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**Summary of the doctoral dissertation entitled
Law-making of sports organizations**

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1. Objective of the thesis and current state of the research

Sport - as an example of modern play seems not to go hand in hand with the law. Contrary to this, however, it remains a phenomenon that does not take place outside the realm of legal regulation, and in principle no behavior within the framework of sports activity at any level remains legally indifferent. Indeed, legal regulations are omnipresent in sports. It is impossible to consider issues related to the organization and conduct of sports competition, or the manner in which mass sports events are organized, without reference to the primary issue that determines how sports organizations operate. By creating their own regulations, these entities influence the reality around them, primarily by establishing the conditions for organizing and conducting sports competition. The primary objective of the research conducted in the dissertation was to answer the key question for this dissertation - how do sports organizations create the law of the sports competition they organize, and what role does the Polish state see for itself in this regard?

In order to answer the research question posed in this way, it was necessary to also analyze other issues that allow an in-depth understanding of the question. Thus, it was necessary to consider:

- 1) what sport is and the legitimacy of including a legal definition of this concept in the Polish legal system;
- 2) the multidimensionality of this phenomenon and the importance of the functioning of sports organizations for modern societies;
- 3) the scope of legal regulation of sports, taking into account its historical development;
- 4) the autonomous dimension of sports and, consequently, also the functioning of sports organizations themselves;

- 5) the concept of sports law - that is, the placement of legal provisions co-creating sports law *sensu largo* within the Polish system of statute law;
- 6) the source and nature of the competence of sports organizations;
- 7) what is the legal basis for the law-making of sports organizations and what is its subject matter;
- 8) the placement of internal sports law in the constitutional system of sources of law;
- 9) the institution of control and supervision of the lawmaking activity of sports organizations - both of a public and intra-organizational nature.

The issue of law-making activity of sports organizations is not explored in the science of law. The literature has analyzed the functioning of sports organizations. In this regard, it should be noted first of all textbook positions, within which their status was discussed. On the domestic publishing market, there were also positions relating to issues related to the functioning of sports clubs and organizations in Polish law, which was considered against the background of existing foreign solutions in this regard. There were also publications dealing directly with issues related to the compatibility of extralegal sports regulations with legal regulations, the organizational structure of Polish sports, analyzing selected mechanisms of sports law, or considering the theoretical foundations of the science of sports law, issues related to economic activity in sports, anti-doping and disciplinary proceedings. However, there is no publication that directly addresses comprehensively the issues related to the law-making activities of the most important entities in the structure of world sports, namely sports organizations.

The title of this dissertation uses the phrase "sports organizations". The subject of the study remains national sports organizations, i.e. entities operating under national law, and international sports organizations, i.e. entities operating under the laws of other countries with jurisdiction over their registered seat. It should be noted that the catalog of national sports organizations is extremely wide, which is a consequence of leaving sports in the sphere of civil liberties - thus, discussing the functioning of each of them exceeded the framework of the dissertation. However, there are entities whose status should be considered special for sports in Poland, due to the regulation by the legislator (regardless of the level of detail of these regulations) of their activities and legal status. These are all the entities mentioned in the text of the sports law act - sports clubs, sports associations, polish sports associations, professional leagues, Polish Olympic Committee and Polish Paralympic Committee. To discuss the law-making activity of national sports organizations without a simultaneous consideration of such activity on the part of international sports organizations would be an incomplete action. Therefore, the organizational structure of world sports has been taken into account and issues

related to the lawmaking of international sports organizations have also been analyzed.

With the development of sports competition, the state began to provide certain standards of public safety within which sports competition could take place. Such was the genesis of regulations relating to ensuring safety during sports events (which do not strictly concern the conditions for organizing and conducting sports competition as the u.s. does), as exemplified, for example, by the provisions of the Act of 20.03.2009 on safety of mass events, which is currently in force in Poland. The obligation to ensure the safety of persons practicing a given sport on the territory managed by a sports organization is also regulated in the contents of the Law of 21.05.1999 on arms and ammunition, the Law of 18.08.2011 on the safety of persons in water areas and the Law of 18.08.2011 on safety and rescue in the mountains and on organized ski areas. The issue under discussion also relates to other laws, on the basis of which sports organizations establish their regulations, such as the Law of 21.12.2000 on inland navigation, or the Law of 21.04.2017 on combating doping in sports. The content of these acts obliges sports organizations to perform a certain type of activities, related to the conduct of sports activities of a particular type. Since the legislator stipulates that the practice of shooting sports or water tourism requires the possession of appropriate qualifications, it is incumbent on sports organizations to determine how to obtain them.

2. Considerations in the dissertation

The structure of this dissertation is divided into: an introduction, five substantive chapters devoted to discussing issues fundamental to the title issue, which are topped by summaries, and a final conclusion.

The first chapter deals with issues of a general nature. It presents various proposals for defining the concept of "sport". This is further supplemented by a consideration of the doubts of placing a legal definition of sport in an act of statutory rank. Also presented is the contemporary significance of sport on the levels on which, in the author's opinion, it has the most significant impact - that is, society, economy, culture and politics. In discussing these issues, the importance of sports organizations is also noted.

The second chapter is devoted entirely to the relationship between sports and law. In order to properly understand the current state of affairs, it was necessary to cite the genesis of the development of legal interference in sports. Also discussed is a phenomenon of fundamental importance for the title issue, that is, the question of the legal autonomy of sports, which is the justification for sports organizations allowing for the creation of a separate system of norms

applicable to sports competition. The components co-creating sports law *sensu largo* in the form of generally applicable sports law and internal sports law are indicated. A proposed approach to the issue of the concept of sports law is also presented.

The third chapter already focuses exclusively on the functioning of sports organizations in the Polish legal system. The considerations take into account the location of sports organization in the "general" theory of organization. Then, the status of national sports organizations is discussed, in the context of the powers they possess, given to them by the legislature. An identical analysis was carried out with regard to international sports organizations. A proposal for a universal definition for a sports organization was also presented, and so it was determined what constitutive features such an entity should exhibit.

The fourth chapter was devoted to the legal construction of the lawmaking of sports organizations. In its content, the legal basis of law-making competence on the part of sports organizations was discussed. Subsequently, the object of their lawmaking, that is, the type of matters they can regulate, was defined. While analyzing this issue, the group of recipients of acts enacted by sports organizations, who are covered by this law-making activity, was also presented. These acts were attempted to be assigned to the constitutional system of sources of law, and then their analysis was made, proposing that they be classified as "unorganized sports law" similar to "unorganized sources of administrative law," in the form of common law, *quasi-judicial law*, extra-legal norms and *soft law*.

The fifth chapter is devoted to the issues of control and supervision of the law-making activities of sports organizations. In this regard, supervision of a public-law and intra-organizational nature is discussed separately. This is because in this regard the phenomenon should be viewed in two ways. Sports organizations as legal entities carrying out their activities in the territory of a given state are thus subject to its legislation, but their law-making activities also remain the subject of interest on the part of other sports organizations located higher in the organizational structure of sports, which they jointly create.

3. Conclusions

The research conducted justifies deriving, among other things, the following conclusions from the work's considerations:

- 1) the organization and conduct of sports competition - and accompanying it inextricably - the establishment of regulations applicable at each of its levels remains exclusively in the domain of private organizations;

- 2) internal acts enacted by sports organizations that create internal sports law cannot be considered as sources of universally applicable law, while with regard to some of them such character should be considered due to the indefinite circle of recipients;
- 3) granting sports organizations the authority to regulate the sphere of professional sports, either in a more detailed way - as is the case with the polish sports associations - or in a more general way - as is the case with the other national sports organizations (Polish Olympic Committee and Polish Paralympic Committee), or the lack of any reference to this matter thus appears to be a natural and at the same time rightful action aimed at realizing the assumption of the autonomy of sports;
- 4) the recognition of the legal autonomy of sports should be globally recognized as a positive phenomenon, with the proviso that this autonomy should not reach an unlimited dimension;
- 5) the approach of the Polish legislator to sports remains however rather inconsistent - on the one hand, from the grounds of the draft of the sports law act resounds the desire to leave this area of public life "separate", but on the other hand, the actual actions taken by the legislator contradicts such an assumption;
- 6) the law-making role of sports organizations other than the polish sports associations was practically not recognized in Polish law, which is theoretically in line with the purpose that the legislator wanted to achieve, that is, to establish regulations relating to sports in an absolutely minimalist way;
- 7) leaving the regulation of sports organizations "independent" is a risky move of the legislator. The way out of such a situation, it seems, would not be to place all organizations referred to in the sports law act under the supervision of the minister responsible for physical culture - for the nature and scope of his supervision of the polish sports associations is the subject of considerable criticism and a source of potential conflicts on the line between the state and the international sports organization;
- 8) a desirable action on the part of the legislator, on the other hand, could be the introduction of minimum conditions for regulations established and implemented by national sports organizations, which should include a number of guiding principles, accompanying the undertaking of actions of a legislative nature by each national sports organization;
- 9) the issue of lawmaking by sports organizations needs to be discussed more in the context of "promulgation of internal sports legislation." It should be looked at from the point of view of the universal principles of law, which with their reach encompass the entire existing legal order in the state and derive their normative basis from supra-statutory regulations, or from international normative acts adopted into the system of national law.

