

## Importance of Public Administration in Sports

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### Abstract

Sport receives a special attention both from society and from the state; consequently, administration in sports is an integral part of the existence of the sphere of sports. The purpose of this article was to study main features of subject-object area of public administration in sports, to determine the place of public administration in sports among other types of administration in this sphere, and to study the need for the state to implement administration in this sphere. Key features of subject-object area of public administration in the field of sports include the autonomy of sports, competitiveness in sports, the diversity of the parties in sports, the diversity of subjects of sports administration, the trend in the development of public relations in the sphere of sports, the intersectionality of various segments of the sphere of sports, as well as the admissibility of certain forms of violence in sports. In this article is made the conclusion about determinants of importance of public administration in the sphere of sport. Qualifying features that allow to distinguish public administration in the sphere of sports from other types of sports administration are determined. The interests of the state, achieved through administration in the field of sports, are also determined.

*Keywords:* sports, sports law, public administration in sports, autonomy of sports, competitiveness in sports.

### Introduction

Sport is treated in a particular way by both society and government. Sports management is an integral part of sports ontology (existence).

According to S. V. Altukhov, all major sporting events equal to a world championship or the Olympic Games necessarily involve state institutions and government authorities, which participate in organising and holding such events [1, 16–17].

The aim of this article is to study main features of subject-object area of public administration in sports, to determine the place of public administration in sports among other types of administration in this sphere. In addition, it seems necessary to study also the need for the state to implement administration in this sphere.

## **Key Specific Features of Subject-Object Area of Public Administration in Sports**

It is reasonable to distinguish the following key specific features of subject-object area of public administration in sports, which accordingly determine the specifics of public administration in this field:

1. Autonomy of sport which determines the limits of government's intervention into sports and which is objectively due to a certain objectively existing rigidity (non-susceptibility or much lower susceptibility, principled stability, resistance) of a significant part of the total scope of relations in this field to administrative (including regulatory) impact and influence by government authorities as part of and over the course of public administration and, consequently, lower management ability of the government in this field. Autonomy of sport is not absolute, but restricted by some limits, binding for all the parties, i. e. public authorities and other subjects of sports relations. At the same time, some segments of social relations in the field of sports essentially cannot be transformed, re-formalised into legal relationship, and an attempt to regulate such by law will lead to their significant deformation, misrepresentation, and their actual blocking (in fact, banning), which, in its turn, will be an offence against a number of important human rights and liberties, first of all, the right to practice sport.
2. Significant specificity of the field of sports determined by competitiveness, which is a value attractive for sports.

According to our definition (co-authored with O. A. Shevchenko), competitiveness in sport is a form of social relationships implemented in the field of sport (including methods and mechanisms) associated with the fulfilment of a goal to determine competing party (a participant of an athletic competition – an athlete, sports team, players (team) of a sports club, national sports team), better meeting certain requirements established in a kind of sport, by documenting and comparative (compared to the results of another participant (other participants) or with certain fixed parameters) evaluation by an actively involved third party (field judge, referee, a panel of such) of the results of activities of the above competing parties, with the following exclusion of those who showed poor results and / or incompliance with the established requirements from these parties.

3. Great variety of subjects (parties) of the relationships in the field of sports (actual or potential objects of public administration in sport), subjects of different levels and different nature, which have various priorities and complex interrelations (relations and interactions) between them (both inside and beyond the field of sports), which by groups form a two-dimensional (heterogeneously horizontally distributed) system, the relationship between the segments of which (for example, relating to different kinds of sports) is reduced to an absolute minimum or virtually inexistent. A wide variety of sports subjects includes both low decentralised, horizontally distributed (including network) communities of organisations and individuals, and multiple hierarchal systems of professional sports organisations, and a wide range of business entities (investors, business partners, etc.), educational institutions, viewers of mass sporting entertainment events and other athletic competitions, sports fans, state and municipal authorities. Consequently, the sports management structure is a decentralised self-referential, and self-replicating system, which includes a great number of various sports organisations related by complex and differentiated relationships with single-level and higher managing and / or coordinating organisations (differentiated by the kinds of sports, goals, and forms of activities, structure and specific features of decision-making, degree of centralisation / decentralisation, etc.). Public authorities are objectively unable to effectively and with due pertinence (that is, according to the expectations based on needs) manage the entire array of relationships in sports; therefore they have to recognise self-management of sports and even delegate a part of their powers to self-regulatory sports agencies, and recognise regulatory and institutional independence of sport (within certain limits).
4. A great variety of sports management subjects (besides state and municipal authorities). Historically, public authorities have provided non-governmental, non-municipal sport management authorities with a significant autonomy to manage their affairs without resorting to special law on sport. That is why there are a great number of self-regulation rules in the field of sport, based, in particular, on corporate and business law. At the same time, non-governmental, non-municipal sports management authorities (that is, self-management authorities) are also directly connected by interrelations of immense complexity. Sports organisations and sports management authorities at national and international levels have various roles and responsibilities (this variety is even slightly redundant), which reflect the points of view of both management authorities of sports organisations and public authorities. The role and meaning of sports management authorities are determined by their impact on the relations between the interested parties.

5. A trend of social relations' development in sports (observed in many countries of the world) predetermining a significant increase of the role of public administration (including state regulation) in this field within the responsibilities of government authorities at the same time as the role of self-management, in particular, self-regulation in this field increases, thereby making the relationship between these two regulatory systems more complex. Non-governmental, non-municipal sports management authorities interact with public administration authorities in sport in a complex way in conditions of a specific autonomous extralegal regulatory order in sport.
6. Intersectionality of different segments of the field of sport. We talk about intersectionality (not only about blurring of boundaries, but rather principal intercrossing of the fields, their certain partial overlapping) of professional and amateur sport, high-performance sport, and popular sport. The above shows, in particular, in the complexity of exhaustively clear separation of professional and amateur sport in legal regulation of sport in many countries, and also in the fact that professional sporting facilities serve a wide range of public interests, a much wider audience than merely professional athletes, professional sports teams, and sports clubs. Besides, it should be noted that the professional sports system is focused on effective creation of an attractive image of sports as a whole, on positive propagandistic influence of professional sports on attracting children and young people to popular sport.
7. Intersectionality of different aspects and elements of the ontology (existence) of sport being in complex interrelations (correlations), including mutual dependence. Thus, institutional sport in any aspects is directly or indirectly related to economic relations, and the sports industry is an integral part of sport. Many organisations, the activities of which are connected to sport, are formally non-commercial. Still they perform their activities, which are business by nature. The field of professional sports is first of all show business, that is, a field of largely private interests, and public interests are *de facto* less significant. Moreover, the field of professional sport today is much more a business than purely sport, which means that this field is associated with private business interests. Sports relations (in their "pure" form) are in complex interrelations with the relations pertaining to intellectual property rights, civil, and associated economic rights, etc.

Legal practice relating to these issues is rather contradictory. In 1922, the US Supreme Court in its judgment in the case with participation of the federal league concluded that sport is not a kind of commercial activity, which caused a number of hearings in the US Congress on anti-monopoly legislation issues. By contrast, the Court of Justice of the European Union in its decisions on a number of cases, including a famous Bosman ruling, clearly articulated that sport created and managed as a business is a kind of commercial activity and, therefore, anti-monopoly legislation rules are applicable to it [8, 19].

8. Intersectionality of orders (of various nature) in sport.
9. Determinacy by historic factors of specific features of arranging many kinds of sport, in particular, geographic distribution of their institutionalisations, their procedures.
10. Allowability of certain forms of violence in sport (combat sports, etc.).  
According to Anneliese Nelson, an issue related to applying criminal legislation in respect of sport, when we are talking about violence in sport, is of special interest. Key elements of violence in sport are causing physical harm, guilt as intent, and failure to observe the rules of the game. The first two aspects are covered in criminal legislation of all countries of the world; the latter is used by criminal law to identify the presence and essence of an athlete's intent. However, the problem is that violence is inherent to some kinds of sport. Therefore, the cases of violence in sport are very rarely considered by public judicial authorities, and when this happens, a person who has committed violence in sport is usually subject to milder punishment. In addition, the main problem in judicial inquiry into the cases of using violence in sport is that it is difficult to prove intent in athlete's actions, especially during the game and within its rules [5, 10–12].
11. Determinacy of direct and indirect state interests in this field and to this field by specific features of sport (see clause 3.1).  
The specific features of subject-object area of public administration in sport described above are largely intertwined with the specific features of subject-object area of sports law, which determine its unique nature.

### **Place of Public Administration in Sport among Other Types of Administration in the Corresponding Field**

According to the definition offered by Pakianathan Chelladurai, sport management is a relationship and coordination of resources, technologies, processes, personnel, situational approach for effective production and exchange of sport services [2].

As usual, four types of management in the field of sport (management of sport) are distinguished:

- 1) public (state, municipal, and some particular cases of delegating separate public powers to non-governmental, non-municipal subjects, operators) administration in sport;
- 2) self-management (autonomous management) in sport (management implemented by non-governmental, non-municipal subjects in sport – by the International Olympic Committee and the International Paralympic Committee, national Olympic and Paralympic committees, international and national sports federations, etc.);

- 3) private (commercial corporate) management in sport, to specify, in its aspects associated with sport as the field of sports entertainment show business events and corresponding activities, sports broadcasting, sports sponsorship, operation of sports infrastructure, manufacture and sales of athletic clothing and footwear, sporting equipment, outfits and gear, sports equipment and tools, items of sports equipment, sports promotional merchandise, sport supplements and drinks, rehabilitation, diagnostic, and other means and equipment of sports medicine, elements and parts of athletic facilities, and other complex sports technical objects, sports cars, sports vessels and aircrafts, their components, technical components and systems, gear, and are related to other segments of sports industry;
- 4) management implemented in the field of sport by non-institutionalised participants of sporting relations.

Public administration in sport cannot exist without cooperation with other types of sport management described above. Public administration authorities have to involve various non-commercial organisations and business sector (suppliers of goods and services, etc.) to the field of sport.

The government's role in sport relating to its administrative impact or influence on this field significantly vary depending on the country.

However, the government cannot stay out of sport completely in any of the current situations.

Public administration in sport is implemented within the responsibilities of different public authorities in this field, established by laws, and, consequently, public authorities are responsible for financial management, human, material resources management, and management of infrastructure to implement these powers.

Qualifying features, which allow distinguishing public (state and municipal) administration in sport and other types of sport management:

- 1) public management is implemented in public interests unlike private management implemented in private interests and unlike self-management implemented in the interests of mixed nature, in the total scope of which public interests can be available, but occupy a small share;
- 2) public management aims to encourage and develop sport activities in the entire society as a whole, first of all among those social groups where encouragement and development of sport are not beneficial for the private sector;
- 3) public management aims to encourage and develop sport training in different kinds of sport without selective approach, whereas private management aims to provide educational resources and projects only for its specific purposes; self-management aims to provide educational resources and projects within its kind of sport ("a bunch" of sport kinds);
- 4) public management relates to implementing governmental powers (as a result, public management in sport is to some extent limited by the autonomy of sport);

- 5) maintaining and ensuring public order, legal order, legitimacy, fighting crime in sport relate primarily (and on a number of issues, solely) to the field of public administration, not to other types of management in sport;
- 6) public management is restricted to the boundaries of the territory covered by jurisdiction of implementing such management authorities.

Specifics of public administration are determined depending on the adopted model of public administration in sports and the specific features of management facilities.

### **Determinants of Importance of Public Administration in Sports**

Objective significant and progressing expansion of subject-object aspects of public administration generally and in sports specifically observed today (compared event with the second half of the 20<sup>th</sup> century), appearance of new specific segments of subject-object aspects of public administration (this tendency was also observed in the 20<sup>th</sup> century, but the dynamics was different; the field of sport in most world countries turned to be subject-object field of public administration only by the middle of the 20<sup>th</sup> century, only in some countries, since the late 19<sup>th</sup> century) predetermine increased requirements for planning, designing, programming, and implementation of public administration in sports. At the same time, financial resources of public authorities are increasingly unable to provide complete public management in all of these segments. Therefore, there are some attempts to slow down or reverse the increase of state expenses along with simultaneous search for more efficient administrative approaches and instruments, including in the considered field.

The same circumstances, just like many challenges threatening the field of sport, which have recently become relevant, make it necessary to rethink fundamental principles, nature, specific features of the ontology and goal-setting of public administration in sports.

Public administration in sports plays a very important role because it is while carrying out this administration in this field that not only the imperatives arising out of certain government's functions and therefore public administration purposes. In addition, government policy in this sphere is generated and implemented setting the main priorities and establishing public interests' guarantees in this field, the degree and forms of government support of sport are regulated, and legal foundation for regulating the relations in the field of sport is determined, sport encouragement and support are provided. Public administration in sports is implemented within the power of different public authorities in the field of sport provided by laws, and, therefore, public authorities are responsible for managing financial, human, material resources, and the infrastructure used to implement these powers.

According to a preamble to the "Physical Activity and Sport Act of Canada" dated 2003 (last updated on 2017) [7], "Government of Canada recognises that physical activity

and sport are integral parts of Canadian culture and society and produce benefits in terms of health, social cohesion, linguistic duality, economic activity, cultural diversity and quality of life”.

According to a preamble to the “Sports Act of Spain” dated 15.10.1990 No. 10/1990 (last updated on 01.05.2015) [4], “sport in all of its multiple and various aspects has nowadays become one of the most unifying types of social activities, which has mobilization and motivating potential. Sport is one of the key parts of the education system, and practicing sports play an important role in healthcare activities. Therefore sport is a factor able to adjust social imbalances, it encourages the development of equality between people, enhances the development of social integration skills and united teamwork. All of the above defines sport as an important part of the standard of living as a whole and an active participant in implementing leisure activities in modern society”.

According to Article 3 of the “Act of People’s Republic of China” dated 1995 “On Physical Culture and Sports”, “the government follows a principle that physical culture and sports serve economic construction, national defence, and social development”.

The role of sport in Russia’s modernisation has been confirmed and articulated by the “Strategy of the Development of Physical Culture and Sports in the Russian Federation for the Period till 2020” [3].

Jean-François Nys distinguishes six most critical functions fulfilled by the state in sports either directly or by delegating powers [6, 260–270]:

- 1) the government has a legislative function implemented by the necessary rules of conduct – principles of law (laws, by-laws), and technical regulation provisions (standards, etc.). This function was initially restricted by the issues of law enforcement and security during sporting events, but later also covered the issues of staff and functioning of sport associations, clubs, and sports federations. The government, which has taken responsibility for sporting organisations, is entitled to delegate such responsibilities of the sports federation. The relations with the sports movement can also include making sure that the sporting facilities are operated and developed, labour and tax relations are regulated;
- 2) an important function of the government in sport is providing grants, instituting and presenting awards in this field;
- 3) the government encourages distribution of sports values and mass participation of the population in sports activities mainly due to physical education at schools, because predominantly sedentary lifestyle of the population in the developed countries can have an adverse impact on health;
- 4) the government oversees athletes’ health, participates in the development of special-purpose medicines, and in fighting against distribution and use of prohibited doping substances;

- 5) the government conveys the country's positive image by arranging international sporting events, supporting and ensuring competitive performance of national sports teams (in team sports), athletes, and national Olympic and Paralympic teams, as well as by assisting in nominating its citizens to manage international sports organisations;
- 6) the government encourages international cooperation in the field of sports.

In today's context stable operation and development of social relations in the field of sport, which meet public interests, are impossible without public administration, including administrative, criminal, and civil regulation of these relations, due to the following reasons:

- 1) the imperatives of social state (improving the standard of living and protection of population's health (through disease prevention by involving people into practicing sports), providing guaranteed social benefits to population, contribution into national demographic security and development in this field, ensuring the rights to leisure and personal development);
- 2) the imperatives of ensuring public order, legal order, and legitimacy in sport, prevention and suppression of crime (corruption in sport, turnover of prohibited doping substances, etc.), and administrative offences, fight against such offences in sport, consequently, by criminal and administrative legal instruments. At the same time, significant complicating of the social relation's structure in sport and the problems relating to it increasingly require an active government and administrative impact on prevention and suppression of offences, and addressing other issues. It is impossible to effectively counter these offences and react to all the problems arising out of them solely by self-management and self-regulation methods. This has been repeatedly confirmed by practice around the world;
- 3) the imperatives of protecting public order and legal order, and ensuring law enforcement during mass sporting entertainment events;
- 4) the imperatives of safeguarding and protection of athletes' health including the prevention and suppression of the turnover and use of prohibited doping substances, as well as creation of maximum possible conditions (without detriment to sport) for safe practicing of sports;
- 5) the imperatives of safeguarding and protection of athletes' health relating to setting the limits for especially cruel kinds and form of sport associated with high risks of causing harm to human health and athletes' lives. We believe that it is important to highlight this position;
- 6) the imperatives of safeguarding and protection of athletes' sports and employment rights of (at least in the basic part), taking into account reduction of sports organisations' interest to independently completely guarantee and provide these rights;

- 7) the imperatives of creation of the conditions for economic development of a country as a whole or its individual regions, because as it develops, the field of sport becomes increasingly associated with business, and the sports industry in many countries already constitutes a significant segment of national economy. Consequently, civil regulation of property, contractual, and other relations in sport and related fields connected to the above aspect, as well as public administration in these segments should be provided;
- 8) the imperatives of protecting public morality, meaning moral and educational potential of sport (fair play), and taking into account the need to specially regulate betting pools, lotteries, gambling;
- 9) the imperatives of keeping, reproduction, and maintaining sports order.

## Conclusion

The participation and impact of the state on the sphere of sport to some extent is significant for the existence of this system now in general. Thus public administration in the field of sport is characterised by the specifics which distinguish it from public administration in other spheres. In no small part, such specifics are defined by autonomy of the sphere of sport. Realisation of sports management allows the state to reach the level of satisfaction of its significant interests in other fields.

## Valsts vadības nozīme sporta jomā

### Kopsavilkums

Gan no sabiedrības, gan no valsts puses sportam tiek pievērsta īpaša uzmanība, tādēļ vadībai sporta jomā ir īpaša nozīme. Šī raksta mērķis ir izpētīt valsts vadību sporta jomā, definēt, kas ir šīs vadības “priekšmets” un “objekts”, noteikt valsts vadības vietu sportā, kā arī izpētīt šīs jomas vadības īstenošanas svarīgumu valstij.

Valsts vadība sporta jomā notiek, ievērojot sporta autonomitāti, sporta sacensības principu, subjektu attiecību daudzveidību sportā, sporta vadības subjektu daudzveidību, sabiedrisko attiecību attīstības tendences sporta jomā, dažādu sporta jomas segmentu intersekcionalitāti, kā arī noteiktu vardarbības formu pieļaujamību sportā.

Šajā rakstā ir izdarīti secinājumi par valsts vadības nozīmes determinantiem sporta jomā, kā arī noteiktas kvalificējošās pazīmes, kas ļauj norobežot publisko vadību sporta jomā no citiem sporta vadības veidiem, un noteiktas valsts intereses, kas ir sasniedzamas, vadot sporta jomu.

*Atslēgvārdi:* sports, sporta tiesības, valsts vadība sporta jomā, sporta autonomitāte, sporta sacensības princips.

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