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THE LEGAL NATURE OF ADMINISTRATIVE INSTRUMENTS FOR ENSURING EQUAL RIGHTS AND OPPORTUNITIES IN THE FIELD OF PHYSICAL CULTURE AND SPORTS

Abstract. Purpose. The purpose of this article is to provide a general theoretical overview and analysis of the legal nature of administrative instruments aimed at ensuring equal rights and opportunities in the field of physical culture and sports. **Results.** The article explores the legal nature of administrative instruments that guarantee equal rights and opportunities in the field of physical culture and sports. It analyzes the essence of the administrative and legal foundations of regulation in this area, their normative consolidation, and implementation mechanisms. The specific features of this legal phenomenon are outlined based on scholarly perspectives. The key components constituting administrative instruments in the sphere of public administration of physical culture and sports are identified. It is established that public administration in this domain involves a balance between state regulation and personal autonomy. Administrative instruments serve as a bridge between formal provisions and their practical implementation as tangible guarantees. Accordingly, they represent elements of legal support and constitute a crucial factor influencing the quality of public life by fostering equal access to sports and wellness programs, regardless of individuals' social status, gender, or physical capabilities. **Conclusions.** The study concludes that administrative instruments for ensuring equal rights and opportunities in physical culture and sports are complex, systematic, and multidimensional in nature. These instruments function both as legal norms that define the boundaries of permissible conduct and as value-based mechanisms that reflect societal consensus on the need to uphold social justice and equitable access to sport. The legal nature of administrative instruments encompasses a normative-legal dimension—expressed through their codification in legislation and enforcement—and an organizational dimension, which includes awareness campaigns, monitoring activities, infrastructure development, and the implementation of social programs. The effectiveness of such instruments depends on the coherence and comprehensiveness of state policy, the professional competence of public officials, the quality of the legal framework, and the engagement of civil society. Thus, the legal nature of administrative instruments for ensuring equal opportunities in physical culture and sports integrates both normative and ethical components and must reflect public expectations of fairness and accessibility of sports resources.

Key words: physical culture, sports, administrative instruments, equal opportunities, legal equality, administrative and legal regulation, administrative legislation.

1. Introduction

Ensuring equal rights and opportunities in the field of physical culture and sports is one of the key directions of Ukraine's state policy, consistent with the country's international obligations in the field of human rights and social inclusion. A crucial element of this process is the alignment of national legislation with European standards, which plays a decisive role in the framework of cooperation between Ukraine and the European Union. In

this context, a significant legal instrument for strengthening such cooperation is the *Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other*, signed on 27 June 2014. This Agreement contains provisions that directly or indirectly influence the development of non-discrimination, equality, and inclusion policies, including within the realm of physical culture and sports.

Physical culture and sports play a critical role in fostering a healthy nation, promoting social integration, supporting individual development, and advancing the principle of equality. However, despite the formal codification of norms prohibiting discrimination in this sphere, systemic barriers persist in practice. These barriers continue to limit access to sports infrastructure and physical development programs for certain categories of citizens, particularly persons with disabilities, members of various social groups, women, and youth. The need to analyze administrative instruments for ensuring equal rights and opportunities in this area arises from the necessity of developing effective mechanisms for their implementation. Indeed, administrative and legal regulation serves as a key tool in shaping state policy aimed at eliminating all forms of discrimination, ensuring equal access to sports opportunities, and enhancing the social impact of physical culture.

The issue of administrative instruments for ensuring equal rights and opportunities in the field of physical culture and sports has been explored to varying degrees by numerous scholars, including, in particular: O.M. Bandurka, O.I. Bezpalova, V.T. Bilous, Yu.V. Garust, I.S. Hrytsenko, O.M. Iliushyk, E.O. Kazmyrshyn, T.A. Kobzeva, O.S. Kravchenko, A.M. Kulish, V.V. Liukh, V.I. Melnyk, O.M. Muzychuk, S.I. Lekar, O.I. Nikitenko, S.M. Olkhovska, A.O. Orel, N.S. Panova, I.V. Paterylo, O.O. Usyk, Yu.S. Shemshuchenko, among others. Nevertheless, without diminishing the importance of the aforementioned contributions, the doctrine of administrative law still lacks a comprehensive and in-depth study of the administrative instruments aimed at ensuring equal rights and opportunities in the sphere of physical culture and sports. This gap substantiates the relevance of the present study.

The purpose of this article is to provide a general theoretical overview and analysis of the legal nature of administrative instruments designed to ensure equal rights and opportunities in the field of physical culture and sports.

2. Fundamentals of Ensuring Equal Rights and Opportunities in the Field of Physical Culture and Sports

The analysis of administrative instruments aimed at ensuring equal rights and opportunities in the field of physical culture and sports—often referred to in the doctrine of administrative law as means or methods—should appropriately begin with an examination of the substance of administrative and legal foundations. The term “*principle*” (*zasada*), according to the Dictionary of the Ukrainian Language, is defined as: (1) the basis of something; the fundamental ele-

ment on which something is built or grounded; (2) a core, guiding provision or principle; the foundation of a worldview or rule of conduct; (3) a manner or method of accomplishing something (Bilodid, 1972). Accordingly, administrative and legal foundations in the context of physical culture and sports represent general legal guidelines and basic rules that determine strategic directions and methods of legal regulation within this sector. Viewed from this perspective, such foundations go beyond traditional regulatory frameworks and acquire philosophical significance as mechanisms for achieving social harmony. Establishing equal rights and opportunities in the field under consideration ensures compliance with administrative and legal norms and fosters a societal culture of justice. Administrative instruments, in this regard, are manifestations of legal axiology, wherein state regulation serves as a means of maintaining social balance and safeguarding individual freedom of choice.

N.S. Panova emphasizes that the administrative and legal foundations of state activity are characterized by a set of administrative legal norms that define the core values, principles, objectives, forms, and methods of legislative and executive activity by public authorities (Panova, 2008). In this context, administrative and legal foundations may be interpreted through the lens of legal norms and institutional legal theory, which considers administrative mechanisms as tools for legitimizing state policy in the relevant domain.

The establishment of administrative law norms that define the administrative and legal status of public law subjects—and the formal enshrinement of administrative law principles—would remain abstract theoretical constructs unless accompanied by appropriate and effective instruments of public administration. It is through the use of these instruments that public administration actors enter into administrative legal relations and seek to maximize the protection of rights, freedoms, and legitimate interests of private individuals while simultaneously serving the public interests of the state and society as a whole (Liukh, 2020). In this light, public administration of instruments guaranteeing equal rights and opportunities in physical culture and sports requires a balance between state regulation and personal autonomy. Administrative instruments serve as a vital link between formal legal prescriptions and their materialization in the form of practical guarantees. Thus, they constitute an integral part of legal support and a key factor shaping the quality of public life by fostering conditions for equal access to sports and wellness programs regardless of citizens' social status, gender, or physical abilities.

As rightly noted by I.V. Paterylo, a legal regulatory instrument should be understood as a value-based construct that encompasses a comprehensive spectrum of legal phenomena at various levels, distinguished and analyzed in the context of legal practice needs as well as their functional purpose—that is, those characteristics that define them as instruments for addressing social, economic, or political challenges (Paterylo, 2006). From an axiological standpoint, administrative instruments reflect societal consensus on the necessity of ensuring equitable access to physical activity, irrespective of a person's social status, physical condition, or economic circumstances.

O.I. Bezpalova further points out that the law is significant not only from a legal standpoint but also as a necessary instrument through which social relations arising in the exercise of the state's law enforcement function by authorized actors are regulated (Bezpalova, 2014). Thus, the law functions as an active means of influencing social processes through the administrative and legal mechanisms of its implementation.

3. Administrative Instruments for Ensuring Equal Rights and Opportunities in the Field of Physical Culture and Sports

Within the doctrine of administrative law, scholars define a public administration instrument as an external expression of homogeneous groups of administrative actions, similar in nature and legal character, carried out by public administration entities within the limits of legally defined competence, with the aim of achieving a desired public outcome. Such instruments are characterized by several key features: they are external manifestations of the forms of administrative activity; they reflect the legal dynamics (administrative actions) of public governance; they are dependent on the scope of the competence of public administration entities; and their selection is determined by the specific goals set for a particular object of public influence, which prescribes the most effective course of action (Halunko, Dikhtiievskiy, Kuzmenko, Kolomoiets, Kurylo, Stetsenko, 2021).

Therefore, in the context of this study, administrative instruments can be viewed as tools of social equilibrium aimed at supporting the physical and mental well-being of citizens, while also functioning as mechanisms of legal integration and anti-discrimination. This emphasizes both their functional and socio-axiological value within the legal system. At the same time, the effectiveness of such instruments depends on the degree to which they correspond to the actual needs of the population and the presence of control mechanisms to oversee their application.

E.O. Kazmyryshyn interprets the category of “administrative and legal instrument” as a set of legal means (methods) used by public administration to exercise regulatory influence over participants in public relations within the field of public governance (Kazmyryshyn, 2019). Depending on the nature of social needs, administrative instruments may take various forms—from imperative legal prescriptions to flexible procedural mechanisms aimed at maintaining a balance between public interests and the rights of private individuals. Administrative regulation in this field has a dual dimension: it acts both as a legal constraint on unfair practices and as a catalyst for creating an enabling environment conducive to physical development. Thus, administrative and legal instruments define the limits of permissible state influence and shape the social space in which equality of rights and opportunities in sports becomes a practical reality rather than a declarative ideal.

O.S. Kravchenko, in her analysis of administrative and legal instruments for implementing gender policy in Ukraine, identifies the following as key components: the development of legislation on gender equality and non-discrimination between men and women and the monitoring of its implementation; effective functioning of state institutions responsible for enforcing national gender policy; the design and implementation of various social programs and projects aimed at ensuring gender equality and combating gender-based discrimination; and the conduct and publication of research to support equal rights and opportunities for both men and women (Kravchenko, 2024). This analysis is particularly relevant to understanding the mechanisms for ensuring equal rights and opportunities in the sphere of physical culture and sports, as this domain often exhibits some of the most visible manifestations of gender inequality. Administrative instruments thus perform both regulatory and transformative functions, contributing to the removal of barriers in access to sports participation, funding, training opportunities, and leadership positions in sports organizations. Effective application of these instruments in the field of physical culture and sports must be grounded in the principles of equality and transparency, ensuring that every individual has the opportunity to realize their rights and potential in sports activities.

According to A.O. Orel, a distinctive feature of administrative instruments aimed at preventing discrimination based on gender identity lies in their capacity to facilitate the practical realization of human rights amid ongoing socio-legal transformations. These instruments encompass both legal measures (prohibition of discrimination in normative legal acts, super-

vision of compliance, establishment of specialized bodies, etc.) and organizational-legal mechanisms (monitoring, training for public officials, informational and awareness campaigns, etc.). The effectiveness of such measures depends on the quality of the legislative framework, the coordination of public administrative actions, and the level of public awareness (Orel, 2023). Consequently, administrative instruments in the field of physical culture and sports help establish legal frameworks for the protection of equality and contribute to the transformation of societal perceptions regarding gender justice, physical activity, and inclusiveness in sports. Thus, administrative and legal instruments in this area can be viewed as a form of normative intervention aimed at creating equal opportunities for all categories of citizens.

To summarize, administrative instruments for ensuring equal rights and opportunities in the field of physical culture and sports constitute a complex of legal means, mechanisms, and organizational-procedural tools that provide formal legal guarantees for compliance with anti-discrimination norms. These instruments are applied by public administration entities within the bounds of their legally defined competence to ensure the practical implementation of state equality policy in the sphere of physical culture and sports.

4. Conclusion

Thus, the study of the legal nature of administrative instruments for ensuring equal rights and opportunities in the field of physical culture and sports allows us to assert their complex, systematic, and multidimensional character. These instruments serve both as legal norms that establish the boundaries of permissible conduct and as value-oriented mechanisms reflecting a societal consensus on the need to guarantee social justice and equality of access to sports. The legal nature of administrative instruments encompasses both a regulatory aspect—expressed through the codification of relevant norms and oversight of their enforcement—and an organizational aspect, which includes educational initiatives, monitoring practices, the development of infrastructure, and the implementation of social programs.

The effectiveness of administrative instruments depends on the coherence and comprehensiveness of public policy, the level of professional training of public officials, the quality of the regulatory framework, and the activity of civil society. Therefore, the legal nature of administrative instruments for ensuring equal opportunities in the field of physical culture and sports includes both normative and ethical components, requiring consideration of public expectations regarding fairness and the accessibility of sports resources.

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ПРАВОВА ПРИРОДА АДМІНІСТРАТИВНИХ ІНСТРУМЕНТІВ ГАНТУВАННЯ РІВНИХ ПРАВ ТА МОЖЛИВОСТЕЙ У СФЕРІ ФІЗИЧНОЇ КУЛЬТУРИ І СПОРТУ

Анотація. *Метою* статті є загальнотеоретична характеристика та аналіз правової природи адміністративних інструментів гарантування рівних прав та можливостей у сфері фізичної культури і спорту. *Результати.* У статті досліджено правову природу адміністративних інструментів, що забезпечують гарантування рівних прав та можливостей у сфері фізичної культури і спорту. Проаналізовано сутність адміністративно-правових засад регулювання відповідної сфери, їх нормативне закріплення та механізми реалізації. Окреслено специфіку даного правового явища на основі наукових позицій. Визначено ключові елементи, що складають адміністративні інструменти, які застосовуються у сфері публічного адміністрування фізичної культури і спорту. Визначено, що публічне адміністрування інструментів гарантування рівних прав та можливостей у сфері фізичної культури і спорту передбачає баланс між державним регулюванням та особистою автономією, адміністративні інструменти виконують роль своєрідного мосту між формальними приписами та їхньою матеріалізацією у вигляді практичних гарантій. Відповідно, вони є елементами правового забезпечення та важливим чинником, що визначає якість суспільного життя, сприяючи створенню умов для рівного доступу до спортивних та оздоровчих програм, незалежно від соціального статусу, статі чи фізичних можливостей громадян. **Висновки.** Зроблено висновок, про комплексний, системний та багатовимірний характер адміністративних інструментів гарантування рівних прав та можливостей у сфері фізичної культури і спорту. Дані інструменти виступають правовими нормами, що встановлюють межі допустимої поведінки і ціннісними механізмами, які виражають суспільний консенсус щодо необхідності забезпечення соціальної справедливості й рівності доступу до спорту. Правова природа адміністративних інструментів охоплює нормативно-правовий аспект, який виражається у закріпленні відповідних норм у законодавстві та контролі за їх виконанням, і організаційний аспект, що передбачає проведення просвітницьких заходів, моніторингу, формування відповідної інфраструктури та впровадження соціальних програм. Ефективність застосування адміністративних інструментів визначається ступенем узгодженості та комплексності державної політики, рівнем професійної підготовки посадовців, якістю нормативної бази та активністю громадянського суспільства. Відтак, правова природа адміністративних інструментів гарантування рівних можливостей у фізичній культурі та спорті охоплює нормативну та етичну складову, що вимагає врахування суспільних очікувань щодо справедливості й доступності спортивних ресурсів.

Ключові слова: фізична культура, спорт, адміністративні інструменти, рівні можливості, права рівності, адміністративно-правове регулювання, адміністративне законодавство.

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