

LEGISLATIVE MODELS AND SPORTS POLICY SYSTEMS: BRAZIL AND PORTUGAL IN COMPARATIVE PERSPECTIVE

MODELOS LEGISLATIVOS E SISTEMAS DE POLÍTICAS ESPORTIVAS: BRASIL E PORTUGAL EM PERSPECTIVA COMPARADA 

MODELOS LEGISLATIVOS Y SISTEMAS DE POLÍTICA DEPORTIVA: BRASIL Y PORTUGAL EN PERSPECTIVA COMPARATIVA 

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Abstract: This article addresses the general rules of sport in Brazil and Portugal, from a comparative perspective. It is based on the assumption that sport should be the focus of state attention and public policies as a citizenship development strategy. The main objective is to comparatively analyze the sports legislation in Brazil and Portugal, especially the acts that established the general rules for this sector at the national level. For this, descriptive-analytical research with a qualitative approach and exploratory scope was carried out, organized from fieldwork and analysis and treatment of empirical and documentary material. The content analysis of the documents confirmed that in Brazil funding is the main issue in the state's normative action, while in Portugal the regulatory exercise is the main concern. In both countries, it was possible to observe the impact of mega-events in the legislative sphere, with the production of exceptional acts.

Keywords: Sports legislation. Brazil. Portugal. Comparative study.

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1 INTRODUCTION

This article makes some comparisons between the general rules of sport in Brazil and Portugal. The subject is part of the legislation of national sports public policies, which in turn are linked to the broader context in which these countries are mobilizing to increase their geopolitical influence and participation in international forums for coordination and decision-making. Depending on their economic and political interests or the possibility of using sport as a tool of soft power (Castilho; Marchi Júnior, 2021) and international diplomacy, states have approached sport at different levels of intervention and in different forms of organization.

Although the countries of Western Europe adopted a form of private association at the origins of sport, this condition developed in a heterogeneous way, with due regard for national or regional particularities. Burriel i Paloma and Puig (1999) distinguish between a more liberal Northern Europe, with the Nordic and Anglo-Saxon countries at the top, and a Southern Europe, characterized by a greater presence of public power in the sports sector, represented above all by Spain, Italy, France and Portugal.

Chaker (1999), in a study of national sports legislation and policy carried out with nineteen members of the Council of Europe, reached a similar conclusion to the above authors, identifying the existence of two main models of sports legislation in Europe: the interventionist model in the south and east and the non-interventionist model in the north and west of Europe.

Despite the different relations between the state and sport that characterize European territory, according to Ribeiro and Castro (2007), the entry into force of the Lisbon Treaty¹, in 2009, gave sport its own status in Community law and created an opening for the demand and elaboration of European standards suited to the reality of sport and the European model of organization and practice of sport.

In the case of Portugal, Correia (2009) locates in the country's sports organization a strong state intervention and little space for civil society initiative. According to the author, this model is out of touch with its constitutional responsibilities to guarantee the promotion of sport and physical activity for all, since state action is concentrated on the competition subsystem or federated sport.

Moving on to the American continent, in the United States the link between the (federal) state and the sports field is hegemonized by the professional leagues. Until the 1960s, the state rarely interfered in sport, confining its actions to regulating and mediating conflicts, a scenario changed by the growth of sports betting in the 1960s and 70s. This is an archetype aligned with the influence, since the end of the 20th century, of neoliberal logic as an organizing structure for the country's economy, political, cultural and social life (Coakley, 2011). However, Johnson and Frey (1985) acknowledge that, similar to other nation-states, the US government has acted on sport through its economic and fiscal policies.

¹ Treaty that restructured the functioning of the European Union. It was signed by the member states on December 13, 2007, and entered into force on December 1, 2009.

As a result of multiple influences from the European continent, the Soviet model and the North American model of sports organization, Brazil has established a hybrid model in the mediation between state and sport. After a significant state presence during autocratic administrations (mirroring the characteristics of southern European countries) and the transformations produced by the process of sports liberalization in the 1990s (influenced by the advent of neoliberal ideas) (Veronez, 2005), the Brazilian government currently prioritizes the funding and regulation of the sector, as well as guaranteeing strong organizational and operational autonomy to sports entities without co-responsibility for the formation or development of sports in the country.

The examples above do not exhaust the possibilities of the relationship between the state and sport, but they were selected because of their connection with the scope of this investigation. Furthermore, it must be admitted that, in the relationship between the state and sport, there is a diversity of actors involved. Giulianotti (2016), while acknowledging the limits of his proposition, creates an ideal type in which he places four categories of political actors linked to sport: (a) “individual” or market-based political actors; (b) national or nation-centered political actors; (c) international political actors; (d) political actors associated with humanity.

Without disregarding the plurality of actors and configurations in national sports policy and the fact that the boundaries between public and private are not always clear, the presence of the state in sports to a greater or lesser degree is a common element, supported by the legal provision for the right to sport in national constitutions and the state’s responsibility to guarantee or encourage the practice of physical and sporting activities (Examples: Constitution of the Portuguese Republic of 1976 and Constitution of the Federative Republic of Brazil of 1988).

At the international level, the World Sports Manifesto of 1968 in its 1st Article affirms sport as a right for all, recognizing the existence of other expressions of sport beyond high performance and spectacle. Later, sport as a right for all was ratified by the 1978 “International Charter of Physical Education and Sport”, published in 1979 by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Ibero-American Sports Council, in a 2019 document entitled “Sport as a tool for sustainable development”, emphasizes that: “Sport and recreation are human rights that must be respected and implemented worldwide” (Consejo Iberoamericano del Deporte, 2019, p. 11).

At the European level, the 1992 European Sports Charter, as a guiding instrument for sports policies in the countries of the European Community, was based on the concept of sport as a social and cultural activity of free choice. Also noteworthy was the report on sport presented by the European Commission to the Helsinki European Council in December 1999, to safeguard sports structures and maintain the social function of sport in the European Union. As a result of this document, the Nice Declaration of 2000² emerged, highlighting the social, educational and cultural functions as the foundations of sport’s specificity.

² Available at: <https://www.yumpu.com/pt/document/read/14866847/declaracao-de-nice-federacao-portuguesa-de-futebol> Accessed: 25 Jul. 2022.

In the case of the countries that are the subject of this study (Brazil and Portugal), sport as a right is enshrined in their constitutions alongside the provision for state responsibility. Article 217 of Brazil's Federal Constitution of 1988 states that "it is the duty of the State to promote formal and non-formal sporting practices, as a right for everyone [...]". According to Article 79 of the Constitution of the Portuguese Republic of 1976: "everyone has the right to physical culture and sport", and it is the responsibility of the state in collaboration with other entities to "promote, stimulate, guide and support the practice and dissemination of physical culture and sport, as well as prevent violence in sport" (Portugal, 1976).

Considering the modern form of state action, the responsibility of states to guarantee rights, meet social needs and respond to political problems materializes in the promotion of public policies and normative practice. Corroborating international guidelines and the constitutionalization of the right to sport, this text is based on the assumption that sport should be the focus of state attention and public policies as a strategy for developing full citizenship.

Due to the limits of the article format, we have opted in this text for a section on state action limited to the exercise of its normative function. Canan and Starepravo (2020), for example, highlight the strong presence of the right to sport in the constitutions of Ibero-American countries, especially Portuguese-speaking countries. Scheerder, Claes and Willem (2017), in a comparative framework used to analyze sports policy systems and federations in thirteen countries, include legislative frameworks in the political structure, including specific and non-specific sports legislation as one of their analysis indicators.

Given the above, the main objective of this article is to comparatively analyze the sports legislation of Brazil and Portugal, especially the acts that established the general rules for this sector at the national level.

2 METHODOLOGY

This study is characterized as descriptive-analytical research with a qualitative approach and exploratory scope, based on the materialist-dialectical method. In order to structure and carry out the qualitative research, the stages of the scientific process proposed by Minayo (2013) were followed, namely: a) exploratory research, b) fieldwork; and c) analysis and treatment of the empirical and documentary material.

Exploratory research and fieldwork consisted of gathering documentary material. Portugal's sports legislation was located on the website of the Portuguese Institute of Sport and Youth (IPDJ)³, where it is organized by theme.

A total of 44 acts were selected from the Portuguese sports legislation. The following exclusion criteria were applied for this selection: (a) duplicity, excluding norms that appeared repeatedly in more than one theme within the IPDJ website; (b) hierarchy of norms, disregarding internal Ordinances and Orders issued by

3 Available at: https://ipdj.gov.pt/legislacao_desporto. Accessed: 24 May. 2022.

sports sector bodies; and c) thematic relevance, excluding acts that were distant from or indirectly dealt with national sports policy, for example, those dealing with regional public sports administration, sports decorations and the establishment of commemorative dates or restricted to specific sports modalities, as well as laws from other areas in which sport is mentioned occasionally as an accessory theme.

The Brazilian legal system was located on the Legislation Portal of the Presidency of the Republic via the “Legislation Search” tool,⁴ and its time frame was the period between March 24, 1998 (promulgation of the Pelé Law) and May 24, 2022 (the day the search was carried out). The initial response to the search for Brazilian federal sports legislation returned 321 and 123 results respectively, using the descriptors “esporte” and “desporto”. The types of acts considered were “Ordinary Law”, “Complementary Law” and “Decree”. The only exclusion criterion was the “No express repeal” filter.

Subsequently, this initial sample underwent a filtering process comprising four stages, the first three of which were conditional and referred to the reading of sentences, preambles and the full text. The fourth stage consisted of applying the exclusion criteria: a) duplication, excluding acts that appeared repeatedly in both search descriptors; b) integrity of the rule, disregarding acts that had a total veto; and c) thematic relevance, applying a reference similar to that described in Portuguese legislation. Once the debugging process was complete, the sample universe was 56 acts.

To analyze and process the empirical and documentary material, we used content analysis, which, according to Bardin (2016), consists of three chronological poles: a) pre-analysis; b) exploration of the material; c) treatment of the results, inference and interpretation. Pre-analysis corresponds to a moment of organization. This stage includes the initial search for documents, reviewing the hypotheses and objectives initially formulated in the research project, drawing up indicators (categorization) and preparing the texts.

Floating reading was the technique used for initial familiarization with the corpus of analysis, selected *a priori* according to the established objectives and representativeness within the universe studied (national sports policy). After selection, the texts were organized into four groups (Brazilian legislation, Portuguese legislation, Brazilian provisions and Portuguese provisions)⁵ and then transposed into the qualitative data analysis software MAXQDA Analytics Pro 2022.

With the help of this tool, the material was explored in two stages. The first involved coding based on thematic recording units and contextual units in paragraphs. Subsequently, the material was categorized according to semantic criteria and grouped into registration and context units. Coding and categorization were the beacons for the last stage of content analysis, the treatment of results, inference and interpretation.

4 Available at: <http://www4.planalto.gov.br/legislacao/>. Accessed: 24 May. 2022.

5 This article only covers the first two categories.

3 SPORTS LEGISLATION

When analyzing the nature and type of rights and benefits provided for and/or implemented under Brazilian social policies, Boschetti (2009) highlights, among other factors, the importance of legal recognition of a right so that it can be claimed in court. The acceptance of the right in the legal framework is usually accompanied by a description of the state's duty to guarantee it, which is the basis for exercising democratic social control.

As previously mentioned, sport is covered by the constitutions of Portugal and Brazil as a collective right. At the same time, both countries have a law in force that seeks to establish the bases and general rules that regulate sport nationally. With this in mind, we surveyed and analyzed the national legislation that relates directly to the sports sector, taking into account the inclusion and exclusion criteria set out in the methodological design section.

3.1 GENERAL RULES OF SPORT IN BRAZIL AND PORTUGAL

Portugal, which predates Brazil, has one of the first Constitutions (1976) to include sport as a right, in its article 79, establishing that “everyone has the right to physical culture and sport”. It is worth noting that the document also assigns state responsibility, in collaboration with other entities, to “promote, stimulate, guide and support the practice and dissemination of physical culture and sport, as well as preventing violence in sport”.

The first time the subject of sport appeared in Brazilian constitutions was in 1967, under the military dictatorship, among the Union's legislative powers (article 8, XVII, “q”). However, it was only in the 1988 Constitution that, in addition to being a matter of concurrent legislative competence for the Union and the federated entities, the “duty of the State to promote formal and non-formal sports practices, as a right of each one” was established (Brazil, 1988).

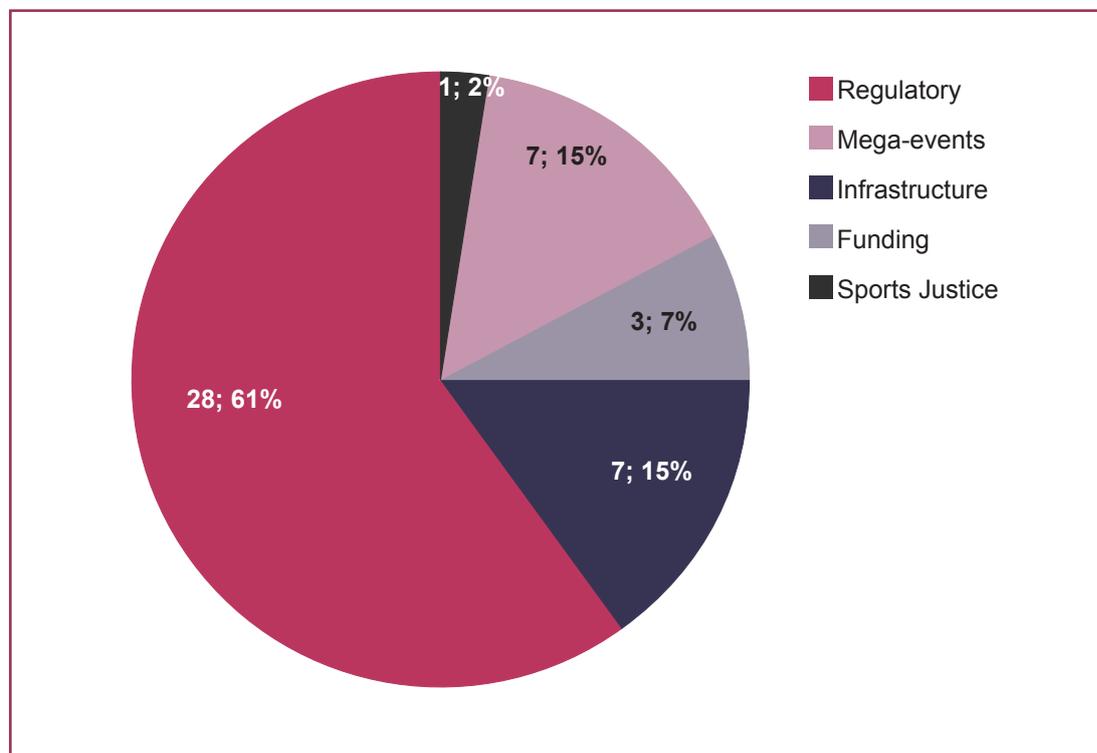
Santos, Carvalho and Alves (2021) state that the presence of the social justice agenda gives the central authorities in Portugal and Brazil responsibility for legislating on social rights, including sports. In this sense, the authors identify that, for different reasons, in both countries, there is state responsibility for sport, which is confirmed in their constitutions and in the production of laws that seek to regulate the sector.

After the initial and general survey of the rules, a filtering process was carried out in three stages, the first two being the reading of the headings and the preamble and the last, when necessary, the full text, giving a total of 43 Portuguese and 56 Brazilian rules in the post-constitutionalization period of the right to sport.

An initial thematic classification of Portugal's sports legislation documents reveals the prominence of the “regulatory” category, which accounts for more than 60% of all the rules surveyed (Chart 1). This group includes acts aimed at establishing legal systems that regulate professional practice, such as the case of sports coaches, as well as documents that seek to qualify sports management and the training of those involved in it.

This survey contradicts the findings of Godinho (2018), since for the author: “The lack of legislation that requires training in sports management for leadership positions in the Portuguese sports movement goes hand in hand with a lack of definition of what the minimum skills are for the rigor that the positions require” (p. 97).

Chart 1 – Percentages of the thematic classification of Portuguese Sports Legislation.



Source: Prepared by the authors

On the other hand, the emphasis on the regulatory category corroborates Correia’s (2009) observations about a legal-normative inclination. In the author’s opinion, this provision corresponds to a concentration by the state on legislative activity and redefining the legal bases of sport in Portugal, making the normative-regulatory paradigm prevail instead of prioritizing the establishment of strategic guidelines and programs that allow the sector to develop.

In this same line of reasoning, Constantino (2009) criticizes what he calls a normative drift, based on the judgment that legislation is the critical factor for success. Although he recognizes that this is an option adopted in other countries, the author rejects normative determinism in relation to state action in the sports sector.

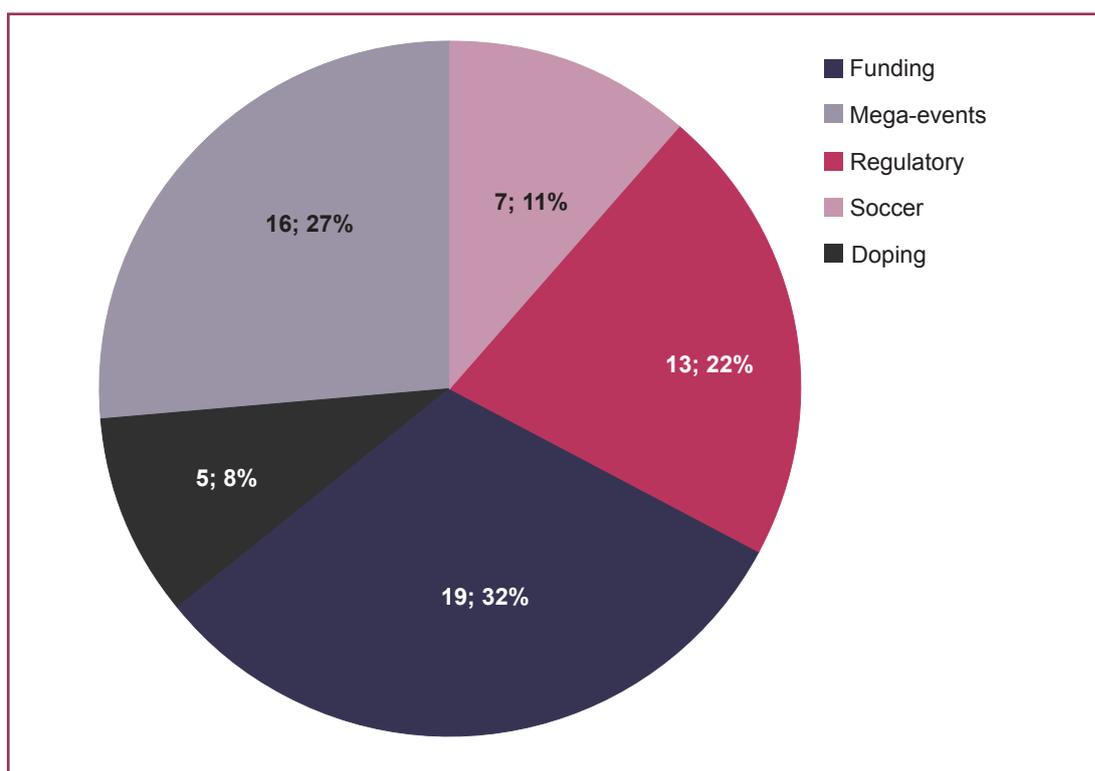
In second place in the thematic classification is the group made up of acts referring to “Mega-events” and “Infrastructures”, which together account for 30% of all Portuguese sports legislation. In the case of infrastructure, the most prominent are regulations that establish technical standards and responsibilities for the use of public spaces for physical activity and sport.

With regard to Mega Sporting Events, the regulations create exceptional rules (Decree Laws 15/2000, 284/2001, 86/2004 and 385-A/2007, Organic Law 2/2004) and temporary governance structures (Decree Laws 33/2000 and 268/2001),

requirements imposed on the state by the sporting bodies that manage such events and which, together with their sponsors, hold their rights. A similar situation occurred in Brazil⁶ when the country was confirmed as the host of the 2014 FIFA World Cup and the 2016 RIO Olympic and Paralympic Games.

The thematic classification and coding of all Brazilian sports legislation resulted in Chart 2, with the “funding” category standing out (32%). This highlight reinforces one of the conclusions of Athayde *et al.* (2016) that the infra-constitutional sports legislation until 2014 prioritized the expansion of sources of funding for sport, particularly in the high-performance dimension.

Chart 2 - Percentages of the thematic classification of Brazilian Sports Legislation.



Source: Prepared by the authors.

At the same time, there is evidence in Brazilian sports legislation of the presence of an exceptional legal framework for hosting major sporting events, grouped under the Mega-events code (27%). After 2016, with the end of the Olympic Games, the acts change their purpose and focus on the extinction or adaptation of the governance structures created specifically for the management of these events (Federal Law No. 13,474/2017 and Decrees No. 9,466/2018 and 9,512/2018). There is also a smaller group made up of instruments to regulate federal action in smaller events held in 2019 (Decrees 9.786/2019 and 10.015/2019).

For a more detailed analysis, the main regulations for the sports sector in each country were taken from the initial sample. In Portugal, reference is made to Law

⁶ On the rules of exception motivated by the hosting of mega sporting events in Brazil, see the Observatório das Metrôpoles website. Available at: <https://www.observatoriodasmetrololes.net.br/megaeventos-excecao-e-apropriacao-privada/>. Accessed: 28 Sep. 2022.

Figure 2 – Matrix of codes in Law no. 5/2007.

Lista de Códigos	Consolidação Lei n.º 5_2007 - Diário da República n.º 11_2007,
Regulamentação	4
Voluntariado	2
Formação Técnica	2
Eventos e Competições	4
Esporte e Inclusão	3
Educação Física e Esporte Escolar	1
Estrutura e Gestão Esportiva	18
Esporte olímpico e paralímpico	2
Diplomacia e Relações Internacionais	1
Informação e Pesquisa	3
Financiamento	6
Gestão Pública	1
Descentralização	1
Infraestrutura	5
Saúde	3
Combate à discriminação	2
Direito ao esporte	2

Source: MAXQDA Analytics Pro 2022.

Image translation: Consolidation Law no. 5_2007 - Diário da República no. 11_2007

List of Codes: Regulations; Volunteering; Technical training; Events and competitions; Sport and inclusion; Physical education and school sport; Sports structure and management; Olympic and Paralympic sport; Diplomacy and international relations; Information and research; Funding; Public manageme; Decentralization; Infrastructure; Health; Combating discrimination.

The higher incidence of the “Sports Structure and Management” code (30%) within the content of Law No. 5/2007 confirms this law’s concern with organizing Portugal’s sports system. This attention is given, notably, in Chapter III dedicated to sports associations and their respective sections, which define the nature, rights and obligations of sports entities.

The next most prominent code (10%) is “Funding”. The presence of this subject in Law 5/2007 was highlighted in the study by Santos, Carvalho and Alves (2021). According to the authors, there is a lack of a better definition of the role of central power in sports funding, as well as how resources should be shared between the national and local spheres.

On an issue that is essential to structuring the system, which is funding, the texts have not built a structural basis: (a) where the resources will come from; (b) how much will be made available to guarantee and extend the right to sport; (c) what will be the rules for its distribution; (d) what will be the co-participation system; (e) what will be the participation of professional and non-professional sport in the sharing of resources (Santos; Carvalho; Alves, 2021, p. 607).

Finally, the topic of “infrastructure” (another category of analysis in this study) appears in third place (~8.4%). Article 8 of Law 5/2007 defines the sports infrastructure and equipment policy. This part of the document makes territorial management compulsory and provides for a system of collaboration between the state and the Autonomous Regions, local authorities and private entities. In other parts of the law, there is also a concern that infrastructure be included in programs to promote physical activity and in the obligations of sports service providers.

The same coding procedure was carried out with Brazilian Federal Law No. 9.615/1998 (Pelé Law), which, as initial visual information, presented the image below.

Figure 4 – Matrix of codes in Law No. 9.615/1998.

Lista de Códigos	L9615COMPILADA
Fiscalização, Transparência e Controle Social	18
Doping	8
Conceituação esportiva	3
Regulamentação	38
Formação Técnica	1
Eventos e Competições	1
Esporte e Inclusão	1
Educação Física e Esporte Escolar	3
Estrutura e Gestão Esportiva	17
Esporte olímpico e paralímpico	3
Informação e Pesquisa	1
Financiamento	11
> Gestão Pública	6
Infraestrutura	1
Saúde	1
Direito ao esporte	2

Source: MAXQDA Analytics Pro 2022.

Image translation: COMPILED LAW 9615

List of codes: Supervision, transparency and social control; Doping; Sports Conceptualization; Regulations; Technical training; Events and competitions; Sport and inclusion; Physical education and school sport; Sports structure and management; Olympic and Paralympic sport; Information and research; Funding; Public management; Infrastructure; Health; Right to sport.

The first thing to note about Figure 4 is that it highlights the regulatory nature of the Pelé Law. This is an expected and desired characteristic of a basic law, which aims to establish the general rules for regulating a given sector. The passages contained in this code refer mainly to the recognition of international treaties, the attribution of state bodies, the obligations and legal nature of sports entities, the regulation of the professional exercise of athletes (labor rights, compensation, forms of contract) and the establishment of sports order and justice.

The significant presence of the code referring to “Supervision, Transparency and Social Control” (~16%) is noteworthy. Notwithstanding the relevance of this theme, it should be noted that there are recurrent accusations of corruption and misuse of public resources involving sports administration entities. Therefore, the presence of this theme may represent a state concern to curb such practices. In this sense, this code includes parts of the document that deal with mechanisms for monitoring and punishing acts of administrative improbity.

Similar to the main piece of sports legislation in Portugal, the Pelé Law also highlights the codes referring to “Sports Structure and Management” (~15%) and “Funding” (~10%). The former brings together excerpts that refer to the federative sports system (Confederations and Federations), including professional leagues and sports entities (clubs and associations).

The Pelé Law, on the other hand, addresses the issue of Funding, essentially to define the origin, composition and destination of public funds linked to sport. At the same time, it establishes rules for the entities that are eligible to receive public funds.

And, more recently, motivated by changes to Federal Law No. 14.205/2021, which regulates the right of arena over sports spectacles.

Concluding the analysis of sports legislation, it is important to note that the absences in the LBAFD and the Pelé Law are just as telling as the prominent themes. In the case of the Portuguese Law, no passages were identified that refer to the codes of “Transparency, Supervision and Social Control”, “Doping” and “Sports Conceptualization”. In the case of the former, its omission could signal the non-existence of the problem, which would give rise to the need for closer monitoring or the possibility of shelter by institutional legal regimes. The second is covered by Law 38/2012, while the latter does not seem to be a discussion that reaches the regulatory framework, since, unlike Brazil, it does not define the administrative structure or the distribution of public resources.

In the Pelé Law, no passages refer to the codes of “Volunteering”, “Combating Discrimination” and “Diplomacy and International Relations”. It is important to note that these themes are strongly linked to sports in general and to sports entities and competitions in particular, including the mega-events held in Brazil. To a certain extent, these omissions reflect a lack of alignment with the international or multilateral agenda, where such issues are usually a priority. Unlike Portugal, where decisions taken within the European Union have a strong impact on the planning of the different sectors of state activity, in the case of Brazilian sport there is no such link.

4 CONCLUSIONS

The mapping of sports legislation showed that both countries have a General Law, which defines the bases and guidelines for national sports. In Portugal, following the constitutionalization of the right to sport, three versions of this law have already been published (1990, 2004 and 2007), as well as more recent modifications to the original text. In Brazil, after the first publication in 1993 (Federal Law No. 8.672/1993) and the second in 1998, it was decided to maintain the rule with constant changes to its initial wording, although a proposal for a new general law for the sector is currently under discussion in Congress and the Senate.⁷

The general rules of Portuguese and Brazilian sports deal with the systemic organization of national sports. Although the Brazilian legislation provides for a Brazilian and National Sports System, its functioning does not correspond to what is expected of a national system and what the deliberations of the first two editions of the National Sports and Leisure Conferences pointed out. On the other hand, in Portugal, even with a more fluid semantic definition, there is clarity about the competencies and areas of activity that characterize the Portuguese sports system, despite criticism about their implementation.

The content analysis of the documents confirmed that in Brazil, funding and the diversification of sources are the main issues, while in Portugal, the regulatory

7 See: PLS n. 68/2017 and PL n. 1825/2022. Available at: <https://www25.senado.leg.br/web/atividade/materias/-/materia/128465>. Accessed: 28 Sep. 2022.

exercise is the main concern, leading to comments about the excessive regulation of state action in the sports sector. In both countries, it was possible to observe the impact of major events on the legislative sphere, with exceptional acts being produced to meet the requirements imposed by the entities that hold the rights to these events.

A comparative analysis of sports legislation can point to trends in the field, as well as new issues that instigate state regulatory activity in its relationship with other representatives of this sector. At the same time, it is important to point out that Brazil is going through a new regulatory framework for sports, which brings, among other innovations or changes, the increased importance of structuring the National Sports System.

Finally, there is a need for future studies that broaden the scope of the comparative analysis to include other infra-constitutional rules that regulate specific sports topics or areas, as well as incorporating political provisions that seek to plan, guide or administratively and politically deliberate state actions in the sports sector.

REFERENCES

- ATHAYDE, Pedro *et al.* O esporte como direito de cidadania. **Pensar a Prática**, v. 19, n. 2, p. 490-501, abr./jun. 2016. Available at: <https://revistas.ufg.br/feff/article/view/34049> Accessed on: Jan. 2, 2024.
- BARDIN, Laurence. **Análise de conteúdo**. São Paulo: Edições 70, 2016.
- BOSCHETTI, Ivanete Salette. Avaliação de políticas, programas e projetos sociais. *In*: **SERVIÇO Social: direitos sociais e competências profissionais**. Brasília: CFESS; ABEPSS, 2009.
- BRASIL. **Constituição da República Federativa do Brasil**. Brasília, DF: Senado Federal: Centro Gráfico, 1988.
- BRASIL. Tribunal de Contas da União. **TC 021.654/2014-0**: Relatório de Levantamento de Auditoria. Sistema Nacional do Desporto. Brasília: TCU, 2014.
- BURRIEL i PALOMA, Joan Carles; PUIG, Núria. Responsabilidades y relaciones entre el sector público y el privado en el sistema desportivo. *In*: SUBIRATS, Joan. **¿Existe sociedad civil en España?** Responsabilidades colectivas y valores públicos. Madrid: Fundación Encuentro, 1999.
- CANAN, Felipe; STAREPRAVO, Fernando Augusto. O direito constitucional ao esporte em perspectiva comparada. **Cuestiones Constitucionales**, n. 42, p. 103-135, 2020. DOI: <https://doi.org/10.22201/ijj.24484881e.2020.42.14338>
- CASTILHO, César Teixeira; MARCHI JÚNIOR, Wanderley. Esporte, geopolítica e relações internacionais. **FuLiA/UFMG**, v. 5, n. 2, p. 240–257, 2021. DOI: <https://doi.org/10.35699/2526-4494.2020.20385>
- CHAKER, André-Noël. **Study of national sports legislation in Europe**. Strasbourg: Council of Europe Publishing, 1999.
- COAKLEY, Jay. Ideology doesn't just happen: sports and neoliberalism. **Revista da ALESDE**, v. 1, n. 1, p. 67-84, set. 2011. Available at: <https://revistas.ufpr.br/alesde/article/view/22743>. Accessed on: Jan. 3, 2024.

CONSEJO IBEROAMERICANO DEL DEPORTE. **Iberoamérica y la Agenda 2030.**

El deporte como herramienta para el desarrollo sostenible: Introducción conceptual y revisión de experiencias. Montevideo: CID, 2019. Available at: <https://www.segib.org/?document=iberoamerica-y-la-agenda-2030-el-deporte-como-herramienta-para-el-desarrollo-sostenible-parte-1>. Accessed on: Jan. 3, 2024.

CONSTANTINO, José Manuel. De um Estado-problema a um Estado-parceiro. *In*: BENTO, Jorge; CONSTANTINO, José Manuel (org.). **O Desporto e o Estado: ideologias e práticas.** Porto: Edições Afrontamento, 2009.

CORREIA, José Pinto. Políticas públicas e desenvolvimento do desporto. *In*: BENTO, Jorge; CONSTANTINO, José Manuel (org.). **O Desporto e o Estado: ideologias e práticas.** Porto: Edições Afrontamento, 2009.

GODINHO, Ana Filipa Evaristo Mendes. **Portugal e o modelo europeu do desporto: estatísticas e constrangimentos.** Dissertation (PhD in Sports Sciences) - Faculty of Sports Sciences and Physical Education, University of Coimbra. Coimbra, p. 174, 2018.

GIULIANOTTI, Richard. **Sport, a critical sociology.** 2. ed. UK: Polity Press, 2016.

JOHNSON, Arthur T.; FREY, James H. (ed.). **Government and sports: the public policy issues.** Totowa: Rowman & Allanheld, 1985.

MINAYO, Maria Cecília de Souza. **O desafio do conhecimento: pesquisa qualitativa em saúde.** 13. ed. São Paulo: Hucitec, 2013.

PORTUGAL. **Constituição da República Portuguesa.** Diário da República n.º 86/1976, Série I de 1976-04-10. Lisboa: 1976.

RIBEIRO E CASTRO, José. **Tratado de Lisboa: o Desporto ganha estatuto no Direito Europeu.** Lisboa: Associação Portuguesa de Direito Desportivo, 2007.

SANTOS, Edmilson Santos dos; CARVALHO, Maria José Carvalho; ALVES, Alex Vieira. Políticas públicas de desporto e municípios: arcabouço legal no Brasil e em Portugal. **Licere**, v. 24, n. 4, p. 593–616, 2021. DOI: <https://doi.org/10.35699/2447-6218.2021.37732>

SCHEERDER, Jeroen; WILLEM, Annick; CLAES, Elien. **Sport policy systems and sport federations: a cross-national perspective.** London: Palgrave Macmillan, 2017.

VERONEZ, Luiz Fernando Camargo. **Quando o Estado joga a favor do privado: as políticas de esporte após a Constituição Federal de 1988.** Campinas, 2005. 370f. Dissertation (PhD in Physical Education) - Faculty of Physical Education, UNICAMP, 2005.

Resumo: Este artigo aborda as normas gerais do esporte no Brasil e Portugal a partir de uma perspectiva comparativa. Parte-se do pressuposto que o esporte deve ser foco de atenção estatal e das políticas públicas como estratégia de desenvolvimento da cidadania. O objetivo principal é analisar comparativamente a legislação esportiva de Brasil e Portugal, sobretudo os atos que estabeleceram as normas gerais para este setor em âmbito nacional. Para isso, realizou-se uma pesquisa descritivo-analítica de abordagem qualitativa e abrangência exploratória, organizada a partir de trabalho de campo e análise e tratamento do material empírico e documental. A análise de conteúdo dos documentos confirmou que no Brasil o financiamento é o tema de destaque na atuação normativa do Estado, ao passo que em Portugal o exercício regulatório é a principal preocupação. Nos dois países foi possível observar o impacto dos megaeventos na esfera legislativa, com a produção de atos excepcionais.

Palavras-chave: Legislação esportiva. Brasil. Portugal. Estudo comparado.

Resumen: Este artículo aborda las reglas generales del deporte en Brasil y Portugal, desde una perspectiva comparada. Se parte del supuesto de que el deporte debe ser el foco de atención estatal y de las políticas públicas como estrategia de desarrollo de la ciudadanía. El objetivo principal es analizar comparativamente la legislación deportiva en Brasil y Portugal, especialmente las leyes que establecieron las reglas generales para este sector a nivel nacional. Para ello, se realizó una investigación descriptivo-analítica con enfoque cualitativo y alcance exploratorio, organizada a partir del trabajo de campo y el análisis y tratamiento de material empírico y documental. El análisis de contenido de los documentos confirmó que en Brasil el financiamiento es el tema principal en la acción normativa del Estado, mientras que en Portugal el ejercicio regulatorio es la principal preocupación. En ambos países se pudo observar el impacto de megaeventos en el ámbito legislativo, con la producción de actos excepcionales.

Palabras clave: Legislación deportiva. Brasil. Portugal. Estudio comparativo.

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CONFLICT OF INTERESTS

The authors declare that this work involves no conflict of interest.

AUTHOR CONTRIBUTIONS

Pedro Athayde: Preparation of the initial project, as well as data analysis, data organization and data collection.

Adovaldo Filho: Proofreading and analysis of content and legal vocabulary.

Fernando Mascarenhas: Proofreading and inclusion of theoretical references.

Antônio Figueiredo: Proofreading and supervision of the research project.

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EDITORIAL RESPONSIBILITY

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