when holding relevant events. In addition, these subjects of sports relations own exclusive rights to cover sports events. The exploitation of property rights associated with the implementation of sports events allows their organizers to conduct sports business and receive significant profits. And it is true that a wide range of rights of the organizers of sports competitions correspond to corresponding duties.

The organizer of a sports competition is liable for damage caused by employees whose services he uses in the performance of their official duties by these employees. The issue of responsibility of the organizers is especially acute when such employees are authorized to carry out special assignments to prevent the occurrence of dangerous situations that provoke the onset of adverse consequences (damage).

That is, someone else's guilty behavior is imputed to the organizer of the competition, as if he himself committed the violation of duty. An authorized person is an employee who acts (performs certain functions that are his responsibility) in accordance with the actual situation on the instructions of his employer (organizer of sports competitions) and in accordance with his instructions.

Liability for damage caused by third parties in the field of sports is usually liability from claims against the organizers of sports events for damage caused by the actions of their employees in the course of performing their duties; for improper control of such employees or in practice for their rash choice and for their failure to fulfill special instructions to prevent the occurrence

of dangerous situations and accidents during a sports competition. In order to impose on the relevant sports organization the obligation to compensate for the damage caused by its employee, it is necessary that the behavior of such an employee meets certain criteria.

As a general rule, the qualifying circumstances include: the presence of the tortfeasor in the labor (service) legal relationship with a sports organization and the infliction of harm directly when the assignor fulfills the duties assigned to him as an employee under an employment contract (contract). Civil liability also arises when performing a tort of representative powers on behalf of a sports organization at the time of causing harm.

Third parties for whose actions the organizers of sports events are responsible must be appointed by them to engage in sports activities with the knowledge and at the request of the employing sports organization, under its control and in accordance with its leadership regarding the way the task / work is performed; such persons must act on the instructions of their employer (the organizer of sports competitions) and in accordance with his instructions. That is, the illegal act must be authorized by the employer, and the damage must be caused by the illegal way of performing the task provided by the sports organization.

Of course, there are also circumstances on the basis of which the organizers of sports events are exempted from civil liability for the actions of third parties. Firstly, these are cases of unlawful behavior of employees of sports organizations, their “exit” in the process of performing a task beyond the limits of “their service” and performing actions in their favor, not related to the organization and holding of sports events. And, secondly, it is the deliberate infliction of harm by third parties with whom sports organizations are not in labor or other contractual relations.

The tasks facing our state in integrating into the European and world sports community as an equal partner very sharply outline the problem of legal support for all, without exception, participants in the implementation of these events. This is because almost the entire complex of legal acts regulating relations in the field of physical culture and sports in Ukraine has been little studied from a scientific point of view, and the already existing sports and legal norms, regulations and rules are not always worked out, tested, and adapted accordingly. are systematized and properly implemented.

This almost immediately, even at the stage of organizational and initial consideration, creates significant disagreements and causes contradictions when solving contractual, contractual, financial, insurance, managerial and other problems or after they have been formalized, implemented or carried out. Today, for a positive solution of legal issues, it is necessary to develop a physical culture and sports and regulatory framework, its analysis,

systematization and generalization to be carried out in a controlled, coordinated and centralized manner, with mandatory approbation and prior agreement with all interested institutions and organizations, ministries and departments before its public disclosure and implementation in the workflow.

The systemic nature of law presupposes an objective unification of certain legal parts according to the content characteristics into a structurally ordered whole, which has relative independence, stability and autonomy of functioning. Such an approach, as a systematic approach, also concerns the processes of institutionalization, reflected in the corresponding functions, powers of the subjects of the physical culture and sports sphere. It is necessary to find out what is the state of legal regulation in this area and whether it is systematic.

Sports law in its content is a rather complex formation, because the impact on sports is carried out through both private and public law. Both private and public law in their own way consider certain issues of activity in the field of preparation and holding of sports competitions. Therefore, in the regulation of sports relations there is a place for both personal and public law. Therefore, the authors come to the conclusion that sports law can be divided into private sports law and public sports law. The norms of the first regulate sports relations in civil law disputes, civil contracts between the subjects of sports relations and labor sports contracts, the transfer of employees from one employer to another, certification of employees,

We propose to recognize public sports law as a sub-branch of the Special Part of Administrative Law. In turn, among the institutions of sports law as a sub-sector of a special part of administrative law, the following can be distinguished: sports; sports licensing; sports events; sports medicine; sports education; national teams; sports refereeing; sports titles, sports categories and sports awards; logistical and financial support in the field of sports; information support in the field of sports; state control in the field of sports; administrative liability for offenses in the field of sports

The issues of organization and implementation of health-improving and sports activities, health-improving and sports events of a competitive nature are regulated by regulatory and other acts, which are sources of various branches of law and legislation. The systematic approach, along with the integration approach and others, allow us to assert that sports law has been singled out as a complex branch of law and legislation. The study of the features of the legal regulation of physical culture and sports requires a thorough analysis. In fact, there are a number of norms that we refer to various branches of law, which, in particular, regulate social relations in the field of physical culture and sports. We consider the issue of singling out sports law as a complex industry more reasonable, but it is important not to narrow its subject. On the basis of a systematic approach, it is necessary

to discuss sports law and determine that the scope of its regulation covers public relations arising in the course of activities in physical culture and sports.

Conclusions

The war closely united the personal with the social. Despite the terror, air raids, destruction of energy facilities, athletes continue to train to resist the kafir on the sports front. National self-consciousness has become a natural marker, it has activated the need to resist the aggression of the enemy, to join in the defense of the country.

A large number of competitions and training processes have been stopped, canceled or rescheduled. But, despite all these horrors and hardships, sports life is being restored, continues, and sometimes gains momentum. As of today, there are already many reasons for optimism, which were mentioned above, and there is no doubt that with every day that will bring us closer to victory over the enemy, with each success in competitions, there will be more and more of them, and very soon Ukrainian sport will make two, and maybe even more confident steps forward in its development and will deservedly occupy one of the leading places at the world level.

The prospect in the study of this topic is the expansion and deepening of the purposeful activities of athletes on the information front, volunteering and supporting the development of youth and children's sports; justification of the inexpediency of the boycott by athletes of international competitions and the Olympic Games, which may have a negative impact on the development of the industry and cause the emigration of our athletes.

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