

Review

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Corresponding author: sinisa.franjic@gmail.com

SPORT LAW AND SPORT MEDICINE

Siniša Franjić¹

Abstract: Parents play a very important role in developing affinity and love for sports, especially if they are physically active and can set an example for their children. It is very important that parents take their children to sports events where they can see and feel all the beautiful and exciting moments that sport provides, which will motivate them to actively participate in sports life. If they are actively involved in sports life, children can eventually achieve a successful professional career, that is, become top athletes. Achieving success in any sports discipline is followed in its own way by one of the newer branches of law called Sports Law. The main goal of Sports Law is to provide legal protection to athletes and other natural and legal persons involved in professional sports activities.

Keywords: Sport, Sport Law, Sport Medicine, Athletes

¹ PhD, Siniša Franjić, Independent Researcher, Croatia, E-mail: sinisa.franjic@gmail.com, <https://orcid.org/0000-0002-9939-7671>

Introduction

The sports medicine physician have to be acquainted with the medicolegal components of sports medication insurance (Alomar-Jiménez et al., 2021). It isn't always unusual to have questions concerning legal components even as protecting a sports activities occasion including: healthcare duty, scope of exercise, licensure, legal responsibility, and malpractice. There has been a widespread growth in sports medicine litigation due to the fact 1990. The maximum typically mentioned trouble is the capability warfare of hobby of the team physician. On one aspect is the athlete's health and on the alternative, the group's, coaches', control's interests. However, the sports activities medication health practitioner's precedence have to continually be the athlete's health.

The federal and country legal guidelines offer the framework for the medicolegal components of sports medicine coverage. The Article VI of the U.S. Constitution declares "that this Constitution will be the ideal regulation of the land." This legal principle of supremacy means that federal legal guidelines enacted via way of the U.S. Congress take priority over country legal guidelines and observe to each country or territory beneathneath U.S. jurisdiction. Furthermore, a country regulation couldn't be contradictory to a federal regulation.

Several federal legal guidelines have direct implications in sports medicine coverage, including the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), and greater recently, the Supporting Athletes, Families, and Educators to Protect the Lives of Athletic Youth (SAFE PLAY) Act and the Sports Medicine Licensure Clarity Act.

Sport

Sport is a international phenomenon that plays many essential capabilities in present day society (Pijetlovic, 2015). It is most customarily stated in its fine function as a device contributing in the direction of training of kids and younger adults, a way of social integration and overcoming cultural differences, a first-rate supply of employment in present day society, and a automobile in the direction of higher mental and physical health. In addition, in its socio-cultural dimension, recreation is part of the famous way of life that entertains billions of humans global. Many humans discover with their nearby or country wide group, comply with their games 'religiously' and derive a feel of pleasure if their group wins. This impact that recreation has on loads and its titanic cultural significance has made it a maximum precious content material for broadcasters, in addition to a goal for political propaganda.

Sporting interest crosses a extensive variety of legal topics including agreement regulation, tort regulation, highbrow belongings regulation, opposition regulation, constitutional regulation, labour regulation, inner marketplace regulation and essential rights. It entails everyone (humans of all ages, genders, races, etc.) in any respect levels (beginners, recreationists, amateurs, semiprofessionals and professionals) and in all capacities (spectators and tv viewers, gamers, coaches, clinical doctors, psychologists, agents, etc.).

Responsibilities

The fundamental ideas of clinical ethics which manual each health practitioner, including autonomy, nonmaleficence, beneficence, and justice, additionally observe to the team physician (Alomar-Jiménez et al., 2021). In addition, and to extend the ones ideas, numerous sports activities medication corporations, including the International Olympic Committee (IOC), the International Federation of Sports Medicine (FIMS), and the American College of Sports Medicine (ACSM) have every delineated their very own Sports Medicine Code of Ethics. The consensus of the extraordinary codes of ethics is that the essential precedence or duty of the team physician have to be the athlete's health. It is vital to by no means do damage and to continually make goal clinical selections.

Some of the group health practitioner's responsibilities consist of: appearing preparticipation bodily examinations (PPE), figuring out athletes' eligibility, go back-to-play selections after damage, growing an emergency motion plan (EAP) for practices and competitions, overseeing the workforce imparting healthcare offerings, and protective in opposition to criminal legal responsibility.

Confidentiality

Privacy and restraint are essential values in all relationships (Alomar-Jiménez et al., 2021). Patient-physician confidentiality isn't always the exception. Several federal legal guidelines set up the requirements for protective affected person healthcare facts including the HIPAA and the FERPA legal guidelines. As an exception to the overall rule, a group health practitioner hired via way of a membership may also divulge an athlete's health facts to the coaches and proprietors due to the fact this isn't always taken into consideration included health facts.

FERPA is a federal regulation that protects the privateness of students' academic records. Treatment statistics are excluded from the definition of tutorial records beneath FERPA. Nonetheless, a college may also divulge students' remedies statistics

to every other institution, without written consent, whilst valid academic hobby is verified. In the absence of affected person–athlete consent, a group health practitioner have to by no means divulge health facts to the clicking or different entities.

Malpractice

Medical malpractice is a subset inside tort regulation that offers with expert negligence (Alomar-Jiménez et al., 2021). In order to have a success declare, the injured affected person–athlete have to show 4 legal factors: expert responsibility owed to the affected person–athlete; failure of the treating expert to apply affordable care executing that responsibility; failure ended in damages; and causal hyperlink exists among the negligence and damages. Negligence may be verified whilst the health practitioner does now no longer adhere to the same old of care. However, withinside the area of sports medicine, the same old of care is probably hard to set up due to the numerous extraordinary clinical specialties worried withinside the care of the athletes including orthopedic surgical procedure, emergency medication, own circle of relatives medication, inner medication, pediatrics, and bodily medication and rehabilitation.

Adhering to the same old of care and exercise hints is the first-rate protection in a malpractice case. The courtroom docket may also examine important components in any clinical choice including: knowledgeable consent, dialogue of advantages and dangers of the proposed remedy and opportunity remedy options. Jurisprudence has properly set up that signing a waiver legal responsibility might now no longer save you a malpractice lawsuit in opposition to a physician. Furthermore, a few courts have invalidated the ones agreements due to the fact they violate public policy.

Typically, malpractice instances have resulted from an negative final results in a surgical procedure or procedure. Interestingly, the sports medicine physician might be located responsible in go back-to-play selections as properly. Concussion assessment and control has been a warm subject matter withinside the latest years concerning sports medicine coverage. Some authors propose that the legal gadget should preserve group physicians accountable to alert soccer gamers approximately the danger of growing continual stressful encephalopathy (CTE). We recognize that early go back-to-play after maintaining a concussion or a cervical backbone damage may want to have catastrophic effects. The U.S. Congress addressed this issue, after a few years of lobbying and lots of country legal guidelines, withinside the SAFE PLAY Act. The federal regulation imposes a trendy plan for concussion control: an athlete who sustained a concussion can't go back to play till written launch from a healthcare expert (by no means at the identical day). Moreover, the regulation calls for that public colleges teach parents, students, and coaches on concussion signs and symptoms and dangers.

Children and Adolescents

The ethics and legalities of studies along with the physiological evaluation of kids and adolescents (legally minors) were debated at length (Armstrong et al., 2017). The triumphant view is that experimental techniques have to area a younger individual at no greater than negligible danger of damage. Negligible danger has been described via way of the United Kingdom Medical Research Council (MRC) to intend that, 'the dangers of damage expected withinside the proposed studies aren't greater, thinking about the possibility and importance of physiological or mental damage or discomfort, than the ones typically encountered in each day lifestyles or in the course of the overall performance of habitual bodily or mental examinations or checks'. In defining techniques concerning negligible danger, the MRC consists of remark of behaviour, noninvasive physiological tracking, developmental checks and bodily examinations, modifications in diet, and acquiring blood and urine specimens.

Sport physiologists operating with younger humans have to adhere to expert codes of conduct, institutional (or regional) moral regulations, and country wide legal guidelines. Moreover, a few nations require heritage assessments on adults previous to them operating with younger people. For example, in England recreation physiologists (and coaches) have to have a Disclosure and Disbarring Service Certificate to work with minors.

In many nations, athletes beneathneath the age of 18 years can't offer legal consent to take part in workout body structure checks. To shield all events, it's miles really useful to attain each written knowledgeable parental/ parent consent and assent from the younger athlete. Before trying out can begin, the purpose, techniques, capability advantages, and dangers of the checks have to be defined in a shape suitable to the athlete's and parent's way of life and stage of comprehension. Additionally, it's miles really useful that a agreement virtually outlining the function the game physiologist will play is agreed and signed via way of all events. For elite athletes and country wide teams, signatories have to consist of a consultant of the country wide governing frame in addition to the instruct.

Sport physiologists have to consequently be conscious of things including power differentials and coercion withinside the recruitment system. It is not likely that elite younger athletes will refuse to take part in a tracking programme if their instruct insists on imparting proxy permission on their behalf. Parents may also experience obliged to consent to checks so that it will maintain an excellent courting with the instruct or, possibly to make sure (or as a minimum now no longer threaten) selection. As physiological tracking entails everyday trying out, the younger athlete have to additionally maintain the choice to withdraw from the trying out programme at their discretion with out worry of penalty (e.g. being reduce from the group). Similarly, facts are pri-

vate and the physiologist have to make sure that parental consent and athlete assent are acquired earlier than disclosing any take a look at consequences to a 3rd party, e.g. a instruct.

Athlete

The legal status of an athlete who earns a residing from taking part in recreation is decided withinside the United Kingdom via way of country wide rules and the legal checks mentioned in case regulation (O'Leary, 2017). Some athletes might be unbiased contractors, others might be people and a few might be employees. Legal fame is essential as it characterizes the contractual courting among the athlete and the entity for which she or he offers offerings; the character of that contractual courting will decide the rights and duties that arise. A expert athlete will nearly continually offer offerings beneathneath a agreement with a membership, opposition organizer or country wide federation. The bizarre nature of the offerings provided, the surroundings wherein the ones offerings are implemented and the notion of recreation as a beyond time, enjoyment or "fun", or the view that an athlete is gambling for the "honour and glory" of representing a us of a, group or membership, may also deliver the affect that an athlete isn't always an worker or a worker.

So too may also the notion that recreation isn't always a business. The guidelines of a few sports activities may additionally outline an athlete as an novice or a person who does now no longer acquire charge for participation in the game. Determining the character of a contractual courting among events isn't always continually easy. In the United Kingdom, the label that the events connect to the courting, the contractual terms, and paintings practices aren't determinative of legal fame however factors, which a court takes under consideration whilst figuring out the character of a contractual courting. The country wide regulation relevant to the agreement determines an athlete's legal fame and can be supported via way of rules in a few nations or require affirmation on a case-via way of-case foundation from a country wide courtroom docket. An athlete who's an worker has the identical entitlement to employment rights as any worker in every other enterprise. An athlete's criminal fame beneathneath country wide regulation is essential for figuring out the athlete's rights and the duties owed via way of a membership, group or federation.

Participation

Two very essential medicolegal troubles associated with the PPE (Preparticipation exam) were debated and have to be reviewed (Bytomski, 2010). The number one criminal trouble is the athlete's proper to take part. The proper to make a very last choice

on whether or not to interact in athletics has been again and again diagnosed via way of the courts as resting with the athlete or together along with his or her parents.

A health practitioner who disqualifies an athlete from play have to talk over with professional physicians. Both the analyzing and the consulting health practitioner have to virtually evaluation all motives why the athlete have to now no longer take part with the athlete and his or her parents.

Should the athlete select to take part in opposition to clinical advice, an exculpatory waiver mentioning that the health practitioner(s) has virtually knowledgeable the own circle of relatives of all dangers accompanying the participation of play have to be signed. An exculpatory waiver is a written shape mentioning that the own circle of relatives acknowledges and assumes the danger of damage and releases the physician(s) and the school from legal responsibility. The validity of those waivers isn't always nationally diagnosed, and legal suggest is suggested for the physician on an individual-case foundation.

The different predominant legal trouble is expert legal responsibility for physicians appearing PPEs as volunteers. Until recently, Good Samaritan legal guidelines did now no longer cowl preparticipation critiques although achieved with out charge. Some states have now instituted safety for examiners for athletic applications beneathneath Good Samaritan statutes. The health practitioner have to end up acquainted together along with his or her very own country's statutes.

Strategies

There are 3 important techniques for sports activities federations wishing to shield their regulatory autonomy (ie the *lex sportiva*) from 'regular regulation' (ie the regulation of states or of global corporations set up via way of states including the ones of the EU) (Weatherill). These 3 techniques are, in short, contractual, legislative, and interpretative in nature.

First, carrying our bodies may also require contributors to agreement in to the *lex sportiva*, and to agree now no longer to remedy carrying disputes earlier than 'regular' courts. This is the contractual technique to attaining carrying autonomy. It is more and more more not unusualplace to discover this version followed via way of the constitutions of predominant sports activities governing our bodies, including Fédération Internationale de Football Association (FIFA) and the International Olympic Committee (IOC), and it has lent growing prominence to the function of the Court of Arbitration for Sport (CAS), that's the dominant adjudicative frame withinside the gadget shaped via way of the *lex sportiva*. But precious and in exercise widespread aleven though this 'contracting out' is for the ones espousing the virtues of carrying autonomy, it does

now no longer reap a watertight department among 'regular regulation' and the *lex sportiva*.

Second, sports federations may also be seeking for to set off states or global corporations to undertake or enforce the *lex sportiva* (in complete or in part). This can be summarized because the legislative answer—despite the fact that in to date because the regulator is an global enterprise, it's miles a Treaty-primarily based totally answer. The entice of the wealthy prize of hosting a first-rate occasion including the Olympic Games or the Football World Cup has approved sports activities our bodies to extract exquisite concessions granting them autonomy from the regular legal guidelines of the host us of a and/or unique safety in their business interests, and on different activities narrower and greater sector-particular exemptions were secured, specifically within-side the shaping of tax regimes and in country subsidies. The EU, however, has been continuously immune to strain to supply recreation an express exclusion from the software of EU regulation. And no country and no global enterprise is going to date as to confer on recreation a popular amnesty from legal regulation.

Third, sports federations typically are seeking for to steer courts (in states and in global corporations) that the unique person of recreation have to be taken under consideration withinside the interpretation and alertness of 'regular' regulation. This is the interpretative—or adjudicative—answer. It does now no longer declare formal autonomy from the regulation of states or of global corporations, however as a substitute it seeks to assert a useful autonomy inside that regulation, via way of persuading judges that the application of applicable legal guidelines falls for change in which the peculiarities of recreation are at stake. Its price to carrying our bodies is evidently depending on the extent of fulfillment they experience in persuading judges that their unique fame is merited and have to hence be translated into a few shape of adjusted or softened interpretation and alertness of the usually relevant legal guidelines within-side the precise jurisdiction at stake.

These 3 techniques are at heart all based on claims that 'recreation is unique', however they're built differently, and they're right here organized in descending order of desire from the attitude of carrying federations. The contractual answer generally has maximum enchantment, the legislative is 'subsequent first-rate', and the interpretative answer is probably to be the least favoured, as it entails recreation making its case on 'enemy' territory, this is, consistent with regionally relevant regulation. Where, beneathneath the third approach, sports federations try to enchantment for interpretative leniency, one will typically take a look at a anxiety wherein carrying our bodies push for a greater beneficant scope of autonomy than can be easily on offer. But it's miles at the 0.33 approach that carrying our bodies are often pressured to rely, as soon as the contractual answer reaches its limits and in which the legislative answer is una-

tainable, and it's miles right here—withinside the exercise of the establishments that interpret and observe the regular regulation of states and of global corporations—that plenty of the vibrant pleasure of 'sports activities regulation' as an highbrow idea and a sensible task emerges as litigation erupts.

Corruption

Corruption in recreation changed into first of all supposed to consult any motion that ambitions at and succeeds in getting cash with distorting the final results of sports activities contests by using bribing gamers to throwing a sport for cash or non-economic monetary compensation (Andreff, 2019). Defined as such it overlaps with numerous aforementioned recreation manipulations. Nowadays, corrupt recreation has prolonged to different unethical behaviour including rigging the awarding system of mega-carrying events, biasing a few selections made via way of recreation governing our bodies, and match-fixing. With developing cash streams fowing into recreation and monetary globalisation of diverse sports activities, corruption can deal with all and sundry and plague, as much as a few point, all of the sides of the sports activities enterprise.

In its only shape, corruption is defined as "cheating or unlawful behaviour" (Collins English Dictionary). To virtually discover it withinside the midst of different recreation manipulations, corruption in recreation is thought as any unlawful, immoral or unethical interest that tries at intentionally distorting the final results of a recreation contest for the non-public fabric benefit of 1 or greater events worried in that interest. Various recreation manipulations embody corruption, however now no longer all of them. Technological manipulations including using a motorised bike withinside the Tour de France do now no longer appear to have any corrupt dimension. Therefore recreation manipulations cowl a much broader scope than corruption.

A typology of corrupt recreation has already been featured. It begins offevolved with instances presently taken into consideration as petty corruption among recreation insiders triggering 'minor' recreation manipulations that are at odds with recreation ethics however do now no longer endanger the very lifestyles of present day sports activities. In a few instances, corruption operates with out significant quantities of cash this is coined barter corruption. Corruption may additionally have an effect on the very best or lowest recreation governing our bodies.

With elevated cash streams fowing into recreation, new sorts of corruption emerged via significant match-fixing and recreation having a bet scandals. With monetary and recreation globalisation, international crook networks invested in the game playing business. Now they organise match-fixing on a global scale associated with international on-line rigged recreation having a bet. The trouble of corruption in recreation is

turning into ever greater essential and controversial, particularly given the worldwide attain of recreation and all of the hundreds of thousands of greenbacks invested in recreation via way of companies. This high-fying and complex mode of getting cash from corrupting recreation crosses the border of monetary crime, the remaining aspect of the darkish aspect of recreation.

Illegal Medical Practice

In a few times, unlawful clinical exercise and simple doping can be initiated via way of the physician him or herself (Ronsen et al., 2003). This is honestly unethical and a crook offence each withinside the clinical area and withinside the sports activities community. However, in different times a group health practitioner can be 'involuntarily' worried in unlawful clinical manoeuvres and doping due to questionable or bad decisions in different components of clinical exercise or lifestyles in popular. The mechanics of the 'companions in crime' approach likely works as properly inside a sports activities group because it does in different social settings. Therefore, any group health practitioner have to keep away from moving into a compromising state of affairs rendering him or herself greater prone to the improvement of unethical and unlawful sports withinside the group. If put 'beneathneath strain', it's miles essential to record this to a right authority immediately, despite the fact that this can appear hard on the time.

Such instances are very sensitive and hard to handle including big media insurance if it have to contain a famous athlete. Even if plenty of the group health practitioner's attempt is targeted on the way to keep away from such an incident, it's miles first-rate to have notion via a 'worst case scenario' and feature a approach on the way to cope with this. It is essential to have mentioned it with the relaxation of the clinical group in addition to the supervisor and coaches. Athlete confidentiality and drawback of facts earlier than each the A and B pattern is analysed are key troubles if this type of state of affairs have to occur. Furthermore, it's miles essential to appreciate the take a look at consequences and take delivery of the findings, with out arguing that there have to be some thing incorrect with the trying out or that this may now no longer appear to one in every of your athletes. This mindset and preliminary function isn't always in warfare with the alternative essential responsibility of being concerned for the athlete as his or her non-public medical doctor and friend. No count if the fine drug take a look at is a end result of planned or unintended consumption of banned substances, it creates a non-public disaster in which human help is vitally essential. However, it's miles essential that the group health practitioner is capable of separate those components of the process and act professionally.

Management

While preserving the economic scope of the game enterprise in mind, it's miles essential to observe that during some thing section of the game enterprise they paintings, recreation managers want so as to prepare and paintings with the maximum essential asset of their enterprise— humans (Barr et al., 2019.). A supervisor in a recreation enterprise can pass via way of many extraordinary titles: athletic director, popular supervisor, director of advertising, instruct, health club supervisor, ski resort operator, social media supervisor, and so on. No count the title, each recreation supervisor wishes to apprehend the fundamentals of being a supervisor withinside the twenty-first century, even as additionally mastering approximately the complexities of the control feature implemented to the function that the supervisor is in. For example, handling an area may also contain complexities and methods which are pretty extraordinary from the ones required to manipulate a advertising department, despite the fact that the overarching ideas of control can nevertheless be implemented.

Management has been described in some of extraordinary ways, however not unusualplace factors of those diverse definitions consist of (1) desires/goals to be achieved (2) with restrained sources and (3) with and via humans. The intention of managerial paintings and the function the supervisor performs inside an enterprise is to get people to carry out in a manner with a purpose to cause assembly organizational desires and fulfillment in an efficient and cost-effective manner. The control system consists of know-how regions including planning, organizing, leading, and evaluating.

Today, it's miles not unusualplace to view the examine of human conduct inside corporations as a aggregate of the clinical control and human members of the family methods. Organizational conduct is function of the present day technique to control. The area of organizational conduct is worried with the examine and alertness of the human aspect of control and corporations. Organizations have passed through severa modifications over the last decades, along with downsizing to deal with monetary recessions, globalization, set up and use of facts technology, and embracing of an increasingly diverse workforce. Managers were preoccupied with restructuring their corporations to enhance productiveness and meet the aggressive demanding situations created via way of organizational modifications. Through all of the organizational modifications and evolution of control notion and practices, one issue stays clear: A lasting aggressive gain for corporations comes via human sources and the way they're managed. Current control principle stresses the principles of worker involvement, worker empowerment, and managers' issue with the human thing of employees. Topics explored inside organizational conduct studies consist of communication, choice making, leadership, and motivation, amongst others. However, the essence of corporations is productiveness, and accordingly managers want to be involved with getting the process done.

Conclusion

Regardless of the fact that various sports originated in certain historical conditions and in various countries, there is a general connection between sports activities conditioned by the process of globalization that affects all segments of society: trade, capital flows, investments, technology transfer, exchange of people, health of athletes, etc. For popularity socio-economic conditions are important for a particular sport. The process of globalization has affected all segments of socio-economic development, and thus also sport on the international level, which has reduced its significance within national borders. Today, large sports clubs have become multinational companies that operate outside national borders with a tendency to expand their popularity and conquer new markets. With the accelerated development of society as a whole, sport has become the flagship of the ubiquitous trend of merciless competition and results in the foreground. In doing so, the organism sometimes forces itself. These important issues are considered by Sports Law, that is, its legal regulations that determine the scope of legal relations that develop in the field of sports, as well as the requirements arising from sports activities.

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