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## LAW IMPLEMENTATION IN SPORT

### 1. Sport and legal protection

In sports there are certain events for which there must be punishment, proofing, trial and so on. Therefore sport has certain aspects i. e. expectations on the part of the law which must be satisfied for the goal of proceeding further without constraints or conflicts in the sport's game.

If proved a particular crime act, the defendant may be fined or imprisoned.

In civil proceedings, the law provides different incentives for those who will win the case.

It can provide compensation for the various types of losses suffered by involving the loss of salary. Breaking the conditions for disrespect can lead to fines or imprisonment for disrespect of the court. Courts may also give and other orders. Situations sometimes are to be considered carefully to assess what law will be applied. Developments which include rugby league, the hosts of this sport and other sports derived from television subscription, for example in Australia, where irrevocably changed the way of which the sports are becoming property.

The increase in prepayments on television is an opportunity for many smaller sports to be shown on television.

Not all sports can take advantage and source of supply that provides prepayed television, but only those that represent an attractive product and are able to adopt a comprehensive legal and professional approach to the sport's marketing. Subscribed broadcasters also, will not want to cover sports that have significant exposure to free network coverage. Because the rules governing advertising on television that is prepaid, subscription fees must be the dominant source of revenue for broadcasters, which could result in more sophisticated marketing techniques to ensure that sponsors can be involved in the sport's programming on an elaborated way. The increased effect from the money in sports leads to consequences, which can be negative in the future. The fact that the amateur sport is becoming more professional in their approach, and increasing the tendency of providing some kind of reward, obscures the difference between the categories of amateur and professional.

In most sports the difference is no longer even visible. This question is made mostly because today's athletes are accused of placing too much emphasis on money and adopting the attitude "win at all costs." This is completely contrary to the basic philosophy of the sport.

It seems that every change in the competitive attitudes of athletes is simply not geared towards greater victory for his own desire, but comes from a variety of reasons:

- For many professional athletes, sport is their job or career . And if they do not win, they have not finished their work.
- Perfection requires a finely tuned athletes today, means that the athlete usually has a few years on the top, and for these years he can only earn.
- The sponsors and the media can push competitors, seeking a product to sell in return for their investment
- By conducting an immediate emergency response, the competitors may be forced to suffer and face negative comments, bad or average performances.
- Those who have succeeded as top athletes are typically driven by people with strong will. The success has derived from the total commitment, adding to the pressure and so on.

Factors such as these can create enormous tension or pressure that can erupt on the playing field, leading to cross-allegations, which in this sport prevail and the sport already does not look like a game. When an athlete is in question this could be very true.

Thus the law should be expected to take measures that would satisfy all equally, and the sport rights will allow players who are participants in it to allocate them in which part of the sport they belong. If there are such constant tension on the playing field, we will not be able to establish order and discipline and will be lost all investments made by the organizations, clubs and teams, which are invested to push up a sport's team on the top. Sport and politics, the issue is often stated that the sport should not be political or to be above politics

There is no doubt that this is a healthy goal theory, especially when the amateur sport is in question. But the reality is that the sport still has a major influence on politics, which can be seen most basicly, when it causes intense feelings of nationalism.

Whether it will be a boycott of certain games or for cutting sport's ties with some countries, the use of sport as a tool in international relations is well established.

As an example may be mentioned the African teams that have led to demonstrations, violence and litigation. Contractual rights are not unic rights that the law can recognise . The law recognizes and other rights that may be conducted by members, and do not depend on the contract.

They tend to refer to the narrower fields of justice and fairness, however, is not so easy to list, as those contained in written form as the other rules.

Two important areas in which the courts can intervene is the fact that the rules of the organizations do not fully determine their rights and obligations:

- Courts require decisions regarding suspensions and fines to be in order
- The courts have for a long time special care to protect the right of a work permit, and those who are not members can also have the right to become members if the right to work in a particular sport's game or space depends on it.

Most types of companies are made up of shareholders who own shares. One company although is somehow limited probably still has more members than shareholders.

A member of a company limited by a guarantee and who is involved in the functioning of the company in almost the same way as shareholders. If the company is limited by a guarantee, and still it is not enough as assets to pay for its debts, every member is obliged to pay the amount of the guarantee specified in the constitution (or contract), or for older companies (memorandum). It is not possible to require members to pay more than that, because members generally are not responsible. A company or club have really a commercial nature, directors and others involved in this work must take reasonable steps to ensure proper management of the organization and careful monitoring. The National Security Council states that every director must keep pace with the company, especially if there are reasonable grounds that the company will not be able to settle all debts. The duties of directors can be divided into those imposed by common law, those imposed by the laws for incorporating in the organization, companies or associations, of the laws of a state or territory. Directors have always had a duty to know reasonable skills and protections, and the common law. Confidential obligation arises from the existence of what the law calls a trusting relationship that exists when one party has a duty or obligation to punish it, because it has been entrusted with powers that can be met in relation to someone else. In the case of company, confidential relationship exists, because the company is an artificial entity that can only act through the directors.

The position of director is in favor of the company, and the work of the director must be carried out only in favor of his company. Under the common law they can not afford their own or other interests to come before the interests of the company, or to use his position to have personal gain or advantage for someone else. They should not misuse confidential information, and may not take private business opportunities, to be undertaken by the company. In any situation where the director breached some of its duties, is not on his defense to prove that he was not involved dishonest or that the company has not suffered any loss.

If there is abuse of office, the director is responsible for the company for any profits or losses of the company. In the discussion of common law, the duty of the director is also relevant for the members of the association's council. However, the law which govern the operation of the associations vary greatly between countries. Those involved in running of these authorities must be aware that the content of the legislation of their state- disobeying the legislation could include a fine or at worst, personal liability of a person for the debt.

## **2. Different manners of management**

The corporate governance in the sport is defined by:

- How to develop an organization with strategic goals and directions
- How the board of the organization to monitor the effectiveness of the organization to ensure that it achieves specific goals

- Ensure that the board act in the best interest of the members

In view of the Australian Sports Commission there are five basic principles of corporate governance:

1. Strict limitation on the roles of government
2. Processes of an efficient power
3. Control of an efficient power
4. Enhancement of the ruling
5. Members' responsibility

For better performance organizations require leadership, integrity and better reasoning. They are more effective decisions, and are transparent, accountable for their actions and distribution of needs. If the terms of an agreement that was included among the two companies are violated, one or the other company can turn to court to investigate, or ask other incentives. Depending on the particular circumstances possible legal proofs are:

- Evidence that the used-side fulfilled its part of the deal
- Statement that the deal is near completion, with the damages which were awarded to the party who suffered damage
- Statement that the agreement is still in operation, with damages awarded to the party which does not get all of which the party itself has agreed.

Restrictions on advertising of cigarettes, tobacco and alcohol on radio and television may suspend or limit their sponsorship contracts with suppliers. Traditional tobacco company for sponsorship of sporting events, with mention of names, screen logos, dancing on music associated with the company that aim at highlighting the aspects of the sponsorship, are thought to be involved on the part of the Australian Court and the Federal Court. About whether a material is an advertisement will be assessed by the court in all circumstances.

The ban on advertising cigarettes is very broad, due to the expansive definition of "advertising". Sponsorships are not banned, but the strict regulatory restrictions on benefits are associated with the sponsorship.

Australian laws do not provide comprehensive legal regulations covering the rights of person that would have helped the athletes to protect their names and reputations. Successful retail depends on the possession of property rights to facilitate the prevention of piracy. These rights are provided in the laws that protect registered trade marks, designs and copyrights.

Licensing of rights, including brands to use on products such as clothing, sporting goods and food, and the development of innovative products such as films, computer games and other items can be a significant source of income for the owner of intellectual property. The increased number of cases of ambush marketing, who want sports to license their desires for sponsorships and retail, and situations that arise in relation to the branding of a sport show that the creation, development and maintenance

of intellectual property is becoming more important in the commercialization of sports. There are individuals who are well known in the community and become interesting, regardless of the reason for their fame. Such interest in the sport and its participants, who are often exposed to great media interest in what happens on the ground or out of the sport terrain's developments of the biggest stars. Glamor involved in high profile sports represents great demand for any news of the individuals involved. The positive publicity can be beneficial for the publisher, while the negative publicity will have the opposite effect. The effect of unfounded accusations of dishonesty by the reputation of the judge will be particularly harmful. There are a number of false claims, but who became top news and resulted in a sizable profit. The procedure of the smear is often taken by athletes who feel that their professional reputation has been hurt by media reports of their activities on the sport ground or out of it.

Libel typically includes material which meets the description of a person who complains, but generally the material libels include communication materials for at least one person. Material that may be defamatory may include words, pictures and other representations.

The law of defamation is complicated and is not in accordance with the country.

Somewhere the publication of the defamation material may be lawful if it is true. Others seek and say that the material is true and that publication would be in the public interest or have a public benefit. Courts are generally included in the domestic procedures of associations if the association is not in accordance with its rules and approaches to the court. This can happen in one of two ways. The first involves the organization to make decisions that are beyond its power under its rules. But the second situation is the one in which the organization interprets its rules incorrectly. Courts will also intervene if the decision taken by domestic party is considered unfair because it is inconsistent with the general principles of justice. But there are circumstances where courts refuse to review decisions of domestic courts. As far as disciplinary proceedings, in their most basic level, can be used put out a player from the sport.

On another level, the increase in revenues is now available in sports, whether by the way of an agreement for payment, acceptance and the emergence of money, or by the possibility of full-time for both the players and the officials, still do a great potential for a financial loss. Even when athletes are not professionals, disciplinary proceedings may have a major impact on their career. The first two elements of the natural justice are in what legally concerns that the accused must have an adequate understanding. The hearing must be conducted in accordance with the rules of the association in question. What is appropriate depends on understanding all the facts and circumstances. Basically this means that teams must be heard and by both sides and all the evidence against the defendants should be on the table. The defendant must have adequate knowledge of the actual costs that have been placed.

It is not good enough to give general information about this issue. Details of the specific, obligatory, reserved and relevant rules of the association should be given. The procedure of adopting additional costs without more information can bring the court's

decision to sink in water. The accused must have adequate comment of the discussion. The hearing plea against a person who is not present usually means that person is not interested in the law decisions. If there is a legal valid reason for absence the tribunal is better to wait in order to avoid future suit.

As for the injuries that can happen in sports, the fee for that inflicted injury is a complex job. Sometimes the injured person can not receive compensation because the injury is a part of that sport and was not caused by anyone. But there are cases when, in certain circumstances there is a person to sue another person for sustained injury, and then is obliged, the person who caused that injury to pay compensation. Generally, states have laws on:

- Reducing the kind of damage, possible when it comes to a personal injury
- Reducing the period of time in which may be commenced a proceeding
- Limited punishings when it comes to a person who has been drinking alcohol, drugs or engaged in criminal activity

At the end, who remains to be sued . . . of course there is a larger group of people who are responsible for causing the injuries in sport situations. At the end of which remains to be sued . . . of course there is a larger group of people who are responsible for causing the injuries in sport situations. Usually that is these people:

- Players or other participants in the contest or game
- Organizers of the event
- Manager or coach of the team
- A law person
- Viewers or people who follow sports events
- Volunteers

### **3. Some points of view**

An Australian study on violence in sports prepared by the Ministry of Sport and Recreation says the following:

Studies have shown that very few statistics are collected and are available to support the hypothesis that the severity and incidents of violence in sport, in fact, are increased during the past 5-10 years in Australia.

Are sports actually becoming more violent and not so important, whether the community as a whole is prepared to tolerate the existing levels of violence.

One could say that even the static levels of violence occupy a new dimension over the past few years with the advancement of television technology and increasing the public access to sports programs.

Violence between sport's crowds became very important issue in the past century. Football gang warfare in Great Britain shows the consequences of uncontrolled activity of the crowds.

The organizers and the police are obliged to provide adequate protection for members of the public present at sport events.

The issue of crowd control and the influence of alcohol is another issue considered by the Council of Ministers, which suggest consumption of alcohol in this particular case should be limited by selling in appropriate containers in certain areas. Many sports organizations cling to that recommendation.

In every possible aspect, can be concluded that, unless there would be certain rights and obligations that are into the sport, then even greater unrests would have occurred, which no one would have wished for.

So we should obey all laws passed relating to sport, for everything to run for the best and most appropriate mode.

#### **4. Literature**

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#### *LAW IMPLEMENTATION IN SPORT*

*This work offers a short review of sports marketing and management. It presents different ways of advertising some products either in sports events or through electronic mediums. In addition, it reviews different aspects of the influence that politics and discrimination has on sport as well as the way of solving eventual arguments of any kind.*

**Key words:** *marketing, management, injuries, discrimination.*