

## The Concept of Sports Relationships: Characteristics and Classification

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**Annotation.** One of the most multifaceted and unique social phenomena today is physical education and sports. There is no doubt that physical education and sports have a great influence on the formation of the will and moral qualities of a person, the formation and improvement of his personality. Physical education and sports are the basis for a healthy lifestyle for people, the health of the nation as a whole. Through the prism of human health, physical culture and sports lay the foundation for the economic development of any state and the world as a whole. Social networks and relationships are now accelerating rapidly. We are all participants in different legal relationships and this is where the principle of socialization comes into play. Legal relations are social relations regulated by law. Legal regulation is the process of giving authority, obligation, responsibility to the participants of social relations, as well as the implementation of these powers, tasks, responsibilities, making the participants subjects of legal relations. Sports-legal relations are not only public but also private law. With the development of professional sports activities, the problem of the mechanism of its legal regulation is becoming increasingly important.

**Key words:** sports, competition, athlete, law, contract, activity, legal relationship, participation, professional sports

Sports relations built because of competitions and training activities. Many authors point to the competitive nature of sports as its distinctive feature: V.V. Yagodin – “Competition is one of the main and integral features of sports activities”<sup>1</sup>. S.A. Yurlov – “The word sport can be defined in the following sense: the system of competitions, which is historically developed in the field of physical culture of society as a specific form of self-competitive activity, formed as a special field of identification and comparison of human potential”<sup>2</sup>. VP Vaskevich – “Defines the specificity of competitive sports as a special field of activity”<sup>3</sup>.

“Competition” is really the main quality of the sport. All his other qualities are secondary, for they may or may not be. Competition cannot be without jixatiesa. If it is not, then sports activities are practically non-existent. We can say it differently: a person’s special place in sports is that the rules of the competition are predetermined and the only official area of social activity that requires a person who wants to win in this competition to compete with another person first.

Of course, interpersonal competition is an extremely common phenomenon in human society. However, as people compete in labor, art, science, politics, this movement does not objectively turn into a sport. Another issue is the intrinsic content of each recorded activity for a person: in a given situation, labor, art, science,

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<sup>1</sup> Yagodin V.V. Basics of sports ethics: [ucheb. posobie]. – Ural.feder. un-t. – Ekaterinburg: Izd-vo Ural.un-ta, 2016. – P. 112.

<sup>2</sup> Yurlov S.A. Development of legal science in the field of research issues, related to the normative regulation of sports // Vestnik Sankt-Peterburgskogo Universiteta. PRAVO. 2018. E. 9. V. 4. – P. 625. // <https://cyberleninka.ru/article/n/razvitie-pravovoy-nauki-v-chasti-issledovaniya-voprosov-svyazannyh-s-normativnym-regulirovaniem-sporta>

<sup>3</sup> Vaskevich V.P. Legal regulation of professional sports in the Russian Federation: general legal analysis. – Kazan: 2006. – P. 16.

and any other activity can become a “pure competition” for the subject performing it, in which “pure sport” can arouse interest. In the same way, sport can, in certain circumstances, become an art, labor, politics, or something else for an athlete in its own personal sense – such metamorphoses can also occur. However, they are probably because each of the above activities has its own objective content, in other words, the random psychological state and needs of the subject, as well as the nature that complements and moves it, regardless of its function in a particular historical period may occur.

The objective essence of sports is competition. Disclosure of this content is an indispensable and integral condition of effective scientific research of sports activities.

Distinguishing a certain type of competitive attitude as a general state of sports activity, we introduce a special concept of the subject, similar to the concept of “epistemological subject” introduced in practice by N.V. Kashapov.

Therefore, a component of a sport or a sign of the quality that shapes its system is competition. Methodologically, this means that the primary definitions of the concept of “sport” do not necessarily indicate any of its qualities, even those that clearly manifested. All of which must be included “naturally” in the definition of the concept of sport, that is, in the process of concretizing the essence of sports competition, to define the content of this competitive relationship. Therefore, we do not consider, for example, the following definition of sports competition by M.A. Lebedeva to be very successful: “... it is reasonable not to understand sports as competition in any form of activity”<sup>4</sup>.

1 – In the activities of game types; 2 – In the types of activities that arise as a result of the game, but changed in a certain way (lost the character of the game, retained the formal structure – the structure of actions, the object of action).

From the above, the sport is not a competition of types of activities that are now a game or once a game. However, say, racing is not a game for the athletes who take part in it, on the other hand, they are shooting, technical sports and hockey. Did not arise from game forms such as. These sports are the result of serious activity. At the same time, they have moved into the category of play activities, but, in any case, they cannot be “normal play” which means that for them this aspect is neither mandatory nor genetically specific.

It is expedient to consider sports competition as an element of a broader phenomenon, that is, as a set of different forms of competitive relations that exist in society as a whole. Such competition is, of course, abstract, and the analysis of its essence, at a glance, does not bring us closer to the study of sports activity itself, its content, forms, but rather misleads us. However, this is not the case. Thoughts rise from concrete to abstraction, and if it is true, it does not move away from reality, but approaches it. All scientific abstracts reflect nature more deeply, more fully. Through a certain type of competitive interpersonal relationships specific to a particular historical type of society, sport as a whole is associated with key socio-economic moments in the life of a society as a specific phenomenon. One of the main tasks of the socio-philosophical analysis of sports activities is to analyze the nature of competitive relations and to consider the main types of “competition” inherent in modern society.

The concept of sport (term) is multifaceted in terms of methodology. In order to think correctly about sports, it is expedient first consider a number of the main causes of this phenomenon and to define its concept. The concept (term) of “sport” is crucial to understand its specific forms, including the most important of them – “professional sports” and therefore the legal regulation of relations in the field of professional sports.

In order to define the concept (term) of professional sports and the issues of legal regulation of the work of professional athletes, it is very important to correctly understand the basic, basic “physical culture”, “sports”, “professional sports” categories and concepts used in sports. Clear and concise definition is one of the most important issues, which is of great importance for the legal regulation of professional sports.

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<sup>4</sup> Lebedeva M.A. Comparative analysis of the legal regulation of the labor of athletes in the Russian Federation and the Federal Republic of Germany. – M.: 2016. – P. 15.

The most broad, collective, and multifaceted in the field of the categories under consideration is the concept of “physical culture”. Since physical culture is part of the general culture, it is advisable to determine their proportions in advance.

Culture as a multifaceted phenomenon is an object of study in the fields of philosophy, history, sociology, art history, as well as other natural and human sciences, each of which reflects and forms its own relevant definition. In philosophy, an “active approach” to culture is widespread, within which culture acts as a unique way of human life. Logically, culture presents a perspective that understood as a specific, non-genetically inherited means, methods, forms, images, and human interactions with the environment. The traditional understanding of culture in foreign sociology and philosophy created by E. Durkheim, who considered culture as a system of ideals, values, norms, behavioral images that regulate relations between people. From the point of view of other researchers in the West, culture is “the material and social values of any group”<sup>5</sup>, or “typical forms of behavior”<sup>6</sup>, or “a set of human adaptations to living conditions”<sup>7</sup> understood as such phenomena. According to T. Parson, “Culture is how people imagine social life or ideas about reality”<sup>8</sup>.

A.A. Isaev describes physical culture as the separation of different cultural groups and the fact that each cultural group develops its own subsystems and rules of behavior, attitudes and forms of behavior, which are “dominant culture”, “folk culture”, “labor culture” and “physical culture”<sup>9</sup>.

Within this classification, physical culture considered as one of the most important species, a cultural group, and universal in the sense that it combines the directions of development of spiritual and material (physical) values that directly determine human active movement. The phenomena of physical culture include methods, types and results of human activity that directly affect the person himself, his qualities, capabilities, abilities, and not the objects of external nature, but the part of that nature<sup>10</sup>.

According to special literature, physical culture manifested in communication, play, social active activity in some forms of human self-expression and social needs in the process of social formation, unity and interdependence in the formation of human physical culture, biological and social manifestations in man reflected in the intellectual components<sup>11</sup>.

Based on the above, physical culture considered as a combination of material and spiritual values. Accordingly, the number of the former includes sports facilities, inventory, special equipment, and medical care. The second includes various sports, games, and exercise complexes, moral and legal norms governing the behavior of people in the process of physical education and sports activities, and so on. Thus, physical culture considered as a specific type of cultural activity.

The play focuses on the concept of sports and professional sports and their comparative analysis. As mentioned above, the concept (term) of “sport” is important for understanding its specific types, including their most important types – “professional sports” and therefore the legal regulation of relations in the field of professional sports. The concept of sport is multifaceted, which has led to a number of disagreements among sports researchers in understanding this phenomenon and defining its concept. Disagreements in positions on the content of sports were the first forms of competitive activity formed in the early stages of cultural development<sup>12</sup>. After that, previously existing forms of competitive activity, often completely different from each other, began to merge.

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<sup>5</sup> Karl Yang “Art, Hands of Religion”. BostonGloub. USA. 1999.

<sup>6</sup> Thomas U. The first culturological beginnings. BostonGloub. USA. 1999.

<sup>7</sup> Samner U., A. Keller “Sociology”. Translation from English by O. A. Orlov 1999.

<sup>8</sup> Parson T. "Theory of action". Global. 1983.

<sup>9</sup> Isaev A.A. Sports policy of Russia. – M.: 2002.

<sup>10</sup> Alekseev S.V. Sports law of Russia. Legal bases of physical culture and sports: Textbook. for stud. Universities / ed. prof. V.P. Krashennikov. – M.: 2005. – P. 59.

<sup>11</sup> Gotovtsev P.I. Longevity and physical culture. – M. 1985. – P. 123.

<sup>12</sup> Matveev L.P. Sport for All // International Sports Information Journal. 2000. - № 3. – C. 24.

The history of physical education and sports shows that from the time the term “sport” appeared, it did not have a clear, homogeneous content. Originally, in the second half of the nineteenth century, sport meant all gymnastic exercises or entertainment. These include dog hunting, target shooting, horseback riding, fishing and swimming<sup>13</sup>. Sports researchers do not agree on the country of language and the origin of the term. According to G. Satirov, the word “sport” appeared on the eve of a new history. In the beginning – the phonetic form of the French language – “des-port” (desport) (in free translation) “recreation” – was understood as entertainment, including games, elements of competition and other interesting ways of spending time. V. According to Stolbov, the term “sport” derived from the ancient Latin word “disportore” – meaning to have fun<sup>14</sup>.

In every idea related to sports, researchers understand one of its types under the term sport to one degree or another. The concept of sport used in a general sense when there is no need to specify the direction or type of sport. Indeed, legal and other social norms related to sports considered in relation to a specific type of sport. These sports in international and domestic regulations include:

- Mass sports (sports for all), which is usually understood as participation in competitions to improve health, recreation, entertainment, communication;
- The highest level of sports, which plays an important role in understanding the laws of development of the human body, in determining its reserves, in determining the limits of improvement;
- A professional sport that unites people to solve commercial problems, subject to the laws of profit, entertainment, advertising;
- Olympic sport, which forms the philosophy of Olympism, humanism, declaring a fair game;
- Adaptive sports (sports for the disabled), which exist as a means of social adaptation and integration of people with disabilities.

Given the diversity of sports, as well as the many sports in which modern ideas about sports created, the normative documents should specify which sports we are talking about and, accordingly, the type of sport.

Including, V. Panachev, in his work, showed an important definition of sport, combining more than two hundred definitions of the sport by dividing them into independent groups based on the characteristics taken as the basis of these definitions. These groups and the above definitions represent the historical, economic, international, biological, educational, and many other components and functions of sport as a variety of complex phenomena<sup>15</sup>.

Although there is no single official concept of sports, national and international documents have developed a unified system of sports, which specifically excludes all sports for the summer and winter months, as well as sports that are part of the Olympic program and Olympic sports, but national and internationally recognized species.

According to N. Ponamarev, sport is a “specific competitive activity in which forms of exercise are intensively applied to a person or community to improve the morphological and functional and mental abilities accumulated with high results<sup>16</sup>.”

There are factors that prepare the spiritual, cultural foundations for the revival and development of sports, some of which are only material foundations, a source of funding for it, and at the same time shaped professional sports as one of the areas capable of doing great sports. At the same time, some factors determined the development of the whole sports movement, others the development of individual areas of

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<sup>13</sup> History of physical culture and sport / ed. V.V. Stolbova 3rd ed. Revised and expanded. – M.: 2000. – P. 3.

<sup>14</sup> History of physical culture and sport / ed. V.V. Stolbova 3rd ed. Revised and expanded. – M.: 2000. – P. 3.

<sup>15</sup> Panachev V. D. Sport as a social institution in the development of personality: dis. Cand. social. sciences. – Perm: 2000. – P. 41-42.

<sup>16</sup> Ponamarev N.I. The phenomenon of game and sport // Theory and practice of physical culture. 1972. №8. – P. 6.

sport, its division into “professional” and “amateur”, the emergence of special sports that reflect their unique characteristics played a role<sup>17</sup>.

The social significance of professional sports is of particular interest. Some researchers in the field of sports sociology and sports philosophy simultaneously assign two important functions to professional sports, one of which reflects the positive impact of professional sports on a person, if professional sports is seen as a means to achieve significant achievements, as an athlete, as an individual. Physical and spiritual freedom is a secondary function of professional sports that negatively affects the individual. The extreme manifestation of freedom from the Renaissance and the New Age represents a high-level substrate, man, in sports, based on independence, which separates the spiritual from the physical, denies the physical<sup>18</sup>. When we analyze modern professional sports, we can see how this trend will manifest itself many years later in the presence of slogans such as professional sports “win in any case”, the practice of using banned drugs, and so on. In the specialized literature, a number of authors have identified and studied in detail the set of unique features that allow distinguish professional sports from other sports<sup>19</sup>.

The first distinguishing feature of professional sports is that it focuses on the development of sports that bring in large profits or at least cover all costs with their own income.

The second distinguishing feature of professional sports manifested in the fact that its organizations strive to create and support fierce competition in competitions, without which the sport loses its appeal to the audience, television and sponsors lose interest in it. This system limits the struggle for players for clubs, ensures that teams are stable enough, and provides some sports for clubs to pay compensation for the transfer of their players to other clubs.

The third distinctive feature is the fact that in every professional sport the so-called “manimen” sports business sports elite attaches’ great importance to the formation of famous athletes who attract the attention of the audience and become increasingly popular in society. Not only indicators of their sportsmanship, but also their lifestyle, hobbies and other components of a professional athlete’s daily life used to popularize such athletes.

The fourth distinguishing feature of professional sports is the presence of a system of social protection of athletes that is sufficiently effective and constantly improved.

One of the important features of professional sports also manifested in the fact that for a professional athlete, this training is the main type of activity. That carried out on a recurring basis, brings appropriate income to the professional athlete (regular pay for working on time, as well as a system of various types of benefits, allowances and bonuses).

With the development of professional sports activities, the problem of the mechanism of its legal regulation, including in the field of civil law, is becoming increasingly relevant. At present, the legal regulation is of professional sports relations carried out mainly by the norms of two legal spheres – civil and labor, between which disputes often arise. At present, the legislature does not clearly answer the question of the interdependence in the regulation of professional sports relations between the norms of these sports.

Legal relations are a special legal connection between the participants of various social processes, their integration into the human community. All elements of legal regulation (prohibitions, permits, powers) distributed among the participants in public relations according to the social role and place of the participants in social life. Legal relationships are, as a rule, voluntary, conscious in nature. Participants in public relations themselves want to enter into a legal relationship; they want to have certain rights and obligations.

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<sup>17</sup> Pivovarov G. Philosophical and cultural analysis of physical culture and sports: a textbook for students of universities of physical culture and sports. – Chelyabinsk: 1996. – P. 52.

<sup>18</sup> Saraf M.Y. Sport in the system of culture // Golitsyno. 1994. – P. 44.

<sup>19</sup> Professional sports. Ed., S.I. Guskova, V.N. Platonov. Kiev: 2000. – P. 73.



In order to strengthen the normative relations in this area, on September 4, 2015, a new version of the Law of the Republic of Uzbekistan “On Physical Culture and Sports” No.RUL-394 adopted<sup>20</sup>. The law directly regulates all sports and legal relations in the country, in particular, the rights and obligations of the subjects of sports relations, the powers of state bodies and sports organizations, as well as the basis for liability for violations in this area.

Subjects (participants) of legal relations are individuals (citizens of the Republic of Uzbekistan, foreign citizens and stateless persons) and legal entities (state, public organizations).

The state belongs to certain types of legal relations in the field of sports. The state establishes legal liability for violation of rights, non-fulfillment of obligations in legal norms, which may occur when the subject of legal relations found to be an offender in the prescribed manner. The state is a political, imperative, sovereign subject. It does not depend on other subjects of law, it determines the legal status of all participants in legal relations, is a subject of international law. The state as a whole acts as a subject of law in international relations, constitutional law, civil and criminal law. The state is a direct participant in international sports relations. The legal status of citizens in the field of physical culture and sports stems from the general status of citizens in society and the state. Citizens guaranteed the exercise of their rights and freedoms. This provided by the legislation of the country. Citizens have the right to participate in physical culture and sports, to form very physical culture and sports associations, to participate in the management of physical culture and sports, regardless of gender, race, nationality, language, religion, social origin, and beliefs, personal and social status. . Foreign citizens and stateless persons have the same rights in the field of physical culture and sports as citizens of the Republic of Uzbekistan.

Legal relations in the field of physical culture and sports are unique, concrete relations. They are the unity of social content and legal form, viz. the unity of rights and obligations of the participants in this relationship and their actions aimed at achieving their interests in this area. For example, the rules of competition in individual sports determine the content of the rights and obligations of participants. How athletes should be behave on the ground and outside the competition. The peculiarity and social value of rights and obligations as legal categories is that they provide an ideal model of behavior for athletes formed in accordance with the rules of competition. Thus, the state predetermines the possible and necessary feature in the behavior of athletes as participants in sports competitions.

The content of rights and obligations disclosed by indicating the actions and movements that an athlete must and can perform to achieve maximum results, taking into account the characteristics of a particular sport. The interaction of athletes through the categories of their rights and obligations during the competition allows to determine (evaluate, measure) the level of development of such qualities, which are most important in terms of interests, using special indicators. Legal norms are implemented in the specific actions of the participants (subjects), taking into account the specific features of the nature of the regulated relations in the field of physical culture and sports in legal relations. However, in order for a particular legal relationship to emerge, its participants must have certain legal characteristics – legal capacity and legal capacity.

Legal capacity is the ability of an individual to have rights and fulfill obligations, viz to be a party to a legal relationship; legal capacity – the ability of a person to create and fulfill civil obligations for himself by his own actions<sup>21</sup>.

Another necessary condition for the emergence, change or termination of a legal relationship is the existence of certain so-called “legal facts”, i.e. certain legal events (maturity, term of the contract, administrative document).

As soon as an athlete has rights or obligations, he or she must coordinate his or her actions with the rights granted to him or she or the things entrusted to him or her. Consequently, the state regulates their behavior

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<sup>20</sup> Collection of Legislation of the Republic of Uzbekistan, 2015, No. 36, Article 473.

<sup>21</sup> Sergeev A.P., Tolstoy Yu.K. Civil law. Volume 1. Textbook. 5th edition. – P. 94.

by giving athletes rights and responsibilities. It is legal if the actions of this athlete are consistent with his rights and obligations, and if the actions are inconsistent with his rights and obligations, it is illegal.

The illegal behavior of an athlete related to the concept of an offense. In this case, the guilt may be in the form of revenge or negligence. An athlete who intentionally misbehaves knows in advance the harmful consequences of his or her behavior (during a race, intentionally harming another athlete). With carelessness (manifested in the form of self-confidence or negligence), there will be indifference, indifference and irresponsibility towards their duties.

In practice, unfortunately, some inappropriate behavior of athletes during the competition, disrespect to spectators, game collaborates, referees, violation of the sports regime, and so on. However, every action of an athlete is not an offense, but only a violation of the rule of law (competition rules). The illegal behavior of athletes has a specific object – it is a social relationship, which regulated and protected by law in the field of sports. The most common violations are disciplinary, disrupting and damaging the normal process of the competition, the activities of state and public sports organizations.

Depending on the degree and nature of the offense, the legal norms provide for appropriate sanctions. These include conditional disqualification (multiple games or football until the end of the season), warning, severe injury, disqualification. Athletes who violate the order of transfer from one sports organization to another are subject to disciplinary action (up to disqualification), as well as, for example, players are deprived of the right to transfer to another football club.

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