

ON THE NEED FOR ADOPTION OF THE SPORTS CODE OF THE REPUBLIC OF BELARUS

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This article discusses the need for the adoption of the Sports Code. The national legislation in the field of sports is analyzed. Foreign experience and its positive impact on the development of sports are considered. The positive and negative aspects following the adoption of the Sports Code are predicted.

Sports law is a comprehensive industry that encompasses all legal norms governing social relations that take place in the field of physical education and sports, as well as other similar legal relations from various branches of law and legislation.

The regulation of legal relations in the field of sport is carried out on a number of sources of sports law of the Republic of Belarus, including:

- Constitution of the Republic of Belarus
- Civil Code, Labor Code, Tax Code, etc.
- Law "On Physical Culture and Sports"
- other laws of the Republic of Belarus, which indirectly regulate issues of physical culture and sports: "On the foundations of state youth policy", "On state awards of the Republic of Belarus", "On trade unions", etc.
- Decrees of the President of the Republic of Belarus directly regulating sports relations: "On measures to stimulate the achievement of high sport results", "On providing support to organizations of physical education and sports", "On the provision and use of gratuitous (sponsorship) assistance", etc.
- Decisions of the Council of Ministers of the Republic of Belarus directly regulating sports relations: "On the delegation of authority to the Ministry of Sports and Tourism to adopt regulatory legal acts in the field of physical culture and sports", "On approval of the State Program for the Development of Physical Culture and Sports in the Republic of Belarus for 2016–2020 years", "On the approval of the Unified Sports Classification of the Republic of Belarus", etc.
- Decisions of the republican government governing physical culture and sports: "On the approval of the Instructions on the specifics of labor regulation of employees of physical education and sports organizations", "On the specifics of concluding civil law contracts in the field of professional sports", etc.
- regional legal regulation of physical culture and sports: "On local government and self-government in the Republic of Belarus"
- legal acts of international and national sports organizations: regulations and charters of FIFA and UEFA, charters of Belarusian sports federations, etc.

For the effective functioning of sports, a normative legal act is necessary, which will be capable of regulating the activities of sports associations, federations, clubs, and other sports structures simultaneously. In order to form a holistic legal institution, it is necessary to codify the legal norms governing the entire sphere. Therefore, systematization of sports legislation should be ensured.

At the moment, the established legal regulation in the field of sports is significantly outdated and is subject to detailed processing, so that to take into account the requirements of the present and the specifics of foreign experience. More than 20 years have passed since the adoption of the first edition of the law "On Physical Culture and Sport", despite the significant changes made over this period of time, a number of categories such as youth, students, adaptive sports, insurance and social protection of athletes, as well as the institutes of a sport passport, sports agency, transfer of players, professional sports leagues and much more, it was not settled [1, p. 1]. The lack of legal regulation of relations in these areas indicates the need for the adoption of the Sports Code, which will undoubtedly improve the legal regulation of sports in the Republic of Belarus, as well as give a significant impetus to its further development.

The positive foreign experience of legislative regulation in the field of sports confirms the validity of the development of sports law along the path of codification of the legislation on sports through the development and adoption of the Sports Code. In particular, there are a number of codes (codes of laws) of various US states, Brazilian Code of Sports Justice, Brazilian Code of Professional Ethics in the field of physical education, as well as the Sports Code of France ("Code du sport"), which provides conditions for the development of French sports and effective fight against corruption and other types of crimes in sport [2].

The sports code and its main provisions will become the foundation for the further development of Belarusian legislation in the field of physical culture and sports, will contribute to the active development of national sports legislation (the adoption of legislation on professional sports, on transfers in sports, on sports disputes, on doping, refereeing, etc.).

However, the legislator and other subjects of legal relations in the field of sports may face a number of adverse consequences that will follow the adoption of the code. The analysis of the dynamics of state regulation in the field of physical culture and sports indicates the desire of the legislator to extend the imperative method of legal regulation to the considered and related legal relations, which in turn leads to the adoption of new norms. As a result, the system of sports legislation that has not yet taken shape within clear boundaries can be deformed even more. Sports relations are a completely specific type of social relations and relations, in its pure form not characteristic of civil, administrative, criminal or any other legal relations that are subject to regulation of branches of law in the traditional classification. In this sense, their specificity is comparable only with relations in the field of education. The imperative method cannot be employed there (like, for instance, in criminal law), nor is it possible to reduce sports relations to the concept of a service because of their originality and identity.

Another disadvantage seems to be the impossibility of extending general provisions to all existing sports due to their specificity and originality. Even the very definition given to the concept of sport in the draft Sports Code [3]: "Sport is a field of activity that is a competition in the field of physical culture, as well as a system for preparation, organization and conduct of such competitions, provided by the educational process, complex economic, social, educational, scientific, methodological, medical, material and technical and other conditions", does not reflect its essence. The legislator in this case does not take into account the intellectual activity inherent in many sports (chess, checkers, sports bridge, etc.).

The adoption of the Sports Code will not be able to fully and at once eliminate the lacunae in the country's sports legislation. Nevertheless, at present there are no objective obstacles to the systematization of the sports legislation of the Republic of Belarus, and codification seems to be the most preferred type of systematization. The codification can be based on the Law on Physical Culture and Sport, and lacunae in legal regulation can be eliminated by introducing subsequent changes and additions to the Code.

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