

ISSUES OF PROTECTING RIGHTS AND INTERESTS, AS WELL AS THE RESPONSIBILITY OF FANS IN THE FIELD OF PHYSICAL CULTURE AND SPORTS IN THE REPUBLIC OF UZBEKISTAN

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Abstract--In Uzbekistan, during the last three years important changes devoted to the social sphere are performed based on the Section 4 according to Strategy for Action on the five priority areas for the development of Uzbekistan in 2017-2021. Thus, in this article we analyze the legal status of a sports fan, focuses primarily on the rights, obligations, and responsibility of the fan as a subject of sports relations. Based on the analysis of national and foreign legislation, it is proposed to improve the legislation in the field of physical culture and sports in the Republic of Uzbekistan.

Keywords---physical culture, sports, subjects, legal status of a fan, sports relations, responsibility, sports enthusiasts, competitions, safety, legislation.

Significant reforms in the Republic of Uzbekistan in recent years devoted to the social sphere are the basis of Section 4 of the Strategy for Action on the five priority areas for the development of Uzbekistan in 2017-2021 [1]. The Strategy attaches great importance to physical education and sports. Consistently, measures are being taken to create the necessary conditions and infrastructure for the popularization of physical culture and sports, a healthy lifestyle among the population, especially young people, and to ensure a worthy representation of the country in the international sports arena [2].

It should be noted that, in his speeches [3], the First President of the Republic of Uzbekistan, I.A. Karimov, repeatedly paid attention to the development of physical culture and sports in the country. The current President of the country, Shavkat Mirziyoyev, in his Message to the Oliy Majlis of the Republic of Uzbekistan on December 28, 2018 also drew attention to the “approval of a healthy lifestyle in the society, the further popularization of physical culture and sports”. We can say that sport has a positive effect on the image of the country, therefore, the regulation of sports relations has important political, legal and social significance.

Another example of the attention paid to the sphere of physical education and sports in the country is the adoption on March 5, 2018 of the Decree of the President of the Republic of Uzbekistan “On measures to radically improve the public

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administration system in the field of physical education and sports,” which states “on creating the necessary conditions for healthy lifestyle among the population”, which is associated with mass events, including sports competitions [4].

Competitions are held for sports enthusiasts. Fans are the life-giving force and the hallmark of professional sports. Owners, coaches and players change, but fans always stay. This, in turn, pushes to improve the legal framework of the rights of fans [5].

Recently, the issue of the legal status of a sports fan and his responsibility has become increasingly important both in the Republic of Uzbekistan and abroad. On the one hand, the increase in interest in the legal regulation of sports relations in our country is explained [1, 8] by the desire to act as a platform for sports competitions of an international nature. The organization of events of this level requires not only the modernization of the material and technical sports base, but also the improvement of sports legislation.

On the other hand, the need for legal regulation of sports relations, the responsibility of subjects in the field of sports is associated with preventive measures that will help reduce the possibility of unlawful acts by individuals or groups of fans [3, 9].

At the same time, the presence of a number of systemic problems and shortcomings in the organization of physical culture and sports hinders the effective implementation of state policy in this area and the full use of the existing sports potential of the country. In particular, improving the legal norms governing sports relations.

It should be noted that today the issue of legal regulation of the status of a sports fan and his responsibility is not sufficiently covered in the scientific and legal literature of the Republic of Uzbekistan. There are articles devoted to this topic, for example, in the Russian Federation or the Republic of Belarus, among them the work of A.Yu. Korochkina, M.A. Legkov and others [5, 6].

In the framework of this work, attention is paid to the protection of rights and interests, as well as the responsibility of fans in the Republic of Uzbekistan. The results of the work can be applied both to improve legislation and in law enforcement practice, primarily by employees of organizations of physical education and sports, law enforcement bodies and others (for example, sports clubs, specialists working with fans, security officers) [4].

When analyzing the legal status of a sports fan, one should first of all pay attention to the rights and obligations that fans have. The Law of the Republic of Uzbekistan “On Physical Culture and Sport” No. 394 dated September 04, 2015, giving spectators the status of a subject of physical education and sports, does not contain a clear indication of the legal status of a fan. However, it should be noted that rights and obligations Fans' numbers can be determined by the organizers of the sporting events. Illustrative in terms of securing a specific list of rights and obligations are the “Rules for the behavior of spectators (fans) in stadiums during football sporting events in the Republic of Uzbekistan”, approved by Order of the Minister of Culture and Sports of the Republic of Uzbekistan dated 02.22.2013, No. 2430 [3, 12].

In our opinion, it would be interesting to consider the norms contained in the regulatory documents of foreign countries.

Clause 2 “Rules of behavior of spectators in stadiums during football matches and other mass competitions” approved by the Belarusian Football Federation (hereinafter “Rules of Conduct for Spectators of the BFF”) establishes the rights of spectators in stadiums during football matches and other mass competitions, including [6]:

- The right, with tickets, season tickets, invitations, other documents of an established form, to enter the stadium before and during the match;
- The right to use all the services provided by the organizers of the match and the administration of the stadium;

- The right to bring to the stands of the stadium and use;
- Tobacco products and lighters provided that they are used only in specially designated smoking areas;
- Attributes officially approved by club leaders and local law enforcement agencies.

The “BFF Spectator Behavior Rules” also provide a specific list of support facilities, the passage and use of which are permitted in clause 2.4 of these “Rules” to representatives of fan associations in order to support the team when appointing responsible fans from each support unit. The requirements for these support tools are also established [7].

Similar rights of spectators are enshrined in the "Rules of conduct in sports facilities (for hockey matches of the KHL, VHL and MHL), held at the Minsk-Arena State Institution. Among other things, they give the right to viewers to carry out amateur photo, video shooting without accreditation, if this is not prohibited by the organizer of the match, about which an appropriate entry should be made on the admission ticket, subscription or invitation (paragraph 2.5). Similar norms are set out in the “Rules of behavior of spectators (fans) in stadiums during football sporting events in the Republic of Uzbekistan” [8].

Studying legislative novels and analyzing some provisions of the Law of the Republic of Belarus “On Physical Culture and Sport” and the regulations and provisions of various championships in sports (hockey, basketball, volleyball, handball), other rights of fans can be distinguished [9].

In particular, this is the right to safety during a sporting event. According to M.A. Legkova, the right of a sports fan to safety during a sports event is fundamental in the general system of rights of sports fans. The right to safety during a sports event is enshrined in Art. 5 and 36 of the Law of the Republic of Belarus “On Physical Culture and Sport”. Compliance with this right is ensured by the obligation of various persons to take measures to ensure public order and security, as well as the introduction of certain prohibitions. For example, a ban on being intoxicated or in a state caused by the consumption of narcotic drugs, psychotropic substances, their analogues, toxic or other intoxicating substances (second paragraph, clause 3 of article 36), to carry out propaganda of war or extremist activity, including with the use of posters, banners or other means, and other prohibitions (paragraph eight of clause 3 of article 36) [10]. The Law of the Republic of Uzbekistan “On Physical Culture and Sport” and “The Rules of Conduct of Spectators (Fans) in Stadiums during Football Sports Events in the Republic of Uzbekistan” do not contain such a provision on the right of fans to safety [11].

A more expanded list of what the spectator is forbidden to do at the football or hockey match is contained in the “Rules of Conduct“ 3 ”of the BFF spectators” and “The Rules of Conduct in the Minsk MCC Arena. This includes:

-throw objects into the stands, the football field and the space around it, as well as purposefully at spectators, football players, coaches, referees, representatives of clubs, the stadium, law enforcement officials, officials of the organizer of the competition (paragraph 4.5 of the “BFF Spectator Rules of Conduct”);

- go beyond the fence to the ice field and on it;

-appear in the locker rooms of teams, judges, press centers and other office premises (Section 4.13 of the Rules of Conduct at the Minsk MCC Arena GU) and others [12].

In more detail, the requirements for safety measures when conducting physical education and sports are established by the "Safety Rules for Physical Education and Sports" approved by the Resolution of the Ministry of Sports and Tourism of the Republic of Belarus of October 6, 2014, No. 61. Safety requirements are also contained in the regulations of various competitions of the Republic of Belarus. The right to safety during a sporting event is closely related to the right of the fan to the clubs (teams) observe the principle of honest business partnership, fairness, and strict respect for fans [13].

Point 4 of Art. 43 of the Law of the Republic of Belarus “On Physical Culture and Sport” assigns the fan the right to compensation for harm caused to him during sports competitions in accordance with the law. However, in the Law of the Republic of Uzbekistan “On Physical Culture and Sport” and “The Rules of Conduct of Spectators (Fans) at Stadiums during Football Sporting Events in the Republic of Uzbekistan” there are no such standards [14].

M.A. Legkov names among other rights of fans the right to purchase tickets for a sporting event, considering “one of the tasks of government bodies, business entities providing services in the field of physical culture and sports, other interested bodies, improving the mechanism for selling tickets to sporting events, as well as improving state control over their implementation” [15].

It seems to us that one should speak not so much about the fan’s right to purchase a ticket, but about his right to visit freely sports and sports events, subject to compliance with all requirements of applicable law. As we know, not all sporting events are paid for.

For example, admission to many competitions in many sports in Uzbekistan is free. Admission to the vast majority of matches of the championship of Uzbekistan on football is also free.

In such a situation, it seems more correct to talk about the possibility of exercising a fan’s right to attend a sports and sports event, and only if the organizer of the match decides to sell tickets for this match, the fan is given the right to purchase a ticket for a sports event [16].

As a result of the analysis of the requirements for organizing and conducting various sports and sports events, one can single out the fan's right to freely view this event. Such a right can be exercised both directly on the physical education and sports facility, and outside it. In the first case, an example of exercising the right to watch a sporting event is such provisions as clause 11.1.3 of the Regulations of the Republic of Belarus Basketball Championship for men and the Rules of the Championship of the Republic of Belarus Basketball among women, which establish the requirement that cameras are in the stands and around the basketball court should not interfere with the view of the basketball court by spectators [17].

In relation to our conditions for holding sports competitions, it should be noted that many sports facilities do not always have a design that allows you to view the competition overview. For example, many stadiums where football matches are held have roof racks that are located in the stands; the covering covering the top of the bench for substitutes and officials also interferes with the review of the match [18].

It is not always convenient to view matches from the VIP zone in a panoramic way. Design and construction of sports facilities do not always fully take into account the interests of the audience located in them [19]. As regards the right to unobstructed viewing of a sporting event outside of a sports facility, attention should be paid to Art. 11 of the Law of the Republic of Belarus of May 10, 2007 No. 225-3 “On Advertising”, according to which a live broadcast or in a recording of a sporting event may be interrupted by advertising only during breaks during sporting events or during their stops. A live broadcast or in a recording of a sporting event in which there are no breaks or stops may be interrupted by advertising so that the interruption of the broadcast does not lead to the loss of some essential information about the sporting event. The Law of the Republic of Uzbekistan “On Advertising” only says that “Broadcasting of sports programs lasting more than 45 minutes can be interrupted for advertising. Advertising may be placed before or after the end of these programs” [20]

The regulations of some sporting events establish special rights for fans of the guest team. For example, according to clause 5.3 of the “Regulations for football competitions among non-amateur and“ 5 ”semi-professional football clubs of

Uzbekistan for 2017”, “fans of the guest team are entitled to 10% of the tickets from the total capacity of the stands of the stadium of the organizer” [21].

It should be noted that fans, like other individuals, have the right to freedom of association. This right is secured by Art. 34 of the Constitution of the Republic of Uzbekistan and Art. 9 of the Civil Code of the Republic of Uzbekistan. Mention of this right of a person as a fan is currently relevant. So, for example, a few years ago, the Football Federation of Uzbekistan (currently the Football Association of Uzbekistan) sent recommendations to all major league clubs on creating fan clubs in order to develop a culture of support for the team, increase its level and organization. As a rule, fan clubs are created in the form of public associations [22].

In the territory of the Republic of Uzbekistan, the activities of fan clubs have not yet acquired much importance, as, for example, in the Russian Federation, where, with direct state support, the All-Russian Association of Fans (PSA) has been created. The mission of the PSA is to contribute to the qualitative development of the Russian sports system by creating and increasing values for fans and sports enthusiasts. The goal of the PSA is to create effective mechanisms to ensure the maximum possible involvement of fans and sports enthusiasts in the work of the Russian sports system. This association takes an active part in the country's sports life, including making proposals on amendments to regulatory legal acts, in particular, Federal Law of July 23, 2013 No. 192-Φ3 On Amending Certain Legislative Acts of the Russian Federation in Connection with security. " public order and public safety at official sporting events" [23].

In foreign countries, certain experience has been gained in adopting regulatory documents governing relations related to the rights of sports fans. So, as noted, the Russian Federation adopted the so-called Law on Fans, or Federal Law of July 23, 2013 No. 192-Φ3 “On Amending Certain Legislative Acts of the Russian Federation in Connection with Ensuring Public Order and Public Safety during official sports competitions”, which entered into force on January 20, 2014.

The Law on the Status of Sports Fans, adopted in Brazil in 2003, is also noteworthy. The main purpose of the document, which applies to all sports events, is to prevent violence and improve the organization of sporting events in Brazil. A draft Sports Code is being prepared in the Republic of Belarus [24].

Analyzing the legislation of our country in the area of responsibility of citizens and fans, including, first of all, it should be mentioned that Art. 42 of the Law of the Republic of Uzbekistan “On Physical Culture and Sport” requires that “sports competitions should be held without prejudice to the health, honor and dignity of their participants and spectators” [25].

Spectators (fans), depending on the act they committed, may be held administratively, criminally, civilly liable, subject to special sports sanctions [26].

Speaking of administrative responsibility, first of all, attention should be paid to Chapter 15 of the Code on Administrative Responsibility of the Republic of Uzbekistan, namely, Art. 183 "Petty hooliganism", Art. 184 “Production, storage or distribution of materials promoting national, racial, ethnic or religious hatred”,

as more related to the issue of the safety of sports and sports events, Art. 187 “Drinking of alcoholic, low alcohol drinks or beer, consumption of narcotic drugs or psychotropic substances, their analogues in a public place or appearing in a public place or at work while intoxicated”, Art. 188 "Involvement of a minor in antisocial behavior" [27].

In order to ensure safety, fans can be prosecuted on the basis of articles of the Criminal Code of the Republic of Uzbekistan: Art. 173 "Intentional destruction or damage to property", Art. 277 " Misbehave" and others [28].

The Law "On Physical Culture and Sports" of the Russian Federation also contains a provision on liability. Article 47 of this Law says that “persons guilty of violation of the legislation in the field of physical education and sports are liable in the established manner”. The Law of the Republic of Uzbekistan “On Physical Culture and Sports” also contains a similar

provision: "Persons guilty of violating the legislation on physical culture and sports are liable in the prescribed manner" [29].

However, part two of Art. 36 of the Law "On Physical Culture and Sports" of the Russian Federation indicates measures of influence on persons who do not comply with the restrictions imposed with the aim of protecting public order during sports events. In particular, such persons are expelled from the territory of the sports facility and specially equipped places for fans without reimbursing the cost of the admission ticket and are held liable in cases established by legislative acts. A similar Law of the Republic of Uzbekistan does not contain such a norm [30].

Particular attention should be paid to specific sports sanctions that may be imposed on fans. Such a sanction, for example, in a football championship may be a ban on visiting the stadium (s) provided for in Art. 22 of the Disciplinary Code of the Association "Belarusian Football Federation" (hereinafter ABFF). Unfortunately, there is no such norm in the legislation of our country. Even the Regulations for the most popular and most popular Football Championships do not contain such a provision [31].

Moreover, as S.N. Ilyich: "Sports sanctions are not a form of legal responsibility. A feature of sports sanctions is that by the method of formation they differ significantly from the norms of types of legal responsibility, which are centralized. Legal responsibility is based on imposing a will from the outside, the norms of sports sanctions are most often built on the principle of coordinating the will of all participants in sports competitions and observe a general balance of interests" [32].

Mention of sports sanctions is not in any regulatory act of the Republic of Uzbekistan.

In this regard, it is necessary to pay attention again to the principle of strict liability mentioned above, since for many actions of fans at a football stadium, for example, for chanting profanity and insulting expressions against competitors, the football club is primarily responsible, and not the fans who directly committed this act (Article 77 of the ABFF Disciplinary Code), racist or discriminatory behavior (Article 72 of the ABFF Disciplinary Code), the use and throwing of pyrotechnic products (Article 79 of the ABFF Disciplinary Code) [6, 33]. Our "Rules of football competitions among non-amateur and semi-professional football clubs of Uzbekistan for 2018" also contains a requirement on the responsibility of clubs, and not sports fans.

However, even in this case, the punishment can and should be suffered by the person who committed it by submitting a regressive claim to the fan by the club in accordance with civil law. This right of clubs is often indicated by Russian and other foreign authors. Article 1001 of the Civil Code of the Republic of Uzbekistan also contains the right of recourse claim [2, 34].

CONCLUSION

Based on the best practices of foreign countries for the Republic of Uzbekistan, the following conclusions can be drawn:

1) sports fans have certain rights and obligations, which are enshrined in various regulatory legal acts and documents of organizations of physical education and sports, which creates difficulties with their uniform application;

The rights and obligations of sports fans require more detailed development.

In this regard, it would be reasonable to state these rights and obligations in a unified normative legal act binding on various sports.

2) the responsibility of the fans contains some features, primarily in the form of applying certain sports sanctions to them. At the same time, for some acts of football and other fans, by virtue of the principle of strict liability, the club (association) is punished with the possibility of subsequent submission of regress claims to the offender. For example, in case of violation of the law by fans in sports arenas (especially for football fans), which can lead to property damage

caused to property, for example, a football club or any other club. Currently, there is a need to fix the provisions governing the legal status of a fan, his responsibility in a special regulatory legal act. It seems possible to adopt the Law of the Republic of Uzbekistan “On the legal status of a sports fan” with the subsequent transfer of the main provisions of the law to the Sports Code of the Republic of Uzbekistan if adopted. Settlement at the legislative level of the legal status of fans will have, in our opinion, a positive effect. The adoption of the Law will emphasize the importance of the status of a fan and will attract the attention of the public and state authorities, which, in turn, can push groups of fans to more civilized expression of their opinions and organization of actions, as well as attract more sports fans of different categories (including women, children, disabled people, elderly people) to sports competitions.

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