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Regulating Sports: Balancing Law and Ethics

Dr. Mehwish Manzoor (Corresponding Author)

Assistant Professor, Department of SS&PE, MY University Islamabad, Pakistan.

mehwishmanzoor233@yahoo.com

Hamid Mahmood

Assistant Director Sports, Air University Islamabad, Pakistan

mehmoodhamid33@gmail.com

Muhammad Farooq Naseeb

Sports officer, Air University Islamabad, Pakistan

farooqnaseeb73@gmail.com

Muhammad Ismail Wasan

Lecturer in Statistics, College Education Department, Government of Sindh, Pakistan

Alaiqa Khadim

Department SS&PE, UON Punjab Pakistan

alaiqakhadimb1@gmail.com

Abstract

The text addresses the concept of sports, Sports Law, sports Ethics, and Pakistan legislation related to this field. Sports are defined as institutionalized competitive activities involving physical effort or complex motor skills, motivated by intrinsic and extrinsic factors. Sports Law is a specialized area of law that deals with the specificities of the sports universe, regulated by national and international associations. The fundamental principles of Sports Law are presented as guidelines to ensure transparency and ethics in sports relations, including sports autonomy, legality, equality, sports integrity, and the protection of athletes' health. Pakistan legislation regarding Sports Law is represented by Law 1962, which establishes the general provisions and principles governing sports in the country. The extends sports regulation, covering aspects related to the relationship between fans, clubs, and the authorities responsible for sporting events. These laws are essential for promoting transparency and integrity in sports practices, as well as improving safety at events by enabling the identification and accountability of organized supporters for violations committed. In summary, the text addresses the concept of sports, Sports Law, its principles, and the Pakistan legislation governing this field, emphasizing its importance in promoting transparency and integrity in sports.

Keywords: Sports Law, Principles, Guidelines, Sports.

1. Introduction

Sports are a complex sociocultural phenomenon that encompasses a variety of elements and dimensions. In this work, proposes a comprehensive and well-founded definition of the concept of sports, defining it as an institutionalized competitive activity that requires vigorous physical effort or complex motor skills. The author emphasizes that sports are driven by intrinsic factors, such as personal pleasure and satisfaction, as well as extrinsic factors, such as the pursuit of social recognition and athletic achievements.

Regarding Sports Law, it is a specialized branch of law that seeks to regulate and discipline relationships within the sports sphere. The evolution of Sports Law is examined, who highlights its development and regulation through national and international associations. These entities play a fundamental role in structuring and organizing sports, establishing specific rules and regulations to address the particularities of this field.

A crucial aspect of Sports Law is the set of fundamental principles that guide its application. These principles serve as essential guidelines to ensure transparency, ethics, and fairness in sports relations. Among them, sports autonomy, legality, equality, sports integrity, and the protection of athletes' health stand out.

Sports autonomy is a principle that recognizes the capacity of sports entities to self-organize and manage their activities without direct interference from the State. This autonomy allows sports organizations to establish their own rules, regulations, and governance structures, within the limits set by law.

Legality, in turn, dictates that all sports activities must occur within legal boundaries and in accordance with current legal provisions. Adherence to legality is essential to ensure compliance in sports practices, prevent abuses, and protect the rights of all parties involved.

Equality is a fundamental principle aimed at ensuring equal conditions of competition for participants in sporting events. This principle implies that all competitors should have access to the same training opportunities, technical resources, appropriate equipment, and necessary support for sports practice, thus eliminating any unfair advantages or disadvantages.

Sports integrity is another relevant principle, which seeks to combat any form of match-fixing or fraud in sports. This principle aims to preserve the integrity and credibility of competitions, ensuring that results are determined fairly, impartially, and based on the merit of the participants.

The protection of athletes' health is a principle aimed at ensuring the physical and mental integrity of those involved in sports. This includes the implementation of preventive measures to avoid injuries, the establishment of medical and anti-doping protocols, and the promotion of a safe and healthy environment for sports practice.

In the specific context of Pakistan legislation, This Ordinance shall be called the Sports (Development and control) Ordinance, 1962 (1) It extends to the whole of Pakistan (2) It shall come into force at once. This law addresses the general provisions of sports

and establishes the principles that govern it, such as freedom of sports association, the promotion of sports practice as a right for all, and the emphasis on the educational and cultural aspects of sports.

In addition to the (I) Sports shall include Hockey, Football, Athletics, wrestling, Cricket, Weight-lifting, Squash Rackets, Swimming, Boxing, Cycling, Basketball, Golf, Volleyball, Rifle Shooting, Table Tennis, Badminton, Lawn Tennis, Polo, Racing, Bodybuilding, Skiing, Mountaineering and any other activity which the Central Government may, by notification in the official Gazette, specify. (ii) "Board" means a Board constituted under this Ordinance for the control of Sports in Pakistan.

The preparation of this work followed a methodological approach grounded in the use of a descriptive inductive method, aimed at systematically analyzing and understanding the topic in question.

Initially, a precise definition and delimitation of the research topic were conducted, establishing the parameters and objectives of the investigation. This process of thematic identification is crucial to ensure the relevance and significance of the results obtained.

Subsequently, a thorough bibliographic survey was conducted through consultations with academic works, scientific articles, specialized journals, and other pertinent sources. This stage aimed to gather a consistent and up-to-date theoretical corpus, providing support for the analysis and interpretation of the collected data.

After the information was collected, the analysis and organization of the obtained data were carried out, using appropriate techniques for categorizing, classifying, and synthesizing relevant information. This analysis stage allowed for the identification of patterns, cause-and-effect relationships, as well as possible gaps or contradictions present in the reviewed literature.

By adopting a descriptive inductive approach, the aim was to draw conclusions and inferences from the analyzed data, establishing generalizations and principles that underpin the investigated topic. In this sense, the use of an appropriate methodology contributed to obtaining consistent and reliable results, grounded in theoretical and empirical evidence.

In summary, this work adopted a methodological approach based on the descriptive inductive method, characterized by the systematic analysis of data collected during the research. The use of appropriate techniques for bibliographic survey, analysis, and organization of information was fundamental to achieving robust and substantiated results, thereby enhancing the credibility of the study.

2. Sports

In the pursuit of a comprehensive and precise definition of the concept of sports, the author, recognized Proposed a framework that allows for the delineation of its fundamental characteristics. According to sports man an be understood as aphysical activity that requires vigorous physical effort and the application of complex motor skills, involving competition among participants.

When addressing the requirement for vigorous physical effort, the author emphasizes the need for significant intensity in sports practice, necessitating considerable energy expenditure and enhancement of physical conditioning. This can be observed in modalities that demand endurance, strength, and agility, such as athletics, weightlifting, and team sports.

Furthermore, Author highlights the importance of complex motor skills, which require mastery of specific techniques and the development of coordinative abilities. These skills may encompass aspects such as fine motor coordination, balance, reaction speed, and precision, and are essential in sports such as gymnastics, and tennis.

“Sports are institutionalized competitive activities that involve vigorous physical effort or the use of relatively complex motor skills by individuals, whose participation is motivated by a combination of intrinsic and extrinsic factors.” (, 19XX, USP)

Author presents a comprehensive definition of the concept of sports, describing it as a practice that encompasses physical activity requiring vigorous physical effort and the application of complex motor skills. Additionally, it is highlighted that this sporting activity is characterized by the presence of competition among participants.

In discussing the requirement of physical effort, emphasizes the need for considerable intensity in sports activities, involving the use of energy and physical conditioning by the athletes. This can be observed in sports such as running, swimming, and weightlifting, where physical capacity is a determining factor.

With regard to complex motor skills, the author stresses the need for mastery of specific techniques and movements related to sports practice. These skills may involve coordination, agility, precision, balance, and speed, among other aspects. Examples of sports that require such skills include soccer, artistic gymnastics, and tennis.

Another fundamental element in the concept of sports is the competition between participants. Competition can take place individually or in teams, involving the pursuit of a favorable outcome, the surpassing of personal limits, and the achievement of specific goals. It is through this competition that healthy rivalry and sportsmanship are established, fostering improvement and excellence among athletes.

Thus, the proposed recognizes sports as an activity that goes beyond mere physical exercise, encompassing a practice that demands vigorous physical effort, complex motor skills, and competition among participants. This comprehensive approach to the concept of sports contributes to a more complete and in-depth understanding of the activity, both in the academic field and in sports practice.

3. Sports in Pakistan

Sport in Pakistan is a significant part of Pakistani culture. Cricket is the most popular sport in Pakistan. Football has also gained popularity in recent years, and is the second most popular sport in the country. Field hockey is the national sport, and was popular for several decades, with some of Pakistan's greatest sporting accomplishments having taken place in this sport, along

with squash. Polo and traditional sports like kabaddi and other well-known games are also played.

In cricket, the country has had an array of success over the years, and has the distinct achievement of having won each of the major ICC international cricket tournaments: ICC Cricket World Cup, ICC World Twenty20, and ICC Champions Trophy; as well as the ICC Test Championship. The Pakistan Super League ranks among the top T20 leagues globally.

Football in Pakistan is as old as the country itself. Shortly after the creation of Pakistan in 1947, the Pakistan Football Federation was created, and the nation's founder Muhammad Ali Jinnah became its first Patron-in-Chief. The highest football division in the country is the Pakistan Premier League. Pakistan is known as one of the best manufacturers of the official FIFA World Cup ball.

In field hockey, Pakistan is one of the most successful national teams with a record four Hockey World Cup wins, eight Asian Games gold medals, three gold medals in the Olympic Games, and the only Asian team to have won the prestigious Champions Trophy, with three championships.

Pakistan's Jahangir Khan is widely regarded as the greatest squash player of all time, followed by his compatriot Jahangir Khan. From 1981 to 1986, Jahangir was unbeaten and during that time won 555 consecutive matches – the longest winning streak by any athlete in top-level professional sport, as recorded by *Guinness World Records*.

4. Sports Law

Principally there exist only, The Sport (Development and Control) Ordinance, 1962 that deals with Sports related legislation. In terms of this legislation under Section 3 and 4 Federal Government is empowered to establish and constitute one or more boards for the purpose to develop, regulate and control standards in line with international laws and policies to deal with sports in Pakistan. In doing so, Government of Pakistan has established Sports Board and Pakistan Cricket Board. Purpose of Pakistan Cricket Board is exclusively to develop, regulate and control cricket in Pakistan. On the other hand, Sports Board is established with domain to deal with all other Sports.

Sports law is still an emerging field in Pakistan. Mostly, the sports related issues in Pakistan are pertaining to Broadcasting rights, Contract drafting and enforcements, copyright registration and trade-mark infringement, corruption, anti-doping, illegal activities in sports (Spot-fixing or match-fixing), Advertisement and Sponsorship contracts and disputes, celebrity management, ungoverned authorities, and tax related issues.

1. Principles of Sports Law

Fair play is one of the most fundamental principles of sport. This concept encompasses honesty, respect for the rules and integrity in competition. At its core, fair play involves not only following the rules of the sport, but also respecting

opponents, referees and spectators. This principle is essential to maintaining the credibility and purity of the sport.

From a legal perspective, international and national sports federations have established codes of conduct and disciplinary regulations to ensure that fair play is a reality. These regulations include severe sanctions for those who engage in unsportsmanlike conduct, such as doping, manipulation of results and violence in sport. The World Anti-Doping Agency (WADA) is an outstanding example of an institution that works tirelessly to eradicate doping and promote fair play globally.

Sportsmanship is another crucial ethical principle in sport. It refers to the conduct and attitude that athletes should display, characterized by respect, courtesy and recognition of the merit of the opponent. Sportsmanship goes beyond mere compliance with the rules; it is a form of behavior that enhances the value of sport as a noble and dignified activity.

Legally, sportsmanship is promoted through educational initiatives and awareness programs. Sports leagues and federations organize workshops and seminars to instill sportsmanship values among young athletes.

In addition, awards and recognitions are given to those athletes who demonstrate exemplary behavior, thus reinforcing the importance of sportsmanship at all levels of sport.

Equality is an ethical principle that seeks to ensure that all people have equal opportunities to participate in sport, regardless of gender, race, sexual orientation or disability. The fight for equality in sport has advanced significantly in recent decades, but much remains to be done to achieve true equity.

Sports law has played a crucial role in promoting equality. At the international level, the Olympic Charter of the International Olympic Committee (IOC) prohibits any form of discrimination in sport. In addition, legislation such as Title IX in the United States has been instrumental in ensuring gender equality in school and college sports. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) also highlights the importance of eliminating gender discrimination in all spheres, including sport.

Sports law: a legal framework for ethics

Sports law is the set of legal rules that regulate sporting activities and seek to ensure that they are practiced within a framework of legality and ethics. This field of law covers a wide range of areas, from the regulation of competitions and the protection of athletes' rights, to the management of sports organizations and the resolution of disputes.

International sports organizations, such as FIFA in soccer and FIBA in basketball, have their own sports justice systems that include tribunals and disciplinary commissions. In addition, the Court of Arbitration for Sport (CAS) stands as an independent body that resolves sports disputes worldwide, ensuring that decisions are made fairly and based on law.

6. Application of the Principle of Sports Autonomy

The application of the principle of sports autonomy involves the acknowledgment of the right of sports entities to self-organize and manage their activities without direct state interference. This principle emphasizes the importance of self-regulation within the sports context, enabling sports entities to establish their own norms, regulations, and governance structures.

By recognizing sports autonomy, the state acknowledges the unique body of knowledge and expertise possessed by sports entities regarding the functioning of sports, empowering them to make informed decisions for the development and advancement of the sector. Thus, the state avoids excessive intervention, granting sports entities the autonomy to define their policies, planning, and organizational structures.

However, it is important to note that sports autonomy does not imply a complete absence of regulation. The state still plays a supervisory and control role, ensuring that sports activities are conducted within legal, ethical, and public interest boundaries. Moreover, the state may intervene in exceptional situations or in cases of serious violations of the principles and values that govern the sports domain.

7. Applications of the Principle of Legality in Sports Law

Theory of sports law

Regulatory Frame work:

Ensuring fair competition, anti-doping regulations, and compliance with national and international sporting standards.

Athlete welfare & Right:

Protecting the physical, mental, & financial well-being of athlete

Commercialization & Intellectual Property:

Managing aspects of sponsorship, broadcasting right, and merchandising.

Dispute resolution:

Providing effective mechanisms to resolve conflicts within the sports sector, including arbitration and mediation.

Purpose & Importance:

The Primary purpose of sports law is to create an environment where fairness, transparency, and accountability are prioritized. The sports industry is characterized by high competition, and legal norms help maintain order and protect the right of stakeholders. By enforcing laws and regulations, sports Law:

1. Promotes Fair Play:

Law & codes of conduct ensure that all competitors abide by the same rules.

2. Protects Stakeholders:

It safeguards the interests of players, coaches, sponsors, and fans.

3. Upholds Integrity:

Ensures that the outcome of sporting events remains credible and free from manipulation, such as doping or match-fixing.

Key Components of Sports Law:

The theory of sports law draws on multiple legal disciplines that are adopted for the Sports context:

1. Contractual Law:

Contractual from the foundation of professional relationships in sports, covering athlete agreements, endorsement deals, and broadcasting rights. These contracts define the rights and obligations of all parties, ensuring transparency and enforceability. For example, contracts with athletes may include clauses on Performance, exclusivity, and moral standards.

2. Tort Law:

Sports inherently carry the risk of injury, and tort law addresses the liabilities arising from negligence or misconduct. It holds parties accountable for harm caused, whether due to unsafe facilities, faulty equipment, or intentional harm by players. Tort law thus balance the right legal claims with the inherent risks of sport.

3. Intellectual Property law”

Intellectual Property (IP) rights are crucial in commercializing sports. Copyright, trademarks, and licensing rights protect the branding, logos, team names, and images associated with sports events. Broadcasting rights, in particular, generate significant revenue for sports organizations, ensuring that media rights and sponsors benefits from exclusive usage.

8. Application of the Principle of Equality in Sports

The application of the principle of equality in sports competitions involves ensuring equal opportunities and conditions for all participants. This principle aims to create an impartial and equitable environment where individual skills and merits are the primary determinants of outcomes. By adopting the principle of equality, sports organizations seek to eliminate any form of unfair advantage or discrimination, striving to establish a competitive atmosphere founded on equality.

This entails providing all competitors with access to the same training conditions, appropriate equipment, technical support, infrastructure, and necessary resources for athletic practice.

Implementing this principle requires the establishment of preventive measures and actions to combat practices that may undermine equality, such as doping, match-fixing, and discrimination based on race, gender, or any other form of inequality. Additionally, it is essential to set clear and objective criteria for participation in competitions to ensure that all participants are subject to the same rules and conditions.

It is important to emphasize that the pursuit of equality does not imply lowering standards, but rather creating an environment where all competitors have equal opportunities to showcase their abilities and compete under fair conditions. This principle contributes to the development and enhancement of sports while promoting integrity and respect among participants.

Therefore, the application of the principle of equality is crucial for ensuring impartiality and fairness in sports competitions, guaranteeing that outcomes are determined by individual performance and capability rather than by external factors or unjustifiable inequalities.

9. Applications of the Principle of Sporting Truth

The application of the principle of sporting veracity involves the fight against any form of result manipulation or fraud within the sports realm. This principle aims to safeguard the integrity and credibility of sporting competitions, ensuring that outcomes are determined in a fair and impartial manner.

By adopting the principle of sporting veracity, sports entities strive to prevent and combat practices such as the use of performance-enhancing substances, match-fixing, referee corruption, and any other forms of fraud that could undermine the authenticity and legitimacy of competitions.

The implementation of this principle requires preventive measures, such as educating and raising awareness among athletes, coaches, referees, and others involved in sports about the consequences and risks associated with result manipulation. Furthermore, it is essential to establish effective detection and punishment mechanisms through anti-doping controls, investigations of irregularities, and cooperation with security and law enforcement authorities.

The pursuit of sporting veracity goes beyond mere preservation of honesty in competitions. It also promotes equity, equality of opportunity, and respect among participants by ensuring that outcomes are determined by individual skills, merits, and efforts rather than fraudulent actions.

Thus, the application of the principle of sporting veracity is fundamental to ensuring the integrity and legitimacy of sports, instilling confidence in competitors and the public. By combating result manipulation and fraud, this principle upholds the ethical values of sports and ensures that outcomes are authentic and merit-based.

10. Applications of the Principle of Health Protection for Sports Participants

The Principle of Health Protection for Sports Participants is a guideline aimed at ensuring the safety and well-being of athletes in all sports practices. This principle acknowledges the importance of taking preventive measures to minimize the risk of injuries and illnesses arising from participation in athletic activities.

The application of the Principle of Health Protection for Sports Participants involves the implementation of various measures and policies to ensure athlete safety at different levels. Below are some of the primary applications of this principle:

1. **Pre-Participation Medical Assessment:** Before engaging in sports activities, athletes undergo medical examinations to evaluate their physical fitness and identify any pre-existing medical conditions that may pose risks during athletic participation.
2. **Proper Training:** Athletes receive specialized training to develop the physical, technical, and tactical skills necessary for their respective sports. Coaches must

ensure that training is appropriate for each athlete's individual capabilities and does not expose them to unnecessary risks.

3. **Protective Equipment:** It is essential to provide athletes with appropriate protective gear, such as helmets, mouthguards, knee pads, and elbow pads, according to the specific needs of each sport. Such equipment can significantly reduce the risk of severe injuries.
4. **Rules and Regulations:** Sports organizations establish rules and regulations to ensure safety during athletic activities. These standards encompass everything from fair play measures and ethical conduct to the prohibition of dangerous or unethical practices that may jeopardize the health of athletes.
5. **Medical Attention during Competitions:** During athletic competitions, it is crucial to provide adequate and immediate medical care in the event of injuries or medical emergencies. This may include the presence of doctors and medical support staff at sporting events.
6. **Injury Prevention Programs:** Athletes should have access to injury prevention programs that include warm-up and stretching exercises, appropriate training techniques, and guidance on adequate rest and recovery.

These are just a few of the applications of the Principle of Health Protection for Sports Participants. Overall, the goal is to ensure that athletes can enjoy sports safely, minimizing the risks of injuries and sports-related illnesses.

11. Final Considerations

Sports is a widely recognized and practiced activity across the globe. It represents an institutionalized competitive practice that involves vigorous physical effort or complex motor skills. Within the legal realm, Sports Law emerges as a specialized branch of law aimed at regulating and disciplining relationships in the sports universe.

The evolution of Sports Law is closely related to the organization and structuring of national and international sports associations. The establishment of these entities has facilitated the development of specific regulations to address the particularities of sports, such as competition rules, doping issues, athlete contracts, and other relevant aspects.

In the context of Sports Law, it is essential to comprehend and apply the fundamental principles that govern this field of knowledge. Among them, the principles of sports autonomy, legality, isonomy, sporting truth, and the protection of the health of practitioners are particularly noteworthy. These principles aim to ensure transparency, ethics, and justice in sports relationships.

The principle of sports autonomy refers to the acknowledgment of the capacity of sports entities to self-organize and manage their activities without direct state interference. This allows sports entities to establish their own rules, regulations, and governance structures.

The principle of legality stipulates that sports entities must adhere to the laws and regulations established by competent authorities. It is crucial that all sports activities

occur within legal, ethical, and public interest boundaries, ensuring compliance with current legal provisions.

Isonomy is a principle that aims to ensure equal conditions of competition among participants in sports events. This means that all competitors must have access to the same training conditions, appropriate equipment, technical support, support structures, and other necessary resources for sports practice.

The principle of sporting truth is related to combating any form of result manipulation or fraud in sports. It is essential to preserve the integrity and credibility of competitions, ensuring that results are determined in a fair and impartial manner.

Finally, the protection of the health of practitioners is a principle aimed at ensuring the physical and mental integrity of those involved in sports. This involves implementing safety measures, combating doping, preventing injuries, and promoting a healthy environment for sports practice.

In summary, the norms and legislation governing Sports Law play a fundamental role in promoting transparency, integrity, and safety in sports practices. By establishing clear principles and guidelines, Sports Law seeks to ensure a balanced and ethical environment for all those involved in the sports universe.

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