



Correlation of self-regulation and state governance in the sphere of football in Ukraine

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Abstract

Background and Study Aim. The article examines the difference between self-regulation and state governance in general meaning and their correlation in the sphere of football. For this purpose the powers of state regulator of Ukraine in the sphere of physical culture and sports are analyzed in comparison to practical aspects of self-regulation in football. To deepen understanding of the research problem the governing structure of international football is analyzed that also includes defining of the place in this structure of Ukrainian Association of Football – national sports federation with delegated authority for the development of football in Ukraine. The foregoing comprehensively covers the purpose of the study, which is to identify how self-regulation correlates with state governance in the sphere of football in Ukraine.

Material and methods. The methodology employed in this study comprises analysis and systematization of Ukrainian legislation, regulatory documents of sports organizations, scientific and academic publications and Internet resources, followed by a comparison and contrast of the findings and systemic analysis.

Results. The meaning of self-regulation and its difference from state governance are considered. It is determined that Ministry of Youth and Sports of Ukraine has broad powers to regulate the sphere of physical culture and sports in Ukraine. But in football self-regulation enjoys autonomous privileges – Ukrainian Association of Football de facto implements wide range of functions that cover considerable number of areas subject to state governance. This is facilitated by the pyramidal structure of international football regulated by non-governmental sports organizations, within which all fundamental decisions of higher-tier organizations are mandatory for all subjects of lower tiers.

Conclusions. In Ukrainian football self-regulation prevails over state governance despite the legally established supremacy of state governance over self-regulation in the sphere of physical culture and sports of Ukraine. The state represented by Ministry of Youth and Sports of Ukraine, by tacit consent, allows Ukrainian Association of Football to autonomously regulate relations in the sphere of Ukrainian football not interfering in the activities of the latter to the extent, that this corresponds to the basic principles of regulation of non-governmental governing bodies in the sphere of football at the European and global levels.

Key words: Minmolodsport, UAF, football federation, football regulation, sports autonomy.

Анотація

Співвідношення саморегулювання і державного управління у сфері футболу в Україні

Передумови та мета дослідження. У статті досліджується різниця між саморегулюванням і державним управлінням у загальному значенні та їх співвідношення у сфері футболу. З цією метою проаналізовані повноваження державного регулятора України з питань фізичної культури та спорту у порівнянні з практичними аспектами саморегулювання у футболі. Щоб поглибити розуміння досліджуваної проблеми, проаналізована структура управління міжнародним футболі, що також включає визначення місця в цій структурі Української асоціації футболу – національної спортивної федерації, яка має делеговані повноваження щодо розвитку футболу в Україні. Вищевикладене всебічно охоплює мету дослідження, якою є встановити, як саморегулювання співвідноситься з державним управлінням у сфері футболу в Україні.

Матеріал і методи. Використана у статті методологія включає аналіз і систематизацію законодавства України, регламентних документів спортивних організацій, наукових і академічних публікацій та інтернет-ресурсів, далі йде порівняння і співставлення результатів та системний аналіз.

Результати. Розглянуто зміст саморегулювання та його відмінність від державного управління. Встановлено, що Міністерство молоді та спорту України має широкі повноваження з управління сферою фізичної культури і спорту України. Але у футболі саморегулювання користується автономними привілеями – Українська





асоціація футболу фактично реалізує широкий спектр функцій, які охоплюють чималу кількість напрямків, що підпадають під державне управління. Цьому сприяє пірамідальна структура управління міжнародним футболу неурядовими спортивними організаціями, в межах якої всі фундаментальні рішення організацій вищого рівня обов'язкові для усіх суб'єктів нижчих рівнів.

Висновки. В українському футболі саморегулювання превалює над державним управлінням незважаючи на законодавчо встановлене верховенство державного управління над саморегулюванням у сфері фізичної культури і спорту України. Держава в особі Міністерства молоді та спорту України за мовчазною згодою дозволяє Українській асоціації футболу автономно регулювати відносини у сфері українського футболу без втручання у діяльність останньої в тій мірі, в якій це відповідає основним засадам регулювання недержавних органів управління у сфері футболу на європейському і світовому рівнях.

Ключові слова: Мінмолодьспорт, УАФ, футбольна федерація, управління футболом, автономія спорту.

Introduction

Football significantly surpasses other sports in popularity, considerably influencing on societal development in innovative, technological, economic, and other aspects. While athletics is informally regarded as the "queen of sports," football is recognized as the number one sport in the world [1]. Football belongs to the domain that produces socially significant benefits, combining both entertainment and social utility, which largely explains its widespread popularity [2]. Enhancing of regulation in football can contribute to the further development of football organizations and the active engagement of young people in this sport, thereby creating the foundation for a future talent pool. Furthermore, continued development of football can bring economic benefits to a country through increasing investments in the sports sector, its attractiveness to sponsors and growth of tourism potential that emphasizes the importance of effective regulation in this sphere.

A distinctive feature of sports activities, whether in football or other sports, is the need to balance cooperation and competition among participants. On one hand, athletes and teams strive to win competitions. On the other hand, they must adhere to specific rules and collaborate with each other to ensure that competitors have relatively equal starting opportunities, thus maintaining the uncertainty of competitions' outcomes. Achieving this balance requires a certain level of sports autonomy, meaning that sports governing bodies must operate independently from state institutions in establishing rules and procedures aimed at creating a competitive and balanced sport environment [3, 4]. Therefore, sports regulation should be implemented through a combination of self-regulation and state governance, and their correlation depends on multiple factors.

Meanwhile, the issue of correlation of self-regulation and state governance is mostly addressed in the researches beyond sports matters, focusing on general management and economic activities [5, 6, 7]. Those studies that specifically explore

self-regulation and state governance in sports and particularly in football [8, 9, 10, 11], do not fully examine their relationship and ratio between them. Hence, this topic requires further investigation, especially in football, which generates significant economic and other socially valuable outcomes.

Basing on the above, **the purpose of this study** is to identify how self-regulation correlates with state governance in the sphere of football in Ukraine.

Material and Methods

For the achieving of the purpose of the study the following methodology has been utilized: analysis and systematization of Ukrainian legislation, regulatory documents of sports organizations, scientific and academic publications and Internet resources, followed by a comparison and contrast of the findings and systemic analysis.

Results

If state governance is mostly associated with the actions of a sovereign, i.e., representatives of the state, this element is usually absent in self-regulation. Self-regulation is understood as the activity of non-governmental organizations in autonomously creating and maintaining rules of conduct, which are expected to be voluntarily followed by the interested parties without state coercion. In a self-regulated environment a non-governmental regulator independently administers the matters under its jurisdiction according to its own concepts, based on the principle of voluntariness [12]. In this context self-regulation means acting on one's own will rather than in response to external constraints, and includes imposing specific behavioral standards on oneself and one's members, which are voluntarily observed [13].

State governance is generally understood as the organizational activity of state bodies aimed at regulating social relations in various spheres to meet socio-economic, political, and other interests [14]. State regulation involves the issu-



ance of rules, directives and instructions by state institutions, which apply to an indefinite number of persons, and establishment of liability for non-compliance with them. In contrast, self-regulation creates regulatory conditions where a non-governmental regulatory entity sets certain rules for a limited group of subjects, including itself, and bears the consequences of non-compliance. Under such conditions, the regulator and the regulated entity are closely interconnected [15].

Experts justify the need for self-regulation by the increasing of complexity of social processes in the age of informational technologies and the overwhelming amount of information required for the effective regulation. State bodies have limited resources to analyze all necessary information, which makes it prohibitively expensive and practically impossible for the governments. Participants in a specific field of activity possess more relevant information and expertise, making it logical for the state to rely on their knowledge by delegating part of its authority and implementing self-regulation [16].

Self-regulation is an integral element in structuring relationships in the sphere of football, which in terms of its organizational composition is structured as a cohesive network with a hierarchical structure. The Fédération Internationale de Football Association (FIFA) is at the top of this hierarchy, followed by continental federations such as the Union of European Football Associations (UEFA) in Europe. Below them national and regional football associations are, and at the lowest level grassroots football organizations, clubs, and players are placed. All fundamental decisions and rules within this network are adopted by football governing bodies following a "top-down" principle of authority, meaning that decisions of higher-level organizations are binding upon for all lower-level entities [17, 18].

Such hierarchical structure in football governance aligns with the European sports model adopted in the European Union. This model is based on the principle of sports autonomy that includes organizing sports autonomously, democratically and territorially within a pyramid structure, covering all levels from grassroots to professional sports. It comprises both club competitions and national team tournaments while ensuring financial solidarity, fairness, and open competition with promotion and relegation principles [19, 20].

Ukrainian football is an integral part of the global and European football community, and as such, it follows the same hierarchical structure. At the global level FIFA operates, while UEFA governs European football. At the top of the Ukrainian football is the Ukrainian Association of Football (UAF), a national sports association that is a

member of UEFA and FIFA [21]. Below UAF there are Ukraine-wide associations for different types of football, regional football associations, professional football leagues and further down – local football associations, clubs and players. The statutory and regulatory documents of lower-level organizations must align with the regulations of higher-level bodies, forming a unified system of self-regulation in international, European, and Ukrainian football with a single "top-down" subordination principle and uniform regulatory approaches.

UAF holds the status of the national football federation of Ukraine and enjoys delegated authorities with regard to football development in the country, assigned to it by the government. This includes the exclusive right to represent Ukrainian football in UEFA, FIFA and other international organizations, the exclusive right to organize and conduct official international and national football competitions in Ukraine. To do so, UAF as a member of UEFA and FIFA should adhere to their statutes, regulatory documents and decisions, and conducting the duties that generally prescribed by UEFA and FIFA to their members [21].

While exercising the state-delegated powers in the development of Ukrainian football, the UAF operates with a certain degree of independence from the government. Specifically, it has exclusive authority over general governance and oversight of football competitions it organizes, the conduct of football justice, the licensing of football clubs for participation in national and international football competitions, the certification of football coaches and referees, other powers provided for in Article 4 of the UAF statute, the list of which is quite considerable. Notably that Ukrainian legal framework does not formally enshrine the principle of sports autonomy. This principle is mentioned indirectly without disclosure of its meaning only in Article 19 of the Law of Ukraine "On preventing the influence of corruption offenses on the results of official sports competitions" in the context of international cooperation for protection of sports integrity and sports ethics, preventing, identifying and combating with manipulation of sports competitions – this activity should be carried out in accordance with the principle of sports autonomy [22].

Moreover, regulation in the field of physical culture and sports in Ukraine is based on the supremacy of state governance, exercised by an authorized central executive body. Currently such body is the Ministry of Youth and Sports of Ukraine (The Ministry), which combines two functions: both ensures the formation of state policy in the field of physical culture and sports and implements the state policy in this sphere, hold-



ing practically unlimited powers and influences over physical culture and sports development in Ukraine, concentrated within a single state institution [23].

On one hand, analysis of the Law of Ukraine "On physical culture and sports" (PhCS Law) gives grounds to assert that in fact there is no any area in the sphere of physical culture and sports of Ukraine that would not be subject to state governance. Specifically, the Ministry is responsible for the approval of the procedure for recognizing sports in Ukraine and their inclusion in the relevant register, approval of calendar plans for sports events and competitions in Ukraine, establishment of the procedure for certification of sports coaches and referees, and the procedure for the assigning of qualification categories to sports referees, organization and conduct of Ukrainian championships in sports recognized in Ukraine, other national and international sports events and competitions, approval of regulations for conducting of Ukraine-wide sports competitions, adopting decisions on hosting of international sports competitions in Ukraine, approval of the rules for sports competitions in sports recognized in Ukraine, approval of the composition of national teams in sports, approval of requirements for the content of regulations on official physical culture events and sports competitions, approval of regulations on the school of higher sports mastery and regulations for the national teams in sports recognized in Ukraine, granting the status of a national sports federation to non-governmental sports organizations. Notably, the foregoing is not the exhaustive list of powers of the Ministry, especially considering the fact that the principle of sports autonomy is not mentioned in PhCS Law at all.

But on the other hand, examination of the practical activities and regulatory documents of UAF reveals that the latter is engaged into numerous areas of Ukrainian football, which are formally subject to state governance [21, 24]. These include preparation and support for the performances of national football teams of Ukraine, regulation of football players' transfers and payments under solidarity mechanism, certification of football clubs for participation in the competitions of Ukrainian Premier League (UPL) and Professional Football League of Ukraine (PFLU), licensing for participation in UEFA competitions, approval of regulations for national and club football competitions in Ukraine, certification of football stadiums and club training centers for compliance with infrastructure requirements, classification of football stadiums by categories, regulation of football intermediaries (agents) activities, establishment and enforcement of disciplinary sanctions, training and certification of coaches in accordance with the UEFA Coaching Convention, training and cer-

tification of football referees and organization of football refereeing.

Additionally UAF through its own judicial bodies handles disputes arising between football stakeholders – the activity, which mainly falls within the competence of state judicial authorities. UAF judicial bodies include the Control and Disciplinary Committee as the first-instance body and the Appeals Committee as the second-instance body, which resolve internal disputes between the UAF, its members and other football stakeholders. It also has a Dispute Resolution Chamber for resolving disputes in professional football. Decisions of the UAF Appeals Committee and Dispute Resolution Chamber are final and binding upon the parties to the dispute and can be appealed only at the Court of Arbitration for Sport (CAS) located in Lausanne, Switzerland [21]. CAS was established under the initiative of the International Olympic Committee and serves as the ultimate instance for the resolution of disputes arising in sports. Jurisdiction of CAS is recognized by most national and international sports organizations and government institutions worldwide.

Thus, on one hand the UAF has certain powers to develop football in Ukraine, delegated to it by the Ministry on behalf of the state, and UAF exercises these powers by regulation of football sphere in Ukraine considering and balancing interests of all football stakeholders. But on the other hand Ukrainian legislation, particularly PhCS Law, imperatively designates many of the areas of UAF activity to the sole competence of the Ministry and not explicitly recognizes sports autonomy in the Ukrainian legal framework. At the same time, in the sphere of football there are powerful self-governing international organizations, such as UEFA and FIFA, which define strategic directions of football development and regulate Europe-wide and worldwide football respectively. Their regulations also apply to Ukrainian football since Ukrainian football clubs and national football teams participate in international competitions under their jurisdiction and must comply with the respective regulations in order to participate. As a result, the UAF independently from Ukrainian government authorities applies in Ukraine full range of regulatory measures to ensure that core principles of football competitions, commercial operations, and some other activities in Ukrainian football align with European standards of UEFA and international practices of FIFA.

Discussion

The conducted research demonstrates that, despite the supremacy of state governance over self-regulation in the sphere of physical culture and sports in Ukraine, as imperatively established by PhCS Law, self-regulation in Ukrainian football



exclusively enjoys certain privileges and de facto dominates over state governance. Such situation is not an exception – international non-governmental football governing bodies traditionally perceive any external regulation with caution and adhere to the position that state institutions should grant them full autonomy with regard to the regulation of football sphere [4, 10].

Thus, under PhCS Law the Ministry is responsible for organizing and conducting national championships in recognized sports in Ukraine, other nationwide and international sports competitions and events. However, in the sphere of football the UAF organizes and conducts all official international and national football competitions in Ukraine solely or through partial delegation of its authority to the relevant national associations and leagues. Specifically, the Amateur Football Association of Ukraine (AFAU) is responsible for nationwide amateur football competitions in Ukraine (championship and the Ukrainian Cup), while UPL and PFLU are responsible for organizing and conducting of Ukrainian championships and nationwide football competitions among UPL and PFLU club teams respectively.

According to PhCS Law the Ministry approves the rules of sports competitions for recognized sports in Ukraine. However, this does not apply to football as the Laws of the Game (football rules), which are mandatory during all official football matches, are approved by the International Football Association Board (IFAB).

One of the Ministry's functions is approval of the regulations for conducting nationwide sports competitions. However, in football the regulations for national competitions (championships, cups etc.) are approved by UAF together with the association or league, to which the authority for organizing and conducting of the respective competition has been delegated.

Approval of calendar plans for all sports competitions in Ukraine is also within the Ministry's competence. However, calendar plans of football competitions (schedules of matches) are being approved by the association or league that holds delegated authority to organize and conduct respective competitions. The calendar plans for the UPL and PFLU football clubs competitions are formed considering the results of professional football clubs conformity certification, which is a mandatory condition to participate in these competitions. The certification of UPL and PFLU football clubs is also carried out by UAF.

Adoption of decisions with regard to the organization of international sports competitions in Ukraine by the Ministry – football matches within the framework of international football competitions, organized by UEFA and FIFA, are held in Ukraine based on the competition regulations and

calendar plans approved by UEFA and FIFA respectively. The Ministry merely formally approves the hosting of matches within these competitions in Ukraine, otherwise Ukrainian club teams or national Ukrainian teams will be disqualified and excluded from further participation in a particular competition.

Approval by the Ministry of the national football teams' composition – the Ministry approves the composition of the national football team for participation in the Olympic Games only. Preparation and approval of the national football teams for participation in UEFA and FIFA championships are handled by the UAF.

Establishment of procedure for the certification of sports coaches and referees by the Ministry – the UAF conducts organization of training and certification of football coaches in accordance with the UEFA Coaching Convention, while the training and certification of football referees are conducted by the UAF in accordance with the UEFA Convention on Referee Education and Organization.

Establishing of requirements for sports facilities regarding construction norms and regulations, sanitary standards, other health protection norms and ensuring the safety of visitors – the UAF carries out the certification of football stadiums and club training centers to ensure compliance with infrastructure and safety requirements based on its own regulations additionally to legal requirements.

Ukrainian judicial authorities recognize the jurisdiction of UAF judicial bodies. In particular, it is stated in the ruling of the Supreme Court of Ukraine dated 20.11.2019 in case No. 757/11542/17-ts, that since the charter of Football Federation of Ukraine (the former name of UAF before renaming) establishes a procedure for considering internal disputes between the Football Federation of Ukraine and its members, and provides for bodies authorized to resolve such disputes, a lawsuit seeking to recognize a decision of Football Federation of Ukraine unlawful and to annul it cannot be considered by a court of any jurisdiction.

There is no doubt that the state involves itself in the regulation of sports depending on its governing motives, which are influenced by numerous factors. The combined effect of these factors determines the specifics of how physical culture and sports have been functioning and developing in a given country. However, the dominant social philosophy is the main decisive factor, which largely characterizes the existing sports model in a given country [25, p. 63]. The Ukrainian sports system was inherited from the former Soviet Union, whose philosophy was based on the centralized state governance. Exactly this conceptual ap-



proach was embedded in the PhCS Law, which is still based on the principle of state supremacy in sports, supplemented with the elements of delegated self-regulation by non-governmental sports organizations (the National Olympic Committee, the Sports Committee of Ukraine, national sports federations etc.).

The collapse of the Soviet Union and the onset of economic crisis led to the decline of the sports sphere, which began to be treated in Ukraine on the residual basis. Only certain sports continued to be developing: either those that were of highly entertainment nature and could attract spectators, such as football, or those that had a chance of achieving results in international competitions and continued to receive state funding, or those that were financed by charitable citizens contributions due to their interest in these sports [26, p. 56].

But on the other hand – for Ukrainian football this period also was a “window of opportunities”. Ukrainian football already had a strong self-governing body in 1992 – the Football Federation of Ukraine (currently the UAF), which had experience in regulating football affairs from Soviet times. It gained fast recognition from UEFA and FIFA and became their member almost immediately after its establishment. At that time the Ukrainian government was hardly preoccupied with numerous urgent economic issues to cope with. Such historical conditions in Ukraine have led to the situation, when non-interference of the government in the affairs of football was objectively justified for the state and objectively necessary for Ukrainian football. Since that time a kind of “tacit consent” of the government was fixed in Ukraine allowing prevalence of self-regulation in Ukrainian football over state governance.

Such approach allows to the state not only to delegate some of its functions, in which it lacks expertise, to the non-governmental sector, but also to significantly reduce the financial burden on the national budget, as comprehensive state regulation requires substantial funding. Thus, the 2024 revenue budget of UAF amounts to 1,061.5 million UAH (€25.27 million), of which 948.5 million UAH (€22.58 million), or 89.4% of total income, comes from UEFA and FIFA. Meanwhile, the Ministry's expenditures on football for 2024 amount to 71.2 million UAH (€1.7 million), which is only 6.71% of UAF's budget. These funds are not transferred to UAF's accounts, but directly allocated by the Ministry to their ultimate beneficiaries to cover expenses for the conduct of events for Olympic, women, youth and junior national football teams [27]. Thus, the development of football in Ukraine is essentially dependent on the funds, which UAF receives through UEFA and FIFA development programs, and also from partic-

ipation in the international football tournaments. This further increases the importance of self-regulation in Ukrainian football, as obtaining of these funds requires adherence to UEFA and FIFA rules, procedures and other regulatory requirements.

Conclusions

Given the statutory and delegated powers of the UAF and the decisive role of UEFA and FIFA in the development of football, self-regulation in Ukrainian football de facto takes precedence over the state governance in this sphere and aligns with it according to the principles of sports autonomy. This remains the case despite the legislatively established supremacy of state governance over self-regulation in the sphere of physical culture and sports in Ukraine. The state represented by the Ministry tacitly allows the UAF to autonomously regulate relations within Ukrainian football without interference into its affairs as long as the regulations adopted by the UAF align with the fundamental principles set by UEFA and FIFA.

At the same time self-regulation and state governance in Ukrainian football are closely interconnected: the Ministry has granted the UAF the status of a national sports federation, which is a necessary precondition for exercising of delegated authorities and for self-regulation in football as a whole. This self-regulation is based on autonomy, democracy and territorial organization with a pyramid structure that encompasses all levels of football – from grassroots to professional.

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