

Legal Regime of sports volunteering

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Purpose: to investigate the legal regime regarding sports volunteering in Ukraine.

Material & Methods: disclosed the concept of "legal regime", "sports law". Regulatory and legislative documents on volunteer activity of various countries of the world and Ukraine are considered.

Results: the current state of the regulatory and legal support for sports volunteerism in Ukraine is analyzed.

Conclusions: analysis of normative and legal documents on volunteer activity has shown that for today there is no legislatively fixed term "sports volunteering" and the main provisions for increasing the social significance of sports volunteering, removing obstacles to the use of volunteer assistance in organizing and conducting mass sports and health events and sports competitions of the state values. It is not determined who can be the founder of sports volunteer organizations, what is the procedure for registering these organizations and the principles for exercising state control over their activities.

Keywords: sports volunteering, legal regime, sports legislation, regulatory support.

Introduction

In the modern world, the volunteer movement, being an element of social responsibility and the highest manifestation of a developed civil society, is gaining increasing importance. In Ukraine, volunteer activities are carried out in many areas, one of which is sports volunteering. A sports volunteer is a person who has received special training and carries out sports volunteer activities by providing assistance in organizing and conducting competitions [11]. The unselfish help of voluntary assistants is an effective way to solve the main issues of successful competition, in turn contributes to the creation of a positive image of Ukraine in the world [10].

Analysis of scientific literature indicates that the problem of sports volunteering as a kind of volunteer activity was engaged by such scientists as E. V. Goncharenko (2010), I. A. Kogut (2010), K. I. Levkov (2013), C. F. Matveev (2013), A. S. Bondar (2015, 2016), V. V. Prikhodko (2017), I. V. Petrenko (2016, 2017); H. Morgan (2013), K. Hallman (2015).

Today, volunteer activity at the state level is regulated by the laws of Ukraine "On Social Work with Children and Youth" (2001), "On Social Services" (2003), "On Volunteering" (2015). The current state of the legal and regulatory framework for sports volunteerism in Ukraine indicates that there is no legislatively fixed term "sports volunteering" and basic provisions for its development at the state level, although sports volunteerism is an active component of building a civil society and therefore, state support for it is important values.

Purpose of the study: to analyze the legal regime of sports volunteering in Ukraine.

Material and Methods of the research

Analysis of regulatory and legislative documents on volunteer activities of various countries of the world and Ukraine. The current state of the regulatory and legal support for sports volunteerism in Ukraine is considered.

Results of the research and their discussion

The state administration of the sphere of physical culture and sports in Ukraine is still in the stage of improvement. Reforming this direction requires solving a set of organizational, economic and legal issues, taking into account the experience of European countries. This is very important for the development of a healthy and socially active nation, after all, a characteristic feature of the sphere is that it is connected not only with material values, but also in many respects with the spiritual and physical needs of citizens [3].

The legal regime is a special order of legal regulation expressed in a certain combination of legal means and creating the desired social position and a specific degree of favorability or unfavorability for the satisfaction of the interests of subjects of law. In other words, the legal regime presupposes a certain order of legal regulation, which is provided through a special combination of methods, methods and types of legal regulation involved for its implementation [1].

Important is the definition of the concept of sports legislation, clarify the role of the rule of law in the regulation of social relations in the field of physical culture and sports. The sports legislation of Ukraine is a system of interacting normative legal acts and other sources adopted by the competent bodies of the state and bodies of self-regulation of sports organizations in order to regulate the legal bases for the development of mass and professional sports, physical education in general, regulating social relations in the field of physical culture and sports [2].

Sport legislation of Ukraine, being an external form of legal regulation of sports relations, is characterized by normative acts of different legal force, content and form. Sources of sports legislation are a multi-level hierarchical system, which is based on the Constitution of Ukraine and can be represented as follows:

– laws adopted by the supreme representative body of state power have the highest legal force and fix a high level of regu-

latory regulation in the field of physical culture and sports (for example, the Law of Ukraine of 17.11.2009 "On Physical Culture and Sport") [5];

- decrees of the President of Ukraine, which are the official source of legal information, have important normative powers to regulate this social activity;

- place belongs to the normative acts of local self-government bodies and local state administrations that relate to the sphere of physical culture and sport, as well as departmental regulations, statutes, regulations of national sports federations, public organizations of physical culture and sports, which are characterized by departmental and territorial limitations and locality of action;

- international agreements and charters of international sports organizations [8].

This legal framework establishes a system of conceptual ideas and views on the role, organizational structure and tasks of volunteerism in the field of physical culture and sports in Ukraine.

The analysis of the current legislation in the field of physical culture and sports shows that it has two main functions – regulatory and protective. The regulating function fixes the optimal organizational system of bodies and sports organizations in the field of physical culture and sports, their powers, and creates favorable legal conditions for the activities of sports organizations and athletes. The protective function is aimed at the protection of special relations in the field of sports, provides protection of athletes, coaches and other sports professionals from negative impact, implies the observance of social and legal guarantees of their activities.

The UN General Assembly, taking into account the recommendations of the Economic and Social Council, submitted in resolution 1997/44 of July 22, 1997, at the 52nd session, adopted the following decisions on the distribution of the volunteer movement:

- call upon governments of states, as well as volunteer organizations, public, governmental and non-governmental organizations to cooperate;
- outline ways to improve work, cooperation and popularization of activities;
- a joint organization of volunteers to develop a program of work [9]

For volunteering to be legally recognized in the "Message of the European Commission to the Council of Europe" (1998), it was stressed that it is necessary to establish a legal framework for the functioning of various volunteer organizations and to draw a clear boundary between voluntary and labor relations, national legislation should first define and provide it proper regulation [1].

The study of normative and legal acts on volunteer activity in various countries of the world has shown that there is no similar for all regulation of volunteer activity, mainly because of the diversity of volunteer initiatives, but also because different countries, adopting their own laws, pursue different goals [8].

In the Czech Republic, for example, the Law on Voluntary Activities (2002) defines only certain forms of volunteer and stipulates the specific conditions under which the Czech state supports them. In Hungary, the Law on Community Service Volunteering (2005) also has a relatively narrow regulatory. In Italy, the Law on a Common Policies for Voluntary Activities (1991) establishes the principles and criteria governing relations between government agencies and volunteer organizations. The Law on Associations and Foundations (2003), in Luxembourg, the Law on Youth Volunteer Service (1999). In Poland, the Law on Public Benefit and Voluntary Activities (2003) regulates the volunteer activities of non-profit and non-governmental organizations, associations, local governments, state administration and other legal entities subject to this law. In Portugal, the Volunteer Act 71/1998 (1998) regulates the voluntary activities of projects and programs designed to assist individuals, families and communities. In Romania, the Law on Voluntary Activities (2001, Amendments 2002) encourages the voluntary activities of Romanian and foreign citizens united in public and private registered non-profit organizations. The Spanish "Voluntary Work Law" (1996) provides that volunteer work must be carried out within the framework of a specific project or program [9].

In Ukraine, as in many countries around the world, a legal mechanism has been developed to regulate the activities of volunteers in accordance with the needs and characteristics of the state. Since independence, the state has issued a number of regulatory and legislative documents on the support and development of the volunteer movement. In particular: the Law of Ukraine "On Social Work with Families, Children and Youth" (dated June 21, 2001, No. 2558-III); Ordinance of the President of Ukraine "On the organization of the International Year of Volunteers in Ukraine in 2001" (from 22.03.2001, No. 67/2001). The Law of Ukraine "On Social Services" (from 19.06.2003, No. 966-IV); Resolution of the Cabinet of Ministers of Ukraine "On approval of the Regulation on Voluntary Activities in the Sphere of Providing Social Services" (dated 10.12.2003, No. 1895); The decree of the Cabinet of Ministers of Ukraine "On the formation of the Coordination Council for the development and support of the volunteer movement" (from 23.04.2003, No. 225-r); The Law of Ukraine "On Voluntary Activities" (dated April 19, 2011, No. 3236-VI) [4–7]. This testifies to the recognition by society of the importance of volunteerism.

Thus, the Law of Ukraine "On Social Work with Families, Children and Young People" stipulates that the volunteer movement is a voluntary, charitable, unprofitable and motivated activity that has a socially useful character [6]. It is declared that support and assistance to its development is one of the main directions of the state policy in the sphere of social work with children and youth.

The Law of Ukraine "On Voluntary Activities" defines the features of the legal status of a volunteer and a volunteer organization, their rights and responsibilities; principles and directions of volunteer activity; implementation of state policy in the field of volunteerism; sources of financing [4]. Volunteer activities are listed, which are divided into two groups. The first group includes directions of social orientation, and to the second group – other types of activity, among which the directions on which it is possible to carry out volunteer activity in the sports and sports branch are organized: the organization of mass sports and cultural events of national and international importance; the education of young students and

the creation of conditions for its creative, intellectual, spiritual and physical development; carrying out of organizational-mass actions in the established order during after-school and extra-curricular time. The implementation of these areas can not be successful without involving sports volunteers, whose training should be carried out in accordance with scientifically based algorithms of vocational training in the sports and sports industry.

The law also deals with ensuring the effective regulation of legal relations arising in the process of producing volunteer activities in Ukraine, promoting the development of volunteerism in Ukraine, improving the quality of volunteer assistance. In particular, the Law specifies the terms "volunteer activity", "volunteer", removes restrictions for the implementation of volunteer activities by organizations and institutions that clarify the rights and duties of volunteers and organizations and institutions that attract volunteers to their activities, explains the specifics of reimbursement of costs associated with provision of volunteer assistance. The law also changes the voluntary life and health insurance of volunteers for the period of volunteer assistance provided by organizations and institutions that attract volunteers to their work. It is noted that there are a number of advantages in volunteer activity, which, in our opinion, should attract students to such activities, including:

- obligatory volunteer insurance for the period of work;
- reimbursement of expenses related to volunteer work;
- for students, volunteer work will be counted as a production practice, provided that the work corresponds to the profile of education in institutions of higher education.

In order to find out the level of public awareness of the legal support for sports volunteer activity, we conducted a survey among respondents on the Internet using the website (www.surveymonkey.com/en/), which was attended by 100 citizens, the average age of the respondents was 31,5 years.

The results of the survey indicate that the majority of respondents who answered the questions of the questionnaire, namely 75,0%, are related to the sports volunteer movement.

63.0% of the respondents who are related to the sports volunteer movement consider the existing regulatory framework insufficient for the successful functioning of sports volunteer activity, namely: 43,0% of respondents expressed the opinion that the existing legal documents do not cover all areas of sports volunteer activity, 11,0% said that the existing legal acts can not be regarded as a regulatory and legal support for activities, since there are no legislative acts which clearly define the status of athlete's volunteering.

Most respondents believe that the existing regulations: do not cover all areas of sports volunteers – 43,0%, do not reflect the specifics and multifunctionality of the activity of the sports volunteer system – 9,0% and do not regulate sports volunteer activity – 11,0%. At the same time, 37,0% of respondents believe the contrary, that there are enough legal documents regulating the activity of sports volunteers.

Conclusions

Analysis of regulatory documents on volunteer activity showed that today there is no legislatively fixed term "sports volunteerism" and the main provisions for increasing the social significance of sports volunteering, removing obstacles to the use of volunteer assistance in organizing and conducting mass sports and sports events of national importance. It is not determined who can be the founder of sports volunteer organizations, what is the procedure for registering these volunteer organizations and the principles for exercising state control over their activities, etc.

Prospects for further research are to further disclose the activities of sports volunteers in the organization and conduct of physical fitness and sports events and sports competitions.

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