

Регіональне співробітництво в галузі прав людини доповнює форми універсального співробітництва та в деяких відносинах навіть ефективніше забезпечує захист основних прав [2, с. 18].

Україна також брала активну участь у розробці та прийнятті основних міжнародно-правових документів у сфері прав людини. Так, конкретні пропозиції української сторони знайшли відображення в головному міжнародному документі у сфері прав людини – Загальній декларації прав людини, прийнятій на третій сесії Генеральної Асамблеї ООН 10 грудня 1948 р., а також у ряді інших документів.

Дотримання прав і свобод людини має бути пріоритетом для кожної держави. У 1991 році Україна, ставши незалежною державою, зробила перший крок до реалізації демократії та верховенства права. У Конституції України правам і свободам людини і громадянина присвячено окрему главу. Статтею 21 Конституції України визначено, що всі люди є вільними і рівними у своїй гідності та правах. Права і свободи людини є невідчужуваними і непорушними. Відповідно до ст. 22 Основного Закону держави права і свободи людини і громадянина, що містяться в цій Конституції, не є вичерпними. Конституційні права і свободи гарантуються і від них не можна відмовлятися. У статті 22 Конституції України наголошується, що прийняття нових законів або внесення змін до чинних законів не може звужувати зміст та обсяг існуючих прав і свобод.

Отже, в стародавніх трансформаціях не було поняття універсальних прав. Поступово з розвитком суспільства з'явився інститут прав і свобод, законних інтересів особи як взагалі, так і щодо її прав і свобод зокрема. Про це свідчить низка нормативно-правових положень, які покладені в основу даної справи.

Література

1. Повалена М.В. Конституційно-правовий аспект міжнародних засобів захисту прав і свобод людини та громадянина в Україні. *Юридичний науковий електронний журнал*. 2022. №5. С. 102-106.

2. Основи міжнародно-правових стандартів прав людини: навч.-метод. посіб. / за ред. О.В. Бігняка. Херсон: Вид. дім «Гельветика», 2019. 168 с.

UDC 340:94(043.2)

Pyzhov M.S., Seeker of the first (Bachelor's) level,
National Aviation University, Kyiv, Ukraine
Scientific Advisor: Myronets O.M., PhD in Law

PROHIBITION OF DOPING

The sports community has always been not only a vivid example of proper

physical fitness, willpower, and fortitude. Athletes also showed themselves as self-confident rivals who can effectively confront each other, causing progress, thereby improving their personal performance and each of the other participants. But unfortunately, this harmony of progress, which, without exaggeration, lasts from the hours of the existence of the Great Roman Empire, has its drawbacks. Namely, the use of prohibited substances also referred to as: “Doping” and which, in turn, significantly increase the performance of an athlete, but are also a violation of certain laws, which will be discussed at the moment.

But first you need to understand what sports law considers. A.M. Aparov’s article on the Concept of Sports Law: Overview of Key Aspects. He reports that sports law regulates social relations, that arise and develop in the field of sports, and therefore are closely interconnected with such categories as sports, physical culture and health and sports activities, as well as sports competitions. Let’s call the specified types in general social relations “sports”. At the same time, we emphasize that they are under by the action of legal norms they acquire the form of legal ones [1, p. 6]. Sports law is a relatively independent and complex branch of the legal system, since in sports the right is integrated norms, which by their nature are quite effective and with specific sports relations are regulated by objective necessity, which do not fall under the sphere of influence of other main branches of law, as well as in parts include norms of other branches of law, which is due to complexity and the complexity of the subject of sports law, which in this regard integrates not only purely sports relations, but also non-branch types of social relations related to them, for example: administrative, labor, civil, economic, etc. [1, p. 12].

So, we now understand that the Sports Law carefully monitors the interests allocated to it. And also regulates all sorts of problems to maintain order inside. Now we can consider how exactly the Sports Law reacts to doping and what kind of prohibitions with counteractions it has.

In the paper of Zadorozna O.R. on the topic: Rights and obligations of athletes regarding the fight against doping we can analyze prohibition of the doping. If earlier doping control was carried out only by highly qualified athletes and only during responsible international and domestic competitions, now such control is carried out not only during the competitive period, but and during training sessions. During the year, an athlete may be selected, with or without prior warning, to undergo a doping control procedure during competition, at meetings, at home or at any other location. For testing at competitions, athletes are selected most often on the basis of the results of competitions or by the method of random selection by lot. For out-of-competition testing, athletes are usually selected by lottery, although an athlete may also be tested based on special decisions by anti-doping authorities [2, p. 2]. According to the regulation of doping control, the sample “A” is

subjected to analysis, and no later than three days after taking the biological sample. If prohibited drugs are detected in it, sample "B" is opened and analyzed. At the opening of the "B" test, either the athlete himself or his representative may be present. If prohibited substances are also detected in the "B" sample, the athlete is subject to appropriate sanctions. If the prohibited drug is not detected in the sample "B", then the conclusion from the analysis of biosamples "A" is recognized as unreliable, and sanctions are not applied to the athlete. In case of an unfavorable result of the analysis, the athlete must be informed about this fact within three to four weeks after the laboratory receives the sample. However, in some cases, the sample can be stored for a long time without analysis [2, p. 4].

Based on this information, we understand that the control over taking drugs by athletes is very strict and careful.

Detection of doping threatens the athlete with severe penalties up to complete exclusion from the sport. The athlete will be disqualified for two years for the first detection of prohibited substances, with the exception of sympathomimetic drugs, such as ephedrine and its derivatives, and for life if repeated. In the case of taking sympathomimetics for the first time - disqualification for six months, for the second - for two years, for the third - for life. At the same time, the coach and the doctor who observed the athlete are also subject to punishment. The use as doping of any means officially classified as narcotics entails appropriate administrative and criminal penalties. Currently, proposals have been submitted to the legislative bodies of the country to introduce a criminal penalty for taking anabolic steroids without medical indications or inclination to take them [2, p. 4-5].

It is also worth mentioning that today the most diverse sports organizations are improving the methods of fighting against doping. And from Tetyana Mykhailivna Akulenko's dissertation on international legal cooperation in the fight against doping in sports, we perfectly understand that the main goal of the joint actions of all international intergovernmental and non-governmental organizations is the formation of a single model of anti-doping activity in accordance with the standards established by the World Anti-Doping Code (WADA) to reduce and stop the use of doping in sports, as well as to increase the general sports anti-doping culture among athletes and all other participants in sports competitions. It has been proven that sports anti-doping activity and anti-doping culture can be effective only if control, educational, research, regulatory and informational components are included in their structure. It is substantiated that a feature of the modern stage of the fight against doping is a significant increase in attention to such a type of anti-doping measures as anti-doping prevention, which requires the combined efforts of all participants of the Olympic Movement. It is, in particular, about the development and popularization of programs for the promotion of a healthy lifestyle and integrity

in sports, as well as about regularly informing athletes about the destructive consequences of doping for their health, etc. [3].

In conclusion, it is needed to be noted that unfortunately, the fight against doping is one of the most important actions in a sports team. It is the taking of prohibited drugs that is the main factor in banning important competitions or group training. Therefore, you have to constantly improve the level of safety, thereby giving the competition more and more restrictions and making the participants constantly nervous. Also, one should not lose sight of the fact that sports law continues to evolve along with its prohibitions. More and more conflicts between athletes are being resolved with the help of sports law, which has really affected the improvement of the fairness of the provision of competitions, thus giving the opportunity to see the most reliable result in the end.

Literature

1. Апаров А.М. Концепція спортивного права: огляд ключових аспектів. *Вісник ОНУ ім. І.І. Мечникова. Серія Правознавства*. 2017. Т. 22. Вип. 1(30). С. 6-19.

2. Задорожна О.Р. Права і обов'язки спортсменів щодо боротьби із допінгом. URL: <https://repository.ldufk.edu.ua/bitstream/34606048/14198/1/5.pdf> (дата звернення: 19.04.2023).

3. Акуленко Т.М. Міжнародно-правове співробітництво в боротьбі з допінгом у спорті. URL: <http://dspace.onua.edu.ua/handle/11300/14286> (дата звернення: 19.04.2023).

УДК 341.824:338.47 (043.2)

Плис Н.В., здобувач вищої освіти
першого (бакалаврського) рівня,
Національний авіаційний університет, м. Київ, Україна
Науковий керівник: Пильгун Н.В., к.ю.н., доцент

ПРАВА ЛЮДИНИ ЗА МІЖНАРОДНИМИ СТАНДАРТАМИ

У сучасному світі захист і дотримання основоположних прав і свобод людини і громадянина вже не є прерогативою окремої держави, а стає справою міжнародного співтовариства в цілому, оскільки давно є головною проблемою для багатьох країн світової спільноти. У зв'язку зі зростаючим інтересом і увагою міжнародної спільноти до цих питань, авторитетними міжнародними органами в різний час було прийнято близько 300 декларацій, конвенцій і хартій. Міжнародні документи з прав людини прийнято вважати міжнародними стандартами, оскільки вони ґрунтуються на звичаєвих нормах, сформованих в результаті визнання