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PUBLIC ADMINISTRATION IN THE FIELD OF PHYSICAL CULTURE AND SPORTS: THEORETICAL PRINCIPLES AND APPROACHES TO DEFINITION

Abstract. The *purpose of the article* is to analyse and generalise scientific approaches to defining the category of “public administration in the field of physical culture and sports” contained in domestic and foreign scientific literature, as well as to formulate an original author’s perspective on its concepts and components.

Results. The article studies theoretical approaches to defining the essence and features of public administration in the field of physical culture and sports. The focus is on public administration through making public policy on physical culture and sports. It is emphasised that the formation of the principles of public administration of physical culture and sports in this regard should take into account the concept of good governance. The author underlines the section of the European Charter of Local Self-Government, which defines a number of principles of local self-government, including: 1) the free resolution of issues not excluded from the scope of competence; 2) protection of territorial borders of local self-government bodies, determination of own internal administrative structures; 3) free performance of functions by local elected representatives; 4) administrative supervision of local self-government bodies only in the manner and in cases provided by the constitution or law; 5) own adequate financial resources, which they can freely dispose of within their powers; 6) cooperation and creation of consortia with other local governments to perform tasks of common interest; 7) use of legal remedies to ensure the free exercise of their powers. It should be noted that the European Charter of Local Self-Government defines the protection and strengthening of local self-government in various European countries as an important contribution to the development of Europe on the principles of democracy and decentralisation.

Conclusions. It is concluded that the leading role of the state in the development of sports and physical culture is immutable and relevant today. However, no less important for the modern development of physical culture and sports is the understanding of the different legal status of the participants in the relevant legal relations, including not only state and local governments, but also civil society institutions. Their role in the development of these fields cannot be underestimated. It should be understood that only the interaction of all actors of legal relations contributes to the development of physical culture and sports.

Key words: principles, physical culture, sports, public administration, Ukraine.

1. Introduction

The formation of the principles of public administration of physical culture and sport from this perspective should take into account the concept of good governance (Morhunov, 2018a, pp. 67–68). During the 1980s and 1990s, an increasing number of countries abandoned the traditional model of public administration. The rigid form of government that characterises most of countries in the XX century is being transformed into flexible economic market relations, changing the role of authorities

in society and the relationship between public administrators and objects of public administration. Public administration becomes an integral part of the social order, required for the activity and coexistence of the population, both individuals and society. During this period, a new paradigm for the state building, based on the involvement of the public in the management, openness of government, use of the latest technologies, was formed (Loshchyna, Kovtun, 2018, p. 103). Unquestionably, in the context of the democratisation of the political process

in Ukraine, the task of organising the system of state power on the basis of the principles of democratic governance and approximation to the interests and needs of citizens is increasingly relevant (Rebkalo et al., 2010, p. 34). To that end, modern processes of democratisation of Ukrainian society and reform of the system of public administration of Ukraine include not only the application of new managerial technologies, but also the introduction of innovative and effective administration models. Public administration models such as New Public Management, Governance and Good Governance have been successfully tested by many developed countries around the world (Meltiukhova et al., 2010, p. 16).

General issues of public administration, particularly in the field of physical culture and sport in Ukraine, were under focus in the works by: V.B. Averianov, O.F. Andriiko, V.B. Antoniuk, O.M. Bandurka, O.I. Bezpalova, Yu.P. Bytiak, V.M. Harashchuk, S.M. Husarov, O.V. Dzhafarova, O.Yu. Drozd, M.M. Dolhopolova, V.V. Karpenko, Yu.V. Kovbasiuk, H.I. Kovtun, L.V. Kozlova, T.O. Kolomojets, V.K. Kolpakov, A.T. Komziuk, O.V. Kuzmenko, O.I. Mykolenko, R.S. Melnyk, O.M. Muzychuk, N.R. Nyzhnyk, A.Yu. Oliinyk, N.M. Onishchenko, O.V. Orlova, N.M. Parkhomenko, S.P. Pohrebniak, V.F. Pohorilko, A.I. Rybak, O.Yu. Salmanova, O.Yu. Synyavska, V.V. Sokurenko, I.D. Pastukh, I.M. Pakhomov, V.V. Chumak, R.V. Shapoval, O.S. Yunin and others. However, we believe that the perspectives of the scientific community require some adjustment and generalisation in connection with the implementation in Ukraine of reforms in respect of managerial processes, introduction of the updated principles of good governance and managerial decentralisation in the activities of state and local authorities.

The *aim of the article* is to analyse and generalise scientific approaches to defining the category of “public administration in the field of physical culture and sports” contained in domestic and foreign scientific literature, as well as to formulate an original author’s perspective on its concepts and components.

2. Features of the concept of “good governance” and the program “SIGMA”

According to A.A. Pukhtetska, the European concept of governance, involving an aspect of good governance, is now popular in Ukraine. At the same time, the scientist emphasises that the principles and standards of good governance developed by international and European regional organisations have not been endorsed enough in Ukrainian legislation, mostly due to the lack of a scientific basis for the introduction of principles and standards of good govern-

ance in the domestic legal system (Pukhtetska, 2010, p. 36).

It should be noted that the term “good governance” is currently used and applied by a wide range of public institutions in the international community in general and the European Community in particular. However, despite the pervasiveness and relevance of the concept, the category is not clearly defined, as well as not exhaustive in its characteristics, scope and objectives (Karabin, 2016, pp. 64–65). However, in general, good governance is a definite conceptual framework that defines the possibility of achieving a result in an existing governance system. Orientation to the principles of good governance in a democratic society provides certain values of understanding of development prospects in Ukraine (Akhmad, 2018, p. 245). The concept of good governance has evolved in European legal doctrine on the basis of and subject to the two fundamental principles for the construction of the legal systems of the leading Western European countries – democracy and the rule of law (Pukhtetska, 2010, p. 36).

The concept takes into account the social context in the reform of public administration, namely in the field of bringing universal standards such as professionalism, political neutrality, decency, avoidance of conflicts of interest, etc. The very concept of “good governance” includes a democratic and efficient system of government, successful public institutions, corresponding quality of public services and the ability to meet to new public needs. “Good governance” requires public trust in government, providing for transparency, personal integrity, high ethical standards, respect for the law, responsibility, involvement and solidarity with citizens (Meltiukhova et al., 2010, p. 17).

The concept of good governance reflects the state (qualitative and quantitative characteristics) of the key relationships between public authorities and individuals in society, as well as a number of indicators (indices) important for a democratic society to assess the conditional approximation of a country to “pure types” of principles and standards of good governance. This conditionality is explained by the different methods and subjects of governance surveys (monitoring), the differences in the democratic models of the organisation of the state power in general and the executive one in particular (Pukhtetska, 2010, p. 36).

With regard to the concept of good governance, it should be noted that among the principles of European administrative law is the principle of good governance or good administration. It implies combined requirements of equitable consideration and the use of best

practices (techniques) in management, as well as the introduction of an ombudsman institution to deal with complaints of bad governance (administration) in the activities of EU institutions and organisations (Herheliuk, 2014, p. 124). Along with this principle as one of the principles of European administrative law, the same group of principles is singled out among those of the European Administrative Space, which is a space shaped by EU policies and regulations, in which national governments play an active role, in which member states' governments shall, for the sake of uniformity of citizens' rights and freedom of enterprise in the EU, guarantee a uniform level of quality and efficiency of administrative services. In other words, a common administrative space is only possible when administrative principles, rules, procedures and provisions are applied equally in a certain territory within the scope of the national constitution (Prylypchuk, 2016, p. 48).

It should be noted that the principles of European administrative law and the principles of the European administrative space are not considered to be equivalent concepts, as well as the principles of the administrative law of Ukraine and the principles of public administration (Morhunov, 2018b, pp. 104–105), as we have concluded above. According to A.A. Pukhtetska, “despite the fact that the basic component of the two above-mentioned definitions is the word “principle” (starting points, basic assumptions, etc.), they should not be identified... The literature review leads to the conclusion, supporting the perspectives of the majority of legal experts in administrative law who have studied this question in depth, that the concepts of “principles of European Administrative Space” and “European principles of administrative law” are not identical, although very close. The main difference between them is that the former is part of the latter...” (Pukhtetska, 2015, p. 8). The principles of good governance are enshrined in a number of instruments.

The catalogue of standards followed by the European Union identifies two categories of standards: global standards of public administration and good governance, complied by states in different parts of the world, politicians, officials and civil servants, and purely “European” standards, that is, standards of European governance for participants in the complex, multi-level, polycentric decision-making, policy-making and coordination process in the EU to comply with (Voityk, 2017, p. 21). The White Paper on European Governance, providing for a series of recommendations and proposals for strengthening democracy in Europe (Prokopenko et al., 2009) identifies five principles of good govern-

ance: openness, participation, accountability, effectiveness and coherence (European governance. White book, 2001, pp. 11–12). Recommendation CM/Rec(2007)7 of the Committee of Ministers to member states on good administration makes proposals for member states to follow the principles of good administration: 1) lawfulness; 2) equality; 3) impartiality; 4) proportionality; 5) legal certainty; 6) taking action within a reasonable time limit; 7) participation; 8) respect for privacy; 9) transparency (Recommendation CM/Rec(2007)7 of the Committee of Ministers to member states on good administration, 2007). These lists of principles, when compared, vary considerably.

The basic principles of administration are systematised and described in the basic provisions of SIGMA's “European Principles for Public Administration”. SIGMA is one of the most prestigious think tanks of EU, a joint initiative of the Organisation for Economic Co-operation and Development and the European Union (Melnychenko, 2017). The concept of the European Administrative Space, proposed by SIGMA in 1999, included elements such as reliability, predictability, accountability and transparency, as well as technical and managerial competence, organisational capability, financial stability and public participation (Melnychenko, 2017). It should be noted that in addition to defining the six principles of good governance, SIGMA provides tools for monitoring their implementation in countries that have and intend to become members of the EU, thereby deepening European integration.

The monitoring mechanism provides for a comprehensive set of quantitative and qualitative indicators describing both the prerequisites for successful reforms (appropriate laws, policies, structures and procedures), as well as the actual implementation of reforms and their effects (how administration works in practice). In order to assess the progress made by a country in the application of the Principles, these indicators measure the development of the relevant components of public administration, giving an overall rating from 0 (the lowest) to 5 (the highest). SIGMA collects information and data needed to monitor the results and progress in the course of assessment in different countries. This tool can also be used by national public authorities (such as institutions responsible for coordinating or implementing public administration reform) or local think tanks or civil society organisations (Melnychenko, 2017). Ukraine is one of those countries.

3. The state of public administration in Ukraine

In 2018, SIGMA experts once again evaluated the state of affairs in public administration

in Ukraine and the progress that the country has achieved through reforms. Experts highlighted both positive and negative developments. Among the latter there are: weak governance and coordination mechanism for public administration reform. While the mechanisms are described in the Action Plans, only the Coordinating Council for Public Administration Reform functions at the political level, and only in matters, related to the Public Administration Reform Strategy in Ukraine for 2016–2020, but not to issues related to the Public Finance Management Strategy for 2017–2020. Coordination bodies have been established at the administrative level but are not functioning (Halunko et al., 2018, p. 20). These and other conclusions and recommendations of SIGMA experts enable to conclude that it is advisable to further improve public administration in Ukraine, for which the establishment of its principles is one of the priority tasks.

As mentioned above, there is no consensus in international standards on the principles of good governance. Even greater differences exist in the author's interpretations of the lists. Nowadays, standards of good governance in the work of European researchers include: adequate legislation; legitimacy; participation; transparency in decision-making; access to information; good administration; appropriate staff; proper financial and budgetary management; efficiency; responsibility and supervision. Domestic scholars have proposed the principles of good governance, such as:

- the principle of participation in decision-making and proper response;
- the principle of openness and transparency;
- the principle of virtue and moral conduct;
- the principle of efficiency, competence and sustainability;
- the principle of innovation and openness to changes;
- the principle of stability and long-term orientation;
- the principle of respect for human rights and cultural diversity;
- the principle of social cohesion and accountability (Halunko et al., 2018, p. 43).

Obviously, these lists of principles of public administration do not coincide. There are principles available to all of these lists (openness, transparency, responsibility, accountability, effectiveness, etc.). There are different principles (virtue and moral behaviour, innovation and openness to change, respect for privacy, taking action within a reasonable time limit, etc.).

This diversity requires to analyse the above and other perspectives in respect of the prin-

ciples of good governance in order to achieve the objective of identifying the principles of public administration in the field of physical culture and sport, on the basis of principles of good governance recognised at the international level. The importance of the latter should not be underestimated.

According to K.I. Chyzhmar, the significance of the above-mentioned principles of good governance for public administration in Ukraine is that they set standards and encourage public servants to ensure public interest. “The essential difference between the principles of good governance in the EU member states and Ukraine is that they are not just ideas based on one's goodwill but are actually implemented at all levels of public administration, effectively protected against violations by independent monitoring bodies, the justice system, the judiciary and parliamentary control” (Halunko et al., 2018, p. 42). Ukraine is currently not a member of the EU. However, these principles are important for the development and regulation of public administration in Ukraine.

To date, the principles and standards of good governance developed by international and European regional organisations have not yet been fully enshrined in Ukrainian legislation. Such a situation entails low ratings of Ukraine. For example, according to the World Economic Forum, Ukraine ranked 89 out of 83 (The Global Competitiveness Report, 2018) on the Global Competitiveness Report in 2015–2016, thus increasing its position. However, in the category “Burden of Government Regulation,” Ukraine takes 67th place, in “Incidence of corruption” – 109th place, “Efficiency of government” – 115th place, “Strength of auditing and reporting standards” – 120th place among 140 compared countries (The Global Competitiveness Report, 2018, pp. 575–577). These disappointing results point to the need for further reforms in public administration and the updating of the legal framework. The principles of good governance cannot be overestimated in order to achieve these objectives.

According to SIGMA experts, regulatory requirements, together with other EU guidelines and recommendations, are the basis of the “Principles” in the areas covered by the *acquis*. In other areas, the Principles draw on international standards and requirements as well as the successful experiences of EU member countries and the Organisation for Economic Cooperation and Development (OECD). The minimum criterion for good governance is that countries comply with these basic principles (Melnychenko, 2017). Therefore, although Ukraine is not a member of the EU, the com-

mitments undertaken in European integration processes with a view to deepening European integration and Ukraine's membership in the European Union require an analysis of the principles of the European Administrative Space with regard to public administration and the approximation of Ukrainian legislation to EU legislation in this field, bringing public administration into line with European and international standards in this field.

Evidently, the "standards of European Governance are predominantly in the form of "soft" standards, that is, the White Books and Communications of the European Commission, recommendations of conferences of ministers responsible for public administration, SIGMA recommendations, etc. However, they cannot be ignored: for example, in the process of the latest enlargement, each candidate country had to meet the Copenhagen and Madrid criteria in order to gain EU membership and show positive results in SIGMA evaluation (Voityk, 2017, p. 21). According to A.A. Pukhtetska, one of the strategic priorities of Ukraine's public policy is integration into European structures with a view to obtaining full membership in the EU, which is a prerequisite for the fulfilment of the Copenhagen and Madrid criteria, which, inter alia, require the alignment of the administrative capacity of the candidate countries' public authorities with the performance criteria of the EU member states' public administrations (Averianov, 2007, pp. 101–104). Therefore, the identification of the principles of public administration in the field of physical culture and sport to be observed in Ukraine should be based on the principles of good governance defined at the international level.

The focus should be on the section of the European Charter of Local Self-Government, which defines a number of principles of local self-government, including the free resolution of issues not excluded from the scope of competence; protection of territorial borders of local self-government bodies, determination of own internal administrative structures; free performance of functions by local elected representatives; administrative supervision of local self-government bodies only in the manner and in cases provided by the Constitution or law; own adequate financial resources, which they can freely dispose of within their powers; cooperation and creation of consortia with other local governments to perform tasks of common interest; use of legal remedies to ensure the free exercise of their powers. It should be noted that the European Charter of Local Self-Government defines the protection and strengthening of local self-government in various European countries as an important contribution to the development of Europe on the principles of democracy and decentralisation (Chumak, 2019).

4. Conclusions

Therefore, the leading role of the state in the development of sports and physical culture is immutable and relevant today. However, no less important for the modern development of physical culture and sports is the understanding of the different legal status of the participants in the relevant legal relations, including not only state and local governments, but also civil society institutions. Their role in the development of these fields cannot be underestimated. It should be understood that only the interaction of all actors of legal relations contributes to the development of physical culture and sports.

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ПУБЛІЧНЕ АДМІНІСТРУВАННЯ У СФЕРІ ФІЗИЧНОЇ КУЛЬТУРИ І СПОРТУ: ТЕОРЕТИЧНІ ЗАСАДИ ТА ПІДХОДИ ДО ВИЗНАЧЕННЯ

Анотація. *Метою статті* є аналіз та узагальнення наукових підходів до визначення категорії «публічне адміністрування у сфері фізичної культури і спорту», що містяться у вітчизняній та іноземній науковій літературі, а також надання авторського формулювання цього поняття та його складників.

Результати. У статті досліджено теоретичні підходи до визначення сутності й особливостей державного управління у сфері фізичної культури та спорту. Акцент зроблено на державному управлінні через формування державної політики у сфері фізичної культури і спорту. Наголошується на тому, що формування засад державного управління фізичною культурою і спортом у зв'язку із цим має враховувати концепцію належного управління (good governance). Звернено увагу на розділ

Європейської хартії місцевого самоврядування, що визначає низку принципів місцевого самоврядування, якими є, зокрема, такі засади: 1) вільне вирішення питань, не виключених зі сфери компетенції; 2) охорона територіальних кордонів органів місцевого самоврядування, визначення власних внутрішніх адміністративних структур; 3) вільне виконання функцій місцевими виборними представниками; 4) адміністративний нагляд за органами місцевого самоврядування лише в порядку та у випадках, передбачених конституцією або законом; 5) власні достатні фінансові ресурси, якими вони можуть вільно розпоряджатися в межах своїх повноважень; 6) співпраця та створення консорціумів з іншими органами місцевого самоврядування для виконання завдань, що становлять спільний інтерес; 7) використання засобів правового захисту для забезпечення вільного здійснення своїх повноважень. Окремо варто вказати на те, що Європейська хартія місцевого самоврядування визначає захист і зміцнення місцевого самоврядування в різних країнах Європи як важливий внесок у розвиток Європи на принципах демократії та децентралізації.

Висновки. Констатовано, що провідна роль держави в розвитку спорту й фізичної культури є незмінною та актуальною сьогодні. Однак не менш важливим для сучасного розвитку фізичної культури і спорту є розуміння різного правового статусу учасників відповідних правовідносин, серед яких – не тільки органи держави та місцевого самоврядування, а й інститути громадянського суспільства. Їх роль у розвитку вказаних сфер не можна применшувати. При цьому необхідно розуміти, що лише взаємодія всіх суб'єктів правовідносин сприяє розвитку фізичної культури та спорту.

Ключові слова: засади, фізична культура, спорт, публічне адміністрування, Україна.

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