

## Concept of Sports Law

*Marina Kameņeckā-Usova*

*Rīga Stradiņš University, Department of Doctoral Studies, Latvia  
University of Culture and Economics, Latvia*

**Introduction.** According to the opinion of well-recognised British sports law scholars, sport is a truly global phenomenon. As a social activity, either it is in terms of participation as a recreational pastime, competitive playing at amateurs level, the elite and mainly professional level or in terms of spectating, sport assumes immense cultural significance.

As in every significant cultural process, in sport there also exist rules. As it is stated by Grayson (former President of the British Association for Sport and Law): “the rule of law in sport is as essential for civilisation as the rule of law in society generally. Without it generally anarchy reigns. Without it in sport, chaos exists.”

**Aim, Materials and Methods.** The aim of the present abstract was to briefly analyse the notion of a very new sports law for Latvia and consider its relevance.

**Results.** The results are based on research papers of leading sports law scholars.

Sports law is not just international; it is non-governmental as well, and this differentiates it from all other forms of law. Sports rules are genuine “global law”, because they are spread across the entire world, they involve both international and domestic levels, and they directly affect private actors: this happens, for instance, in case of the Olympic Charter, a private act of a “constitutional nature” with which all States comply; or in case of the World Anti-Doping Code, a document that provides the framework for the harmonisation of anti-doping policies, rules, and regulations within sports organisations and among public authorities.

The global dimension of sport is, in the first instance, normative. A “global sports law” has emerged, which embraces the whole complex of norms produced and implemented by regulatory sporting regimes. It includes not only transnational norms set by the International Olympic Committee (IOC) and by International Federations (IFs), i. e. “the principles that emerge from the rules and regulations of international sporting federations as a private contractual order”, but also “hybrid” public-private norms approved by the World Anti-Doping Agency (WADA) and international law (such as the UNESCO Convention against doping in sport). Global sports law is made of norms provided by central sporting institutions (such as IOC, IFs and WADA) and by national sporting bodies (such as National Olympic Committees and National Anti-Doping Organisations). Global sports law, therefore, is highly heterogeneous. It operates at different levels and is produced by several law-makers. Amongst those, there is one very peculiar body, founded in the 1980s, which has become the key actor in the sport legal system: the Court of Arbitration for Sport (CAS), the actor that is probably the most prominent in constructing global sports law.

In the last two decades, the activity of CAS has become extraordinarily important. The number of decisions released by CAS has increased to the point that a set of principles and rules have been created specifically to address sport: this “judge-made sport law” has been called the *lex sportiva*.

**Conclusions.** In year of Winter Olympics, sports law is highly topical. The whole world debates on doping disputes, CAS decisions and political resolutions of IOC, which are the best examples of *lex sportiva*, where the term *lex sportiva* can be used in a broader sense as synonym of “global sports law”. The formula “global sports law” thus covers all definitions so far provided by legal scholarship (such as *lex sportiva* or “international sports law”) in order to describe the principles and rules set by sporting institutions.