

PLACE OF ADMINISTRATIVE LAW NORMS IN THE SYSTEM OF LEGAL PRINCIPLES OF IMPLEMENTING CONTROL AND SUPERVISION IN THE SPHERE OF PHYSICAL CULTURE AND SPORTS

Bohdan Lukin,

degree-seeking student of Kharkiv National University of Internal Affairs, Kharkiv, Ukraine

ORCID: <https://orcid.org/0000-0002-4952-7407>

e-mail: bohdanlukin@gmail.com

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Abstract. *The author has paid attention to the fact that legal principles of control and supervision in the sphere of physical culture and sports can be considered in two contexts. Thus, they represent, on the one hand, a set of regulatory legal acts of different legal force, the norms of which are aimed at regulating social relations in a certain sphere of social life. On the other hand, legal principles are a set of principles, which are the basis for certain activity. In our opinion, it is most appropriate to talk about the first aspect of the indicated problematic issue within the context of the presented problems.*

It has been noted that each of by-laws presented in the article to one degree or another regulates various legal relationships that arise during the implementation of control or supervision in the sphere of physical education and sports. Unlike laws, which have a much more global nature, sub-legal documents are local documents that are issued for the purpose of practical implementation of legal provisions and the context of which is limited by the authorities of the subject of their issuance.

It has been established that the key place within the system of legal principles of supervision and control in the sphere of physical culture and sports belongs to the norms of administrative law, because they help: a) to determine the procedure and procedural aspects of the implementation of the relevant control and supervision activities; b) to establish the forms and methods of supervision and control; c) to establish the legal status of controlling and controlled entities; d) to reveal the principles of interaction between the population and public administration agencies on the implementation of the rights and interests of citizens in the sphere of sports and physical culture.

Key words: *legal principles, control, supervision, physical culture, sports, administrative law.*

1. Introduction

Ensuring the quality and effectiveness of implementing control and supervision in the sphere of physical culture and sports is virtually impossible without a properly constructed system of legal principles for the implementation of the relevant activity. The system of the relevant principles includes a wide list of regulatory legal acts of different legal force, the norms of which are aimed at regulating social relations in the researched area. Besides, the properly constructed regulatory legal framework helps to create conditions when the parties to legal relations will observe the regime of legality and the rule of law.

2. Review of the literature

Certain problematic aspects related to the regulation of supervision and control in various spheres of public life were studied in their scientific works by: S.S. Vitvitskyi, V.M. Harashchuk, Yu.A. Danylevskyi, A.V. Denysov, A.V. Dukhnevych, V.V. Zhernakov, A.O. Zamchenko, A.E. Lunov, S.H. Stetsenko, A.O. Sobakar, S.S. Studenikin, V.H. Tatarian and many others.

However, the problem of the legal principles of control and supervision specifically in the sphere of physical culture and sports has not been revealed in the legal literature to date, despite the high level of scientific relevance of the specified issue.

3. Research purpose and objectives

The purpose of the article is to establish the place of administrative law norms in the system of legal principles of control and supervision in the sphere of physical culture and sports. In order to achieve the specified purpose, we must solve the following objectives: to outline the range of regulatory legal acts, the norms of which are aimed at regulating the relevant activity; to evaluate the place of administrative law norms in the system of the specified legal principles.

4. Scientific novelty of the research

The novelty of the article is determined by the fact that the author of the article has conducted for the first time comprehensive analysis of legal principles

of control and supervision in the sphere of physical culture and sports and has outlined the place of administrative law norms among them.

5. Results

Starting the scientific research it is worth noting that legal principles of control and supervision in the sphere of physical culture and sports can be considered in two contexts. Thus, they, on the one hand, represent a set of regulatory legal acts of different legal force, the norms of which are aimed at regulating social relations in a certain sphere of social life. On the other hand, legal principles are a set of principles, which are the basis for certain activity. In our opinion, it is mostly appropriate to talk about the first aspect of the indicated problematic issue within the context of the presented problems.

Thus, the core of legal regulation of supervision and control in the sphere of physical culture and sports is the Constitution of Ukraine. The text of the Article 8 of the Constitution directly determines that the Basic Law has the highest legal force. Laws and other regulatory legal acts are adopted on the basis of the Constitution of Ukraine and must comply with it. The norms of the Constitution of Ukraine are norms of direct effect. Addressing the court to protect the constitutional rights and freedoms of a person and a citizen is guaranteed directly on the basis of the Constitution of Ukraine [1].

Besides, a person's life and health, honor and dignity, inviolability and safety are recognized according to the Article 3 of the Basic Law as the highest social value in Ukraine. Human rights and freedoms and their guarantees determine the content and orientation of state activity. The state is responsible to the people for its activities. Affirmation and guaranteeing of human rights and freedoms is the main duty of the state. The Article 23 of the document enshrines the norm that every person has the right to the free development of own personality, unless that the rights and freedoms of other people are not violated, and has obligations to the society, where the free and comprehensive development of his / her personality is ensured. Thus, citizens are guaranteed with the development in all spheres and areas that are not directly prohibited by the legislation of Ukraine. One of them is physical culture and sports, the status of which is separately noted by the Basic Law. According to paragraph 3 of the Article 49 of the document: "The state takes care of the development of physical culture and sports, ensures sanitary and epidemic well-being" [1].

International documents are next after the Constitution in terms of legal force among legal principles of control and supervision in the sphere of physical culture and sports in Ukraine. There is a number of acts among them, whose provisions are directly related to issues of control and supervision in the physical culture and sports dimension. For example, the purpose of the International Convention against

Doping in Sport dated from November 18, 2005 is to promote the prevention of the use of doping in sports and to fight for its eradication. The Member States in order to achieve the goals of the Convention are obliged: "1) to take appropriate measures at the national and international levels that correspond to the principles and goals of the document; 2) to encourage all forms of international cooperation aimed at ensuring the protection of athletes, compliance with ethical principles in sports and joint use of research results; 3) to promote international cooperation between the Member States and leading organizations in the field of combating doping in sports" [2]. The Member States ensure the application of the Convention, especially through the coordination of actions within the country. To fulfill their obligations under the Convention, the Member States can use anti-doping organizations, as well as sports institutions and organizations. The Member States shall take, where appropriate, measures to restrict the availability of prohibited substances and methods in order to limit their use by athletes in sport, except where such use is based on a therapeutic use permit. This includes measures to combat the sale of prohibited substances and methods to athletes and, to this end, measures to control their production, movement, importation, distribution and sale [2].

It is also worth emphasizing the Council of Europe Convention on the Manipulation of Sports Competitions dated from September 18, 2014. Its key aim is to combat the manipulation of sports competitions in order to protect the integrity of sports and sports ethics in accordance with the principle of the autonomy of sports. In accordance with this aim, the main goals of the Convention are defined as: a) prevention, detection and application of sanctions against national or transnational manipulation of national and international sports competitions; b) promotion of national and international cooperation against the manipulation of sports competitions between the relevant state agencies, as well as with organizations involved in sports and betting on sports competitions. The fight against the manipulation of sports competitions ensures respect, "inter alia", for the following principles: a) human rights; b) legality; c) proportionality; d) protection of private life and personal data [3].

The largest list of legal principles for control and supervision in the sphere of physical culture and sports in Ukraine is represented by legislative acts. The main regulatory document in this area is the Law of Ukraine "On Physical Culture and Sport" dated from December 24, 1993 No. 3808-XI, which defines the general legal, organizational, social and economic foundations of activities in the sphere of physical culture and sports and regulates social relations in creating conditions for the development of physical culture and sports. The legislation of Ukraine on physical culture and sports, according to the mentioned document, is based on the Constitution of Ukraine and consists of the relevant international

treaties of Ukraine and other regulatory legal acts regulating legal relations in this area. It is declared that citizens have the right to be engaged in physical culture and sports regardless of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other characteristics. This right is ensured by: free choice of sports and services in the sphere of physical culture and sports; availability and safety of physical education and sports; protection of the rights and legitimate interests of citizens; creation of physical culture and sports facilities; uniting citizens in public associations of physical culture and sports orientation; obtaining a special education and carrying out relevant professional activities [4].

Next, it is worth noting the Law of Ukraine "On State Social Standards and State Social Guarantees" dated from October 5, 2000 No. 2017-III. Social standard in the sphere of physical culture and sports was developed and adopted on the basis of its provisions, the observance and provision of which is monitored in the appropriate manner. According to the Law, the state social norms for the provision of services in the sphere of physical culture and sports include: the list, minimum norms of costs (financing) and the scope of the provision of services in the sphere of physical culture and sports, including free and subsidized services; indicators of availability and quality of providing services in the sphere of physical culture and sports, in particular free and subsidized services, including for persons with disabilities; standards for providing the population with physical culture and sports institutions and sports facilities, in particular with the possibility of access to them by persons with disabilities. Control over the compliance with the legislation on state social standards and regulations and state social guarantees is carried out by state authorities and local self-government agencies with the involvement of public organizations and independent experts on the basis of transparency [5].

Certain legislative acts of the current legal system regulate the parties of control and supervision in the sphere of physical culture and sports. This includes, for example, the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine" dated from December 23, 1997 No. 776/97-BP, which regulates the legal and organizational principles of parliamentary control over the observance of the constitutional rights and freedoms of a person and a citizen, including in the sphere of sports and physical education [6].

The Law of Ukraine "On Committees of the Verkhovna Rada of Ukraine" dated from April 4, 1995 No. 116/95-VR defines the legal status of the Committees of the Verkhovna Rada of Ukraine, their functions and organizational bases of activity. The Article 4 of the Law states that the Committees of the Verkhovna Rada of Ukraine, when exercising their powers, interact with other state authorities, local self-government agencies, enterprises, institutions and organizations,

their officials, who are obliged to assist the Committees of the Verkhovna Rada of Ukraine in exercising their powers, to respond accordingly to the law for their appeals and recommendations. The work of the Committee on Youth and Sports, including control content, is based on this legislative act [7].

At the same time, the list of legal principles does not end with laws, because a significant amount of important legal provisions is contained in by-laws. We would like to note that by-laws are by-law official decisions made in accordance with the established procedure in unilateral authoritative manner on matters within the competence of the subject of the issuance, which are endowed with the appropriate legal form and generate legal consequences. In other words, these are departmental acts that cannot cancel, amend, terminate the law, they only specify it [8, p.285].

Thus, organizational and functional issues of implementing control and supervision in the sphere of physical culture are expressed in by-laws. In this context, it is worth noting the following: Resolutions of the Cabinet of Ministers of Ukraine "On the approval of the Procedure for facilitating public examination of the activities of executive authorities" dated from November 5, 2008 No. 976, "On the approval of the Regulations on the Ministry of Youth and Sports of Ukraine" dated from February 7, 2014 No. 220, "On the approval of the Regulations on the Supervisory Board of the state institution "National Anti-Doping Control Laboratory"" dated from December 30, 2022 No. 1489; Decree of the President of Ukraine "Some issues of organizing the work of Ministries and other central executive authorities" dated from December 24, 2010 No. 1199/2010; Resolution of the Verkhovna Rada of Ukraine "On the list, quantitative composition and subject matters of the Committees of the Verkhovna Rada of Ukraine of the IX Convocation" dated from August 29, 2019 No. 19-IX; Order of the Ministry of Youth and Sports of Ukraine "On approval of the State Social Standard in the Sphere of Physical Culture and Sports" dated from March 28, 2013 No. 1; Order of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine "On approval of the Regulations on representatives of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine" dated from October 20, 2022 #84.15/22, etc.

Each of the presented acts to one degree or another regulates various legal relations that arise during the implementation of control or supervision in the sphere of physical culture and sports. Unlike laws, which have a much more global nature, sub-legal documents are local documents that are issued for the purpose of practical implementation of legal provisions and whose context is limited by the authority of the subject of their issuance.

6. Conclusions

Thus, the conducted scientific research makes it possible to state that the key place within the sys-

tem of legal principles of supervision and control in the sphere of physical culture and sports belongs to the norms of administrative law, because they help: a) to determine the procedure and procedural aspects of implementing the corresponding control and supervisory activity; b) to establish the forms and

methods of supervision and control; c) to establish the legal status of controlling and controlled entities; d) to reveal the principles of interaction between the population and public administration authorities on implementing the rights and interests of citizens in the sphere of sports and physical culture.

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