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## Main Sources of Legal Norms in the Field of Physical Education and Sports of the Republic of Kazakhstan

The purpose of this article is to identify and systematically analyse the key normative legal acts of the Republic of Kazakhstan governing legal relations in the field of physical education and sports, as well as to compare them with foreign legislation. The study employs comparative-legal, formal-legal and systematic research methods in combination with bibliometric analysis of the Scopus, Google Scholar, and National Scientific Portal of the Republic of Kazakhstan databases; the legislation of Brazil, France, Greece, Italy, Japan and the United States was examined with direct reference to national legal databases. The following results were obtained: four constitutional provisions of the Republic of Kazakhstan were identified as the indirect legal basis for sports legal relations; a conflict was demonstrated between labour and sectoral legislation, whereby bonus schemes are treated as a discretionary right of the employer, while mandatory financial incentives for members of national teams are simultaneously prescribed; and the absence of codification of sports legislation in Kazakhstan is confirmed. The findings contribute to the scholarly debate between the *lex sportiva* concept and the inter-branch approach. It is concluded that sports law in Kazakhstan constitutes a state-conditioned inter-branch legal institution; a classification of its sources by subject-matter areas is proposed.

**Keywords:** sports law, constitution, labour relations, athlete, coach, source of law, legal regulation, codification, inter-branch institution.

### Introduction

The *relevance* of studying the sources of legal norms in the field of physical education and sports in the Republic of Kazakhstan is determined by the need to improve the scientific research and regulatory legal framework envisaged by the Concept for the Development of Physical Education and Sports for 2023–2029 [1], as well as by the increasing number of international multi-sport competitions hosted by the country [2]. The expansion of international cooperation objectively necessitates the further development of the national legal system. An examination of national electronic databases of academic research demonstrates the limited scope of studies devoted to the legal regulation of physical education and sports or sports law in general: scholarly publications and monographs are virtually absent, while publications remain limited [3].

This study pursues a dual aim: to conduct a systematic examination of the principal normative legal acts of the Republic of Kazakhstan regulating sports-related legal relations, and to situate these acts within a broader comparative perspective through analysis of selected foreign legal frameworks. To accomplish this aim, the following interrelated research tasks have been identified: (a) review of those constitutional provisions of the Republic of Kazakhstan that establish the rights and guarantees of citizens with respect to sporting activity [4]; (b) examination of the Civil Code of the Republic of Kazakhstan [5] (hereinafter — the CC RK) alongside other legislative instruments bearing directly or indirectly on sports-related legal relations; (c) determination of the foundational principles underpinning the labour law framework applicable to athletes and coaches under the legislation of the Republic of Kazakhstan [6] (hereinafter — the LC RK); (d) in-depth analysis of the sector-specific Law of the Republic of Kazakhstan On Physical Education and Sports [7] (hereinafter — the Sports Law); and (e) comparative assessment of domestic and foreign approaches to sports regulation with a view to determining the prospects for further legislative development.

*Discussion approaches* to defining the legal nature and system of the sources of sports law. Contemporary legal scholarship lacks a unified approach to the legal nature of sports law. The advancement of globalisation gives rise to legal phenomena that transcend the boundaries of individual national legal orders, and the regulation of sports-related relations stands as one of the most characteristic examples of this tendency. A prominent place in academic legal discourse is occupied by the concept of *lex sportiva* proposed by A. Duval [8], according to which international sports law represents a transnational legal order shaped pri-

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marily by the regulatory acts of international sports organizations and the arbitral jurisprudence of the Court of Arbitration for Sport (CAS). Expanding upon this approach, Casini L. emphasizes the special role of CAS, which jurisprudence forms a precedential basis for the resolution of international sports disputes [9]. At the same time, a number of scholars draw attention to the necessity of state and supranational influence on sports-related legal relations. Thus, S. Weatherill argues that notwithstanding the proclaimed autonomy of sports organizations, their activities objectively fall within the scope of European Union law [10]. J.A.R. Nafziger characterizes international sports law as a highly complex legal system incorporating norms of international public law, domestic law, and private law [11]. Academic opinion likewise remains divided regarding the branch classification of sports law. Some scholars regard sports law as an independent branch of law possessing its own subject matter and methods of legal regulation [12]. Other authors maintain that sports law does not constitute an autonomous branch of law but rather represents a combination of legal norms derived from various branches of law and applied within the sphere of sports [13]. This theoretical controversy remains highly relevant for Kazakhstan legal scholarship, since its resolution is directly connected with the development of an appropriate methodology for sports law research, the determination of an optimal model for legal systematization, and the prospects for the codification of sports legislation in the Republic of Kazakhstan. From the perspective of comparative law, the debate likewise remains unresolved: the question of whether sports legislation should be codified continues to be open. The experience of France [14], Italy [15], and Brazil [16], which have adopted specialized sports codes, contrasts with the approaches of the United States [17] and Japan [18], where sports-related activities are regulated primarily under general legislation.

*Insufficient development of the issue in domestic legal scholarship.* The conducted analysis of the Scopus bibliometric database [19] and the National Scientific Portal of the Republic of Kazakhstan [3] allows one to conclude that Kazakhstan legal scholarship, at the level of scholarly publications and monographs, has not addressed the problem of the sources of norms of sports law. The identified publications are devoted to separate aspects, including issues of labour dispute resolution in the field of physical education and sports [20], problems of legal regulation of employment relations involving athletes and employees of the sports sector [21], issues of sports corporate governance modelling [22], as well as the legal regulation of sports teams in the Republic of Kazakhstan and foreign experience in this area [23]. A comparative legal analysis of the sources of sports law covering both common law and civil law jurisdictions from the perspective of the Kazakhstan legal system has not been conducted previously. The most productive researchers in this field—scholars from Australia, the United Kingdom, and the United States—develop their theoretical frameworks on the basis of their respective national legal systems [24], which limit the direct applicability of their findings to the conditions of the Republic of Kazakhstan.

*Author's concept.* Based on the conducted research, the author maintains that sports law in Kazakhstan currently constitutes an intersectoral legal institution. This conclusion is grounded in the analysis of the existing regulatory legal framework, within which legal norms governing sports-related legal relations are dispersed across various branches of legislation, including constitutional, civil, labour, and sector-specific law. At the same time, the author does not exclude the possibility of sports law evolving into an independent branch of law within the Kazakhstan legal system, since the development of legislation and law enforcement practice, as well as the growing regulatory needs of stakeholders in the sports sector, create objective conditions for such transformation.

### *Methods and Materials*

The study employs comparative legal, formal legal, systemic, and bibliometric methods. A comparative legal approach was employed to examine the sports legislation of Brazil, France, Greece, Italy, Japan, and the United States, with particular attention to national codification models and the extent to which constitutional instruments incorporate sports-specific provisions. The formal legal method was applied to scrutinise the Constitution of the Republic of Kazakhstan, the CC RK, the LC RK, and the Sports Law, with a view to establishing the normative foundations of sports-related legal relations, exposing the regulatory tension between Article 107 of the LC RK and Article 7 of the Sports Law, and elucidating the distinctive features of the legal framework governing the professional activity of athletes and coaches. The systemic method is used to determine the interrelation between sources of sports law and to develop the author's classification of the sources of sports law norms in Kazakhstan. A bibliometric analysis of the Scopus, Google Scholar, and National Scientific Portal of the Republic of Kazakhstan databases was conducted to assess the state of research in the field of sports law. Searches were conducted using the keywords "sports law Kazakhstan," "legal regu-

lation of physical education and sports,” and “employment of athletes,” along with their Russian-language equivalents. The search identified four scholarly publications on particular issues of sports law within the legal system of Kazakhstan, which are used in the present study.

The normative and documentary basis of the study consists of the legislation of Kazakhstan and six foreign states, subordinate regulatory legal acts, official documents of the National Olympic Committee of the Republic of Kazakhstan (hereinafter — the NOC RK) [25] and the National Paralympic Committee of the Republic of Kazakhstan (hereinafter — the NPC RK) [26], as well as the statutes of sports federations. Regulatory acts were examined using official legal databases and the official websites of the relevant organizations.

### *Results*

The study identifies a set of specific findings corresponding to the stated objectives, as well as an additional result concerning the theoretical positioning of sports law in the Republic of Kazakhstan.

1. Constitutional foundations. The analysis of constitutional provisions demonstrates that the Constitution of the Republic of Kazakhstan [4] does not explicitly enshrine the right to engage in sports as an independent constitutional right. At the same time, four constitutional provisions collectively form a comprehensive legal basis for sports-related legal relations: freedom of association (Article 23), freedom of labour and occupational choice (Article 24), the right to healthcare (Article 29), and the right to education (Article 30). A cross-jurisdictional review shows that Brazil [27] and Greece [28] include direct constitutional provisions on state duties in sport, while the constitutions of the United States [17] and Japan [18] make no mention of sport. Nevertheless, both countries occupy leading positions in the Olympic medal standings. The novelty of this finding lies in the fact that a comparative constitutional study of the legal foundations of sport has been carried out in Kazakhstani scholarship for the first time, showing no clear link between constitutional sport provisions and a state’s performance in international competition.

2. Civil law regulation. The analysis of the Civil Code of the Republic of Kazakhstan [5] demonstrates that civil legislation constitutes one of the key sources of legal regulation in the field of sports. The provisions of the Civil Code govern contractual relations in sport. The subject matter of such contracts—property, results of work and services, and intellectual property objects—is regulated under the general provisions of the RK Civil Code. The novelty of this finding lies in the first systematic analysis of the provisions of the civil legislation of the Republic of Kazakhstan as applied to sports-related legal relations. This analysis identifies a coherent set of civil law instruments governing contractual and property relations in sport, including sports services agreements, marketing service contracts, broadcasting rights agreements, sponsorship contracts, as well as mechanisms for the protection of intellectual property rights.

3. Labour law regulation. The analysis of the LC RK [6] reveals a significant gap: the absence of legal differentiation of athletes and coaches as a distinct category of employees, despite the specific nature of their professional activity. Labour guarantees for athletes and coaches are regulated only fragmentarily within the LC RK, namely in Article 18 (list of positions of sports specialists in rural areas), Article 26 (prohibition on employment of persons with a criminal record), and Article 139 (salary supplements for employees of state sports education organisations). The principal novel finding is the identification and substantiation of a specific regulatory conflict previously unaddressed in Kazakhstan legal scholarship: Article 107 of the LC RK classifies bonus schemes as a right, rather than an obligation, of the employer, whereas Article 7 of the Sports Law and establishes a mandatory framework of financial incentives for winners of international competitions among members of national teams [29]. This inconsistency implies that athletes and coaches cannot rely exclusively on labour legislation when asserting their entitlement to remuneration, thereby creating a structural gap in their legal protection.

4. A systemic examination of the Sports Law [7] establishes this act as the principal sectoral source of sports law in Kazakhstan. It regulates training and competition processes, the awarding of sports titles and ranks, the formation and state funding of national teams, anti-doping policy, the operation of sports facilities, social guarantees for athletes and coaches, and the activities of sports federations. It is established that since its adoption in 2014, the Law has been amended and supplemented 23 times, while a significant portion of regulatory provisions has been transferred to subordinate legislation. This development increases the fragmentation of legal regulation and creates conditions for inconsistency in law enforcement practice in the sports sector. The anti-doping norms of the Sports Law reflect Kazakhstan’s obligations under the UNESCO International Convention against Doping in Sport (Paris, 2005) (hereinafter—the Anti-Doping Convention) [30], ratified by Kazakhstan in 2009. The World Anti-Doping Code (hereinafter—the WADA

Code) [31], incorporated into the Convention by reference, forms part of a multi-level system of legal regulation in which international obligations are implemented through national sports legislation and further specified in the Anti-Doping Rules of the Republic of Kazakhstan [32].

5. On the basis of the conducted comparative legal analysis, it is established that France [14], Italy [15], and Brazil [16] have adopted a codification approach to sports legislation. In Kazakhstan, the adoption of a separate sports code appears premature, taking into account the requirement of the homogeneity of regulated social relations enshrined in Article 8 of the Law on Legal Acts [33]. In the absence of codification, this study proposes a subject-based classification of the sources of sports law norms—the first systematic classification specifically developed for and adapted to the legal system of the Republic of Kazakhstan: (a) employment of athletes and coaches; (b) health care and sports medicine; (c) education in the field of physical education and sports; (d) sports governance; and (e) financing, property, and taxation relations. The proposed classification is developed with regard to the hierarchy of legal sources in Kazakhstan. Ratified international treaties prevail over domestic legislation pursuant to the Constitution of the Republic of Kazakhstan [4]. The Anti-Doping Convention [30] illustrates this approach: as a ratified treaty, it establishes the international legal basis for anti-doping regulation, which is further developed within category (d)—governance of sports activity. The proposed classification constitutes the main conceptual contribution of the study, providing a structured framework applicable in legislative practice for the systematisation of regulatory material in the absence of codification.

6. Theoretical positioning—*lex sportiva* and the intersectoral approach. The *lex sportiva* doctrine, developed by A. Duval [8] and further specified by L. Casini [9] via the award practice of the Court of Arbitration for Sport, argues that international sport has produced a self-contained normative order where sports bodies, rather than states, set the normative agenda. The intersectoral approach, advanced in the works of Weatherill S. [10], J.A.R. Nafziger [11], and T.A. Davis [13], conceptualises sports law as a set of legal norms derived from general legislation and applied within the sports sector without constituting an independent branch of law. The analysis of the regulatory framework of the Republic of Kazakhstan indicates a hybrid nature of the national model of sports regulation, which does not fully correspond to any of the established theoretical models in their classical form. While a state-centred regulatory model continues to prevail, the statutes of sports federations, the National Olympic Committee, and the National Paralympic Committee are granted legal standing [7]. On this basis, sports law in Kazakhstan at its current stage of development may be characterised as a state-conditioned intersectoral legal institution. According to the results of the bibliometric analysis, this theoretical category has not yet been distinctly conceptualised in comparative sports law literature.

### Discussion

*Comparison with existing scholarly research.* The bibliometric analysis conducted within the framework of this study broadly confirms the findings of Kamenecka-Usova et al. [24], who identified Australia, the United Kingdom, and the United States as the leading contributors to scholarly publications on sports law indexed in the Scopus database. While agreeing with this observation, it must nevertheless be noted that Kazakhstani legal scholarship in the field of sports law is not only weakly represented in international databases, but also lacks a systematic analysis of the sources of sports law norms from the perspective of a Central Asian continental legal system. This circumstance indicates the existence of a structural gap in the academic literature on sports law, the filling of which constitutes the objective of the present study. At the same time, the methodological approaches developed in foreign scholarship, which are largely based on decentralised corporate models of sports governance [22], cannot be directly transposed into the legal system of Kazakhstan without appropriate adaptation.

*Constitutional foundations: similarities, differences, and reconsideration.* Four constitutional provisions of the Republic of Kazakhstan (Articles 23, 24, 29, and 30) form an indirect legal basis for sports-related legal relations, which allows for comparison with constitutional models of other states. While sharing the general premise of comparative constitutional law that most states regulate sports indirectly—through general human rights provisions rather than specific constitutional clauses—the author does not accept the view that the absence of an explicit constitutional right to sport necessarily indicates a deficiency in a legal system. This position is consistent with S. Weatherill [10], who argues that the effectiveness of sports governance is determined not by its constitutional form, but by the functional coherence of the overall regulatory framework. The Kazakhstan model, where constitutional rights serve as indirect foundations for sector-specific

legislation, may therefore be assessed as structurally coherent, however in need of greater legislative consolidation.

*Labour law regulation: clarification and assessment of the identified conflict.* The regulatory conflict between Article 107 of the LC RK, which classifies bonus schemes as a discretionary right of the employer, and Article 7 of the Sports Law, which establishes a mandatory framework of financial incentives for members of national teams [29], does not represent a mere legislative oversight. Rather, it is a direct consequence of the intersectoral nature of sports law: universal employment law, constructed to regulate the workforce at large, is ill-suited to the occupational realities of elite athletes and coaches, whose remuneration is by its very nature tied to sporting results. This study aligns with Khasenov and Bukenov [21], who identified gaps and inconsistencies in the regulation of employment relations in the field of physical education and sports in Kazakhstan, and further substantiates their conclusions through a concrete documented example not previously addressed in the literature. At the same time, the study does not support the view of a fundamental incompatibility between the RK framework and the specificities of sport. The identified conflict is considered resolvable through targeted legislative amendments, including the introduction of a dedicated section in the LC RK governing the legal status of athletes and coaches.

*Codification: alignment with comparative experience and rejection of mechanical transposition.* A comparative analysis of codification practices in France, Italy, and Brazil confirms the observation of Athayde et al. [34] that legislative models significantly shape national sports law systems. The study agrees that codification, where feasible, contributes to a more coherent and accessible regulatory environment. At the same time, it does not endorse a mechanical call for the adoption of a sports code in Kazakhstan at the current stage of legal development. Article 8 of the Law on Legal Acts [33] requires that codes regulate homogeneous social relations. The intersectoral nature of sports law—encompassing labour, health protection, education, governance, and financing—renders it structurally incompatible with this requirement under the current doctrinal framework of Kazakhstani legislation. The consolidating effect identified by Fahlen and Stenling [35] may, however, be partially achieved in Kazakhstan through the classification proposed in this study, which functions as a functional analogue of codification by organising dispersed normative material into a coherent system without requiring formal legislative consolidation.

*Classification of sources by subject matter of legal regulation.* The proposed classification of the sources of sports law norms by regulatory subject matter extends beyond prior Kazakhstani contributions [20; 21] by covering the full range of sports-related legal relations rather than isolated dimensions thereof. In keeping with the cross-sectoral architecture of sports law outlined by J.A.R. Nafziger [11] and S. Weatherill [10], it has been specifically designed with the sources and hierarchy of Kazakhstan legislation in mind, which is reflected in the two-level normative justification of each of the five identified domains.

*Theoretical positioning.* The *lex sportiva* doctrine, developed by A. Duval [8] and further elaborated by L. Casini [9] drawing on CAS award practice, advances the premise that international sport has produced an autonomous normative order whose content is shaped predominantly by non-governmental actors. While recognising the significance of this concept for the analysis of international sports disputes, this study does not consider it to be an appropriate primary explanatory model for the national sports law system of Kazakhstan. The regulatory framework under examination is predominantly state-centred: the hierarchy of legal sources is constitutionally and statutorily defined [33], competent public authorities are vested with normative powers in areas such as incentive schemes and anti-doping regulation [29], and sports federations acquire their legal status through state accreditation rather than through autonomous self-regulation [7]. At the same time, the study aligns with S. Weatherill [10] and J.A.R. Nafziger [11] in acknowledging that national sports law cannot be described as a monolithic system: elements of corporate self-regulation by the National Olympic Committee of the Republic of Kazakhstan, National Paralympic Committee of the Republic of Kazakhstan, and national federations are legally recognised [7]. The *concept of a state-conditioned intersectoral legal institution*—introduced in this study as a novel theoretical category—more accurately captures this complex legal structure than either the *lex sportiva* model or the “set of legal norms” approach proposed by T.A. Davis [13]. It accounts for the specific combination of constitutional foundations, intersectoral dispersion of norms, and partial private ordering that characterises Kazakhstan sports law at its current stage of development.

*Reliability and limitations of the study.* The reliability of the results is ensured by the use of official legal databases and institutional websites in the analysis of regulatory legal acts, which enabled the accuracy of the comparative legal examination. The bibliometric analysis was undertaken using the Scopus, Web of Science, Google Scholar, and National Scientific Portal of the Republic of Kazakhstan databases, thereby ensur-

ing comprehensive coverage of both international and domestic scholarly literature on sports law. The proposed classification of the sources of legal norms in the field of sports demonstrates internal normative coherence, as each of the identified domains is substantiated by constitutional provisions and statutory instruments of the Republic of Kazakhstan. The principal limitation of this research resides in its normative-doctrinal orientation: the analysis is confined to the existing legal framework and does not encompass law enforcement practice, judicial interpretation, or the practical experiences of athletes and coaches. The six states chosen for comparative purposes—Brazil, France, Greece, Italy, Japan, and the United States—were identified on the basis of substantive legal criteria reflecting the degree of institutionalisation of sports regulation within the national legal system: each possesses either a dedicated sports code or constitutional provisions expressly addressing sport, rather than being selected on geographic grounds.

### Conclusions

The comprehensive analysis of the constitutional, civil, labour, and sector-specific legislation of the Republic of Kazakhstan, combined with a comparative legal study of the legislation of six foreign states, enabled the achievement of the study's principal aim and the articulation of the following conclusions.

1. The Constitution of the Republic of Kazakhstan does not enshrine the right to engage in sports as an independent constitutional right; however, four of its provisions—Articles 23, 24, 29, and 30—collectively form an indirect legal basis for sports-related legal relations. The comparative analysis confirms the absence of a direct correlation between constitutional recognition of the right to sport and a state's sporting achievements.

2. Civil legislation constitutes one of the key sources of legal regulation in the field of sports. The provisions of the Civil Code of the Republic of Kazakhstan [5] govern sports-related contracts, including sponsorship and charitable agreements, marketing services contracts, broadcasting rights agreements for sporting events, as well as the protection of intellectual property rights.

3. Examination of the LC RK [6] reveals the absence of a normative differentiation of the legal status of athletes and coaches as a distinct category of employees. This study is the first in Kazakhstani legal scholarship to document a regulatory conflict: Article 107 of the LC RK classifies bonus schemes as a discretionary right of the employer, whereas Article 7 of the Sports Law [7] establishes a mandatory framework of financial incentives for members of national teams [29]. Until this inconsistency is resolved at the legislative level, entities financed from the state budget are required to regulate the right to financial incentives contractually.

4. The Sports Law constitutes the central sectoral source of sports law in Kazakhstan. Its 23 amendments since 2014 and its significant reliance on subordinate legislation create a risk of fragmentation in law enforcement practice.

5. In the absence of codification—deemed premature in view of the homogeneity requirement set out in Article 8 of the Law on Legal Acts [33]—the present study advances a classification of sports law sources by subject matter. The proposed classification is based on the subject matter of legal regulation within the sphere of sports. Each group combines legal norms governing a relatively autonomous group of sports legal relations within the legal system of the Republic of Kazakhstan: (a) labour relations of athletes and coaches; (b) healthcare and sports medicine; (c) education in the domain of sport; (d) governance of sports activity; and (e) financing, property, and taxation relations. Anti-doping regulation occupies a cross-sectoral position within this classification, combining elements of sports governance, healthcare regulation, and international legal obligations. This represents the first systematic classification developed specifically for the legal system of the Republic of Kazakhstan.

6. Kazakhstan sports law is characterised as a state-conditioned intersectoral legal institution—a theoretical category not previously identified in comparative legal literature. It reflects a combination of constitutional foundations, intersectoral dispersion of norms, and legally recognised elements of corporate self-regulation by sports federations, the National Olympic Committee, and the National Paralympic Committee of the Republic of Kazakhstan [7].

*The scientific value* of the study lies in the following three components: an inaugural systematic examination of sports law sources within Kazakhstan's legal order; the development of two novel theoretical constructs—a subject-matter classification and the notion of a state-conditioned intersectoral legal institution; and the identification and documented substantiation of a specific regulatory conflict in labour legislation concerning athletes and coaches.

*The practical significance of the findings* is reflected in their applicability in legislative activity (in preparing targeted revisions to the LC RK and consolidating sports legislation), in the contractual work of sports organisations (in designing employment arrangements with athletes and coaches), in academic instruction (for teaching sports law), and as a foundation for further empirical and comparative legal research.

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## **Қазақстан Республикасындағы дене шынықтыру және спорт саласындағы құқық нормаларының негізгі дереккөздері**

Мақаланың мақсаты — дене шынықтыру және спорт саласындағы қоғамдық қатынастарды реттейтін Қазақстан Республикасының негізгі нормативтік-құқықтық актілерін анықтап, оларды жүйелі түрде талдау, сондай-ақ шетел мемлекеттерінің заңнамаларымен салыстырмалы түрде зерделеу. Зерттеу барысында салыстырмалы-құқықтық, формальды-заңдық және жүйелік талдау әдістері қолданылып, Scopus деректер базасы мен Қазақстанның Ұлттық ғылыми порталындағы материалдарға библиометриялық сараптама жүргізілді. Сонымен қатар Бразилия, Франция, Грекия, Италия, Жапония және АҚШ-тың спорт саласындағы заңнамалары ұлттық құқықтық дереккөздер негізінде қарастырылды. Зерттеу нәтижесінде Қазақстан Республикасы Конституциясының спорттық құқықтық қатынастардың жанама құқықтық негізін құрайтын төрт нормасы айқындалды. Еңбек заңнамасында сыйақы беру жұмыс берушінің құқығы ретінде қарастырылса, салалық заңнамада ұлттық құрама мүшелерін міндетті түрде көтермелеу нормасының бекітілуі құқықтық коллизия туындататыны анықталды. Сондай-ақ Қазақстанда спорт заңнамасының кодификацияланбағаны дәлелденді. Алынған нәтижелер *lex sportiva* тұжырымдамасы мен салааралық құқықтық тәсіл арасындағы ғылыми пікірталастың дамуына үлес қосады. Зерттеу қорытындысы бойынша Қазақстанның спорт құқығы мемлекет айқындайтын салааралық құқықтық институт ретінде бағаланып, оның қайнар көздерін пәндік бағыттар бойынша жіктеу ұсынылды.

*Кілт сөздер:* спорт құқығы, конституция, еңбек қатынастары, спортшы, жаттықтырушы, құқық нормаларының қайнар көзі, құқықтық реттеу, кодификация, салааралық құқықтық институт.

## Основные источники норм права в области физической культуры и спорта Республики Казахстан

Цель настоящей статьи состоит в выявлении и систематическом анализе ключевых нормативных правовых актов Республики Казахстан, регулирующих правоотношения в сфере физической культуры и спорта, а также в их сопоставлении с зарубежным законодательством. Применены сравнительно-правовой, формально-юридический и системный методы исследования в сочетании с библиометрическим анализом базы данных Scopus и Национального научного портала Казахстана; законодательство Бразилии, Франции, Греции, Италии, Японии и США изучено с непосредственным обращением к национальным правовым базам данных. Получены следующие результаты: выявлены четыре конституционные нормы Республики Казахстан как косвенная правовая основа спортивных правоотношений; установлена коллизия между трудовым и отраслевым законодательством, трактующими премирование как право работодателя и закрепляющим обязательный порядок поощрения членов национальных сборных команд; подтверждено отсутствие кодификации спортивного законодательства в Казахстане. Полученные результаты вносят вклад в научную дискуссию между концепцией *lex sportiva* и межотраслевым подходом. Сделан вывод о том, что спортивное право Казахстана является государственно обусловленным межотраслевым правовым институтом; предложена классификация его источников по предметным направлениям.

**Ключевые слова:** спортивное право, конституция, трудовые отношения, спортсмен, тренер, источник норм права, правовое регулирование, кодификация, межотраслевой институт, сравнительное право.

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