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THE CONCEPT OF SPORTS COMPETITION IN UKRAINIAN LEGISLATION

The article lights up the question of determination of maintenance of concept of sports competition in Ukrainian legislation, as legal determination of its essence is the important element of description of sports legal relationships, and also the features of sports competition open up as a legal category in the sports law of Ukraine. The aim of the article is to study the legal aspects of defining the concept of sports competition in sports law of Ukraine and its legal characteristics. According to the results of the study, it was concluded that sports competition is a complex legal concept, which includes a set of legal-economic, and social elements and, taking into account the analysis, provided an author's definition of this concept. The legal definition of this concept contains an imperative indication that only competitions held by the organizer of sports events can be considered sports in order to compare the achievements of athletes and determine the winners in accordance with the rules of sports competitions and approved by the organizer of sports events regulations. competition that meets the requirements set by the central executive body in the field of physical culture and sports. Sports competition is a system of legal, economic and organizational measures created by the organizer of this event (or a person authorized by the organizer to hold the competition on his behalf and on his behalf), aimed at effective, accurate and complete implementation of approved regulations (regulations) and conditions its holding taking into account the rights and interests of participants, its organizers, spectators and others, including measures necessary to ensure the normal course of the competition and ensure their implementation (raising funds for the competition, renting sports facilities, payment and organization of travel, food, accommodation for participants of the competition, production of symbols of the competition, distribution of tickets, accreditation of the media and other similar activities).

Key words: sports law, sports legal relationships, sports competitions, sports classification.

Апаров А.М. ПОНЯТТЯ СПОРТИВНОГО ЗМАГАННЯ В ЗАКОНОДАВСТВІ УКРАЇНИ

У статті висвітлюється питання визначення змісту поняття спортивного змагання в спортивному праві України, оскільки юридичне визначення його сутності є важливим елементом характеристики спортивних правовідносин, а також розкриваються особливості спортивного змагання як правової категорії в спортивному праві України. Метою статті є дослідження правових аспектів визначення поняття спортивного змагання в спортивному праві України та його правова характеристика. За результатами проведеного дослідження зроблено висновок, що спортивне змагання є складним юридичним поняттям, яке включає в себе комплекс юридичних економічних і соціальних елементів і, з урахування проведеного аналізу, надано авторське визначення даному поняттю. Легальне визначення цього поняття містить імперативну вказівку на ту обставину, що спортивними можуть визнаватися лише змагання, що проводяться організатором спортивних заходів з метою порівняння досягнень спортсменів та визначення переможців відповідно до правил спортивних змагань з видів спорту та затвердженого організатором спортивних заходів положення (регламенту) про ці змагання, що відповідає визначенню центральним органом виконавчої влади у сфері фізичної культури і спорту вимогам. Спортивне змагання – це система створюваних організатором даного заходу (або особою, уповноваженим організатором на проведення змагання від його імені і за його дорученням) правових, економічних і організаційних заходів, направлених на ефективну, точну і повну реалізацію затвердженого регламенту (положення) змагання і забезпечення умов його проведення з врахуванням дотримання прав і інтересів учасників змагання, його організаторів, глядачів і інших осіб, у тому числі заходи, що є необхідні для забезпечення нормального ходу змагання і забезпечення їх виконання (збір фінансових коштів на проведення змагання, оренда спортивних споруд, оплата і організація проїзду, харчування, житло для учасників змагання, виготовлення символіки змагання, поширення квитків, акредитація ЗМІ і інші аналогічні дії).

Ключові слова: спортивне право, спортивні правовідносини, спортивні змагання, спортивна класифікація.

Formulation of the problem. Sports competition is a kind of sports event and the main legal form of sports activity in general. Sports competitions are the main form of realization of their legal personality by the subjects of sports law of Ukraine. In the process of organizing and conducting of sports competitions it is important to regulate these issues thoroughly, it is also important to distribute accurately the powers

between the organizers, to set mandatory rules for participants etc., so the legal definition of the concept of sports competition is an important element in determining the content of sports relations in general.

Comprehensive scientific and legal analysis of the concept of sports competition in Ukraine was not conducted. However, among the scientists who covered some aspects of sports competitions, in

general, should be noted Alekseeva, Bordyugov, Guzhalovsky, Matveeva, and Stolyarova. A small number of scientific publications on legal aspects of defining the concept of sports competition indicates the need for the systematic scientific development of sports relations in general and relations in the field of sports competitions in particular.

The purpose of the article is to study the legal aspects of defining the concept of sports competition in sports law of Ukraine and its legal characteristics.

The results of the study. Defining the concept of sport, the legislator in the Law of Ukraine “On Amendments to the Law of Ukraine “On Physical Culture and Sports” and other legislative acts of Ukraine” of November 17, 2009, No 1724 [1] noted that the identification and unified comparison of people's achievements in physical, intellectual and other training is carried out by conducting sports competitions and appropriate training for them. That is, sport must have such a mandatory attribute as competitiveness (connection with competitions and preparation for them).

According to the Law of Ukraine “On Amendments to the Law of Ukraine “On Physical Culture and Sports” and other legislative acts of Ukraine of November 17, 2009, No 1724 sports competition is an event organized by sports events to compare the achievements of athletes and determine winners in accordance with the rules of sports competitions in sports and approved by the organizer of sports events regulations (rules) on these competitions, which meets the requirements set by the central executive body in the field of physical culture and sports [1].

In addition, in the sociology of sport is considered a sporting competition - a competition that takes place not in ordinary life situations, but in artificial situations, which provide for compliance with particular rules, including prohibitions, as well as the presence of judges who evaluate those or other abilities of rivals, such as game and / or humanistic rivalry [4].

Compared to the sociological definition of sports competition, the legal definition of this concept contains an imperative indication that only competitions held by the organizer of sports events can be considered sports to compare the achievements of athletes and determine winners according to the rules of sports competitions and approved the organizer of sports events regulations (rules) on these competitions, which meets the requirements set by the central executive body in the field of physical culture and sports.

The system of sports competitions includes a consistently developed series of competitions of various ranks and specific purposes, which are

organized following the laws of a particular sport. Its general outlines are officially planned by sports organizations (federations, committees, clubs, etc.) in the form of a calendar of sports competitions (sports calendar) based on a certain contingent of athletes with regular reproduction of high-ranking competitions (territorial championships, sports federations, etc.). [5, p. 384].

Following the Regulation on the Unified Sports Classification of Ukraine approved by the order of the Ministry of Family, Youth and Sports of April 7, 2006, No 1088 [2], the calendar plan of sports competitions is a document for the year, which determines the name of the competition, terms, venue, number of participants, participating organizations and approved by the head of the central executive body for physical culture and sports, structural unit for physical culture and sports of the local executive body or local government.

An essential element of sports competitions is sports results. In fact, sports competitions are held for the sake of sports results.

Thus, the very specific purpose of participating in competitions is to achieve the planned sports result. Sports result is an indicator of the implementation of the preparedness and physical and intellectual capabilities of the athlete or sports team, assessed by the criteria established in sports.

The competition process is a consistent change in competition situations. Competition situations can be distinguished at different levels of competition and have different time scales. In each situation of the competition, the participant has an individual potential of the competition. Competition potential is the ability of a participant to change the course of the competition as necessary to succeed. Realization of the potential of the competition is that the participant, overcoming external and internal obstacles, purposefully moves to favorable situations, which increases the likelihood of achieving the planned sports result.

Thus, the activity of competition in sports is regulated by the rules of realization of the potential of competitions of participants, each of which seeks to achieve the planned result [6, P. 352].

The main legal features of sports competitions are:

- obligatory regulation of the activity of participants of competitions, service personnel, and other participants of sports-legal relations;

- multifunctionality, the structure of activities that take place in extreme conditions;

- the presence in each competition of the process of struggle, confrontation, non-antagonistic rivalry, competition, which is manifested in the desire to win, to achieve maximum results within a particular legal field;

– high social and personal significance for each athlete and the process of struggle and the achieved sports result;

– high emotional background of activity caused by maximum physical and mental stress (which often exceeds the capabilities of the athlete) in a direct struggle for results;

– direct or indirect interaction of competing opponents, in which everyone seeks to gain an advantage over rivals and at the same time counteract them;

– equality of conditions and comparability of the results of each participant in the competition with a certain standard with the results of other athletes who are familiar with the criteria of comparison and have the opportunity to evaluate the result of the performance. Comparability of results is possible due to the presence of carefully developed rules and regulations of the competition, the institute of qualified judges, technical means of recording sports achievements. Equal conditions of participation and fair determination of the winner create at competitions that social microenvironment in which sports potential is more fully and freely opened, preconditions for the display of possible trust and selfless exchange of sports-technical and spiritual values are created.

– the presence of certain normatively defined forms and requirements, the fulfillment of which entitles the athlete to the title of “Master of Sports of Ukraine”, “Master of Sports of Ukraine of international class” and “Honored Master of Sports of Ukraine”.

Conclusions. Thus, based on the analysis of the concept of sports competition, it can be noted that it is a complex legal concept, which includes a set of legal-economic, and social elements, and taking into account the analysis, we can give the following definition. Sports competition is a system of legal, economic, and organizational measures created by the organizer of the event (or a person authorized by the organizer to conduct the competition on his behalf), aimed at effective, accurate, and complete implementation of approved regulations (rules) and conditions its holding, taking into account the rights and interests of participants, its organizers, spectators and others, including measures necessary to ensure the normal course of the competition and ensure their implementation (raising funds for the competition, renting sports facilities, payment, and organization of travel, food, accommodation for participants of the competition, production of symbols of the competition, distribution of tickets, accreditation of the media and other similar activities).

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