



THE LEGAL NATURE OF CONTRACTUAL RELATIONS IN THE FIELD OF SPORTS

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Abstract

At present, the field of sports is emerging not only as a social institution that promotes physical education and a healthy lifestyle, but also as an essential component of the system of economic and legal relations. The activities of professional athletes, as well as the relationships among sports clubs, federations, sponsors, agents, and other stakeholders, are predominantly regulated through contracts. Therefore, the comprehensive civil-law regulation of contractual relations in the sports sector is of significant scientific and practical relevance.

When discussing the legal nature of contractual relations in the field of sports, it should first be noted that such relations are primarily regulated by the norms of civil law. Although these contracts embody the characteristics typical of general civil-law contracts, they also possess specific features. In particular, sports contracts are often of a personal nature, being directly connected with an athlete's professional skills, physical condition, and discipline.

Article 353 of the Civil Code of the Republic of Uzbekistan provides a definition of a contract, according to which a contract is an agreement between two or more persons aimed at establishing, amending, or terminating civil rights and obligations. Pursuant to Article 364 of the Civil Code of the Republic of Uzbekistan, a contract is deemed to be concluded if the parties have reached an agreement, in the form required in the relevant cases, on all essential terms of the contract. The second paragraph of Article 364 stipulates that the essential terms of a contract include the subject matter of the contract, the terms considered essential or necessary for contracts of that type under legislative acts, as well as all terms that, at the request of one of the parties, must be agreed upon. Sports contracts include employment-like agreements between athletes and clubs, sponsorship contracts, advertising contracts, transfer agreements, as well



as sports agency contracts. These contracts are based on the principles of civil law, such as freedom, equality of the parties, and freedom of contract.

The Presidential Decree of the Republic of Uzbekistan No PD 6099 dated 30 October 2020, titled **“On Measures to Widely Introduce a Healthy Lifestyle and Further Develop Mass Sports”** and the Resolution of the Cabinet of Ministers No. 735 dated 19 November 2020, titled **“On Additional Measures to Support a Healthy Lifestyle of the Population and Increase Physical Activity”** currently create a solid foundation for encouraging the population to engage more actively in physical education and sports.

In the Republic of Uzbekistan, relations in the field of sports are regulated by a number of regulatory legal acts. However, the lack of sufficient special norms governing sports contracts gives rise to certain practical problems.

In particular:

- the legal status and classification of sports contracts are not clearly defined;
- the boundary between labor law and civil law norms in relations between athletes and clubs remains unclear;
- disputes related to the unilateral amendment or termination of contractual terms;
- the insufficient development of specialized mechanisms for the resolution of sports-related disputes.

These problems negatively affect the full protection and realization of the rights and legitimate interests of participants in sports relations.

In particular, as emphasized by our President Shavkat Mirziyoyev, “Today, we are carrying out large-scale reforms and rapid transformations in our country, and our priority task is to raise a physically healthy and well-rounded generation, for which we are mobilizing all our efforts and resources.” These statements clearly demonstrate that the development of physical education and sports is one of the key issues under the attention of our Head of State.

Today, as the importance of physical education and sports continues to grow in our country, the era itself demands the continuous improvement of its legal foundations. Specifically, the effective functioning of management and organizational bodies in professional sports, as well as the activities of specialists and administrators—ranging from civil-law contracts and public



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relations to relations with sports agents and similar matters—cannot be conceived without proper legal grounding. This underscores the necessity of enhancing the civil-law foundations of the existing legislation in the field of sports.

With the emergence of sports, social relations in this field also arose and continue to develop. As sports activities expand, the issue of their legal regulation is becoming increasingly important within the framework of civil law. It can be confidently stated that, at present, legislation regulating relations in the field of physical education and sports in Uzbekistan is developing and being improved at a rapid pace. However, it should be emphasized that the legal regulation of relations in the professional sports sector remains relatively weak at the legislative level.

Professional sports constitute the part of sports related to organizing and conducting sports competitions, in which athletes participate as their primary activity and receive rewards and/or salaries.

The absence of a comprehensive scientific approach to the legal regulation of relations in professional sports leads to several negative consequences, both theoretically and practically. Primarily, it may result in practical issues in the interactions of professional athletes with various sports clubs, federations, and sports agents.

Fundamental changes in our country's socio-economic life and state-building have led to significant transformations in social and cultural activities, including the field of physical education and the national physical education system. As a result of the transition to market relations, and in accordance with the objective laws of the distinctive development of sports that emerged in the 1990s, the formation and development of professional commercial sports have been gradually observed, albeit at a slow pace.

These reforms prompted a shift in the priority directions within the sports movement and facilitated the creation of conditions necessary to transform professional sports into an entertainment industry operating according to business principles. The commercial functions of sports began to manifest more broadly. Competitions, athletes, and coaches acquired high market value.



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The reforms affected all aspects of professional sports organizations' activities: legal status, labor relations with athletes, organizational structure, as well as the role of professional sports not only in terms of financing sources but also within the state value system, which increasingly shifted in favor of commercial sports. Practices that might have been unacceptable some time ago are now commonplace. For example, relatively high incomes of professional athletes and the large sums paid for the transfer of certain athletes no longer surprise anyone. One of the most important tasks of specialists in the field of physical education and sports is to nurture and develop athletes. This process involves coaches, teachers, parents, specialists from physical education and sports organizations, as well as sports managers. However, worldwide, one key participant in this process remains largely overlooked in our country: sports agents.

A characteristic issue for Uzbek sports is that young athletes often struggle to adapt independently to sports or may lose their footing in new conditions. This situation arises for various reasons, such as the inability to cope with physical workloads, insufficient psychological preparation to compete for a position in the main team, and other factors. Therefore, an agent is necessary—someone who can protect the athlete from ill-considered actions, provide psychological support, and assist in selecting a workplace that facilitates easier adaptation to sports, including physically.

A sports agent is an individual who acts on behalf of an athlete and in the athlete's best interests under a contractual agreement, ensuring compliance with the terms of concluded contracts and the protection of the athlete's rights.

The responsibilities of a sports agent may include: providing commercial and transport services, obtaining information about sales and conducting negotiations; organizing and negotiating contracts related to the athlete's appearances, explaining the contract terms, and ensuring their compliance; concluding contracts on behalf of the client; performing related duties; and supervising other staff, among other tasks.

Although agency activity in sports is a relatively new phenomenon in Uzbekistan, it is expected to become an integral part of professional sports in the near future, and a number of tasks have been identified to develop this activity in the country. In particular, according to the Decree of the President of the



Republic of Uzbekistan No. PD–5887 dated 4 December 2019, **“On Measures to Take Football Development in Uzbekistan to a Completely New Level”**

one of the key directions for advancing football is the professional training of highly talented players, ensuring their professional careers in prestigious foreign football clubs, and protecting the rights and interests of footballers through the establishment of professional activities for “football agents” (intermediaries).

Furthermore, the Decree outlines, as an important task in improving the regulatory and legal framework in the football sector, the development and approval of regulations to govern the activities of football agents (intermediaries) based on international standards, including the procedure for their accreditation.

In conclusion, a sports agent performs the functions of a producer, top manager, personal administrator, and commercial director, creating conditions that allow the athlete to fully focus on training and competitions. In modern sports, the physical demands and level of competition are so high that a professional athlete simply cannot find the time to deal with daily and organizational issues. Instead, these tasks are carried out by individuals authorized by the athlete.

The role of the agent is to assist the athlete in making effective decisions, taking into account all the business aspects of the sport in question. One of the agent’s primary responsibilities is to ensure the growth of the athlete’s career and their financial well-being. This is a challenging task because the agent acts as an intermediary between the athlete and multiple employers. In addition, the agent must also fulfill an educational role for their athlete.

The fact is that many modern athletes have underdeveloped motivational capacities and the ability to regulate their activities through willpower. This often leads some young athletes, after signing a lucrative contract, to lose their drive and accept a position on the bench. Therefore, the agent must constantly instill in the athlete the understanding that only genuine effort in training will help them reach the highest levels of the sport, that they may need to work slightly harder than the coach requires, and that starting with small tasks is not a disadvantage, as a proper approach to these tasks can eventually lead to significant achievements.



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