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ЩОДО ВИЗНАЧЕННЯ ПОНЯТЬ «ФІЗИЧНА КУЛЬТУРА» І «СПОРТ»

Анотація. Сучасні поняття про якість життя нерозривно пов'язані з можливостями кожної людини зберігати своє здоров'я як вище і абсолютне благо. За загальноприйнятим сучасним поняттям, фізична культура сама по собі є унікальним засобом збереження і розвитку потенціалу здоров'я населення, що безпосередньо впливає на тривалість життя. Автором досліджено організаційно-правові особливості таких понять, як «фізична культура» і «спорт». Аналізуються різні точки зору, пов'язані з теоретичної інтерпретацією цих категорій, вказано їх відмінності між собою за соціально-функціональним призначенням. Обґрунтована необхідність щодо різниці предметів правового регулювання суспільних відносин у сфері фізичної культури та у сфері спорту. Тому основною метою статті є дослідження дефініцій «фізична культура» і «спорт» задля корекції законодавства України. В роботі були використані загальнонаукові та приватно наукові (порівняльно-правовий, формально-правовий тощо) методи дослідження. Встановлено, що українському законодавцю, задля уникнення перешикоджання правильному тлумаченню таких соціальних феноменів як «фізична культура» і «спорт» у правотворчій і в правозастосовчій практиці, слід відрізнити предмети правового регулювання суспільних відносин у відповідних сферах соціального буття людини.

Ключові слова: спорт вищих досягнень, професійний спорт, фізичне виховання, спортивні змагання.

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ON THE DEFINITION OF THE CONCEPTS OF “PHYSICAL CULTURE” AND “SPORT”

Abstract. The modern concept of quality of life is inextricably linked with the ability of each person to maintain their mental and physical health. Human health today is the highest and absolute good. Today, the very concept of “physical culture” is a unique means of preserving and developing the potential of public health, which directly affects the lifespan of a person. In the article proposed by the author, the organizational and legal features of such concepts as “physical culture” and “sport” are explored. Various points of view related to the theoretical interpretation of these categories are analyzed, and their differences between them for their social and functional purpose are indicated. It justifies the need to distinguish the objects of legal regulation of social relations in the field of physical culture and in the field of sports. The aim of the proposed author of the article is to study the definitions of “physical culture” and

“sport” for the correction of the legislation of Ukraine. In this work, general scientific and private scientific (comparative legal, etc.) research methods were used. The author came to the conclusion that in order to avoid misinterpretation of such social phenomena as “physical culture” and “sport” in lawmaking and law enforcement practice, the Ukrainian legislator should distinguish the subjects of legal regulation of social relations in relevant spheres of human social life.

Keywords: high performance sports, professional sports, physical education, sports competitions.

INTRODUCTION

Currently physical culture and sport became multifaceted phenomena fulfilling a wide range of social functions, influencing both political, economic and cultural life processes in our society. Physical culture as a social institution covers a set of both material and spiritual values. They may include different types of sports facilities, inventory, special equipment, sports equipment and medical supplies. Spiritual values include different information, works of art, moral concepts, social, including legal norms regulating human behavior in the process of physical culture and sports activities, and others. Physical culture and sports in developed forms produce aesthetic values (physical culture parades, sports performances, etc.). [1, p. 73].

Sports, in the common sense, is understood as a specific form of human activities, which involve competition between process participants and is implemented to determine the best results of the regulated exercises or the most worthy participant in such relationships [2, p. 112].

Features of genesis (development) of the physical culture and sports determined their specific functional content. In many respects, their functions coincide, but the target orientation is different. In this regard, it is obvious why one and the same function, for example, is economical, has different content in physical culture and sports. In physical culture, it manifests itself primarily through increased working efficiency and stability of the human body, strengthening its health. More specifically, the economic function of the physical culture is expressed as follows: in increasing and sustainable retention of high labor performance, reducing production gap, morbidity and injury, and continuing creative longevity.

In order to effectively regulate these two quite different spheres of our life, a proper understanding of their main and initial categories and concepts, namely the definitions of “physical culture” and “sports” is essential. After all, these two concepts have many definitions that significantly differ one from another. Modern ideas about economic function of sport are more closely associated with its commercialization and revenue generation: from sponsorship, sale of TV rights to broadcast various competitions; advertising campaigns; sale of tickets, symbols, attributes, etc.; and contracts with athletes and coaches.

So, different content of economic functions of physical culture and sports can be considered as one of the most important arguments justifying their social independence. The following scholars devoted their scientific works to research such spheres of our life as physical culture and sports: S. V. Alekseev [3], M. A. Prokopets [4], I. M. Amirov [5; 6]. The works of the following scientists were devoted to research these two concepts: A. Solovyov [2] and M. H. Vulakh [1].

The purpose of this article is to study the definitions of “physical culture” and “sport” to correct the legislation of Ukraine.

1. MATERIALS AND METHODS

The methodological principles proposed by the author of the study were both general scientific methods of study and private scientific methods. So, using the methods of analysis and synthesis, the concepts culture → physical culture → sports were researched. Using the system and functional method, the above concepts were reviewed as separate subsystems that are the part of the “culture” system, which assisted to establish the place of such a social phenomenon as “sports” in the field of physical culture, which in turn formed a part of the sphere of culture. In addition to above stated, the system and functional method helped to clearly establish and differentiate the functions of the physical culture and sports. The comparative legal method was used to compare modern approaches to the legal regulation of the sphere of physical culture and sports in our country and a number of other countries – the Republic of Poland, the Republic of Latvia, the Republic of Kazakhstan, the Republic of Belarus, Algeria, the People's Republic of China, France and the Russian Federation. The formal legal method was applied in analysis of the regulatory legal acts regulating legal relations in the field of physical culture and sports in Ukraine and other countries.

The source study base of the research was as follows: The Law of Ukraine “On Physical Culture and Sports” [7], the Law of the Republic of Poland “On Sports” [8] and the Law of the Republic of Poland “On Qualified Sports” [9], the Law of the Republic of Latvia “On Sports” [10], the Law of the Republic of Kazakhstan “On Physical Culture and Sports” [11], the Law of the Russian Federation “On Physical Culture and Sports” [12], the Law of the Republic of Belarus “On Physical Culture and Sports” [13], the Sports Code of France [14], the report of the Interagency Task Force of the United Nations Organization on Sports for development and Peace [15], “European Sports Charter” [16].

The theoretical and methodological basis of research was the works of the following scientists: S. V. Alekseev [3], M. A. Prokopets [4], I. M. Amirov [5; 6], A. Solovyov [2], M. H. Vulakh [1], V. Sutula [17], L. Matveev [18], N. N. Vitizei [19], O. V. Morozov [20], N. M. Lapina [21], V. D. Panachev [22], VG Nikitushkin [23], SV Vasilyev [24], where the issues of defining the notions of “physical culture” and “sports”

were reviewed, as well as social phenomena of physical culture and sports, legal basis of physical culture and sports, issues of responsibility in the field of sports, etc.

The works of the following scientists constituted the theoretical and methodological basis of research: S. D. Bezklubenko [25], V. S. Nersesyants [26], A. I. Bobylev [27], in which the concepts of culture and culture of concepts definition, theoretical issues of legal regulation, etc. were researched.

2. RESULTS AND DISCUSSION

2.1. Features of the “culture” concept

The notion “culture” (from Latin cultura) has a lot of meanings in the different areas of human life. The researchers calculated that there are several dozen (according to I. M. Dziuba calculation – about forty) or even hundreds (according to St. Petersburg Cultologist L. Ariarsky – more than seven hundred definitions of “culture”. Therefore, it is worth proving that the word “culture” is among the words used most often. [25, p. 6]. “Culture in general” – is an abstract concept, which defines everything the most significant, characterizing various specific phenomena, which are called by this word. ... Culture is not only a collection of the pieces of work, it is a collection of certain real “living” human knowledge and skills, “encoded” and “encrypted” presented in a “reduced” form, as a program in computer and in human brain (mind); culture is a continuing process of interchange, during which living people enrich and improve their knowledge and skills through development of everything created by their predecessors and, in turn, with their own creativity they replenish and enrich the cultural treasury of their people and ideally – humanity. ... Culture is a process: process of human development of the world: human development of the environment and people in the environment. ... “development” of an individual in the world is that it makes it “its own”: changing, on the basis of well-known regularities, everything given by nature, adapting to their needs, or (or at the same time), changing itself (changes something in itself), adapts to real conditions” [25, p. 7–12].

Therefore, physical culture is a part of the general culture of society, one of the areas of social activity aimed at health strengthening, physical abilities development in people and their use in accordance with the needs of social practice. Basic indicators of the state of physical culture in society: level of health and physical development of people; degree of physical culture use in the field of upbringing and education, in production, life and structure of leisure time; nature of the system of physical education, development of mass sports, sports high achievements, etc. [20, p. 161]. Activities in physical culture are aimed at optimizing the physical human development, improvement of inherent physical qualities and associated abilities, motor skills and skills in unity by upbringing spiritual and moral qualities inherent in social active eternity [24, p. 17–18].

In other words, physical culture is a form of general culture, a qualitative aspect of development, improvement, support and rehabilitation of values in the field of

physical human perfection concerning realization of personal potential of its spiritual and physical abilities and socially significant results related to its duties in society. It is aimed at harmonious spiritual and physical human development, which is in its sphere not only the subject, but also the object of knowledge, evaluation and transformation. Physical culture is as an integrative link of culture, which contains a great potential for personality reproduction as integrity. Hence its equal place in the general culture of individual and society, where all types of culture (material, spiritual, physical), mutually interconnected, mutually support and interpenetrate each other [21, p. 153–164].

The sphere of physical culture performs a lot of functions in society and covers all age groups of the population. Multifunctional purpose of this sphere was manifested in the physical culture, which includes development of physical, aesthetic and moral qualities of the human person, organization of socially useful activities and leisure activities for people, prevention of diseases and education of the younger generation [22, p. 125–128], physical and psychoemotional recreation and rehabilitation, performance, communication, etc. [23, p. 51–69].

2.2. Features of the physical culture and sports development

Sport (English – sport, abbreviated from initial disport – game, entertainment; Fr. – sport; Sp. – deporte; Germ. – sport; Port. – esporte; It. – sport), as a multiple-aspect and polysemic (with the multiplicity of meanings) concept, is a part of the sphere of human culture and an integral part of social life, politics, media space, integral part of physical culture, acts as a means and method of physical education, system of competitions organization, preparation and holding, as a means of health improvement, moral and material satisfaction, and a desire for excellence and fame [2, p. 112].

The founder of the modern Olympic Games, Pierre de Coubertin, once defined the concept of sport: “Sport is a voluntary and steady cult of intense muscular exercises, associated with intentions of high achievements, with a desire and assumption to take risks for the sake of such achievements” [2, p. 112].

At the beginning of the last century, the concept of sport was revealed through the similarity of four elements: physical activity, research achievement, competitiveness and established rules. Later there were different approaches to the definition of this concept, some of them considered physical exercises as a keystone diminishing the role of competitions organization and rules, while others, on the contrary, promoted idea that the sports activity is so far, since it is established by the rules defining the limits of the competitions in which these physical achievements will be fixed [28].

Sport is a specific officially organized, systematically restored, and also built in accordance with the principle of “honest competition” activity, the social content of which is primarily stipulated by the fact that within its framework one of the basic aspects of procedural development of human consciousness and human subjectivity was intentionally reproduced: designation of itself as an individual through another

person and another person through itself [19, p. 80-81]. L. Matveev, revealing the nature of modern sports, offers two of his definitions – “in the narrow sense and in the broad sense”. Sport, in the narrow sense, is actually a competitive activity, and in the broad sense (but not extremely broad), the concept of “sports” includes its own competitive activity, the process of preparation for achievements in it, and specific interpersonal relations and behavioral norms arising out of this activity [18, p. 21–22]. The same definition to sport was given by S. V. Alekseev [3, p. 82]. V. Sutula, while studying the concept of “sports” from the standpoint of active and resultant components of the term, came to a conclusion that sport, as a special social and cultural phenomenon, is a historically contingent human activity associated with the use of physical exercises aimed at training and participation in a specially organized system of competitions, and individual and socially significant results of such activity [17, p. 95].

Functions of sport are divided into general (inherent in physical culture) and specific. General functions of sport include: function of person-targeted education, learning and development; health and recreational function; emotional and spectacular function; function of social integration and individual socialization; communication function; economic and other functions. Specific functions include: Competitive and reference and heuristic and achievement functions. Competitive and reference function lies in the basis of the sports features which is actually a competitive activity, the essence of which is to maximum identify, consistently compare and objectively assess certain human capabilities in the process of competition aimed at the victory or high achievement of a personal sports result or places in the competition. Heuristic and achievement function lies in the fact that sport is characterized by creative search activity related to human knowledge of their capabilities, along with the study of effective ways to maximize implementation and their improvement. This function is most fully represented in the sport of high achievements, since it is necessary to constantly improve the system of training, to seek new means, methods of training, new samples of the most complex elements of technique and tactical decisions for sports struggle on this way [29, p. 274–275].

Educational functions of the physical culture and sports also have their own specific features. Therefore, concepts of physical education and sports upbringing appear in the modern theory of physical culture, which significantly differ one from another. So, the notion “physical education” includes the process of individual physical culture formation through the development of its value potential. The main indicators of physical culture as a personality are: human care about its physical condition; ability to effectively use physical education; “Sports mentality” of the person; level of knowledge in the field of physical culture; willingness to help other people in their recovery and physical development.

Sports education focuses on individual preparation for competitive activities. Sports education allows to prepare any person for extraordinary physical and mental loads. Sports take a special place in the system of self-education. Any person who

has finished the school of sports, as a rule, is organized and socially active. Sports education in its function and forms is largely similar to physical education, but its results create a new component of human culture – sports culture.

2.3. Features of legal regulation of physical culture and sports

In the context of our study of the concepts “physical culture” and “sports” it is important to determine the subject of legal regulation of relationships in these spheres, which is revealed just by determining the content of these two definitions. The subject of the legal regulation is officially established law order in the field of all regulated social relations [26, p. 434–436; 27, p. 10].

The report of the United Nations Inter-Agency Task Force on Sport for Development and Peace [15] notes that the term “sport” includes all forms of physical activity promoting good physical fitness, mental well-being and social interaction. It includes games, entertainment, recreational or competitive sports events, and sports and traditional games. The “European Sports Charter” [16], adopted in 1992 at the Conference of Ministers of Sports from Europe, provides for the following definition of sport: “Sport” means all forms of physical activity which, through casual or organized participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels”.

The Sports Code of France does not establish the terms “physical culture” or “sports”. So, in articles L100-1 it is only stated that physical and sports activities constitute an important element of education, culture, integration and social life. They contribute to combating measures related to underachievements, reduction of social and cultural inequality and health strengthening. Physical culture and sports activities promotion and development for all people, including those with disabilities, is of public interest [14, p. 33]. It means that French legislator has departed from the wording of these definitions.

Nor the Chinese legislator establishes the definitions of the concepts “physical culture” and “sports”. In art. 3 of the Law “On Physical Culture and Sports” of the People’s Republic of China it is stated that the State adheres to the principle that the physical culture and sport serve to economic building, national defense and social development [2, p. 113].

The same approach was applied by the legislators of Algeria, limiting to the general declarations: “Physical culture and sports, the fundamental elements of education, contribute to physical and intellectual development of the citizens and prevention of their health. They represent an important factor for the social and cultural situation improvement of the young people and for strengthening social cohesion” (art. 2 of the Law of the Republic of Algeria No. 04-10 dd. August 14, 2004 on Physical Culture and Sports). It was found that they paid a little more attention to the term “elite sports”: “Elite sports and sports of a high level include preparation and participation in special competitions aimed at sports achievements implementation, which are

evaluated in accordance with the national, international and world technical standards” (art. 22 of above law of the Republic of Algeria) [2, p. 113].

Another way was taken by the legislator from CIS countries and Poland.

So, the legislator from the Republic of Belarus states that the sport is a sphere of activity representing a set of athletic disciplines developed in the form of sports competitions and preparation therefor (cl. 5 of part 1 of art. 1 of the Law of the Republic of Belarus “On Physical Culture and Sports” [13]), and physical culture is an integral part of culture, a sphere of activity representing a set of spiritual and material values created and used by society for the purpose of human physical development and its motor activity improvement aimed at strengthening its health and contributing to individual harmonious development (cl. 22 of part 1 of art. 1 of the Law of the Republic of Belarus “On Physical Culture and Sports” [13]).

The legislator of the Russian Federation states that the sport is a sphere of social and cultural activity as a set of athletic disciplines developed in the form of competitions and special human practical preparation therefor (cl. 12 of part 1 of art. 2 of the Law of RF “On Physical Culture and Sports” [12]), and physical culture is part of culture, which is a set of values, regulations and knowledge created and used by society for the purpose of physical and intellectual development of human abilities, its motor activity improvement and healthy lifestyle formation, social adaptation through physical education, physical training and physical development (cl. 26 of part 1 of art. 2 of the Law of RF “On Physical Culture and Sports” [12]).

The Law of the Republic of Kazakhstan “On Physical Culture and Sports” [11] in cl. 7 of art. 1 states that physical culture is an integral part of culture, sphere of social activity, which is a set of spiritual and material values created and used by society for the purpose of human physical and intellectual abilities development, its motor activity improvement and healthy lifestyle formation, social adaptation through physical education and development; and cl. 31 of art. 1 states that sport is a sphere of social and cultural activity as a set of athletic disciplines developed in the form of competitions and special human practical preparation therefor.

According to cl. 10 of art. 1 Law of the Republic of Latvia “On Sports” [10] sport means all kinds of individual or team activities preserving and improving physical and mental health, and intended for success of sports events. Concerning the term “physical culture” in the Republic of Latvia shall mean the sphere of social activity, which is a part of culture and the main task of which is to promote well integrated personality development with the aim to strengthen nation health, and human physical possibilities development and application in different spheres of life [30; 31].

There are two laws in Poland related to sports: “On Sports” [8], “On Qualified Sports” [9]. According to art. 2 of the Law of the Republic of Poland “On Sports”, the sport shall mean all forms of physical activity, which, using individual or team involved in it, affect physical and mental development or improvement, social rela-

tions development or sports achievements at all levels. Sport, along with physical education and physical rehabilitation, is a physical culture. According to cl. 3 of art. 3 of the Law of the Republic of Poland “On Qualified Sports”, qualified sport shall mean the form of human activity related to participation in sports competitions organized or held in a particular sports discipline by Polish sports associations or organizations operating under its control. The concept “physical culture” is not provided by the legislator of Poland.

The Law of Ukraine “On Physical Culture and Sports” [7] defines general legal, organizational, social and economic basis of activities in the field of physical culture and sports and regulates social relations in establishing conditions for physical culture and sports development (Preamble of the Law).

Clause 11 of part 1 of article 1 of the Law “On Physical Culture and Sports” determines that the sport is an activity of the subjects engaged in the sphere of physical culture and sports, aimed at identifying and unifying human achievements comparison in physical, intellectual and other preparation by holding sports competitions and appropriate preparation therefor. Sport has the following directions: children’s sports, children and youth sports, reserve sports, sports of higher achievements, professional sports, master’s sports, Olympic sports, non-Olympic sports, applied military sports, sports for people with disability, etc.

Clause 1 of part 1 of article 1 of the Law of Ukraine “On Physical Culture and Sports” determines that physical culture is an activity of the subjects in the sphere of physical culture and sports aimed at providing human motor activities for their harmonious and first of all physical development and healthy life style maintenance. Physical culture has the following directions: physical education of different groups of the population, mass sports, physical and sports rehabilitation.

CONCLUSIONS

Due to both general scientific and private scientific research methods applied, we can make certain conclusions. First, when exploring three terms “sports”, “physical culture” and “culture”, it can be noted that “physical culture” and “sport” are not concepts-synonyms, they intersect, but perform different social functions. The term “sports” is absorbed by the term “physical culture”, but not every “physical exercise” is a sport. In turn, “physical culture” is an integral part of the broader and deeper term “culture”. Differences in functional purpose of physical culture and sports should affect their definition at the legislative level and in the field of legal regulation.

Second, the analysis and comparison of a number of regulatory legal acts regulating the spheres of physical culture and sports in our country and in a number of other countries – the Republic of Poland, the Republic of Latvia, the Republic of Kazakhstan, the Republic of Belarus, Algeria, the People’s Republic of China, the Russian Federation – allow to make a conclusion on appropriateness to distinguish subjects of legal regulation of the social relations in the field of physical culture and in the field of sports to avoid preventing correct interpretation of these social phe-

nomena both in law-making and law-enforcing practice of our country. According to the author, it is not advisable to use in the same legislative act two separate areas spheres of legal regulation – “physical culture” and “sports”, but it is reasonable to adopt the experience of the legislator from Poland and Latvia. After all, based on the content fullness of these terms and following their functional purpose it can be concluded that the sphere of physical culture tends to public regulation, but the sports, in turn, to the private legal mechanism of regulation.

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