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TYPES OF GUARANTEES FOR ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR CITIZENS IN THE FIELD OF PHYSICAL CULTURE AND SPORTS

Abstract. Purpose. The purpose of this article is to identify and characterize the types of guarantees that ensure equal rights and opportunities for citizens in the field of physical culture and sports. **Results.** The author presents a comprehensive legal and scientific analysis of the guarantees for ensuring equal rights and opportunities for citizens in the field of physical culture and sports, revealing their legal nature, implementation features, and classification. Special attention is paid to the analysis of current Ukrainian legislation and international legal instruments that establish fundamental standards of equality in sports activities. The study examines conceptual approaches to understanding equality guarantees in the sports sphere through the lens of constitutional principles, international legal standards, and administrative legal regulation. The author presents various scholarly perspectives on the subject and conducts a theoretical and legal analysis thereof. A classification of the types of guarantees for ensuring equal rights and opportunities in the field of physical culture and sports is proposed. Each type of guarantee is provided with a theoretical and legal characterization. International legal guarantees derive from treaties and instruments ratified by Ukraine, which obligate the state to implement international standards into national legislation and practice. Such guarantees contribute to the formation of a unified international standard of equal opportunities in the sphere of sports and physical culture. **Conclusions.** The study concludes that guarantees of equal rights and opportunities in the field of physical culture and sports represent a multidimensional system that combines general social prerequisites with specific legal instruments aimed at ensuring the effective operation of the principle of equality in this domain. The effectiveness of this mechanism depends directly on its normative clarity, institutional capacity, and the specifics of legal enforcement, all of which ensure both the formal declaration and the actual implementation of equality in public life. Thus, the research confirms that equality in the field of physical culture is not only a legal principle but also a social standard that must be ensured through a system of diverse guarantees.

Key words: physical culture, sports, guarantees, equal opportunities, legal equality, administrative and legal mechanism, legal regulation, administrative law.

1. Introduction

As rightly emphasized in specialized legal literature, “guarantees of human rights” encompass both general instruments and institutions that enable the practical realization, protection, and enforcement of those rights, as well as specific legal mechanisms that operate at both national and international levels. The former include political, social, economic, cultural, and other general preconditions for the effective exercise and protection of human rights, while the latter refer to a set of legal means or an integrated legal mechanism that allows every person to freely and fully realize and defend their rights. The primary purpose of legal guarantees is to

ensure the maximum support for the exercise and protection of human rights and freedoms through legal means (Onishchenko, Suniehin, Kleshchenko, 2024).

In the context of physical culture and sports, the division of guarantees is particularly relevant, since, despite the existence of general conditions of equality, actual access to sports resources may be limited by flaws in legal regulation, the absence of effective enforcement mechanisms, or insufficient institutional support. A key component of specialized legal guarantees is an effective system of administrative oversight, which should include mechanisms for regular monitoring, reporting, and accountability for

non-compliance with established equality standards.

2. Mechanism for Ensuring Equality of Human Rights

O.P. Vasylenko, in her research on mechanisms for ensuring equality of human rights, emphasized the need to view such mechanisms through the lens of guarantees, as they directly establish legal provisions that form the foundation for implementing the principle of equality (Vasylenko, 2023). From this perspective, guarantees are not merely auxiliary tools of law enforcement but are foundational elements of the equality assurance mechanism. They determine how legal provisions are applied in practice, what monitoring and control mechanisms are used to ensure compliance, and what legal remedies are available in cases of rights violations in the sports sector.

Sport is not only a means of physical development but also a powerful social instrument that fosters social cohesion and inclusiveness. Therefore, the provision of equal rights in this sphere has a direct impact on social stability and legal certainty, which requires a comprehensive approach to the formation of corresponding guarantees.

As I.S. Sakharuk rightly points out, the principle of equality is aimed at ensuring that everyone has the same volume of rights (formal equality), while the principle of non-discrimination is focused on guaranteeing equal access to these rights and eliminating any barriers to achieving substantive equality (Sakharuk, 2017). The principle of equality, as a fundamental constitutional principle, does not always ensure equal access to opportunities in real life, since legal equality does not guarantee the absence of socio-economic, physical, or cultural barriers that may hinder the exercise of these rights. That is why the principle of non-discrimination is so important—it focuses on removing obstacles that restrict access for certain social groups to physical culture and sports, including persons with disabilities, women, children from low-income families, and members of ethnic minorities. Therefore, administrative and legal guarantees of equality in the field of physical culture and sports must be comprehensive, integrating both legal and socio-economic mechanisms to ensure equal access. Only a combination of formal recognition of equal rights with effective government programs aimed at removing objective obstacles to participation in sports can guarantee real equality of opportunity for all citizens.

The European Sports Charter proclaims that, in order to promote sport as an important factor in human development, governments must take the necessary measures to:

1. enable every individual to engage in sport and, in particular, ensure that all young people have the opportunity to receive physical

education and acquire basic physical skills; ensure the possibility to participate in sport and physical activity in conditions that are safe for health; guarantee that everyone who shows interest and ability has the opportunity to improve their performance in sport;

2. protect and develop the moral and ethical foundations of sport, human dignity and safety, and provide safeguards for athletes from exploitation for political, commercial, or financial gain (European Sports Charter, 1992).

Based on the provisions of the European Sports Charter cited above, it can be concluded that it emphasizes the need for a comprehensive approach encompassing both material and technical aspects (such as the creation of infrastructure, access to sports education, and guarantees of safe conditions) as well as moral and ethical principles governing this field. In our opinion, these guarantees can be conventionally divided into four main categories:

1. **Socio-economic guarantees** – state obligations to ensure that every citizen has the opportunity to participate in sports regardless of their social or material status. These guarantees are aimed at the development of sports infrastructure, funding of sports programs, and support for socially vulnerable population groups;

2. **Educational and cultural guarantees** – provisions that establish the obligation of physical education and sports training as an important component of personal development. This approach includes the integration of sports into educational curricula, support for coaching initiatives, and the dissemination of knowledge about a healthy lifestyle;

3. **Legal and safety guarantees** – mechanisms aimed at protecting the rights of athletes and ensuring safe conditions for physical activity. This includes medical control regulations, anti-doping policies, injury prevention measures, and legal protection from the exploitation of athletes for political or commercial purposes;

4. **Ethical guarantees** – principles aimed at preserving human dignity, fairness in sport, and preventing corruption and discriminatory practices. These include codes of conduct, mechanisms to combat manipulation of sports results, and measures to promote fair play.

In turn, I.Y. Mahnovskyi sees the need to classify procedural guarantees as a separate subgroup within the system of regulatory and legal guarantees, based on the division of legal norms into substantive and procedural. The scholar argues that by enshrining substantive guarantees in the relevant legal provisions—normative prescriptions aimed at creating favorable legal conditions for the effective exercise of rights and freedoms by each individual—the state simultaneously

defines specific forms and mechanisms for their implementation and protection, which are established in procedural norms. In this way, procedural guarantees for the realization and protection of rights and freedoms are formed (Mahnovskyi, 2003).

With regard to ensuring equal rights and opportunities in the field of physical culture and sports, the distinction between substantive and procedural guarantees is crucial for building an effective administrative and legal mechanism. Substantive guarantees create general legal conditions for the realization of equality by defining the rights, duties, and responsibilities of the actors involved in the sports sector, while procedural guarantees serve as tools for their implementation, providing clear mechanisms for law enforcement, appeal of violations, and legal protection.

A.O. Polianskyi, in his classification of guarantees of material support for athletes, identifies the following: the right to remuneration; annual and additional leave; social and living support; and pension provision. In the scholar's view, it is also appropriate to include material and moral forms of support among these guarantees, since work motivation in general—and for athletes in particular—manifests through legal, socio-economic, and morally oriented aspects (Polianskyi, 2015). This allows us to affirm that guarantees of material support for athletes are an integral part of the social protection system in the field of physical culture and sports. They create the basic conditions for athletes' professional activity, physical and psychological resilience, and contribute to the achievement of high athletic performance. In the context of administrative and legal regulation, these guarantees should be regarded as part of a broader system of social security, which must be integrated with state policies for sports support, mechanisms for athlete motivation, and social protection programs.

3. Guarantees for Ensuring Equal Rights and Opportunities of Citizens in the Field of Physical Culture and Sports

Thus, the types of guarantees for ensuring equal rights and opportunities of citizens in the field of physical culture and sports include the following:

1. constitutional and legal guarantees;
2. administrative and legal guarantees;
3. procedural and legal guarantees;
4. socio-economic guarantees;
5. anti-discrimination guarantees;
6. international legal guarantees;
7. universal (humanitarian) guarantees.

Constitutional and legal guarantees refer to the fundamental protections enshrined in the Constitution of Ukraine, which establish equality of all citizens in access to physical culture and sports as a fundamental legal

norm. These guarantees ensure protection against discrimination, equality before the law, and provide a basis for further concrete mechanisms of legal regulation in this area. For instance, Article 55, part 3 of the Constitution of Ukraine states that everyone has the right to seek protection of their rights through the Ukrainian Parliament Commissioner for Human Rights. Part 4 of the same article enshrines the right to appeal to international courts or relevant bodies of international organizations to which Ukraine is a party, provided that all domestic legal remedies have been exhausted. Meanwhile, part 5 guarantees the right of everyone to protect their rights and freedoms by all means not prohibited by law. In addition, Article 43 guarantees the right to work, which, in the context of this study, implies equal rights and opportunities for realizing one's professional potential in the field of sports and physical culture (Constitution of Ukraine, 1996).

Administrative and legal guarantees include the norms of administrative legislation and special legal acts that regulate the accessibility of sports facilities and services. This type of guarantee ensures the practical implementation of equal opportunities through the creation of effective administrative procedures and oversight by public authorities.

Procedural and legal guarantees are legal mechanisms that regulate the procedures for the realization and protection of citizens' rights in the field of sports, including procedures for filing complaints and appealing decisions made by public authorities or other entities. They ensure access to both judicial and non-judicial protection for individuals whose sports-related rights have been violated.

The influence of the judiciary in ensuring equality and addressing discrimination based on gender or gender identity is also conditioned by the wide range of powers granted to judges. Judges may initiate a review of the constitutionality of legislative provisions that exhibit discriminatory characteristics before a constitutional court; they are not required to wait for a specific normative act to ensure protection from discriminatory treatment that results in human rights violations; judges may issue decisions aimed at eliminating entrenched discriminatory practices and approaches; they can apply the language of international and regional human rights treaties in their rulings—even if such treaties have not been ratified—as persuasive, though not binding, sources of law. This increases the legitimacy of the court's decision in a given case. Judges may also directly apply constitutional provisions guaranteeing protection from discrimination and affirming equality, including gender equality, and refer to precedent set by international and regional judicial institutions to support their legal reasoning (Uvarova, Daineko, 2016).

In the field of physical culture and sports, the judiciary can contribute to removing barriers that hinder equal access to sports resources and opportunities. This is especially relevant in cases of gender discrimination, when women or other vulnerable groups face unequal access to sports education, professional opportunities, or funding. Given their broad authority, courts can oblige public authorities to eliminate discriminatory policies in the field of sports and amend administrative procedures that effectively restrict equal opportunities for citizens.

Socio-Economic Guarantees are aimed at establishing a system of social standards and economic support for physical culture and sports activities. These guarantees involve the creation of accessible physical culture and sports institutions, funding for sports development programs, and social protection for athletes, including financial compensation, social benefits, and pension provisions.

State social guarantees are mandatory for all public authorities, local self-government bodies, enterprises, institutions, and organizations, regardless of ownership form. Social guarantees are closely related to labor guarantees, as the emergence of such guarantees—such as wage payments and pensions—results from a person's entry into labor relations and sometimes overlaps with labor-related protections (Polianskyi, 2015).

Anti-Discrimination Guarantees provide for legal liability in cases of discrimination in the field of physical culture and sports based on any grounds, including gender, age, physical condition, ethnic origin, and others. Their main purpose is to create conditions for the equal participation of all population groups, ensuring fairness and the protection of human dignity.

The core idea of equality is not absolute but rather relative or formal equality of autonomous and free individuals based on shared legal, moral, and other social norms. From a moral perspective, formal equality is realized through the rule of reciprocity (treat others as one would like to be treated), which has a universal character and demands equal treatment of people regardless of their individual characteristics. Legal equality entails equal opportunities (rights and freedoms) and obligations for all. In contrast to factual equality, legal equality means equality before the law. The formation of the idea of equality in society and law has reflected and continues to reflect a variety of important factors, including historical, cultural, religious, economic, political, and other influences. At all times, and today as well, the content of the idea of equality, as well as the extent of freedom and justice it defines, determines the nature of law (Bokalo, 2014).

International Legal Guarantees originate from international treaties and instruments ratified by Ukraine, which oblige the state to implement international standards into national legislation and practice. These types of guarantees

promote the development of a unified international standard for equal opportunities in sports and physical culture.

In Western culture, the idea of equality emerged during antiquity and gradually evolved over centuries, but only in the 20th century did the conditions arise for its recognition at the international level. A specific feature of international law is that its norms are created by the coordination of positions among various states—no single country can independently create norms of international law that represent a common position. Since international relations involve states with differing social systems, levels of economic development, and national and historical traditions, all of these factors influence the formation of international law (Hryshchuk, 2007).

Universal (Humanitarian) Guarantees are based on the principle of universal human values, moral norms, and the idea of equality of all people in terms of rights and opportunities. These guarantees guide society and the state toward ethical principles of mutual respect, mutual support, and tolerance in the sports environment, contributing to the establishment of a climate of social justice.

The development of the idea of human equality is closely tied to the understanding of human nature. Therefore, S. Rabinovych's view is quite appropriate—that human equality should be viewed through the lens of human nature, in combination with natural law and human rights (Rabinovych, 2006).

4. Conclusions

Thus, it can be concluded that the guarantees of equal rights and opportunities in the field of physical culture and sports represent a multidimensional system that combines general social preconditions with specific legal instruments aimed at ensuring the effective implementation of the principle of equality in this area. The effectiveness of this mechanism directly depends on its normative clarity, institutional capacity, and the specifics of law enforcement, which make it possible to ensure not only the formal declaration of equality but also its actual realization in social life. Therefore, the conducted study confirms that equality in the sphere of physical culture is not only a legal principle but also a social standard that must be ensured through a system of diverse guarantees.

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ВИДИ ГАРАНТІЙ ДОТРИМАННЯ РІВНИХ ПРАВ ТА МОЖЛИВОСТІ ГРОМАДЯН У СФЕРІ ФІЗИЧНОЇ КУЛЬТУРИ І СПОРТУ

Анотація. Метою статті є визначення видів гарантій дотримання рівних прав та можливостей громадян у сфері фізичної культури і спорту та їх характеристика. **Результати.** У статті автором здійснено комплексний науково-правовий аналіз гарантій дотримання рівних прав та можливостей громадян у сфері фізичної культури та спорту, розкрито їх правову природу, особливості реалізації та класифікацію. Акцентовано увагу на аналізі чинного законодавства України та міжнародних нормативних актів, що визначають основні стандарти рівності у спортивній діяльності. Досліджено концептуальні підходи до розуміння гарантій рівності у спортивній сфері в контексті конституційних принципів, міжнародно-правових стандартів та адміністративно-правового регулювання. Автором наведено ряд наукових позицій у контексті дослідження та здійснено їх теоретико-правовий аналіз. Сформульовано авторську класифікацію видів гарантій дотримання рівних прав та можливостей громадян у сфері фізичної культури та спорту. Здійснено теоретико-правову характеристику кожного виду гарантій. Міжнародно-правові гарантії походять з міжнародних договорів та документів, ратифікованих Україною, які зобов'язують державу імплементувати міжнародні стандарти у національне законодавство та практику. Такого роду гарантії сприяють формуванню єдиного міжнародного стандарту рівних можливостей у спорті та фізичної культури. **Висновки.** Зроблено висновок, що гарантії дотримання рівних прав та можливостей у сфері фізичної культури та спорту є багатовимірною системою, що поєднує загальні соціальні передумови з конкретними правовими інструментами, спрямованими на забезпечення ефективного функціонування принципу рівності у цій сфері. Ефективність даного механізму залежить безпосередньо від його нормативної визначеності, інституційної спроможності та специфіки правозастосування, що дозволяють забезпечити формальне проголошення рівності та її фактичну реалізацію в суспільному житті. Тож, проведене дослідження підтвердило, що рівність у сфері фізичної культури є не лише юридичним принципом, але й соціальним стандартом, який має бути забезпечений через систему різноманітних гарантій.

Ключові слова: фізична культура, спорт, гарантії, рівні можливості, правова рівність, адміністративно-правовий механізм, правове регулювання, адміністративне законодавство.

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