

Discussion on the Progress and Prospect of Sports Law in China in the Past 40 Years of Reform and Opening-up

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Keywords: sports undertakings; legal system construction; reform and opening up; opportunities and challenges;

Abstract: Since the reform and opening-up in 1978, it has been more than forty years. Only in 1978 did China have its first criminal code and gradually established its legal system. The construction of sports legal system in China is a very important part of the legal system construction in China. China's sports industry has made important achievements since the founding of the People's Republic of China, and sports legal system construction has also developed rapidly. At present, China's sports law team has begun to take shape. China's sports administrative law enforcement is becoming more and more standardized. It can be said that since the reform and opening up, China's sports legal system has made remarkable achievements. At present, our country's main development experience in sports legal system construction is to adhere to the principle of Party leadership and rule by law. In the new era, China is facing new trends and requirements of world sports development. Only by adhering to the correct theoretical guidance of the law, adhering to the people-centered, scientific democratic legislation, can we push China's sports industry to a new peak. This paper mainly analyses the achievements of sports legal system construction in China since the reform and opening up and the challenges we face in the new era, and puts forward relevant solutions and solutions, hoping to contribute to the development and construction of sports legal system in China.

1. Major Achievements in the Construction of Sports Law in China

The basic policy of strengthening socialist democracy and the law was set at the Third Plenary Session of the Eleventh Central Committee of the Communist Party of China. 1978 was a year of earth-shaking changes in the law in China. In this year, we formally established the first Criminal Code and clarified our legislative and judicial system. The improvement of the basic legal system has pointed out the direction for us to carry out the construction of sports legal system in promoting the development of sports undertakings. In 1978, China formally entered the age of legality of crime, and formally established the adoption of continental law system. This makes the construction of the law in China's sports industry truly legitimate. Over the past 40 years, China's sports legal system has made remarkable achievements, mainly reflected in the following aspects.

1.1 Significant progress has been made in sports-related legislation in China.

The development of China's sports industry is closely related to the development of China's economy. The policy of reform and opening-up has not only led the rapid economic development of our country, but also promoted the development of sports in our country. Since the reform and opening up, China's sports industry has broken through one difficulty after another. In 1982, the National People's Congress, the legislature of our country, wrote into the Constitution "the state develops sports undertakings, carries out mass sports activities, and strengthens the people's physique". Promoted by this measure and supported by many people, China participated in the Olympic Games in 1984 and won the first Olympic gold medal in Chinese history. China's sports industry has officially emerged in the world and received extensive attention.

In 1995, China formally promulgated the first Sports Law of the People's Republic of China. This has epoch-making significance in the history of sports law in China. The construction of sports law in China has officially entered a stage of law-based and law-based.

The use of doping by athletes has always been a common problem that undermines the fairness of competition. In 1998, China formally promulgated the Anti-Doping Regulations. The General Administration of Sports of China has promulgated the first directive document "Provisions on Evolution of Prohibiting the Use of Doping in Sports". This provides a legal basis for the long-term healthy and sustainable development of China's sports industry.

In 2000, China's General Administration of Sports formally proposed to govern the development of sports according to law. In the Eleventh Five-Year Plan of 2006, the importance of law was reiterated.

Over the years, China has initially established its own sports legal system. The legal system is based on the sports law of the People's Republic of China, with seven administrative regulations and 32 departmental regulations as its subdivisions, 150 normative documents and more than 100 local government rules and regulations as its specific management rules, creating a basic environment for the development of the sports law in China, so as to ensure that there are laws to abide by and laws to abide by.

1.2 The Sports Law Enforcement System in China is becoming more and more perfect

The Sports Law of the People's Republic of China is a part of China's administrative law, and its manifestation is generally administrative regulations. After 1989, 22 provinces, 5 autonomous regions and 4 municipalities directly under the Central Government have established exclusive sports administrative departments and relevant legal institutions. This provides a good political basis for the construction of sports judicial system in China.

Since then, the General Administration of Sports has set up a leading group and a working body for the reform of the administrative examination and approval system, which has strengthened the supervision and management of the examination and approval of sports administrative departments. Sports law is a part of the administrative licensing law. According to the relevant provisions of sports administrative regulations, the administrative agencies of all provinces and municipalities in China actively inspect the process compliance of the original sports items. This has further improved the management system of examination and approval of sports administrative license in China.

As of March 2019, China's sports administrative law enforcement has achieved remarkable results. Sports facilities have been planned and cleaned up everywhere, which reduces the safety and irregularity of sports venues, ensures the rational allocation of sports venues everywhere, and reduces the phenomenon of sports venues being occupied. All of the above reflect the role of sports law enforcement in China.

2. Challenges in the Construction of Sports Legal System in China

In recent years, China's sports industry has developed rapidly. In 2018, the total size of the national sports industry was 2.4 trillion yuan, an increase of 9.09% over the previous year, and the added value was 880 billion yuan, an increase of 12.82% over the previous year. It is expected that the industry as a whole will continue to maintain a steady growth level in the next three years, and the added value of the sports industry is expected to exceed 1 trillion yuan in 2020. Structurally, the sports service industry (except for the manufacture of sports goods and related products, and the construction of sports venues and facilities) will continue to maintain a rapid development momentum, and the proportion of added value in the sports industry will continue to rise, from 55% in 2016. It rose to 57% in 2017. Among them, sports competitions and performances directly related to public sports consumption and sports fitness and leisure activities increased significantly, with growth rates reaching 39.2% and 47.5%, respectively. Such high-speed development has brought challenges to the construction of sports law in our country in the new era, mainly in the following aspects:

2.1 New Sports Industry Needs Relevant Legal Supervision

China's sports industry is still in the primary stage of development. At present, the biggest

driving force of industrial development lies in the strong promotion of top-level national policies. After 2014, the top level of the country, represented by the State Council and the Leading Group of Football Reform, has continuously launched a number of important reform policies on the sports industry. After 2017, the relevant policies of the sports industry aim at more subdivided and specialized areas, showing that the industry has gradually entered the stage of fine development.

Upstream, the domestic sports market is in a period of rapid development. Benefiting from the rapid improvement of the commercial operation of the existing sports events, the scale of the domestic sports events market is in a rapid growth stage, but the shortcoming is that there is still no flow effect of top-level events, so the growth rate does not show significant characteristics of high-speed growth.

In the middle reaches, Suning and Tencent basically monopolize the copyright market. At present, the domestic sports copyright market is dominated by Suning Sports and Tencent Twin Giants, which basically monopolize the copyright of football and basketball, forming a strong barrier to competition.

On the downstream side, China's sports population has maintained a steady growth, and sports consumption and sports tourism consumption trends are the best. At present, the number of sports populations in our country exceeds 500 million people, which is at the highest level in history. The total number of sports populations in every year is setting a new record. It is expected that by 2020, the sports consumption market in China will have a scale of 1.5 trillion yuan. The driving factor is the compound growth rate of 19.24% per capita sports consumption expenditure in the past ten years. From the perspective of subdivision consumption, sports venue consumption and sports tourism consumption dominated by experience and participation will show a better development trend, and the consumption of traditional sports goods will gradually shrink.

From the above, we can see that the core driving force of China's sports industry is the national policy adjustment, and sports regulations are an important means of China's industrial policy adjustment. In all stages of China's sports chain, there are different market competition conditions, so we need to specify corresponding new laws and regulations for each part. Only in this way can the sports legal system effectively promote the development of sports industry.

2.2 Reasonable legislation is needed for joint development of industries

At present, more and more cases of joint development of sports industry and other industries have emerged in China. For example, the integration of sports industry and cultural industry, the integration of sports industry and real estate industry and so on. Suning Sports is a typical case.

Suning Sports uses the concept of intelligent retail to empower the sports retail industry, remolds the current situation of the traditional sports retail industry offline, integrates the development of online and offline, brings intellectualized and seamless consumption experience to users, and builds the ecosystem of sports industry. At present, Suning Sports has taken the lead in opening the first flagship sports retail store in Nanjing, and five sports retail stores have been opened one after another. After iteration, Suning Sports Retail Store will be landed in the whole country in the future.

Faced with the huge sports lottery market, Suning Sports opened its first sports lottery wisdom store in June 18, creating a new sports lottery retail format around sports, media and community, hoping to gather fans, lottery people and other users within 3 kilometers of the store, and make Suning lottery wisdom store a comprehensive sports leisure place with sports lottery sales as the core. . At present, there are three sports lottery wisdom stores in Suning, and the number of them is planned to reach 50 by the end of 2019.

In addition, by integrating the business of Suning's small stores, Suning has created the first fully independent brand of convenience stores + Gymnasiums in China. At present, the company's main hit is Suning Shop-INTER-FIT Intelligent Gymnasium as the representative of the composite form of business, which is a new attempt to use sports IP enabling offline business in Suning. From sports retail stores, sports lottery wisdom stores to unmanned intelligent gymnasium, we can see that Suning sports offline business has been fully landed, and the commercial space and market potential of sports industry has been expanded.

From the above, we can see that the sports industry has begun to work closely with all walks of life. The continental law system adopted by our country, therefore, we must pay attention to the links and conflicts between the various codes. Under the circumstances of joint development of multi-industries, how to unite legislation and law enforcement is one of the major challenges we are facing.

3. The Principles Needed to Be Adhered to in the Construction of Sports Law in China

Faced with the rapid changes mentioned above, the construction of sports law in China should always adhere to democratic legislation and scientific law enforcement. Reasonable restriction of legislative and judicial powers, on the basis of protecting legal interests and human rights, play an important role in mediating market economic order and leading the development of the industry. In order to better build the sports law system in China, we should uphold the following principles.

3.1 Adhere to the Correct Concept of Law

The law is different from the law. The former focuses on guiding ideas while the latter focuses on specific institutional arrangements. As far as the legal system is concerned, many years ago the state established a socialist legal system with Chinese characteristics, with a well-defined constitution and departmental laws and regulations, which play an important role in the country's political, economic and social life. To govern the system according to law, we must first abide by the law. Therefore, how to legislate and what idea to legislate are very important. In the new era, we must adhere to the correct concept of law.

Law is a concept, and the level of law is positively related to the satisfaction of the masses. The core of law is democracy and freedom. That is to say, the idea of law should safeguard the democracy and freedom of the masses and uphold justice for the masses. It is not the harsh law of "legalists". Of course, the concept of the law, which reflects the level of legal professionalization, is not the best way to instill what is best and how to enforce the law when guiding legislation, law enforcement and judicial work. It should pay attention to the sense of the law and professionalization, and the matching degree with political, economic and social development.

In building the sports legal system in our country, we should always take protecting people's freedom and rights as the core, adhere to democratic legislation, reasonably restrict judicial power, and guide the development of the industry.

3.2 Adhere to the idea of popularizing the rule of law in sports

Although sports law is an administrative law, the implementation of any law is based on people. Only by strengthening the concept of sports rule of law of sports citizens, can we effectively promote the construction of sports rule of law. The concept of rule of law is a basic quality of a citizen. In short, it is to evaluate the world and oneself with the concept of rule of law. The rule of law requires individuals to recognize their social values, assume their social responsibilities and fulfil their social rights. Therefore, in order to establish the concept of rule of law, we should start from the following points:

Know the law. The law here refers not only to the law, but also to the rules, which are generally accepted by the society. It includes not only legal rules but also moral rules. It also includes the rules of the unit, organization, group and even family, circle of friends, who know the rules on the Internet.

Law-abiding. If you understand the rules, you must obey them. Rules are not to be shown to others, but to be sent to the heart for granted, without any reason. Because there is no reason to do the right thing.

Usage. The so-called usage is to use rules to solve problems within the rules. Civil society advocates autonomy and self-resolution of contradictions among individuals, that is, the so-called private. However, private relief should never be advocated. Unless it is legitimate defense and emergency evasion, contradictions should be dealt with through the dispute settlement organs of public power.

Political participation. Political rights (Article 34, 35 of the Constitution) are an important part of civil rights. The exercise of political rights is an important criterion for evaluating the quality of a civil society. However, the exercise of political rights depends on the openness of public power to civil rights on the one hand, and the ability of citizens to exercise their political rights on the other. We should take our political rights seriously.

4. Conclusion

To sum up, this paper summarizes the achievements of sports legal construction in China since the reform and opening up, and analyses the challenges brought by the development of sports industry in the new era, and puts forward the forward-looking principles and suggestions on the construction of sports legal system. It is hoped that the opinions in this paper can provide reference for the development of sports rule of law in China.

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