



## INTERNATIONAL SPORTS LEGAL RELATIONS AND THEIR ORIGINS

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**Rakhmonov Jaloliddin Akmalovich**

Lecturer At Tashkent State University Of Law, Uzbekistan

### ABSTRACT

An analysis of the grounds for the emergence of international sports legal relations is presented in this article.

### KEYWORDS

International legal regulation, sports legal relations, conventions, international treaties.

### INTRODUCTION

International legal relations in the field of sports are shaped by legal facts, just like any other legal relationship. As defined by the rule of law, legal facts are events and actions associated with the emergence, change, or termination of legal relationships.

In civil law, for instance, the right to inherit arises after the death of the owner of the property, and full legal capacity comes with adulthood. What are the possible reasons for international legal relations in sports?

In the first place, international legal norms are created and their implementation leads to the emergence of

international legal relations in the sports field as a result of legal facts. There are a number of legal norms that entail the emergence of international legal relations, including the following.

Norms that are negotiated between subjects of international law. Consistency and mutual conditionality of the parties' wills are the hallmarks of contractual norms. International treaties are both normative acts and legal facts, which express the specificity of international law, in which its subjects are both creators of legal norms and participants in specific legal relationships.

Norms derived from international law. An example of such a norm can be found in Ancient Greece's tradition of ceasing hostilities during the Olympic Games (1). To hold international sports competitions, it is customary to obtain government guarantees from the governments of states.

International organizations are traditionally considered intergovernmental organizations, and their decisions create legal norms.

As a rule, procedural and technical decisions create rules binding on members of this organization (for example, UN Charter Article 21).

Organizational resolutions concerning technical issues contain the so-called rule-making elements - elements of legal and technical regulation that are mandatory for contracting states; the General Assembly shall establish the rules of procedure to be observed by the Organization's member states. The UN Charter directly indicates that the decisions of the UN Security Council are binding on the most important issues of international relations (for example, Article 25 of the UN Charter notes the binding nature of the Security Council's decisions). An international legal relationship emerges because of decisions that create norms, which are governed by the general principles and norms of international law (for example, the 1961 Declaration on the Granting of Independence to Colonial Countries and Peoples).

Norms of a recommendatory nature can serve as the basis for establishing international legal relations.

According to the general theory of law, advisory norms may cause legal relations. It is also possible for international legal relations to emerge from advisory norms created by the decisions of international organizations that have the right to make

recommendations to their members on a certain range of issues.

As a rule, recommendatory norms are not binding in nature, they do not contain prescriptions, but permissions, and thirdly, if two or more states agree to comply with a certain recommendation, legal relations arise between them, which determine the rights and obligations of the parties. According to Article 14 of the UN Charter, for example, if the UN General Assembly recommends to states X and Y certain measures for peacefully resolving a dispute or situation, and these states accept this recommendation, then the latter find themselves in a legal relationship based on a recommendation. Such a legal relationship is not based on a recommendation made by an international organization, but on the agreement of the parties to abide by that recommendation.

Legal facts in international law include decisions of international organizations, international courts, and arbitrations. Court decisions are binding and cause specific legal consequences - the obligation of the parties to follow them. Consider the International Court of Arbitration for Sport at the IOC in Lausanne (Switzerland) and the European Court of Human Rights in Strasbourg (France) for example.

Other normative non-legal acts should also be considered legal facts.

Lastly, the legal facts that can cause the emergence, change, termination of legal relations in the sports field should include the facts of the emergence or disappearance of a subject of law, such a legal fact might extend a particular legal norm to any category of persons, particular persons, territories, etc. Other classifications of legal facts developed by the general

theory of law can be applied to international sports cooperation.

A subject's rights and obligations can be established, changed, or terminated based on legal facts. The signing of an international agreement in the field of sports activities, the introduction of amendments and additions by signing protocols, the denunciation of an agreement by any party, and actions or events can constitute legal facts. International legal relations in the sports field are established, changed or terminated by actions. It is possible, however, for legal fact-events to act as such. For example, natural disasters can halt the Winter Olympics or the Games of the Olympiad.

Legal facts can vary depending on the number of entities involved (recognition of the International Olympic Committee by the Swiss Federal Council as an international non-governmental organization with legal status in Swiss territory), bilateral (concluding bilateral or multilateral international sports treaties), or multilateral (concluding bilateral or multilateral international sports treaties).

There are simple and complex legal facts based on the number of legal facts that can cause legal consequences. In the first case, one legal fact causes consequences, but in the second case, a set of legal facts is needed for the onset of legal consequences - for example, in order for an international sports treaty to enter into force, it must be signed, ratified, and deposited with a specific number of instruments of ratification with the depository.

Legal facts can be created either by lawful actions by subjects or by illegal actions - international crimes, for example, an act of aggression, or international offenses (torts) - violations of international treaties by states that do not pose a threat to peace. Lawful

behavior of subjects of law is the basis of most legal facts in the sports field. Non-compliance with the UNESCO International Convention against Doping in Sport of October 19, 2005 can produce legal facts of the second type.

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