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CERTAIN ASPECTS OF GENDER EQUALITY IN THE FIELD OF SPORTS LAW

This article examines the main issues of gender equality in sports law. It is noted that in the modern world, such a phenomenon as sports is at one of the leading levels in people's lives, and at the same time is considered a full-fledged and integral element of the social life of the community. However, the development of sports as well as culture, in particular physical, is not possible without taking into account the fundamental role of law, which is an important tool in regulating civil relations. One of the problems that is relevant today is the legal regulation of legal relations in the field of sports law aimed at protecting women and men from discrimination. Many scientific studies have been devoted to the protection of individuals from discrimination in sports, the study of legal regulation of civil relations in the field of sports law. It is emphasized that one of the main principles of civil law is the principle of legal equality of participants in civil relations, according to which subjects of civil law participate in civil relations on equal terms, are equal before the law, cannot enjoy benefits, and privileges, such as contrary to the law and have the right without any discrimination to equal protection of rights and legitimate interests. The existing gender imbalance makes sport a key lever capable of eliminating gender inequality on a global scale as soon as possible. The strategy of using sport as a tool to achieve gender equality is a transitional measure and should be fully implemented. One of the current topics at present is the problem of defining sports relations between individuals in general, and men and women in particular, due to several reasons. First, sports law is a fairly young and, therefore, insufficiently theoretically developed field of scientific knowledge. Secondly, it should be noted that social relations in the field of physical culture and sports play an important role in the social life of society and the creation of family relations, as they are of interest to almost every citizen of any state, and contribute to the spiritual unity of the various peoples of the world. Thirdly, sporting achievements significantly affect the country's prestige in the international arena, increase interest in it from potential investors, which steadily leads to raised national income, increased gross domestic product, and economic well-being. Fourthly, the study of sports relations has a special practical significance, because the correct understanding of the main legal categories, which is a legal relationship, directly depends on both law-making and law enforcement activities. Sports legal relations are characterized by such features as the presence of a special entity – a participant in sports activities; mediation through sports-legal relations of the state policy in the field of sports; the peculiarity of the order and methods of protection of the rights of participants of sports activity; close connection of sports-legal relations with the requirements of sports ethics (social norms, gender equality, and rules of sports ethics, as well as measures of ethical and social responsibility); clear temporal certainty and dynamism.

Key words: sports law, sports legal relations, men, women, personal inalienable rights, physical culture, sports, protection of athletes' rights, women's rights, gender equality.

Сафончик О.І. ОСОБЛИВІ АСПЕКТИ ГЕНДЕРНОЇ РІВНОСТІ У СФЕРІ СПОРТИВНОГО ПРАВА

У цій статті розглядаються основні питання гендерної рівності у спортивному праві. Зазначається, що в сучасному світі таке явище, як спорт, знаходиться на одному з провідних рівнів у житті людей, і водночас вважається повноцінним і невід'ємним елементом соціального життя громади. Однак розвиток спорту, а також культури, зокрема фізичної, неможливий без урахування основоположної ролі права, яке є важливим інструментом регулювання цивільних відносин. Однією з проблем, яка сьогодні є актуальною, є правове регулювання правовідносин у сфері спортивного права, спрямоване на захист жінок і чоловіків від дискримінації. Багато наукових досліджень присвячено захисту осіб від дискримінації у спорті, вивченню правового регулювання цивільних відносин у сфері спортивного права. Наголошується, що одним з основних принципів цивільного законодавства є принцип юридичної рівності учасників цивільних відносин, відповідно до якого суб'єкти цивільного права беруть участь у цивільних відносинах на рівних умовах, рівні перед законом, не можуть користуватися перевагами, і привілеї, наприклад, що суперечать закону і мають право без будь-якої дискримінації на рівний захист прав і законних інтересів. Існуючий гендерний дисбаланс робить спорт ключовим важелем, здатним якнайшвидше усунути гендерну нерівність у глобальному масштабі. Стратегія використання спорту як інструменту досягнення гендерної рівності є перехідним заходом і має бути повністю реалізована. Однією з актуальних тем нині є проблема визначення спортивних стосунків між окремими особами загалом, чоловіками та жінками зокрема, в силу кількох причин. По-перше, спортивне право є досить молодою, а отже, недостатньо теоретично розробленою галуззю наукового знання. По-друге, слід зазначити, що соціальні відносини у сфері фізичної культури і спорту відіграють важливу роль у соціальному житті суспільства та створенні сімейних відносин, оскільки

цікавлять практично кожного громадянина будь-якої держави, сприяють духовна єдність різних народів світу. По-третє, спортивні досягнення значно впливають на престиж країни на міжнародній арені, підвищують інтерес до неї з боку потенційних інвесторів, що неухильно веде до зростання національного доходу, зростання валового внутрішнього продукту, економічного добробуту. По-четверте, вивчення спортивних відносин має особливе практичне значення, оскільки правильне розуміння основних правових категорій, якими є правовідносини, безпосередньо залежить як від правотворчої, так і від правозастосовної діяльності. Спортивні правовідносини характеризуються такими ознаками, як наявність спеціальної особи – учасника спортивної діяльності; посередництво через спортивно-правові відносини державної політики у сфері спорту; особливість порядку та способів захисту прав учасників спортивної діяльності; тісний зв'язок спортивно-правових відносин з вимогами спортивної етики (соціальні норми, гендерна рівність, правила спортивної етики, а також заходи етичної та соціальної відповідальності); чітка тимчасова визначеність і динамізм.

Ключові слова: спортивне право, спортивні правовідносини, чоловіки, жінки, особисті невідчужувані права, фізична культура, спорт, захист прав спортсменів, права жінок, гендерна рівність.

Formulation of the problem. In the modern world, such a phenomenon as sports is at one of the leading levels in people's lives, and at the same time is considered a full-fledged and integral element of the social life of the community. This place in Ukraine is given to sports due to its ability to comprehensively develop the talents of the individual, the purpose of the latter in preparation for various activities. Simultaneously, the development of sports as well as culture, in particular physical, is not possible without taking into account the fundamental role of law, which is an important tool in regulating legal relations, including marital relations. One of the problems that is relevant today is the legal regulation of legal relations in the field of sports law aimed at protecting women and men from discrimination. Many scientific studies have been devoted to the protection of individuals from discrimination in sports, the study of legal regulation of civil law in the field of sports law.

Civil law regulates a significant part of social legal relations, including family legal relations arising in the field of sports. More attention in the regulation of these legal relations is paid to the rules of contract law, as it is civil law contracts are most widely used as regulators of civil law, as well as gender equality.

Among the civil-legal agreements, which regulate sports activities, some agreements regulate activities in the field of sports (training, competitions, etc.), and agreements that regulate the provision of sports (contracts of sale of sports complexes, tools, etc., lease agreements premises and stadiums, and sports equipment, etc.). Civil law acts as a set of legal norms governing property and non-property relations between the subjects of civil law, including relations in the field of sports between family members.

Thus, the subject of civil law is understood the range of social relations that it regulates, which are two groups of relations: property relations that arise between people about property, material and other goods; personal non-property relations arising from

non-property (intangible) goods closely related to the identity of their owners (protection of non-property rights of authors and inventors, protection of honor, dignity and business reputation of citizens and organizations; citizens' right to name, personal integrity, the secret of personal life, etc.) [17].

One of the main principles of civil law is the principle of legal equality of participants in civil relations, according to which subjects of civil law participate in civil relations on an equal footing, are equal before the law, can not enjoy advantages and privileges that are contrary to law, and have the right without any discrimination to equal protection of rights and legitimate interests [5]. It should be assumed that equality, in this case, is only a requirement to the essence, inequality is inevitable in any society, and only in law are actually different people seen as formally equal subjects.

An analysis of recent research and publications that have begun to address this issue. The theoretical basis of the study were the scientific works of such jurists as R.V. Cherednik, Z.P. Dubynska, O.P. Ivanchenko, S.M. Balaban, V.V. Kovalenok, L.I. Zaichenko, C.I. Seletsky, S.D. Gusarev, A.Yu. Oliynyk, O.L. Slusarenko, B.I. Lukashchuk, D.V. Panting, Yu.Ye. Atamanova, V.S. Milash and others.

The purpose of the article. The purpose of the article is scientific analysis, systematization, evaluation, development of priority areas of sports law in the field of civil-legal relations on non-property rights, theoretical and practical problems arising in the field of sports law.

Research results. In the scientific literature and practice, there are several problems in defining the concept of "sport" and its legal regulation. By general definition, sport is understood as a special type of educational activity, which is aimed at improving a person's abilities, which is realized in his chosen type of sports activity. However, sport is seen as a multifaceted social phenomenon, which is one of the

essential measures of education. The development of sports and physical culture is impossible without the fundamental role of law, which is an important tool for the legal regulation of legal relations of persons, including spouses. One of the urgent problems of legal regulation of modern sports is the problem of combating gender inequality and discrimination in sports. Civil law, by its nature, is gender-neutral, because its rules do not differentiate between methods and means of legal influence on public relations depending on the sex of the subjects of civil law. Women, along with men, can own property; to inherit and bequeath property; engage in business and any other activities not prohibited by law; to create legal entities independently or jointly with other citizens and legal entities; to implement agreements that do not contradict the law and to participate in obligations; choose a place of residence; have the rights of authors of works of science, literature or art, inventions or other legally protected results of intellectual activity; have other property and personal non-property rights.

Although Ukraine does not have separate laws on equality between men and women or other laws covering discrimination on the grounds of sex, provisions prohibiting sex discrimination are included in some laws. Ukrainian laws provide for equality between men and women in the areas of property ownership and inheritance, family law, and housing law. Women actively exercise their right to establish and participate in the activities of public associations, including women's organizations, participation in sports, etc. And women are more active members of public organizations than men.

Among the objects of civil law, Art. 177, 199, 201 of the Civil Code of Ukraine [5], Chapter 6 (Article 52) of the Family Code of Ukraine [4] in addition to material benefits include intangible benefits: life and health, dignity, personal integrity, honor, and reputation, business reputation, privacy, personal and family secrets, the right to freedom of movement, choice of place of residence and residence, the right to a name, copyright, the right to physical development, other personal, intangible rights and other intangible benefits due to a citizen from birth or by virtue of act legislation, inalienable and otherwise non-transferable.

Sports law is a complex branch of law, as it combines the rules of individual independent branches of law, due to the specifics of social relations governed by sports law. As an academic discipline, sports law covers a large legal array, which differs in the variety of institutions and norms studied.

The Constitution of Ukraine does not directly enshrine the right to engage in physical culture and

sports, this right is enshrined in Article 3 of the Law of Ukraine "On Physical Culture and Sports", according to which every citizen of Ukraine has the right to engage in physical culture and sports. Based on the interpretation of Article 49 of the Constitution of Ukraine [1], the right to engage in physical culture and sports is derived from the constitutional right to health care, but today physical culture and sports not only act as a means of maintaining health but have independent significance.

Family law – a branch of law, which is a set of legal rules governing personal and related property relations between citizens, arising from marriage, consanguinity, adoption, and other forms of placement of children. The state family policy of Ukraine is aimed at providing favorable socio-economic conditions that contribute to the full realization of the family's reproductive, economic, and educational functions, as well as strengthening the moral foundations of the family and increasing its prestige in society. Achieving gender equality involves strengthening the contribution to the development of the institution of the family of both women and men. One of the main directions of Ukraine's family policy is state support for families with children. Measures of such support can generally be described as gender-neutral.

In contrast to civil law, marital and family relationships can be an environment for various forms of discrimination on the grounds of sex. First of all, this state of affairs is since a significant array of relations in this area is the subject of self-regulation of their participants.

Thus, the subjective factor, due to the nature of interpersonal relationships, psychological characteristics of their participants, moral norms, etc., contributes to the formation of generally accepted norms of internal family behavior, which do not always have a direct dependence on legal regulation of marital and family relations.

It should be recognized that marital and family relationships are prone to discriminatory defects due to several objective reasons. In particular, the widespread use of the traditional approach to the exercise of rights and responsibilities, due to gender stereotypes that have developed over the centuries.

The unequal distribution of family responsibilities and responsibilities between men and women related to housekeeping, care for other family members – not only children but also adults, as well as the process of raising and developing children, leads to a lack of time for women to the full realization of one's potential, self-improvement, professional and intellectual growth.

In the field of international relations, discrimination is the granting of fewer rights and privileges to citizens and organizations of any state than to citizens and organizations of other states. As defined by the UN Human Rights Committee, discrimination should be understood as any distinction, exception, restriction, or preference based on race, color, sex, language, religion, political or another opinion, national or social origin, property status, birth, or other grounds and which aims or has the effect of destroying or diminishing the recognition, use, or exercise by all persons on an equal basis of all rights and freedoms. It is emphasized that non-discrimination, along with equality before the law and the right to equal protection of the law without any discrimination, is a fundamental and general principle concerning the protection of human rights.

Many international legal acts are devoted to the prohibition of discrimination in sport. Moreover, the regulation of this issue can be found both in international documents of a general nature in the field of human rights and special ones devoted directly to the international sports movement.

The principle of the inadmissibility of discrimination could not but be reflected in the document that became the basis for the development of further international human rights instruments: the Universal Declaration of Human Rights of 1948, according to which: "all human beings are born free and equal in dignity and rights (Article 1), everyone should have all rights and freedoms without distinction as to race, color, sex, language, religion, political or other opinions, national or social origin, property or another status (Article 2)" [8]. This clearly implies the inadmissibility of discrimination on any grounds (the right to protection against discrimination is provided for in Article 7 of this Declaration).

The principle of the inadmissibility of discrimination is also addressed in special international treaties, which regulate in detail the various issues that arise in this area.

The oldest and most common form of discrimination in sport is sex discrimination. Even at the ancient Olympic Games, women were forbidden not only to participate in competitions but also to participate in them. In the IV century BC, the first gender scandal occurred. As the Greek historian, Pausanias described, the ban applied to Ferenika of Rhodes. After her husband's death, she prepared her son Peisirodos for boxing competitions, and, disguised as a man, huddled in a crowd of pedotribov (coaches) to see for himself his triumph. Peisirodos won, his mother rushed to him, and the cape fell. The woman wanted to be thrown off a cliff, but Ferinika

pointed to the statues of her father Diagoras and three brothers, all of whom were Olympic champions. It was decided to pardon the representative of the family of Olympians, but since then not only athletes but also coaches had to enter the arena naked.

Paradoxically, in the 21st century, examples of discrimination against women in sport can be found in some countries around the world. In Saudi Arabia, for example, women and girls are prohibited from receiving physical education. Only in 2012 did Saudi Arabia send a female athlete to the Olympics for the first time. At the same time, Saudi Prince Nawaf stated that he did not support the participation of women's teams and individual athletes in the competition, but did not rule out the possibility of participation of women from Saudi Arabia, but outside the official delegation. Two other countries – Qatar and Brunei – for the first time represented the athletes at the Olympic Games in London.

Discrimination against women in sports is manifested not only in issues of access to participation in sports life but also in several other phenomena. Discrimination can also create inequalities in wages, prizes, and other material incentives. In terms of funding and sponsorship, women receive significantly less support than male athletes. It is noteworthy, but for the first time only in 2007 at the Wimbledon tennis tournament, the cash prize for winning singles became equal for men and women.

Issues related to women's issues in sport have not gone unnoticed by the International Olympic Committee and the world community as a whole. The first international conference on "women and sports", which brought together many sports leaders at various levels, was held in Brighton (UK) on May 5-8, 1994. It was organized by the British Sports Council and supported by the International Olympic Committee. The conference paid special attention to the problem of accelerating the process of change, which would lead to the restoration of the disturbed balance of women's participation in sports.

As a result, a Declaration was adopted, which included principles that provide effective steps to increase the involvement of women in sports and enable them to perform any function and hold any position.

The conference noted that all women should be able to engage in safe sports, taking into account physiological characteristics, protection of their rights, and dignity as human beings. The declaration also stated that governments and sports organizations should provide women with equal opportunities to achieve the highest sports results. Sports officials and professional athletes must ensure that competitive

opportunities, awards, initial recognition, sponsorship, advertising, and other forms of support are provided to women and men fairly and equitably. In its resolution № 1092, "On non-discrimination against women in sport" in 1996, the Parliamentary Assembly opposed discrimination in sport.

Thus, while measures are being taken around the world to promote gender equality in all spheres of people's lives and activities, the field of sport is the last bastion on the path to achieving gender equality. However, the sport remains a place where discrimination against women and male domination is considered the general norm and acceptable, even though women's right to play sport is enshrined in international conventions, in particular the Convention on the Elimination of All Forms of Discrimination against Women.

Ukraine has ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women, with which States parties undertake to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, and in particular to ensure, based on equality between men and women: "(a) The equal right to marry; b) equal rights to freely choose a wife and to marry only with their free and full consent; c) equal rights and responsibilities during the marriage and after its dissolution; d) equal rights and responsibilities of men and women as parents, regardless of their marital status, in matters concerning their children; in all cases, the interests of children take precedence; e) equal rights to decide freely and responsibly on the number of children and the intervals between their birth and access to information, education, as well as the means that enable them to exercise this right; (e) The same rights and obligations to be guardians, custodians, proxies and adoptive parents of children or to perform similar functions if provided for by national law; in all cases, the interests of children take precedence; g) equal personal rights of husband and wife, including the right to choose a surname, profession, occupation; h) equal rights of the spouses to own, acquire, manage, use and dispose of property both free of charge and for a fee "[6] (Article 16 of the Convention).

The existing gender imbalance makes sport a key lever capable of eliminating gender inequality on a global scale as soon as possible. The strategy of using sport as a tool to achieve gender equality is a transitional measure and should be fully implemented.

History suggests that in terms of access to sports, women have the opportunity to develop comprehensively. In 1972, the United States passed

a law known as Regulation IX of the Education Amendments Act, which prohibits discrimination on the grounds of sex in any federal-funded institution. One of the most significant consequences of this legislation is the possibility of equal funding for men's and women's sports programs.

One of the current topics is the problem of research of sports relations between individuals in general and men and women in particular, due to some reasons. First, sports law is a fairly young and, therefore, insufficiently theoretically developed field of scientific knowledge. Secondly, it should be noted that social relations in the field of physical culture and sports play an important role in the social life of society and the creation of family relations, as they are of interest to almost every citizen of any state, and contribute to the spiritual unity of different peoples of the world. Thirdly, sporting achievements significantly affect the country's prestige in the international arena, increase interest in it from potential investors, which steadily leads to increased national income, increased gross domestic product, and economic well-being. Fourth, the study of sports relations has a special practical significance, because the correct understanding of the main legal categories, which is a legal relationship, directly depends on both law-making and law enforcement activities.

In addition, one of the basic rights of every citizen, enshrined in the constitutions of various states, including Art. 49 of the Constitution of Ukraine, there is a right to health care, which is largely ensured through the development of physical culture and sports.

Undoubtedly, the relationship between physical culture and sports originated long before the advent of law, which indicates the possibility of their existence without the mediation of legal norms. However, currently due to the dynamic development of these relations, the various social, economic, cultural, and other processes in society, the need for government intervention in the development of social relations arising in the field of physical culture and sports, there is no doubt.

Such an intervention is carried out through psychological influence on the behavior of the parties through various legal means, the main of which are legal norms. Thus, the state in the person of its authorized bodies and officials establishes (authorizes) legal norms that establish a certain model of possible, appropriate, or prohibited behavior, brings this model to the attention of the legal system and further assesses the behavior of these entities for its compliance with a particular model of behavior.

As noted by the famous civilian Dzera, "actual

social relations are compared with their ideal models described in the rules of law” [16, p. 311]. This allows us to conclude the existence of two systems of relations: the actual, consisting between the participants of a particular activity (including activities in the field of sports) and ideal, which do not exist in reality, but are manifested in the form of a state-established model of possible, appropriate behavior.

Given this fact, it should be noted that in connection with the allocation of these systems of relations (actually existing and ideal) in the legal literature, there are several theories (concepts) of understanding the relationship: material and formal.

Material theories of legal relations are reduced to the understanding of this legal construction as the actual development of social relations under the influence of legal norms.

The formal theory of understanding the legal relationship is to consider the legal relationship solely as a “legal form of actual social relations, mediated by legal norms”.

In our opinion, a more affluent and consistent with the current level of development of the state and society should be recognized as a formal theory. In our opinion, one cannot agree with any of the material theories, because when entering into most social relations, people often do not think about their legal consequences, pursuing only the achievement of the actual result. In this regard, the statement that actual social relations are transformed into legal relations as a result of the influence of legal norms on them, which is the main thesis of all material theories of legal relations, cannot be considered substantiated.

Despite this, since in Soviet times legal science developed rather slowly for various reasons (in the early stages of the Soviet state due to the prevailing ideas of communism, law as a regulator of social relations was completely denied, and in later stages the ideas of most foreign jurists were criticized, mostly without argument, based on class hostility and commitment to the capitalist system), and modern legal research is mainly based on the Soviet legal heritage, which prevails in most branches of law is the material approach.

Sports law is no exception. Thus, most scholars who have studied sports law define sports relations as voluntary, regulated by sports law and state-protected public relations [14]. However, in our opinion, it is impossible to agree with such a definition because, as noted earlier, the legal relationship is not a material (real) construction, and fictitious (ideal).

Thus, legal relations should be understood as a certain model of possible, proper or prohibited

behavior, which is developed and communicated to the subjects of the legal system by the state in the person of authorized state bodies and officials to psychologically influence their behavior in actual social relations.

It should be remarked that the definition of legal relations as a model of behavior has previously been cited in the legal literature, but has caused much criticism. Thus, according to A.M. Aparov, “this approach erases its qualitative difference from legal norms, the functions of one or another converge, and the specific purpose of the mechanism of legal regulation slips out of sight” [13].

It should be mentioned that some scholars suggest considering sports relations in contrast to other legal relations in the field of physical culture and sports, based primarily on the complex nature of sports law, as in the field of physical culture and sports arise as horizontal (private law based on dispositive method legal regulation) and vertical (public-law, based on the imperative method of legal regulation) relations.

Thus, E.O. Kharytonov, O.I. Kharytonova, and N.Yu. Golubev notes that the “concept of legal relations in the field of physical culture and sports” characterizes all types of legal relations that exist in this area, which like any subject-practical activities of the society and the state is complex, and its inherent relations are governed by almost all branches of law. The concept of “sports relations” is used to denote legal relations that are the direct subject of sports law, its core as an independent branch of Ukrainian law [14].

Thus, sports should be considered relationships directly related to sports activities, i.e., “relationships arise in connection with the implementation of the training process (activities) (preparation for competitions) and participation in competitions (competitive activities), as well as other (related) relationships arising from the latter.

Thus, it should be concluded that sports relations are models of possible, appropriate, or prohibited behavior, which are produced and brought to the attention of the subjects of the legal system by the state in the person of authorized state bodies and officials to psychologically influence their behavior in the process of participation in relations arising from the training process, participation in competitions and other relations, arising from the latter.

The structure of the legal relationship in the formal sense (according to the formal theory of legal relations) includes only subjective rights and legal obligations. Other elements that stand out in the structure of the legal relationship in the material sense (subject, object, grounds, change, and termination

of rights and obligations, form and content of the legal relationship), in the formal approach, are revealed by combining in a single legal model of several legal forms, the mandatory use of which is a necessary condition for recognizing the activities of participants in actual social relations, which entails legal consequences. For example, within the legal relationship in the formal sense combines such legal forms as “legal capacity” and “capacity” (in legal relations in the material sense, these legal forms are used to characterize the subject of the relationship), “object of civil rights” and “legal regime of property” (in legal relations in the material sense, these legal forms are used to characterize the object of legal relations), etc.

However, given the fact that the modern legal literature (including sports law) is the predominant material approach to understanding the relationship, we consider it appropriate to consider the structure of the relationship in the material sense.

The grounds for the emergence, change, and termination of the rights and obligations of the subjects of sports relations are legal facts, which in the legal literature are traditionally classified into actions and events. The main element of the structure of sports relations in the material sense should be recognized as direct participants in sports relations, which are the subjects of sports law.

Based on the analysis of the above statement, it follows that it is necessary to distinguish between the following legal categories:

1) the subject of law – a person endowed with legal capacity;

2) a participant in a legal relationship – a subject of law who has entered into actual social relations.

Thus, as such an element of the structure of the legal relationship in the material sense, as a subject should be considered directly to the participants in the relationship, and the subjects of law should be recognized only as potential participants in such relationships.

It should be noted that the subjects of family relationships are also characterized by the presence of legal capacity and legal capacity [12]. These provisions are provided by civil law [10, c. 91; 16, c. 352]. As in civil law, legal capacity arises from birth.

The main features of family relationships can be identified: the subjects of family relationships are persons related by marriage (marriage), kinship (parents and children, adoptive parents and adopted children); family relations arise not only with the direct instruction of the law, but also with the consent of the parties; family relationships are usually

long-lasting; family relationships, depending on their content, can be divided into the property and personal non-property [12]. Property is a relationship that is related to property and has a certain economic meaning. Property family relationships do not have a value, equivalent-pay nature. Non-property is a relationship that is inextricably linked to the individual and has no economic meaning.

Family law does not regulate all relationships that arise in the family and in marriage. The relationship of love, respect, trust between spouses cannot be regulated by law. The rules of law only contribute to the development of these relations, and these relations are governed by the rules of morality. It should be noted that many scholars studying the problem of determining the range of subjects of sports relations are trying to give a complete list. In our opinion, the position of A.M. Aparova, who argues that “to mark the full list of such persons is not possible due to the diversity of sports, and it makes no sense. The main thing is to understand that the athlete – coach – physical education and sports education have been and will always be the main subjects of sports relations” [13].

We believe that it would be appropriate to include in the subjects of sports relations in addition to the above also the entities that organize and conduct sports competitions, resolve disputes in the field of physical culture and sports, government agencies and officials who form, implement, and coordinate state policy in the field of physical culture and sports, as well as international organizations and their bodies operating in this field.

Thus, the subjects of sports relations in the material sense are individuals (including spouses); organizations with the status and without the status of a legal entity that perform physical education, physical education, information, organizational and other functions; state bodies and officials; international organizations and their bodies.

The object of legal relations in most cases means “what the subjective rights and legal obligations of the parties to the legal relationship” [18].

The traditional approach should be considered more reasonable because, in the conventional sense, an object is “that which exists outside us and independently of our consciousness, the phenomenon of the external world, the object to which one's activities are directed, and attention” [16].

As noted by E.O. Kharytonov, depending on the nature and types of sports relations, the objects may be: material goods; intangible benefits; actions of subjects of sports law in various spheres; products of intellectual activity included in the sphere of physical

culture and sports, including exclusive rights to them; sports information; abilities and image of the athlete (sports team); sports industry, which is a set of industrial enterprises that produce products for physical culture and sports and tourism [15]. In our opinion, all of these facilities, except for the last two, are indeed objects of sports relations in the material sense. Abilities and image of the athlete, we believe, should be considered a personal intangible asset, the attribution of which to the objects of legal relations has already been mentioned in the list.

Thus, the objects of sports relations are tangible and personal (intangible) benefits, actions of sports law entities, the results of intellectual activity in the field of physical culture and sports, as well as sports information.

Subjective law in the legal literature is considered as “a provided by legal norms directly to the party to the legal relationship legitimate (allowed by legal norms) opportunity to satisfy their interest, as the degree of possible behavior of the subject within the legal relationship” [16].

Subjective rights and legal obligations should be attributed to such a structural element of the legal relationship in the material sense as the form of the legal relationship. The content of the legal relationship will be the actual behavior of participants in sports relations.

Thus, summing up the analysis of the structure of sports relations in the material sense, it should be concluded that it includes several basic elements: the grounds for the emergence, change, and termination of rights and obligations of participants in sports relations (legal facts), subjects of sports relations; objects of sports-legal relations, the form of sports-legal relations (subjective rights and legal obligations) and the maintenance of sports-legal relations (actual behavior of participants of sports-legal relations).

In the literature on sports law in describing sports relationships, most scholars point to their characteristics (distinctive features, characteristics). Among these it is accepted to allocate the following:

1) existence of special subjects – participants of sports activity;

2) availability of special facilities;

3) mediation through sports-legal relations of the state policy in the field of sports;

4) the peculiarity of the procedure and methods of protection of the rights of participants in sports activities; 5) close connection of sports-legal relations with the requirements of sports ethics (social norms and rules of sports ethics, as well as measures of ethical and social responsibility) [14].

Thus, summing up the above, the following conclusions should be drawn. Sports legal relations in the material sense (according to material theories) are voluntary, regulated by the rules of sports law, and protected by state public relations. Sports legal relations in the formal sense are certain models of possible, appropriate behavior, produced and brought to the attention of the legal system by the state in the person of authorized state bodies and officials to psychologically influence their behavior in the process of participation in relations arising from about the implementation of the sports process, as well as other relationships arising from the latter.

Sports legal relations are characterized by such features as the presence of special entities – participants in sports activities; mediation through sports-legal relations of the state policy in the field of sports; the peculiarity of the procedure and methods of protection of the rights of participants in sports activities; close connection of sports-legal relations with the requirements of sports ethics (social norms, gender equality, and rules of sports ethics, as well as measures of ethical and social responsibility); clear temporal certainty and dynamism.

Note that even with the apparent gender neutrality of the legislation, it is possible to identify legislative traps that may conceal the danger of restricting the rights of civil and family relations. The legislator needs to carry out gender expertise of normative legal acts adopted by public authorities to observe gender equality and further implementation of universally recognized principles and norms of international law and international obligations assumed by the state.

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