

**CONTRACTUAL LEGAL BASIS FOR THE ORGANIZATION OF THE
ACTIVITIES OF SPORTS REFEREES**

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Abstract: Today, while sports in the world are an important, integral part of the life of the population in any modern, including developed, developing countries, some of its types are becoming the values of nations and states, and countries are raising their prestige. At the same time, special attention is paid to the increased role of contracts in the regulation of sports relations, the freedom to conclude contracts between athletes and clubs, the circulation of large funds in this regard and the need to clarify the mutual rights and obligations of the athlete and club. Including, with so many famous athletes in the world, there are contracts concluded in a record amount, which includes a total of \$ 503 million between the Kansas Chifs club and Patrick Mahoums, \$ 450 million between boxer Floyd Mayweather and Showtime, a record amount in baseball Michael Traut baseball history – \$ 430 million.

According to a number of experts, the field of physical education and sports, especially mass sports, is important in solving many social problems, such as uniting society, ridding young people of harmful habits, preventing diseases, increasing the average life expectancy and its quality level. Therefore, the field of sports of great social importance and the services in it are the object of international regulation and cooperation. At the current stage of the increase in the role of physical education and sports in the life of the state and society, the need to clearly regulate the relations between civil-legal contracts and professional athletes concluded with representatives of the sports industry in the norms of the law is aggravated.

However, despite the fact that relations in this area are so fanatical, the legal regulation of professional sports is not regulated in the relevant legislation and is not fully covered in the special literature.

As the most general criterion, employment in the field of sports is divided into professional sports and amateur sports, depending on whether it is the main or additional type of activity. In particular, the law of the Republic of Uzbekistan "on physical education and sports" defines these two concepts, according to which professional sports — sports are part of the organization and conduct of sports competitions, in which athletes receive an award and (or) a salary for participating and preparing for them as their main activity; Amateur Sports, on the other hand, is an area of sports aimed at strengthening the health of people by involving the population in mass sports on the basis of discretion.

The activities of Professional athletes are regulated by civil law, since they are entrepreneurial activities. These definitions of legal norms indicate that professional athletes can obtain the status of an "entrepreneur" and regulate their relations on the basis of civil-legal agreements¹. However, the subject of professional sports relations can act as a participant in a civil-legal contract even without obtaining the status of a citizen-entrepreneur. For example, under a service contract. Also, his professional sports activities can be regulated by the norms of labor law. This shows that a

¹ Н.А. Игнатюк; Институт законодательства и сравнительного правоведения при Правительстве Российской Федерации. - М.: ЗАО "Юридический Дом "Юстицинформ", 2002. - С. 114.

professional athlete can perform in a dual status, and the athlete chooses for himself the right to perform in what status.

"In modern conditions, Physical Culture and sports have risen to a new level of development. In the field of Physical Culture and sports, a certain area of relations has appeared and quickly developed, which was previously unknown in legislation, is the concept of professional sports"².

Professor Adam Epstein divides participation in sports into three main categories:

1. Amateurs;
2. Professionals who do not operate under an employment contract;
3. Professionals operating under an employment contract³.

According to the point of view of another Apple Olga Shevchenko, "professional sports – it describes a complex set of social relations with a complex structure arising from the personal and systematic participation of professional athletes, coaches, referees and (or) teams in sports competitions and preparation for a certain fee for achieving success, regulated by international documents, legislation and other regulatory legal acts, soft law norms (regulations and rules of international and national sports federations, habits and principles⁴.

One more general definition: "professional sport is a set of forms of employment in the field of sports and related activities and social relations (including sports-related, sports-labor, entrepreneurship, as well as disciplinary and service – hierarchical relations carried out in sports organizations)."

Belarusian researcher V.Yu.Kamenkova studied the issue of contractual relations in the field of Sports, stating that contractual relations occupy an important and decisive place in the development and regulation of the sports sphere, as well as contractual relations in the sports sphere are divided into three groups, namely, the emergence of civil-legal, labor and mixed contractual relations⁵.

Researcher M.A.Lebedeva touched on the issue of legal regulation of social relations in the field of sports within the framework of his candidate research work "Srovnitelny analiz pravovogo regulirovaniya truda sportsmenov v Rossiyskoy Federatsii I Federativnoy Respublika Germany"... Relations in the field of sports are considered diverse, within the framework of this relationship, property relations with public administration in the field of sports (purchase of clothing for athletes, sports equipment, rental of sports facilities), management of athletes and coaches, since it covers taxes on income, it has stated that these relations are regulated by administrative, civil, financial and other areas of law⁶.

In regulating the relationship between an athlete and a sports organization, it is very difficult to distinguish between Labor and civil legislation. In particular, the legal status of individual athletes who train independently and participate only in competitions is unclear. Or, in sports like "golf", athletes pay contributions for themselves to the Sports Club, which provides them with conditions for training and ensures that they participate in competitions.

According to Article 364 of the Civil Code, a contract is concluded if there is an agreement in the appropriate form on all important (basic) conditions relating to a particular contract. The second

² А.А. Бикеев, В.П. Васильевич, М.Ю. Чельшев. Правовая природа дисквалификации в профессиональном спорте. // Трудовое право. Ежемесячный практический журнал, 2002. — № 12. — С. 87.

³ An Exploration of Interesting Clauses in Sports. ADAM EPSTEIN. Central Michigan University. JOURNAL OF LEGAL ASPECTS OF SPORT Vol. 21:1. 2011 <http://ssrn.com/abstract=1831664>

⁴ Шевченко О.А. Особенности регулирования труда в сфере профессионального спорта / Международная ассоциация спортивного права (IASL); Комиссия по спортивному праву Ассоциации юристов России. М., 2014.

⁵ Каменкова В.Ю. Договорные отношения в сфере спорта / Спортивное право в Республике Беларусь. Сборник статей. Минск. "Промышленно-торговое право". 2014 г. 129.с

⁶ Лебедева М.А. Сравнительный анализ правового регулирования труда спортсменов в Российской Федерации и федеративной республике Германия / Диссертация на соискание ученой степени кандидата юридических наук. М. 2016 г. 18. С.

part of this article provides that exactly what circumstances are considered an important condition, according to which the subject and all conditions that are considered important or necessary for such types of contracts, which must be agreed upon at the request of one of the parties, are important conditions. Obviously, the main condition for any contract is its subject.

Professional sports Relations, first goal, commodity-money⁷ considering that it is in the form of relations, it is appropriate to apply civil-legal agreements in the regulation of relations involving professional athletes in professional sports.

Currently, it is not advisable to consider contracts in the field of sports as consisting of one or two types, since there are a large number of participants in the field of sports and it is possible to make sure that there are separate types of contracts in relation to each of its subjects. For example, contract between athlete and coach, the contract between the athlete and the club, contract between coach and club, athlete contracts with agent and coach contracts with agent, athlete or coach contracts with partners and sponsors; a contract between a club, agent, athlete, coach and sponsors, etc.k.

As you can see, the classification of contracts is much wider, and each is distinguished by its own nature. An athlete or another subject of the sports industry can also conclude three-way or four-way contracts at the same time.

From the above, the relationship between the subjects of the sports sphere can be divided into two groups.

First group relations are "social relations in which the norms of civil and labor law fall within the sphere of influence." This group of relationships includes various relationships that arise on the basis of civil and employment contracts. Subjects of social relations include – professional athletes, professional sports clubs, federations in various sports (including international), professionals working in the field of professional sports (coaches, Administration, doctors, masseurs, lawyers, etc.), sports agents and spectators.

The second group of relations "can include relations related to power and government. These are mainly tax relations in the field of administrative (Public Administration of professional sports) and professional sports". Subjects of Public Relations of a social nature include executive authorities, subjects of state governing bodies, self-government and local authorities, tax authorities⁸.

There is no possibility of holding sports competitions without judges. In particular, the legal regulation of the activities of sports judges is a separate, independent direction of sports law. The law of Rseupblikasi of Uzbekistan "on physical education and sports" defines a sports judge according to which a sports judge is a physical person who has undergone special training and received the appropriate qualification category, authorized by the organizer of physical education or sports event to ensure compliance with the rules of the sport and the regulation on sports competition (regulation).

The legal regulation of the activities of sports judges, their duties, rights and obligations is regulated by the regulation on the procedure for issuing sports judges and their qualification categories

⁷ Бу ҳолатда "товар-пул" иборасида "товар" спортчининг тегишли фаолияти, бажарадиган иши ёки кўрсатадиган хизмати назарда тутилади. Чунки, спортчи тузилган шартномасига мувофиқ белгиланган натижага эришиш, муайян мусобақада қатнашиш ёки тегишли спорт клубининг шаънини химоя қилиш ва шу каби ишни бажариш ёки хизматни кўрсатишга оид фаолиятни амалга оширади.

⁸ Челышев М.Ю. Предпринимательская деятельность в профессиональном спорте: некоторые спорные вопросы законодательства и практики. // Бизнес, Менеджмент и Право. Ежеквартальный научно-практический экономико-правовой журнал, 2003. - № 3. - С. 102.

(registered by the Ministry of Justice of the Republic of Uzbekistan on October 27, 2017, Registration number 2942).

According to Paragraph 4 of the regulation, the following are the rights of the sports referee: refereeing in sports competitions;

sports referee qualification category;

sports referee to increase qualification category;

personally participating in the review of objections to himself;

when refereeing a sports competition, it is necessary to require the organizer of the sports competition to create the appropriate conditions.

A sports judge may also have other rights established by law.

The secret of these rights is not indicated by the conclusion of the contract by the referee.

However, sports judges do not have the obligation to judge referee sports competitions. Consequently, if this or that person is recognized as a referee, then the organizer of the sporting event can attract the referee on a voluntary basis. Such relations must be regulated under the treaty. Whereas, any relationship or regulation under legislation or contract will ensure beneficial cooperation to the tomns in the future and prevent conflict between the parties in the industry. In addition, considering that in sports competitions refereeing takes a certain spending expense, time, labor resources are required. it seems that if we take into account that the parties can of course provide this service for a fee.

At the same time, there is a parable of service related to the arrival, accommodation, restoration of health of the judge in the competition process, which must be resolved by agreements concluded between the parties.

Conclusion: First of all, considering that the most basic law regulating monasteries in the field of sports is the law of the Republic of Uzbekistan "on physical education and sports", this law does not contain a separate article related to sports contracts, does not directly support the requirements of this law when establishing contractual rules in relations in the field of sports, , the sponsorship in the field of sports and the need to determine the contractual basis of relations in this regard were justified.

Secondly, the law of the Republic of Uzbekistan"on physical education and sports "on the basis of the absence of norms related to the payment of compensation to the organization that prepared it in the conclusion of the contract on the participation of an athlete in professional sports, it was proposed to include in the law of the Republic of Uzbekistan"on physical education.

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