

DEVELOPMENT ASPECTS OF MANAGERIAL POLICIES ACCORDING TO THE PRINCIPLES OF INTERNATIONAL SPORTS LAW

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Abstract

The right to sport can be considered as one of the most important rights for the human beings, regarding the fact that sport is one of the most effective ways for the free exercise of all affirmative activities for his individuality and personality. Many states, law enforcement agencies and various organizations are committed to addressing and unifying all aspects of sport around the world to protect, secure capacity and coordinate certain managerial policies for the development of an international sporting law.

Nowadays, the international law of sports through the drafting and adoption of legal acts with binding value, has made it possible to sanction the entire legal basis in the framework of the development of sports and the agreements that derive from it. To avoid abuse, protection of young talents, protection of parties participating in sports contracts, law and practice refer to a comprehensive legal framework, which takes value in drafting models and defining principles from which legal acts come to life. national in the framework of managerial policy making.

Based on this prediction, we can say that the right to sport is based on the principles of international sports law and is then developed by the state, which through its mechanisms plays an essential role in determining long-term policies aimed at promoting and protecting effective for all sports activities in each place. One of the main mechanisms that the state uses in the promotion of sport is through the drafting and improvement of a regulatory legal framework, which aims to cover and regulate in a wide area all aspects that address sport according to the principles of international law.

Keywords: Sports; athlete; sports dispute, sports arbitration; contract; sponsorship; international acts; legal framework; abuses; court.

1. Development of international sports law

Nowadays, sport has gained a universal importance and is all-encompassing in all the vital activities of the individual. For this reason, the development of sports is sanctioned and protected by the most important organizations in the world¹, such as that of the United Nations, and is reflected in the acts and constitutions of many states, government programs, or their social and diplomatic policies.

With the increasing importance and popularity of sport, with the increase of its massiveness and spread in all strata of society, in the second half of the twentieth century, sport became an important issue for society and, consequently, for politics. Thus, the most important international political institutions such as the UN, the Council of Europe, the European Union put sport on the agenda of their activity, forcing the member states to engage their respective governments to take political measures in the form of legal obligations, to create conditions for the involvement of as many citizens as possible in sports, for the university qualification of sports specialists, for the construction of sports infrastructure, as well as the financing of the sports activity of the citizens.

¹ The International Sports Organization (ISO) is a non-profit organization that aims to develop sports in particular and to develop sports or physical activity globally.

2. The necessity for sports management at the international level

The development of sports in the world has undergone continuous transformations, related to qualitative, quantitative and structural aspects that result in dependence on the new socio-political, economic and technological conditions of contemporary society. Sports management is a complex process which consists of aspects of forecasting, planning, organization, management, staffing, organizational culture, governance and performance management, as well as control of human, material, financial and other organizational resources of the organization. sports, in order to achieve the desired goals.

Sports management is responsible for all processes in the sports organization, primarily for sports stability and positioning of the organization, as well as for sports and business results, work efficiency, cost rationality, etc. In these conditions, the necessity arises for the application of a management system, such that it can cover all sectors and comprehensive aspects of sports law, which is widespread everywhere in the world.

3. Aspects of sport management policies under international law

In its most general form, international sports law is a system of interrelated norms and rules governing the social relations that take place in international sports activities.

By the concept of managerial policies, we mean the complex of social relations arising in the field of physical culture and sports, job security and social security, government, financial and resource support, economic, criminal law, in the field of sports medicine and countermeasures doping, international, as well as procedural (for resolving sports disputes). Undertaking general managerial policies in the field of sports consists of aspects such as:

- 1) the participation of international organizations with general competence, such as the United Nations, the Council of Europe, in matters of general management of the organization of sports at the international level;
- 2) the activities of states, national sports organizations and other domestic actors in international sports relations;
- 3) organizing and holding international sports competitions, including the Olympic Games, as well as other international sports and sports and entertainment events;
- 4) international work and related relations in the field of sports business, including in the field of professional sports in particular, the international movement of labor resources in the field of sports, including international transfer, rent, other types of transfers of an athlete from one club to another;
- 5) international material support and foreign investment in the field of sports;
- 6) relations related to the international protection of intellectual property rights in the field of sports activities, including trademark and sports rights;
- 7) injuries, sports medicine and insurance in international sports;
- 8) global anti-doping policies in the international sports movement;
- 9) international cooperation in the fight against crime in the field of sports relations;
- 10) resolving international sports disputes through such structures established at the supranational level as the Court of Arbitration for Sport;

In the international arena, there are no executive bodies similar to those that exist in states. Therefore, the obligation to respect the norms of international law is ensured by the application of sanctions by states against violators. Such sanctions² include diplomatic sport sanctions, severance of ties, restriction or severance of economic, scientific, technical and other ties with the offending state.

² There are areas in which sports relations need to be regulated through prohibition and coercion (for example, in matters of combating doping, combating discrimination in the field of sport).

4. International legislation of sports law field

In recent years, international sports law has developed rapidly. This is especially due to the fact that sport is becoming the object of the implementation of great financial resources and great politics.

Sports law is an interconnected system of legal and corporate norms, which regulates the basic principles, forms and procedure of physical culture and sports activities, including a complex of social relations in terms of content and development models. All international sports legislation is formed on the basis of basic political decisions of the state and non-state governing sports organizations interested in the full legal regulation of sports relations.

International sports law, as one of the most important structures of modern international law, is a harmonization with the norms of public international law that regulate interstate relations and private international law, which cover relations between individuals or organizations and citizens of different nationalities.

The UNESCO General Conference has adopted the revised International Charter³ on Physical Education, Physical Activity and Sport. This revised version changes the concept of physical activity and integrates new dimensions of the reality of sport, emphasizing integrity and ethical values, principles of equality and diversity of practice, multi-shareholder partnership, good governance, and related benefits, responsibility and health.

Whereas, through the agreement between the European states, the Court of Arbitration for Sport has been established with headquarters in Geneva, which examines all issues⁴ or disputes arising from the violation of the criteria of sports contracts, or the rules of sports games, whose decisions return to binding effect on the parties.

Regarding the practical reflection of the models of the Sports Employment Contract, we note that in Europe, as well as the USA, it turns out that we are moving towards a global standardization, given that the legal regulations of the sports employment relationship are to a large extent similar from state to state. They include such similar provisions related to the general and specific conditions of the exercise of the sports activity, preventing any kind of abusive behavior and leaving no room for mutual interpretations in different cases. Detailed definition of legal criteria on duration, payment, major cases, special legal conditions, comprehensive protection of the athlete, make possible the creation of an internationally unified practice in the field of sports.

5. Conclusions

The global dimensions that sport is taking on every day, create the need for a worldwide unification in order to avoid discrimination or consequences for the players and the public. For this reason, the goal of the International Sports Organizations⁵, among others, is precisely to set standards at the global level for the elimination of sports divergences.

Due to the removal of barriers between states, many fans and the general public are able to travel without any obstacles to the destinations where championships or sports matches are played, being closer to the matches and following them directly. This has brought a great development for sports law, as free movement in a single space by the fans means development, investment, peace, activity, solidarity and more income for both the various Leagues and for themselves. athletes.

Among the best models for the development of sport, we can say that Europe and the US have played an important role in promoting its values and in effectively protecting athletes from any misuse and abuse of their image. Contractual freedom in the field of sports, as much as it serves to promote human and sports rights, as well as creates consequences for the participating parties when one of them violates its essential criteria, because the great importance of sport today, brings colossal profits in certain cases to different humanity or

³The Charter, which has not been updated since its promulgation in 1978, is an important reference document for those involved in sports and physical education.

⁴ Court of Arbitration, 2008/A/1519-1520.

⁵ For more: FIFA, UEFA.

societies. For this reason, pursuing a policy within the framework of a comprehensive and productive management, makes the development of the right to sports at the international level more effective.

In the international sports law, the proactive role of the respective state, plays an essential role in its evolution, which through the undertaking of its policies and initiatives should consist of: encouraging the private sector through sponsorships to help sport, motivating the private sector to be more involved in the management of sports clubs, the adaptation of the educational model of basic studies for the education of staff for the needs of sports in accordance with international standards of sports management, as well as the approval of relevant budgets for the appropriate payment of athletes.

6. Recommendations

In international sports law, the pursuit of a comprehensive and impartial policy serves the proper and effective management of sport worldwide. Therefore, undertaking a policy in line with international standards in the field of sports would consist of implementing a number of such managerial aspects, such as:

- Involvement of all segments of the population with equal opportunities to engage in physical education and sports, regardless of their income and well-being, race, color, sex, language, religion, political or other beliefs, national origin and social, etc;
- The use of physical culture and sports in the prevention of diseases, comprehensive physical improvement of citizens, the formation of a healthy lifestyle of the population, prevention of smoking, intoxication, drug addiction, crime and other forms of social behavior;
- Providing a healthy environment and living conditions that contribute to physical education and active sports, which allows citizens to fully realize their life potential;
- The comprehensive influence of the state on physical culture and sports relations through a combination of economic, organizational, administrative and political mechanisms that allow to aim at motivating the activities of the subjects of the field of physical culture and sports to achieve the advantages of industry;
- Creating favorable conditions for the development and financing of organizations in the field of sports, as well as sponsorship in sports;
- Encourage and take measures to protect the health of athletes, compensation for health damage associated with the consequences of sports activities; restoration of lost functions after sports injuries and previous work-related illnesses;
- Promoting citizen participation in physical culture and sports;
- Development of education and science in the field of physical culture and sports;
- Providing conditions for effective preparation for participation in competitive activities;
- Ensuring an equal playing field and the rules of fair play and competition;
- Promoting competition in sports; taking into account the rules of sports ethics;
- Orientation to legal procedures for resolving sports disputes, especially through a specialized dispute resolution system, such as specialized sports arbitration courts.

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