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## СПОРТИВНІ ВІДНОСИНИ ТА ЦИВІЛЬНІ ПРАВОВІДНОСИНИ: ПИТАННЯ СУБ'ЄКТНОГО СКЛАДУ

**Анотація.** *Розвиток професійного спорту сприяє ускладненню суспільних відносин, внаслідок чого зростає необхідність у їх чіткому правовому регулюванні. Тому основна мета роботи полягає в аналізі питань суб'єктного складу щодо вирішення спортивних відносин та цивільних правовідносин. Проаналізувавши спортивне право, виявлено, що різні види відносин, які пов'язані зі спортом, створюють на практиці незручності під час пошуку законодавчих актів та систематизації матеріалів із практики. Встановлено, що суб'єктом спортивних відносин можуть бути фізичні та юридичні особи приватного права і суб'єкти публічного права. Визначено, що до приватноправової сфери правового регулювання належать відносини, які пов'язані з реалізацією та захистом прав власності на спортивні об'єкти, відносини інтелектуальної власності, договірні відносини у сфері спорту.*

**Ключові слова:** професійний спорт, інтелектуальна власність, соціальна реалізація, цивільно-правовий статус.

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## SPORTS RELATIONS AND CIVIL LEGAL RELATIONS: THE QUESTION OF SUBJECTIVE COMPOSITION

**Abstract.** *The development of professional sports contributes to complicating the social relations that increases the need for their clear legal regulation. Therefore, the main objective of the work is the analysis of the issues of subject composition related to the solution of sports relations and civil legal relations. Analyzing sports law it is found that different types of relations connected with sports, create in practice the inconvenience when searching for legislative acts and systematization of materials from practice. It is established that the subject of sports relations can be individuals and legal entities of private law and subjects of public law. It is determined that the relations connected with implementation and protection of the property rights on sports objects, relations of intellectual property and contractual relations in the sphere of sports belong to the civil sphere of legal regulation.*

**Keywords:** professional sports, intellectual property, social realization, civil legal status.

### INTRODUCTION

Sport can be treated as one of the most amazing phenomena of social life, the growth of which significance is associated with increased working efficiency and result-

ing human possibility to give more attention to yourself. Physical culture and sports take an important place in the life of a modern person, being a means and a sign of healthy life style, and also, in the opinion of some authors, an important factor in civil society development [1; 2].

At the same time, ambiguity of the term of sports does not allow to form a clear view of what is meant by sport, and it also results in statistical discrepancies regarding its popularity among the citizens. According to the Law “On Physical Culture and Sports” [3], mass sports or sports for all individuals shall mean “activities of the subjects in the sphere of physical culture and sports, aimed at ensuring motor activities of people during their leisure time in order to promote health.” Moreover, sports, pursuant to the law, ensure another important factor, i.e. competition of the process [4].

Recently, “sports law” is widely used both by scientists and practitioners to determine the standards and regulations relating to the sphere of sports relations, where the generally recognized vision of the essence of this phenomenon in domestic jurisprudence has not yet been formed.

As to the sport laws, only two signs can be treated as the features of almost all the definitions offered by adherents of the “sports law” separation into a field:

1) sports law is a set (system) of norms;

2) these norms regulate “sports relations” (or relations “in the field of physical culture and sports”).

“Sportsrelations” shall include a wide range of different relationships in the field of physical culture and sports, which are regulated by the norms of civil, economic, administrative, labor, tax, etc. legislation.

Accordingly, such a “wide approach” in the field of sports law, which is recognized as having clearly defined complex orientation, includes: physical culture and sports in Ukraine as an object of legal regulation; organizational and legal grounds of physical culture and sports state control; legal regulation of professional sports in Ukraine; legal regulation of the sphere of student sports in Ukraine; legal regulation of children’s and youth sports; legal support to the social sports associations; legal status of athletes, coaches and other participants in sports activities; legal aspects of sports competitions organization and conduct; regulation of tax relations in the field of sports [5; 6]. It shall be distinguished the issue of right to be engaged into sports, the right of intellectual property in the field of sports activities, sports insurance; access to the sports events, advertising, athletes transfers, etc. The subject of sports law also includes social relations in the field of sports arbitration (mediation), sports responsibility as a specific type of legal responsibility, sports judging and international cooperation relations in the field of sports (R. B. Shishka) [7].

At the same time, the domestic scientists made a proposal (which seems rather rational and balanced) regarding maximum simplified meaning of the subject of sports

law – “sports relations” defined as social relations formed in the process of sports activities [8].

It should be noted that this definition of sports relations is rather “vague”. However, quite acceptable idea of the circle of social relations that should be the subject of “sports law” can be obtained by systematically interpreting the terms “sports activities” and “sports”.

Taking into account the foregoing, “sports relations” can be treated as a relatively integral “single” subject of legal regulation only with significant warnings, which in itself puts in doubt correctness of the issue to treat the “sports law” as a separate branch of law.

Assuming the possibility of above mentioned opinions, the author clarifies possible homogeneity of relations, which is the subject of legal regulation, and then considers reasons for justification to distinguish relevant legal array and degree of its separation. After all, any efforts of the legislators to create a branch of law or legislation cannot be successful if diversified relations are the subject of regulation.

## 1. MATERIALS AND METHODS

Comprehensive study of theoretical and practical issues of contractual relations civil legal regulation in the field of professional sports based on systematic generalization of existing national legislation, legal practice and foreign legal experience allowed to study the goal set.

It was established that sports relations, outside theoretical structures, in real life are regulated by acts of not only and not so much of the “sports law”, the existence of which is still the subject of discussions, first of all, as to the norms of civil and administrative legislation, as two main regulatory branches of domestic legislation. At the same time, civil law mainly applies the means of private law regulation, resulting in a relationship of a private law type, but in administrative one – public law type. Moreover, public law sports relations in its essence can be also made in the field of civil law. Considering this circumstance shall have a pragmatic meaning, since it means in practice that such relations are regulated by legislative acts and cannot be changed or terminated by agreement between their participants.

Using analysis methods it was established that the civil relations in professional sports are characterized by a number of features, one of which is the subject composition. Depending on the purpose and nature of activities undertaken, the subjects of said relations are: athletes-professionals, coaches, sports agents, spectators, professional sports organizations, etc. It can be concluded that professional athlete in domestic practice rarely often acts as an independent subject of entrepreneurial activity. This may take place, in particular, in the individual types of sports, where athlete-professional takes part in training and competition individually as an individual entrepreneur. It was established that sports club is a legal entity that provides commer-

cial development in sports by carrying out activities for training and competition processes organization, as well as provision of other sports services.

## 2. RESULTS AND DISCUSSION

### *2.1. Characteristics of sports relations, serving as a subject of the sports law regulations*

According to A. Aparov, “sports law regulates social relations arising out and developing in the field of sports, and therefore are closely interconnected with such categories as sport, recreational and sports activities, as well as sports competitions. Generally name these types of public relations as “sports relations”. Based on above-said, it can be stated that definition and outlining of such terms as sports, recreational and sports activities, as well as sports competitions, is a key to sports law and legislation in this field. Moreover, these categories and terms are quite actively used in other branches of law, resulting in a more detailed review and analysis of their content, as further discussed in more details. Consequently, one of the main features of the field of sports law is that it covers and regulates a qualitatively homogeneous sphere of sports social relations.

Since this feature is one of the defining one to distinguish the sports law branch, it is advisable to characterize the sports social relations in more details. So, the sphere of sports social relations is a certain “social reality”, which is the subject of sports law regulation and sports legislation. However, sports relations constitute rather complex and multifaceted legal category, the structure of which includes various elements, in particular: subject composition (subjects); various kinds of objects (including benefits that serve as a means meeting various subjects needs in sports, namely: needs of the population in sports events, needs of athletes in meeting their own intentions, needs of the state in the tasks forming physically and psychologically healthy nation, etc.), in terms of which subjects, as a rule, enter into relevant relations; content, among other things, includes legal and other elements (rights, duties, actions, acts, subjects behavior, etc.), which are the grounds for relevant relations appearance, change and termination. The subject of sports law is a relatively homogeneous set of social relations arising out due to certain organizational, social, economic and other aspects implementation in the sphere of sports and physical culture, as well as social relations arising out while creating conditions for sports and physical culture development and, in addition, related business (economic/entrepreneurial), property, civil, labor and financial social relations arising out due to targeted sports events organization and implementation. It is obvious that sports relations develop not by the rules of nature, and, therefore, objective need in their regulation and arrangement by various social institutions has appeared.

Sports relations are some specific social relations arising out due to recreational and sports activities implementation and developed in accordance with the norms of sports law and legislation in this sphere. Moreover, the sphere of physical culture and

sports itself, within which the sports relations are developed, associated with the recreational and sports activities organization and implementation, covers a fairly wide range of components, in particular: physical education of different groups of the population, mass sports, physical and sports rehabilitation, children and youth sports, sports of higher achievements, professional sports, Olympic sports, etc.” [9].

Since the literature refers to both “sports” and “physical culture”, the author shall find out relation between these terms [10].

In our opinion, the main difference between them is that the “sports relations” cannot exist outside the sphere of sports (for example, relations related to sports events organization and conduct, recreational physical education, fitness, etc.), and, if exist, they acquire essential features in this sphere due to certain properties of the sphere (for example, life and health insurance, damage caused by the source of increased hazard during the competition, etc.).

Concerning “sports-related relations”, they are relations of “universal” type, those that may arise in various spheres of being, obtaining “sports” name only due to their existence in the sphere of sports (for example, ownership to the sports equipment, alienation contracts, etc.).

Relation between “physical culture and sports relations” and “sports relations” looks like a partial imposition of circles, since not all “physical” relationships are “sports” ones, and not all “sports” ones are “physical culture” relations [11; 12]. At the same time, all “sports relations” are the part of a wider term “physical culture and sports relations”.

From this standpoint, the assessment of “sports law”, as a set of legislative acts (as well as separate regulations in general legislative acts), which regulate sports relations, can appear to be justified. Such a set of legislative acts and separate regulations of various legislative acts can be called, to a certain extent, as “sports legislation” [13; 14; 15]. However, such assessment (as well as its name) gives practically nothing, as it is only a statement of a certain state of things.

In the meantime, it should be noted that the diversity of sports-related relations creates significant practical inconvenience in searching for legislative acts used to regulate one or another type of such relationships; search and systematization of practice materials; subsidiary application of legislative regulations, law analogy application, etc.

Relationships related to ownership exercise and protection to the sports facilities, intellectual property relations, contractual relations in the field of sports, inheritance of sports property by will, etc., refer to the private legal regulation. They can be sports relations, but more often there are reasonable grounds to qualify them as “sports-related relations”.

Above it was stated about certain “vagueness” of the term “sports relations”, due to the fact that it coverd actually the entire set of relationships in the field of physical culture and sports.

If to consider them as a subject of special “sports legal” regulation, it is necessary to consider such a feature of legal relationships, arising out in this sphere, as their “ambiguity”.

On the one hand, if we recognize “sports law/legislation” existence, we shall also recognize “sports legal relations” existence. But, on the other hand, if we include civil, administrative, economic, labor, etc. regulations in the “sports law”, we shall acknowledge that relations regulated by these regulations are, respectively: civil, administrative, economic, labor, etc. legal relations. Moreover, the type of legal relationships – private or public, are typical properties of specific legal relationships determined by the “basic” branch of law: civil or administrative law.

In its turn, civil legal relations are the priority type, since the essence of sports, as such, implies equality of participants in civil relations (except for administration/state control relations).

Such relations are generally regulatory, but may also be accompanied by civil-organizational relations (in case of legal entities establishment, etc.).

## *2.2. Comparative analysis of the terms “civil relations” and “legal relations”*

According to art. 1 of the CC of Ukraine, the subject of CC regulation are personal non-property and property relations. The first ones do not have direct economic content. Their subject is: name, honor, dignity, business reputation, personal life, authorship for the works of literature, science and art, freedom of movement and other well-beings essential for the personality. Some personal non-property rights may be also owned by the legal entities: right to honor, dignity, business reputation, trade name, production mark, trademark, etc. Property relations are filled with direct economic content and made in relation to material values.

Civil legal relations are legally arranged civil relations, legal relations between legally equal entities that exercise civil rights and obligations.

Indicative signs of civil legal relations:

1) they are legal link between legally equal entities separated one from another in organizational, legal and property context;

2) these subjects exercise civil rights and obligations in respect of non-material and material values that are valuable to them as individuals;

3) relations of their participants are regulated on the basis of initiative given by the latter and their free discretion based on authorizing nature of the civil law regulations;

4) civil rights and obligations arise not only out of the grounds as provided for by legislative acts, but also on the basis of the general principles of civil law;

5) civil rights protection and incentive to perform duties shall be made using legal measures imposed by court or any authorized party in civil relations.

To clarify the issues of the categories relations – “sports relations” and “civil relations” – it is appropriate to mention the basic classifications of the latter, considering them in terms of suitability to be used in the field of physical culture and sports.

1. Depending on the purpose, functions and tasks they perform, civil legal relations can be divided into: a) regulatory (“constitutive”); b) organizational; c) protective.

Regulatory civil relations arise as a result of civilian authority function implementation, which creates prerequisites for self-regulation in the field of private law. Due to this specific civilian function, participants in civil relations can determine their own rules for behaviour, actually create regulations for local action, etc. Its conceptual basis is well-known in Roman private law maxim “Everything is permissible what is not prohibited”. On this basis, if certain conditions are available, civil rights and obligations shall arise.

It should be noted that regulatory functions also perform administrative-legal relations, which by their nature are managerial. Therefore, we shall take into account that regulatory civil and administrative relations differ not only by branch affiliation, but also by grounds of origin, extent of state influence, means and methods used to achieve the same overall goal – private person rights and interests protection.

Organizational civil legal relations arise, as a rule, due to legal entities establishment, preparation for the contracts execution and powers transfer.

Protective civil law relations are resulted from civil offenses committed. In the field of sports, they can be so-called “sports delicts” that reflect its specificity as the “risk zones”.

2. Depending on the economic content, civil legal relations are divided into property and non-property.

Property legal relations have economic context. Their object is property (material values). In turn, they are divided into legal relations that mediate statics of social relationships (ownership legal relations, possession, etc.) and legal relations that mediate dynamics of social relations (commitments). In the field of sports, legal relations that mediate statics of public relations include ownership legal relations to the sport infrastructure, sports equipment, etc. Legal relations arising out of the sports facilities and sports equipment lease agreements, insurance contracts, advertising, contracts with sports clubs and athletes, coaches, specialists, etc. are included in binding relations.

Non-property legal relations do not have direct economic content. They can be divided into those related to property rights (copyright), and those that are not related to the property rights (personal non-property rights, etc.). In the field of sports, they can refer to the rights to a trademark, honor, dignity, sports and business reputation, etc.

3. By legal content, civil legal relations are divided into absolute and relative.

In absolute legal relations right holder opposes to an indefinite number of obligated persons (above-stated ownership legal relations to the sports equipment, buildings, facilities, etc.). In the relative legal relations, the lawful person opposes to one or more specifically identified obligated persons (legal relations arising out of the sports facilities and sports equipment lease agreements, insurance contracts, advertising, sports services provision, etc.).

4. Civil relations are divided into property and binding according to the object and nature of the right.

The object of the property legal relations are the things (property), and a legitimate subject can exercise its subjective rights independently, without contributing to the obligated person (ownership legal relations to the sports facilities, servitude legal relations to the sports property, land plots, etc.). Binding legal relations are the legal relations in which the object is an action (behavior), and therefore the legitimate subject requires assistance from obligated person to exercise its civil rights (obligations arising out of the contracts concluded with participants in the sports / civil relations).

Specific features of the various types of civil relations are reflected in its structure elements: 1) subjects; 2) objects; 3) content.

The central figure in civil legal relations is an individual – a person who acts as a participant in civil relations (art. 24 of CC), has civil legal status and capacity.

Civil legal status, as an ability to have civil rights and responsibilities, is a prerequisite for the civil rights and responsibilities appearance.

Capacity of individual is its ability to acquire civil rights for itself and exercise them on its own, as well as the ability to create by its actions civil obligations, to independently carry them out and bear responsibility in the event of their non-fulfillment (art. 30 of CC of Ukraine).

Elements of the capacity content of any individual are: 1) legal capacity; 2) delict capacity; 3) testing and mental capacity; 4) trans capacity; 5) business capacity; 6) marital and family capacity; 7) corporate capacity; 8) author's capacity; 9) cyber capacity.

It is also worth adding “sports capacity”, which means the ability to be active participant in sports events, competitions, etc., the ability to systematically engage in a particular sport (sports), participate in sports competitions and other sports events.

The expediency to distinguish such an element of capacity is stipulated by the fact that special legislation on physical culture and sports, in particular, the Law of Ukraine “On Physical Culture and Sports”, defines athlete as an individual who systematically engages in certain types of sports and takes part in sports competitions (article 1 of the Law), but does not determine how exactly they, as subjects from the sphere of physical culture and sports, differ from participants in other social relations. It is also mentioned in this regulation that subjects in the sphere of physical culture and sports are as follows: individuals engaged in physical culture and sports, including athletes; specialists in the sphere of physical culture and sports; establishments of the physical culture and sports; and relevant authorities. But in this case, the features of their legal status are not determined. The relevant aspect of the issue is not also reviewed in the publications known in the “sports law” [16; 17]. Hence, the need to distinguish such element of civil capacity as “sports capacity”, which characterizes individual ability to be a participant in sports relations.

### 2.3. *Features of the individuals capacity*

“Sports capacity” differs from legal capacity, first of all, by the ability to participate in sports events (to be a participant in sports relations), to take actions with legal consequences and to acquire relevant civil rights and obligations, which occurs earlier than legal capacity on a general basis. It is assumed that the minor person is aware of the possible risks of the competition, possible harm to it, its responsibility for causing harm to other participants in the competition, etc. This person could apparently acquire and exercise rights and obligations related to participation in the competitions, preparation for them and competition results, with the consent of its parents and guardians (under 14 years of age), parents and curators (at the age from 14 to 18). Obviously, it is appropriate to specially define the age of “sports capacity” in the civil law (CC of Ukraine). According to the author, such a limit could be the age of 7, the term when a child, entering the school, appears in quite extensive network of sports and physical relations. It is worth noting that the age of 7 was given with a legal significance already in Roman law. So, children under 7 years of age (infantes) were absolutely incapacitated, but after this limit they gradually acquired civil capacity: girls from 7 to 12 and boys from 7 to 14 (impuberes) were partially incapacitated. They could make small dealings and cheap purchases, take small gifts, and do small exchange of things. But in case of dealings aimed at rights termination or any obligation establishment, then it was required to obtain guardian permission who could give its at the time of dealing. Any dealing made without guardian consent obliged the minor only within the enrichment obtained under this agreement; girls from 12 to 25 and boys from 14 to 25 (adulescentes) were recognized as adult and capable. They had a right to carry out any civil legal acts, but having made obviously unfavorable dealing, they could ask the judge to declare it as invalid and return the parties into original state in which they were before this dealing conclusion, i.e. to apply restitution. Productive forces and civilian circulation development, involvement of actually inexperienced, naive and unskilled persons into business life has posed a threat to stability of civil legal relations. From the 2nd century in order to avoid the threat, this category of persons were entitled to ask for a curator (trustee) and then such persons could conclude dealings only with its curator’s permission.

This piece of work does not propose to radically revise civil concept of minors differentiation, however, it considers the experience for determining the lower limit of the individual capacity can be useful in general, and during solving the issues of civil legal status of participants in sports relations in particular.

Legal entity can be also a subject in sports relations and hence civil legal relations in the field of physical culture and sports, which, according to art. 80 of the CC of Ukraine shall be considered as organization established and registered in accordance with the procedure established by law, which is empowered with civil capacity and may be a plaintiff and defendant in court. This means that it: 1) is an “organization”,

i.e. social entity established in a certain way organizationally and structurally; 2) shall be established and registered in accordance with the procedure established by law; 3) has civil capacity (legal standing); 4) may be a plaintiff and defendant in court.

The category “legal entity” is repeatedly mentioned in the Law “On Physical Culture and Sports”. In particular, in art. 1 of this Law, the institution of physical culture and sports is defined as a legal entity that ensures physical culture and sports development by providing physical culture and sports services. Institutions of physical culture and sports, in particular, are: sports clubs, children and youth sports schools, specialized educational sports institutions, schools of high sports skills, centers of Olympic training, centers of student sports of higher educational establishments, physical culture and health institutions, centers of physical health for the population, centers of physical culture and sports for disabled; organizer of physical culture, health or sports events. The last one is a legal entity (-ies) or individual (-s) who initiated and held physical culture, recreational or sports events and carried out organizational, financial and other support in these events preparation and holding. In this regulation the subjects in the sphere of physical culture and sports determine individuals or legal entities which conduct their activities for the physical culture and sports development, and further specify that the subjects in the sphere of physical culture and sports are: individuals engaged in physical culture and sports, including athletes; specialists in the sphere of physical culture and sports; establishments of the physical culture and sports; and relevant authorities. Article 9 of this Law states that the founders of the sports clubs may be individuals and legal entities, and art. 15 of the Law states that founders of physical culture and recreational institutions can be individuals and/or legal persons.

Moreover, in abovementioned and other regulations of the Law “On Physical Culture and Sports” (as well as in other instrument of sports legislation), legal standing of abovementioned legal entities, conditions required for its implementation, etc. are not determined.

This obviously predetermines the need to appeal to the civil law regulations, where, in fact, the structure “legal entity” was borrowed. The answer to the question of interest contains art. 91 of the CC of Ukraine, according to which legal entity is capable of having the same civil rights and obligations as an individual, except for those who by its nature may belong only to a person. In particular, art. 94 of the CC of Ukraine establishes that the legal entity has a right to inviolability of its business reputation, secret of correspondence, information and other personal non-property rights that may be owned by it. In this case, personal non-property rights of legal entity are protected on a general basis in accordance with Chapter 3 of the CC of Ukraine.

In addition, the extent of civil capacity of any legal entity is not unlimited, since it is determined by its constituent documents.

This raises the question reviewed earlier regarding individual capacity: what is the composition (elements) of the legal standing of any legal entity (since the terms “legal personality” and “capacity” are essentially interrelated, then it may be possible to speak about “legal standing of the legal entity” as an integral term)?

Types of legal standing of the legal entity can be divided as follows: 1) legal capacity; 2) delict capacity; 3) trans capacity; 4) business capacity; 5) cyber capacity.

When comparing the types of legal capacity of individuals and legal standing of the legal entities, we can see difference between general civil and legal status of individual and legal entity in differences between them, which is shown in the rule of art. 91 of the CC of Ukraine “legal entity may have the same rights and obligations as individual except for those the prerequisites for ownership of which are natural properties of a person. The ability to inherit and be a participant in family relations is precisely a manifestation of such natural properties of a person.

However, the list of the types of legal standing of the legal entity should also include the “sports capacity”, the content of which can be defined in the same way as for individuals, but with certain warning that in certain cases it can be an element of special standing of the legal person.

## CONCLUSIONS

Summarizing our study, the authors made a conclusion that as to the legal regulation of the field of physical culture and sports one should speak about “sports relations”, which, in fact, are the subject of legal regulation. Depending on the grounds and method the legal regulation is made, one can speak about legal relations in the relevant branch affiliation: civil, administrative, etc. The significance of sports for modern society, the range and spectrum of difficulties in its legal regulation, the complication of its structure and the expansion of its functions stipulated the need for a new independent and integrated branch of law – sports law that would harmonize the isolated, but enormous by volume regulatory and legal acts array in the field of physical culture and sports.

In accordance with the type of legal relations, the requirements for the legal standing (legal personality) of its participants, elements of capacity, etc. are determined. In a view of these circumstances, the concept of civil and other relations regulation in the field of physical culture and sports should be formed, according to the author.

It was established that the sphere of social relations is a certain social reality, which is a subject of sports law and sports legislation regulation. Sports relations, which are the subject of the sports law and sports legislation regulation, arise between various subjects in the process of physical culture, recreation and sports activities organization and holding and in the process of purposeful physical culture, recreational and sports events organization and implementation.

So, the issue to allocate sports law in a separate branch is closely linked to the level of sports movement development in Ukraine, which under normal conditions can provide economic, social-cultural and other development of the state. However, the development of sports in Ukraine is significantly complicated by the fact that the Verkhovna Rada of Ukraine has not ratified a number of international legal agreements in the field of sports law.

Constant development of sports in Ukraine requires legislation improvement and codification by which the sports legal relations are regulated. The absence of a codified and conceptual regulatory legal act, the validity of which would be able to regulate various spheres of sports legal relations, results in a large number of declarative regulations in the sports law. Today, difficulties in the rights and interests of the sports legal relations subjects implementation and law enforcement conflicts result in significant array of social relations in the field of sports in Ukraine to be outside the scope of legal regulations. There is an urgent need to fundamentally reconsider the importance of sports legal relations and to improve the system of regulations in this branch of law at a legislative level to the extent of the relevant codified acts creation. In general, legislative framework used today in the field of sports is general and does not consider specifics of sports legal relations.

## REFERENCES

- [1] Epstein, R. A. (2016). The Role of Guidances in Modern Administrative Procedure: The Case for De Novo Review. *Journal of Legal Analysis*, 8(1), 47–93.
- [2] Elaad, G., Krumer, A., Kantor, J. (2018). Corruption and Sensitive Soccer Games: Cross-Country Evidence. *Journal of Law, Economics, and Organization*, 34(3), 364–394.
- [3] *About Physical Culture and Sport The Law of Ukraine*. (1994). Retrieved from <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3808-12>.
- [4] Golub, A. (2018). Exercises and results. *Ukrainian Week*, 15, 17.
- [5] Braman, E. (2016). Exploring Citizen Assessments of Unilateral Executive Authority. *Law and Society Review*, 50(1), 189–223.
- [6] Griller, S. (2008). International Law, Human Rights and the Community's Autonomous Legal Order: Notes on the European Court of Justice Decision in Kadi. *European Constitutional Law Review*, 4(3), 528–553.
- [7] Kharitonov, E. O., Kharitonova, O. I., Golubeva, N. Yu. (2018). *Sporting rights: topical issues*. Odessa: Yurydychna literature.
- [8] Katsuba, R. M. (2014). On the issue of the content of the subject of sports law of Ukraine. *Scientific Herald of Dnipropetrovsk State University of Internal Affairs*, 3, 115–120. Retrieved from [http://nbuv.gov.ua/UJRN/Nvdduvs\\_2014\\_3\\_15](http://nbuv.gov.ua/UJRN/Nvdduvs_2014_3_15)
- [9] Aparov, A. M. (2017). Concept of sports law: a review of key aspects. *Bulletin of the Odessa National University. Series: Jurisprudence*, 22(1), 6-19. Retrieved from [http://nbuv.gov.ua/UJRN/Vonu\\_prav\\_2017\\_22\\_1\\_3](http://nbuv.gov.ua/UJRN/Vonu_prav_2017_22_1_3)
- [10] Burk. (2017). *Policing major events: perspectives from around the world. Police Practice and Research*. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/15614263.2017.1351668>

- [11] Aparov, A. M. (2012). *Sports Law Ukraine*. Kiev: State University of Infrastructure and Technology.
- [12] Belyaev, O. O. (2011). Legal personality of sports organizations. *Problems of Legality*, 116, 73–79. Retrieved from [http://nbuv.gov.ua/UJRN/Pz\\_2011\\_116\\_12](http://nbuv.gov.ua/UJRN/Pz_2011_116_12)
- [13] Sukha, Yu.S. (2014). *Civil contracts in the field of professional sports*. (Candidate thesis, National University “Odessa Law Academy”, Odessa, Ukraine).
- [14] Tikhonova, M. A. (2017). Subjects of legal relations, consisting in the field of physical culture and sports. *Legal Journal Donbass*, 2, 49–55. Retrieved from [http://nbuv.gov.ua/UJRN/pppd\\_2017\\_2\\_11](http://nbuv.gov.ua/UJRN/pppd_2017_2_11)
- [15] Kharitonov, Ye.O., Kharitonova, O. I. (2009). Some issues of definition of the legal personality of a legal entity. In *Legal persons of public law as participants in civil legal relations: a collection of reports and abstracts of reports at a round table*, February 6, 2009. Irpin: NPSU of Ukraine.
- [16] Alikova, O. M. (2004). Rights and obligations of Ukrainian citizens in the field of physical culture and sports. *Actual Problems of State and Law*, 22, 248–250. Retrieved from [http://nbuv.gov.ua/UJRN/apdp\\_2004\\_22\\_48](http://nbuv.gov.ua/UJRN/apdp_2004_22_48);
- [17] Tkalic, M. O. (2015). Legislative regulation of the legal status of professional athletes in Ukraine. *International Legal Gazette: Collection of Scientific Papers of the National University of State Tax Service of Ukraine*, 1, 24–28. Retrieved from [http://nbuv.gov.ua/UJRN/muvnudp\\_2015\\_1\\_6](http://nbuv.gov.ua/UJRN/muvnudp_2015_1_6)

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