119 - ORGANIZATION IN SPORTS: A STUDY ON THE UTILIZATION OF THE "ORGANIZATION" TERM WITHIN THE BRAZILIAN SPORTING LEGISLATION.

SIDNEY NETTO, ALBERTO PUGA, and ALMIR LIBERATO
UFAM Universidade Federal do Amazonas (Amazon Federal University). Manaus. Brasil
snetto@ufam.edu.br

1. INTRODUCTION:

From the undisciplined horde to the family, from the family to the tribe, from the tribe to the city/state, from the city/state to the nations, empires or civilizations Men always had the necessity for organizations references so as to be able to live. Presently the word Organization is much utilized once we ought to live within some minimally organized systems. As such, in the modern society, the same person may undertake a multiplicity of functions, which are entailed to specific aspects of the every day life.

Organization term bears its origin from the Greek *"organon",* which means instrument, utensil. There are two meanings for the term: **a.** on one side it designates unities or social entities such as factories, banks, and the Public Administration. Here Organization is understood as a physical constitution, a conscious and coordinated entity enjoying relatively delimitated boarders, and which operates on a relatively continuous basis, having in sight the carrying out of its objectives. An organized group represented by an administrative unity is a group of individuals who frequently interact, who are entailed by the relations of power, and who are free to withdraw from the group (Moessinger, s/d). **b.** on the other side, the same term designates certain social conducts, in other words, the act or effect of organizing, the administrative function, such as: the act of organizing the activities within such Organizations, the integration of the several members of a coherent unity, the moving of resources (human and physical ones). The organization as an administrative function is exactly to allocate, arrange, gather, join, share the work, and specialize for the activities to be performed in the best possible manner.

As once can notice, the organization term bears double or even triple meaning once it may represent the Administrative Unity as for the Administrative Function, represented by a behavior (the action), which may be either professional or personal.

2. OBJECT:

The present study is intended to analyze the frequency and the utilization of the organization term within the main texts of the Brazilian sporting legislation as of 1975**,** based on the analysis techniques of its content.

3. METHODOLOGY:

The present study has been carried out bearing a classified approach as Administrative, which according to Gaya (1994) is utilized for the qualitative researches in the Sporting Sciences within the Organization/Management area, and bearing the dialectical descriptive type methodological approach, producing as its final results, by means of quantitative summaries, the diverse forms of utilization of the organization term. According to Lakatos & Marconi (1992), and Cervo & Bervian (1996), a descriptive approach is advisable for analyzing its varied aspects on a group or social community's live, and the dialectical approach, according to Gamboa & Toro (2001), is not a simple adequation or a discovery, but the building of something new which changes both during the process.

4. DELIMITATION OF THE STUDY:

The present study has been delimited to the analysis and utilization of the *organization* term as contained in Law nr.: 6.251/75, in Decree nr.: 80.228/77, which regulates Law nr.: 6.251/75 (both of the military dictatorship period) in Law nr.: 8.672/93, known as "Zico's Law", and Law nr.: 9.615/98, known as "Pelé's Law", as well as in Decree nr.: 2.574/98, which regulates Law nr.: 9.615/98 "Pelé's Law".

5. FOUNDATION: NECESSITY FOR ORGANIZATION:

The world has become in the course of the last years the scenery where it is possible for one to observe the importance of the organizations as well as the importance for man to be organized. Nevertheless, it is known that, in the end of II World War, the development of the human sciences was extraordinary in several countries around the world and in Brazil as well. The idea of organizing, initially developed in the economics area, was being progressively incorporated and absorbed by other branches of knowledge and by society. On considering thus its utilization in practically all of the social fields, its presence in the sporting activities could not be let unconsidered, which leads us to believe that the knowledge existing in the subjects of the corporation administration science could offer an excellent contribution for the Sporting development (Chiavenato, 1987; Bilhim, 1996; Ferreira et al., 1996, and Campos, 2000).

In the area of the sporting management and legislation, the *organization* term is normally used in two distinct forms, being capable of representing an administrative unity (confederation, federation, league, club, and others) as for an administrative function in the disputing and competition form, namely, how the competition is to be performed.

However, it is necessary one knows exactly all about what is said, even where one talks about several things at the same time. There is the risk of, should it be not needed, the rigidity of the ideas beginning to the threat. But it is not sufficient only to sort out the representations, it is necessary to correctly coordinate them. Representing about the foundations of any knowledge is the same as evaluating such a skill. It is important for one to seek an explanation for the foundations of the organization as well as of the *administrative unity as for its administrative function,* so as to be able know exactly what is being said.

Heinemann (1997, p. 10) utilized the organization term in two forms while referring to sport:

"(…) it is important and necessary for one to study the different forms of the sporting organization for several reasons, amongst them we may highlight: which type of sporting organization determines the form and the content of the sporting offer, its structure, its management modes, and its participation. The sport takes within each such organizations different expressions and meanings."

According to the above mentioned author, there are two sporting practice systems: in one of them, it is organized in a closed, organized and stable form the example being the administrative structure utilized by the corporations in the beginning of the century (formal sporting, referring to the structure, the offer, and the administrative unity of the sporting), and in the other the sporting opens itself for everyone's participation (informal sporting, referring to the sporting practice, and to the administrative function), making its practice informal, once the sporting nowadays bears an ample spectrum of offers, enabling its practitioner to chose the structure that most suitable for him/her. In such a case the author utilizes the term to designate the either open or closed forms for the sporting organization by referring himself to revenue sporting (organized by sporting management entities, administrative unities) or to the shared sporting (where the individual spontaneously takes part in the sporting activities, administrative function).

Within the scope of the study object, one cannot exclude the sporting organization history as a social structure, as

the references to the carrying out of the games that gave origin to Ancient Greece Olympics. Mainly while considering, as it is referred to by Melo de Carvalho and Constatino (1986), all of the organization phases (as the administrative unity, announcing the games, training and lodging the athletes, preparing the contests places, offering the city security) and its performance (organization, acting as an administrative function, checking the specific rules for the contest, such as: not being of the female gender, not being slave or barbarian, not being prosecuted for murdering or sacrilege).

As for the modern era, one may divide the history of the sporting organization (administrative unity) in two phases. The first one corresponding the period between the beginning of the XVI Century and the middle of the XVIII Century, where the first regulations began to appear and the sporting activities leans to their specialization and to the professionalism (Bouet, 1968).

Its organization (administrative unity/administrative function) within the contest sporting and in the sequence as the sport practiced by professional athletes, the sporting in Brazil turned to be regulated by means of *decrees*, decree-laws, and *laws,* being considered by some as benefic and by many other as prejudicial, both for the athletes and for the sporting modes as well.

This allows the understanding of how much in the course of the last years the sporting practice, either or not institutionalized, has become influenced by the Legislation and which fully justifies the carrying out of the present study.

As of 1983, with the creation of the Culture National Council by means of the Decree-Law nr.: 526 of 07/01/1938, but actually consolidated only by means of the publication of Decree nr.: 1.056, of 01/19/1939, creating the National Commission for the Sport, and afterwards in the year 1941 with the publication of Decree-Law nr.: 3.199, we had the promulgation of the first legislations that would set forth the basis of the sporting organization in the whole Brazil. It was produced as a justification by the legislators the thesis that the competition, amateur or professional sporting practiced in the country had reached a notable development though it resented itself of a lack of general and adequate organization capable of enforcing the necessary discipline for its practice. The above mentioned legislation used to practically deal with the school physical education and of the contest sporting.

The *first* Organic Law for the Brazilian Sporting was published in 1941; the *second* was published in 1975, and regulated in 1977, therefore thirty-six years later; the *third* was published in 1993, sixteen years later; nevertheless, only five years after the last one, it was published the *fourth* Organic Law for the Sporting, Law nr.: 9.615/98, which was regulated by means of the Decree nr.: 2.574/98.

As of the Federal Constitution of 1988 the sporting happened to bear a new connotation in both the political and popular contexts in Brazil, by setting forth a new set of principles in the so called form sporting and increasing its social reach towards the so called informal sporting, once the practice of the physical activity could not remain only strict to the technical aspects of the sporting.

6. PRODUCTION OF THE RESULTS: THE USE OF THE ORGANIZATION TERM WITHIN THE BRAZILIAN SPORTING LEGISLATION

Hereinafter we produce in a succinct form the Laws and Decrees object of this study:

I. LAW nr.: 6.251, of October 8th, 1975. It sets forth the general norms on sporting, and gives other provisions. This Law is comprised of: 52 Articles, 21 Paragraphs, 6 sole Paragraphs, and 36 items and sub-items. The world organization appears 19 times in its context bearing the meaning of administrative function (to organize, place in order, create a structure for performing an activity), and 7 times bearing the sense of administrative unity.

II. DECREE nr.: 80.228, of August 25th, 1997. It regulates Law nr.: 6.251, of October 8th, 1975, which sets forth the general norms on sporting, and gives other provisions. This Decree comprises: 191 Articles, 169 Paragraphs, 17 sole Paragraphs, and 142 items and sub-items. The word organization, bearing the meaning of administrative function (to organize, place in order, create structure for performing an activity) appears 32 times in the text of the Decree, and 6 times bearing the sense of administrative unity.

III. LAW nr.: 8.672, of July 6TH, 1993 ZICO'S Law It sets forth general norms on sporting and gives other provisions. This Law comprises: 71 Articles, 47 Paragraphs, 11 sole Paragraphs, and 117 items and sub-items. The word organization appears 11 times bearing the sense of administrative function (to organize, place in order, create structure for performing an activity).

IV. LAW nr.: 9.615, of March 25th, 1998 Pelé's Law It sets forth general norms on sporting and gives other provisions. This Law is comprised of 96 Articles, 71 Paragraphs, 18 sole Paragraphs, and 108 items and sub-items. The word organization appears 12 times bearing the sense of administrative function (to organize, place in order, create a structure for performing an activity).

V. DECREE nr.: 2,574, of April 29TH, 1998. It regulates Law nr.: 9.615, of March 24th, 1998, which set forth general norms on the sporting and gave other provisions. This Decree comprises: 119 Articles, 158 Paragraphs, 21 sole Paragraphs, and 189 items and sub-items. The word organization appears 15 times bearing the sense of administrative function (to organize, place in order, create structure for performing an activity).

7. MAIN CONCLUSIONS:

As of the re-establishment of the democratic status of right, one can notice that socially Sporting is responsible for a notable influence in the Brazilian people's behavior; with the promulgation of the New Brazilian Constitution in 1988**,** the legislators confirmed the urgent necessity of promoting changes in the sporting structure, by setting forth in Article 217 of our Magnum Chart the sporting autonomy in Brazil, propitiating major liberty to the sporting practice administration entities, by acknowledging the fair balance amongst the sporting offers, although in Art. 24th of the same Constitution it is made clear that it is up to the Country, to the States and to the Municipalities to concurrently legislate on the sporting.

With the re-establishment of the citizens' rights, by means of the recovery of the plain democratization of the Brazilian society, the legislators, besides of reducing the texts of the Laws and Decrees**,** they also reduced the utilization of the organization term, by using it only as an administrative function, namely, as the act or effect of organizing, which means that the sporting community's understanding demonstrates that the organization does not comes from nor arises from the legislative texts, but by means of the incorporation of the intrinsic and extrinsic values of the sporting phenomenon.

Key-Words: Sporting Management; Sporting Organization; Sporting Legislation.

Av. General Rodrigo Otávio, 3.000 Aleixo Mini-Campus (Setor Sul) CEP 69.077-000 - Telefone/Fax: 3647-4127
Prof. Dr. Alberto dos Santos Puga Barbosa Universidade Federal do Amazonas pugaa@buriti.com.br
Prof. Dr. Almir Liberato da Silva Universidade Federal do Amazonas liberato@vivax.com.br
Prof. Dr. Sidney Netto Universidade Federal do Amazonas snetto@ufam.edu.br

REFERENCES:

BOUET, M. **Signification du Sport.** Paris : Editions Universitaries, 1968.
BILHIM, J. A. F. **Teoria Organizacional Estruturas e Pessoal**. Lisboa, Instituto Superior de Ciências Sociais e Políticas, 1996.

BRASIL, LEIS E DECRETOS. **Decreto-Lei nº: 526 Criação do Conselho Nacional de Cultura.** Congresso Nacional, Distrito Federal: 1938**.**
BRASIL, LEIS E DECRETOS. **Decreto-Lei nº: 1.056 Criação do Conselho Nacional de Cultura.** Congresso Nacional, Distrito Federal: 1939**.**
BRASIL, LEIS E DECRETOS. **Decreto-Lei nº: 3.199 Lei Orgânica do Desporto Brasileiro.** Congresso Nacional, Distrito Federal: 1941.
BRASIL, LEIS E DECRETOS. **Lei nº: 6.251 Nova Lei do Desporto Brasileiro.** Congresso Nacional, Distrito Federal: 1975**.**
BRASIL, LEIS E DECRETOS. **Decreto nº: 80.228 Regulamenta a Nova Lei do Desporto Brasileiro.** Congresso Nacional, Distrito Federal: 1977**.**
BRASIL, LEIS E DECRETOS. **Nova Constituição Federal,** Distrito Federal: 1988.
BRASIL, LEIS E DECRETOS. **Lei nº: 8.672 Nova Lei do Desporto Brasileiro.** Congresso Nacional, Distrito Federal: **1993.**
BRASIL, LEIS E DECRETOS. **Lei nº: 9.615 Nova Lei do Desporto Brasileiro.** Congresso Nacional, Distrito Federal: 1998**.**
BRASIL, LEIS E DECRETOS. **Decreto nº: 2.574 Regulamenta a Nova Lei do Desporto Brasileiro.** Congresso Nacional, Distrito Federal: 1998**.**
CAMPOS, C. Gestión Desportiva. **Tesis doctoral presentada para la obtención del grado de Doctor en Ciencia Económicas y Empresariales**. Faculdad de Ciencias Económicas y Empresariales Deptº de Economia de la Emprese, Universidade de Cadiz, in Revista Digital **Ano 5, nº 22,** Junio, Buenos Aires, 2000.
CERVO, A. L. e BERVIAN, P. A. **Metodologia Cientifica. 4ª ed.** São Paulo: Makro Books do Brasil Ed. Ltda, 1996.
CHIIAVENATO, I. **Administração: teoria, processo e prática.** São Paulo: McGraw-Hill Ltda., 1987.
FERREIRA, J. M. C. ET AL. **Psicossociologia das organizações. Lisboa:** McGraw-Hill Ltda., 1996**.**
GAYA, A. C. A. **As ciências do Desporto nos países de língua portuguesa. Uma abordagem epistemológica.** Dissertação de doutoramento. Faculdade de Ciências do Desporto e de Educação Física, Universidade do Porto, 1994**.**
GAMBOA, Silvio Sanches & TORO, Linda Natália Sanches. **Introdução à metodologia da pesquisa: projetos de iniciação científica.** Universidade Estadual de Campinas, 2001.
HEINEMANN, K. **Aspectos Sociológicos de las organizaciones deportivas** in Apunts Educación Física y Deportes nº 49, 3º trimestre, Barcelona: Press Line, 1997**.**
LAKATOS, E. Mª & MARCONI, M. de A. **Metodologia do trabalho científico: procedimentos básicos, pesquisa bibliográfica, projeto e relatório, publicações e trabalhos científicos. 4ª** Ed. São Paulo: Atlas, 1992.
MOESSINGER, Pierre. **Fundamentos da Organização.** Tradução de António Magalhães e Maria Gorete Souza, Porto Portugal, RÈS Editora, Ltda. s/d.

ORGANIZATION IN SPORTS: A STUDY ON THE UTILIZATION OF THE "ORGANIZATION" TERM WITHIN THE BRAZILIAN SPORTING LEGISLATION.

ABSTRACT

The organization term bears its origin from Greek, *"organon",* which means instrument, utensil. The organization notion presents two (2) meanings: on one side it designates unities and social entities. Here Organization is understood as a physical constitution, enjoying relatively delimitated boarders, and which works on a relatively continuous basis, bearing in sight the carrying out of its objects. On the other side, (b) the same term designates certain social behaviors, in other words, the act or effect or organizing, an administrative function, such as: the act of organizing the activities within such *Organizations.* Since the publication of Decree-Law nr.: 3.199, of April 14th, 1941, *mens legis* has been seeking an answer from the legislative text and wishes its organization. *Object:* To analyze the frequency and the utilization of the organization term within the main terms of the sporting legislation. *Methodology:* The present study has been performed bearing a classified approach as Administrative, which is utilized for the qualitative researches within the Sporting Sciences in the area of the Organization / Management, and bearing a methodological approach of the dialectical descriptive type, producing as its final results, by means of the quantitative summaries, the diverse forms for the utilization of the organization term. *Study delimitation:* The present study has been delimited within the analysis as of Law nr.: 6.251/75 until Decree nr.: 2.574/98 which regulates Law nr.: 9.615/98 "Pelé's Law", in other words, of all the Laws and Decrees that used to regulate and regulate the Brazilian sport since 1975. *Results:* The organization term becomes an interrupted seek for rendering concrete the phenomenon within the sport. It has been perceived as the time elapses that there is a decrease in its employment either as an administrative unity or as an administrative function. *Main Conclusions:* With the re-establishment of the democratic status of right and the promulgation of the Brazilian Constitution, the sporting community understanding has demonstrated that the organization does not come nor it arises from the legislative texts, but from the intrinsic and extrinsic values from the sporting phenomenon.

ORGANISATION DANS LE SPORT: UNE ÉTUDE SUR L´UTILISATION DU TERME 'ORGANISATION' DANS LES TEXTES DE LA LÉGISLATION SPORTIVE BRÉSILIENNE

RÉSUMER

Le terme « organisation » vient du grec *organon* qui signifie instrument, ustensile. La notion d´organisation présente deux significations. D´une part (a), elle désigne des unités et des entités sociales. Dans ce cas, l´organisation est comprise comme une constitution physique, possédant des frontières relativement délimitées, et qui fonctionne sur une base relativement continue, en fonction de la réalisation de ses objectifs. D´autre part (b), elle désigne certaines conduites sociales, c´est-à-dire, l´acte ou l´effet d´organiser, la fonction administrative, tels que l´acte d´organiser les activités au sein de ces organisations. Depuis la publication du Décret-Loi nº 3.199, du 14 avril 1941, on cherche une réponse, à partir des textes législatifs, à l´organisation souhaitée. *Objectif:* Analyser la fréquence et l´utilisation du terme « organisation » dans les principaux textes de la législation sportive. *Méthodologie:* L´étude en question a été réalisée à partir d´une approche classée comme « administrative », qui est utilisée dans les recherches qualitatives en sciences du sport dans le domaine de l´organisation et la gestion, et selon un abord méthodologique du type descriptif dialectique, présentant comme résultats finaux, au moyen de résumers quantitatifs, les diverses formes d´utilisation du terme « organisation ». *Délimitation de l´étude*: La présente étude est limitée à l´analyse depuis la Loi nº 6.251 de 1975, jusqu´au Décret nº 2.574 de 1998 qui règlemente la Loi nº 9.615 de 1998 ou "Loi Pelé", c´est-à-dire, de toutes les lois et de tous les décrets qui ont règlementé ou règlementent le sport brésilien depuis 1975. *Résultats:* Le terme « organisation » devient une recherche incessante de concrétude du phénomène dans le sport. On perçoit qu´avec le temps, il y a une diminution de son emploi, autant comme unité administrative que comme fonction administrative. *Principales conclusions*: Avec le rétablissement de l´état démocratique de droit et la promulgation de la nouvelle constitution brésilienne, la compréhension de la communauté sportive démontre que l´organisation ne vient pas de textes législatifs, mais de l´ incorporation des valeurs intrinsèques et extrinsèques du phénomène sportif.

ORGANIZACIÓN EN EL DEPORTE: UN ESTUDIO SOBRE LA UTILIZACIÓN DEL TERMINO "ORGANIZACIÓN" EN LOS TEXTOS DE LA LEGISLACIÓN DEPORTIVA BRASILERA.

RESUMEN

El termino "Organización" tiene como origen el griego "*organon"*, que significa instrumento, utensilio. La noción de la palabra "Organización" presenta dos significados: a) Por un lado designa unidades y entidades sociales. Aquí la organización es entendida como una constitución física, gozando de fronteras relativamente delimitadas, que funciona en base relativamente continuada, teniendo a vista la realización de los objetivos. Por otro lado, b) El mismo termino designa ciertas conductas sociales, o sea, el acto o efecto de organizar funciones administrativas como: El acto de organizar las actividades dentro de esas Organizaciones. Desde la edición del Decreto Ley nº: 3.199 de 14 de Abril de 1941, que *"mens legis"* busca respuesta a través de los textos legislativos de la tal codiciada organización. *OBJETIVOS:* Analizar la frecuencia y el uso del termino "organización" en los principales textos de la Legislación Deportiva. *METODOLOGÍA:* El presente estudio fue realizado abordando el tema de clasificación Administrativa, que es utilizado para la investigación cualitativa en la Ciencia Deportiva en el área de Organización / Gestión y con abordaje metodológico del tipo descriptivo dialéctico, presentando como resultados finales, por medio de resúmenes cuantitativos, las diversas formas de uso del termino "organización". *DELIMITACIÓN DEL ESTUDIO:* El presente estudio está delimitado en el análisis a partir de la Ley nº: 6.251/75, hasta el Decreto Ley nº: 2.574/98 que reglamenta la Ley nº: 9.615/98 "Ley Pelé", es decir, de que todas estas Leyes y Decretos que reglamentaron y todavía, reglamentan el Deporte Brasilero desde 1975. *RESULTADOS:* El termino "organización", pasa a ser una búsqueda incesante del significado de este fenómeno en el deporte. Percibiendo con el pasar del tiempo que hay un decreciente en su empleo, tanto como unidad administrativa, así como, función administrativa. *CONCLUSIONES PRINCIPALES*: Con el restablecimiento del Estado Democrático de Derecho y, la promulgación de la nueva Carta Magna brasilera, la comprensión de la comunidad deportiva, demuestra que la organización no transcurre, ni procede, de textos legislativos, mas sí, con la incorporación de los valores intrínsicos y extrínsecos del fenómeno deportivo.

ORGANIZAÇÃO NO ESPORTE: UM ESTUDO SOBRE A UTILIZAÇÃO DO TERMO 'ORGANIZAÇÃO' NOS TEXTOS DA LEGISLAÇÃO DESPORTIVA BRASILEIRA

RESUMO

O termo organização tem origem no grego organon, que significa instrumento, utensílio. A noção de organização apresenta dois significados: (a) por um lado designa unidades e entidades sociais. Aqui a Organização é entendida como uma constituição física, gozando de fronteiras relativamente delimitadas, tendo em vista a realização dos objetivos. Por outro lado (b), o mesmo termo designa certas condutas sociais, ou seja, a função administrativa, tais como: o ato de organizar as atividades dentro das Organizações. Desde a edição do Decreto-Lei Nº 3.199, de 14 de abril de 1941, que a mens legis busca resposta a partir dos textos legislativos a almejada organização. Objetivo: Analisar a freqüência e a utilização do termo organização nos principais textos da legislação desportiva. Metodologia: O presente estudo foi realizado com abordagem classificada como Administrativa, que é utilizada para pesquisas qualitativas em Ciências do Desporto na área da Organização, e com abordagem metodológica do tipo descritiva dialética, apresentando como resultados finais, por meio de resumos quantitativos, as diversas formas de utilização do termo organização. Delimitação do estudo: O presente estudo está delimitado desde a Lei Nº 6.251/75 até o Decreto Nº 2.574/98 que regulamenta a Lei Nº 9.615/98 "Lei Pelé", ou seja, de todas as Leis e Decretos que regulamentaram e que regulamentam o desporto brasileiro desde 1975. Resultados: O termo organização passa a ser uma busca incessante de concretude do fenômeno no esporte. Percebe-se com o passar do tempo que há um decréscimo do seu emprego tanto como unidade administrativa quanto como função administrativa. Principais conclusões: Com o restabelecimento do estado democrático de direito e a promulgação da nova Constituição brasileira, a compreensão da comunidade desportiva demonstra que a organização não decorre e nem promana de textos legislativos, mas, sim da incorporação dos valores intrínsecos e extrínsecos do fenômeno desportivo.