

## BETWEEN LEGAL AND REAL: A COMPARATIVE STUDY BETWEEN SPORT LEGISLATION IN BRAZIL AND SPAIN

*ENTRE O LEGAL E O REAL: ESTUDO COMPARADO ENTRE A LEGISLAÇÃO ESPORTIVA DE BRASIL E ESPANHA* 

*ENTRE LO LEGAL Y LO REAL: ESTUDIO COMPARATIVO ENTRE LA LEY DEPORTIVA DE BRASIL Y ESPAÑA* 

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**Abstract:** This article is the result of a comparative study on sports policies in Brazil and Spain. Its main objective was to analyze – comparatively – the sports legislation from both countries after the right to sports entered their Constitutions. By following procedures from comparative studies and content analysis research techniques, we studied Brazil's and Spain's infra-constitutional laws regulating the sports sector. The analyses show: (i) the establishment of a hybrid sports policy management architecture combining tutelary action by the State with autonomy/liberalization of the private sector; (ii) encouragement towards creation of entities whose legal nature is aligned with a business perspective; (iii) diversification of funding sources for sports, especially for high-performance sports, which are more attractive to the market due to their potential to boost commercial activities.

**Keywords:** Comparative study. Sports legislation. Brazil. Spain.

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## 1 INTRODUCTION

Between perverse globalization and globalization as a (solidary) possibility<sup>1</sup>, we experience an interconnected world, capable of breaking down imaginary borders in favor of the internationalization of capital and financial flow and, at the same time, building real walls to set the limits of social, ethnic and cultural inequalities. In terms of international relations, we observe the proliferation of bilateral and multilateral agreements, related to topics such as immigration, security and trade, for example, contracts made between different economic blocs.

The possibilities of experiencing a more solidary global model, permeated by more balanced human relationships, seem to be far away. On the contrary, we identified the predominance of uncontrolled competition for markets and technologies, of a disharmonious relationship with the environment and intense exploitation of natural and human resources. Amidst this scenario of fierce competition and severe inequalities, we identified urban restructuring projects of large cities, parameterized by business logic, with the expectation of building a “Global City” or “Fantasy City” (POYNTER, 2008).

The above reconfiguration process, in addition to a certain homogenization of culture and architecture highlighted by Capel (2001), led national and local governments to interurban competition (HARVEY, 2004) to attract major international events, including sports events. Brazil launched itself with “success” in this dispute, hosting in 2014 and 2016 the FIFA World Cup and the Summer Olympic Games. To prepare the country and the city of Rio de Janeiro to host these events, planning conceptions of previous host cities were adopted as a reference, among which was Barcelona 1992, internationally recognized as a case to be followed (MASCARENHAS, 2008; 2014).

However, relations between Brazil and Spain are prior and are not restricted to the sports sphere. The countries inherited a historical link, which dates to the marks of Iberian colonization in the Americas, later reinforced by Spanish immigration, economic-commercial ties and historical and cultural proximity. According to Lima (2017, p. 10), both countries have a historical peculiarity that is expressed in the ability “to contribute effectively to intercultural and interreligious dialogue, as well as to the harmony between tradition and innovation”.

Despite this historic relationship, Brazil and Spain experience different social, political and economic realities, permeated by challenges posed by their historical and cultural particularities, as well as by a global economic model of accentuated concentration of capital accumulation, which deepens differences between centers and periphery. These distinct conditions are materially expressed in sectors of society, such as sports. To better understand these differences, between the years 2018 and 2020, we developed a broader research project.

In this article, we present one of the results of this project, which refers to the analysis of the political configuration of sport policies in these countries. The term adopted for this dimension of analysis can lead to inferences about a possible assessment of the political situation, the configurations of governments and their

<sup>1</sup> References to categories present in the work of Brazilian geographer Milton Santos.

relations with sectors of civil society, pressure and power groups. However, the proposal for this text is more restricted and is limited to the collection of data on state action in the sports sector, based on a survey and analysis of the legal system.

Regarding the scientific production on the subject, we identified two groups: (i) analyses on the constitutionalization of sport (ATHAYDE et al., 2016; PACHOT ZAMBRANA, 2016; CAMARGOS, 2017; CANAN, STAREPRAVO and SOUZA, 2017) and (ii) on the characteristics of local sports legislation (ARAUJO et al., 2017; WERLE and VAZ, 2019). In addition, we located a set of comparative or transnational studies on systems and national sports policies (BERGSGARD, et al., 2007; SCHEERDER, WILLEM and CLAES, 2017; ROCHA, 2018).

We start from the premise that the recognition of sport as a right by the country's legislation is an important step, but insufficient for its realization. The confirmation of a certain sector or phenomenon as a law in the current rules generates an expectation of law that, in many cases, is not substantiated as an effective law. This condition does not nullify the importance of this recognition so that the sport can be claimed in court. In this sense, it is common for the provision of a right to be accompanied by the description of the state's duty, the foundation for the exercise of democratic social control.

Given the above, this article aims to analyze – in a comparative way – the sports legislation in Brazil and Spain after the constitutionalization of the right to sport<sup>2</sup>.

## 2 METHODOLOGY

Overall, the research that originates this article is characterized as a social research with a qualitative approach, based on the dialectical method. Marconi and Lakatos (2019, p. 108) characterize the dialectical method as one that “penetrates the world of phenomena through its reciprocal action, its inherent contradiction in the phenomenon and its dialectical change that occurs in nature and society”. Regarding qualitative research, we followed the steps of the scientific process, proposed by Minayo (2013), namely: a) exploratory phase; b) field work; and c) analysis and treatment of the empirical and documentary material.

The exploratory phase began with the elaboration of the research project to compete for the public bidding of a development agency, in which we carried out the delimitation of the object, the creation of hypotheses, the methodological design, the organization of the schedule and the planning of the financial execution. Complementarily, this moment is constituted by the submission to the Ethics Committee for Research with Human Beings of the Faculty of Health Sciences of the University of Brasília, later approved through Opinion No. 4.008.482.

The fieldwork stage was developed from two trajectories. In this article, we present the results of the survey of documentary material. According to the classification proposed by Marconi and Lakatos (2019), the documentary research

<sup>2</sup> This text adopts the understanding that there is a constitutionalization of the right to sport in Spain, due to the fact that in the Spanish Constitution of 1978 the duty of public authorities to promote sport is inserted in article 43, in line with the first initial item that refers to the recognition of the right to health promotion. Furthermore, we corroborate Pachot Zambrana (2016), who points out Spain as one of the cases in which the legally binding recognition of the right to sport is enshrined in infra-constitutional norms, namely those regulating sport, which consequently guarantees a relative and considerable legal effectiveness.

was composed of primary written sources, which correspond to the current sports legislation published after the constitutionalization of the right to sport.

The Spanish legislation was collected on the website of the *Agencia Estatal Boletín Oficial del Estado*<sup>3</sup> and the Brazilian legal order was located through the *Portal da Legislação*<sup>4</sup>. The first inclusion criterion adopted to choose the documents concerns the availability/publicity in central government websites. In addition to this, the following were observed: (i) National legislation that deals with the regulation of the right to sport, including those that deal with the management and financing for the sector (Constitution and infra-constitutional laws); (ii) Legislation that regulates the general provisions of the Constitution and the General Sports Law; (iii) Legislation that regulates the organization of the sports sector. Exclusion criteria were: (i) National legislation on the right to sport that is not available on central government websites; (ii) Exclusive sports legislation; (iii) Legislation that regulates a specific program or project (such as Law No. 10.891/2004, which institutes the Bolsa-Atleta Program); (iv) Resolutions, Ordinances and/or newsletters.

The third and last stage corresponds to the analysis and treatment of documentary material. Based on the object of study and the objective conceived for this text, we built an amalgamation of models and research techniques, consisting of comparative studies and content analysis.

Sartori (1999, p. 32) states that there are many reasons for us to compare, one of them is learning from the experience of others, as “*quien no conoce otros países no conoce tampoco el propio*”. Carvalho (2014) shares the same thought when considering that comparative studies expand the field of understanding about the characteristics assumed by certain policies in different national realities, from the identification of similarities and differences between them.

The comparative perspective in the sphere of public administration studies the similarities and differences between various units of analysis, at the levels of organization, management and policy, with the objective of consolidating an institutionalized knowledge base that helps in the decision-making by managers (GUESS; GABRIELIAN, 1998; SANTISO, 2003).

In the particular case of this study, we apply this methodological assumption to the sphere of sports policies. According to Rocha (2018, p. 20), “knowledge about the policies and organization of sport in the Spanish context allows us, at the same time, to broaden our field of vision on the Brazilian sports reality”.

Additionally, we used the research procedure of content analysis, which, according to Bardin (2016), is composed of three chronological poles: a) pre-analysis; b) exploration of the material; c) treatment of results, inference and interpretation.

The pre-analysis consisted of fluctuating reading as a technique adopted for initial familiarization with the corpus of analysis, selected *a priori* according to the established objectives and representation within the universe studied (national sport policy). After the selection, the texts were organized into two groups (Brazilian

3 Available at: <https://www.boe.es/>. Accessed on: March 31, 2020.

4 Available at: <http://www4.planalto.gov.br/legislacao/>. Accessed on: March 31, 2020.

legislation and Spanish legislation) and transferred to the MAXQDA qualitative data analysis software, 2020 version.

With the help of this tool, we carried out the material exploration phase in two stages. The first corresponded to codification based on thematic registration units and paragraph-type context units. Later, we categorized the material following the semantic criteria that grouped the record and context units.

Codification and categorization were used as guidelines for the last stage of content analysis, which Franco (2018) separates into three stages: description, inference and interpretation. In the description, we enumerated the characteristics of the text, describing its general objectives and the historical and social context in which they were produced. The inference stage “presupposes the comparison of data, obtained through discourses and symbols, with the theoretical assumptions of different conceptions of the world, individual and society” (FRANCO, 2018, p. 33-34). The inferences and interpretation (signification) of the data were developed from the most prominent semantic categories, adopting as theoretical support reference studies linked to the theme of sports policy at the national level.

### 3 RESULTS AND DISCUSSION

#### 3.1 GENERAL LAWS OF SPORT

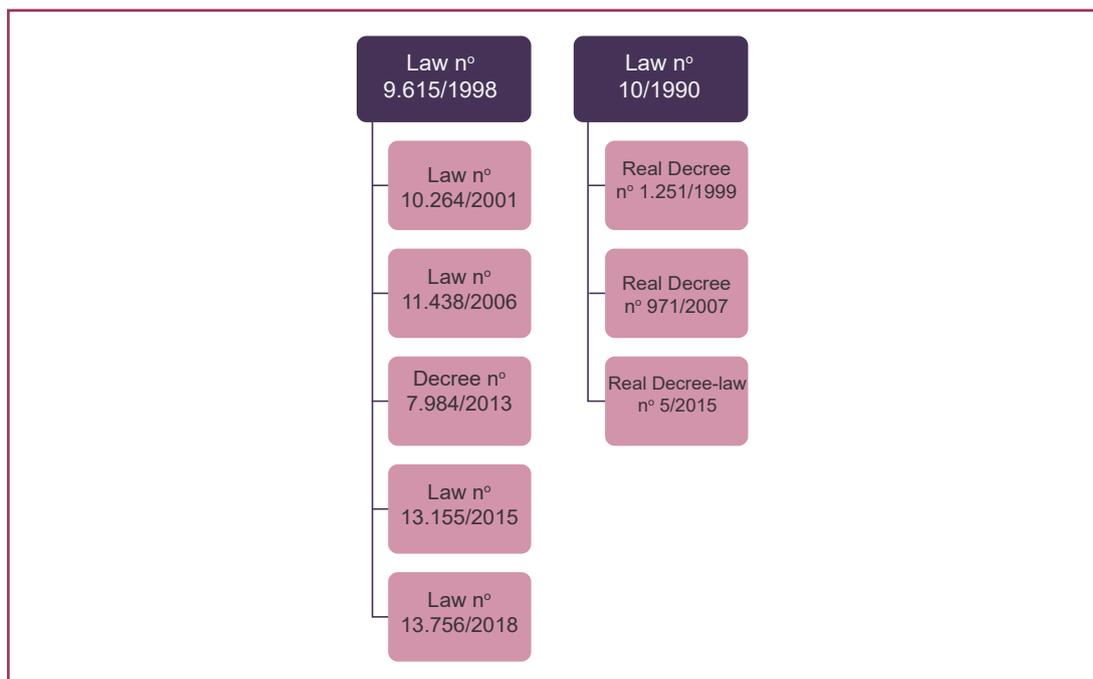
Scheerder, Willem and Claes (2017), in a comparative chart used to analyze sports policy systems and the federations of thirteen countries, include within the profile of each country three dimensions: structure, direction and support. Within the scope of direction or management, through which the relationships between sports federations and sports government bodies are established, the authors list the legislative frameworks and the political structure, including specific and non-specific sports legislation. In this study, we will focus on specific sports legislation, understood as the one whose purpose is the regulation of the sports sector, while the non-specific one cites sport tangentially or addresses it as a means to ends linked to other sectors, such as health, education and culture.

In Spain, prior to Brazil, the third chapter, Title I, of the 1978 Constitution establishes the State responsibility to promote the practice of sports, since it establishes the public authorities as promoters of health education, physical education and sport, as well as the proper use of leisure. Such precepts are reinforced in the description of the Autonomous Communities' competences (ESPANHA, 1978). According to Bodin (2011), the Spanish legislation produced in the period 1975 to 2000 reflects the need to build a sport for all, from a transition process marked by the genesis of a sports social policy aligned to development and a new democratic milestone.

The first time that the theme of sport appears in the Brazilian Constitutions is in the year of 1967, under the military dictatorship, in the jurisdiction of the Union. However, in the 1988 Constitution, sport, in addition to being a state responsibility, is recognized as a right, as the constitutional text highlights: “the State's duty to promote formal and non-formal sporting practices, as each one's right” (BRASIL, 1988).

Based on a previous survey carried out by Rocha (2018), Figure 1 shows the current infra-constitutional norms in Brazil and Spain linked to the sports theme and which will be analyzed in this article. It is important to highlight that no Spanish norms that refer to the regulation of the local regime and whose purpose are beyond the scope of this research were included. As an example, we cite the *Real Decreto* 1363/2007, absent from this study, as its main purpose is technical training for professional practice within the scope of the Spanish sports system.

**Figure 1** – Sports legislation in Brazil and Spain.



Source: adapted from Rocha (2018, p.112).

Below the national Constitutions, we initially highlight the laws located at the top of the chains represented in Figure 1, Law No. 9.615/1998 (BRASIL, 1988) and Law No. 10/1990 (ESPAÑA, 1990). These norms have the power to establish general guidelines for sports regulation at the national level and it is possible to call them “General Laws of Sport”. In both cases we have identified a set of updates/changes to the provisions of these norms over time<sup>5</sup>.

Chaker (1999), in a study on national sport legislation and policy in nineteen member countries of the Council of Europe, concludes that there are two main models of sport legislation in Europe: the interventionist model in the south and east and the non-interventionist model in northern and western Europe. Burriel Paloma and Puig (1999) classify the organization of Spanish sport as an interventionist model, characterized by a broad “specific legalization” of the sport phenomenon. Unlike these authors, we notice the presence of a hybrid composition in the sports legislation of Brazil and Spain, since they oscillate between state intervention and the autonomy/liberalization of the sports sector, as explained, for example, in article 217 of the Brazilian Federal Constitution and in the objective of the main Spanish sports law.

5 In the Brazilian case, the last change occurred in 2018 (Law No. 13.756/2018), while in the Spanish case it was in 2015 (*Real Decreto-ley* 5/2015).



ranteeing the right to sport and the interactions and interfaces of this systemic structure, whether between government bodies and spheres, or between them and private sector agents. However, despite the highlighting of terms linked to these themes, the content, particularly in the Brazilian case, does not guarantee the effective consolidation of the system and does not protect it from distortions, as pointed out in a report by the Federal Court of Accounts in 2014.

[...] the SND consists of a private system, dependent, however, on public resources for its subsistence, contrary to the stated in the Law 9.615/1998, for which entities to benefit from federal public resources must have autonomy and financial viability (FEDERAL COURT OF ACCOUNTS, 2014, p. 92).

In the Spanish legislation, although to a lesser extent, sports corporations (*sociedades anónimas deportivas* – SAD) stand out. According to Varsi Rospigliosi (2007), SAD would be one of the forms of Spanish associativism, composing the first degree of Spanish sports associations. According to the author, this new form of organization and sports promotion results from the conversion/insertion of entities originally constituted as civil associations to the business sphere. Espartero Casado (2009) highlights that a determining factor for the legislator for the SAD proposal, in the Spanish case, was the concern that participants of professional sports would not go back into debt.

Due to the processes of commodification and spectacularization that characterize contemporary sport (MARQUES; GUTIERREZ; MONTAGNER, 2009), based on comparative law, the presence of legal personality with these characteristics in the legislation of other countries can be noticed, even with a different nomenclature, such as France in 1975, Italy in 1981 and Brazil in 1998. In the Brazilian case, Law No. 9.615/1998 provides for the possibility for professional sports entities to regularly establish themselves as a business company. More specifically, in relation to football, Bill No. 5.082 of 2016<sup>6</sup> is currently being processed in the Brazilian legislature, which provides for the “club-company” and aims to encourage the participation of the private initiative in the sector.

### 3.2. CHARACTERISTICS OF SPORTS LEGISLATION

Excluding the general rules of sport in Brazil and Spain, we repeated the procedure for mapping the registration units contained in the sports legislation of a more specific nature (Figure 3). In Spain, we notice that the scope of the selected norms is reflected in the emphasis on terms related to sports corporations (*Real Decreto* 1251/1999) and the commercialization of audiovisual rights for professional football competitions (*Real Decreto-ley* 5/2015).

6 Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2082511>. Accessed on: April 14, 2020.

Figure 3 – Word cloud of Spanish and Brazilian sports legislation.



Source: Espanha (1999, 2015). Brasil (2001, 2013, 2015, 2018). Produced by MaxQDA Analytics Pro 2020.

According to Almeida (2015, p. 9), “the commercialization and mercantilization processes conquered an increasing space in the structures involved in the organization and governance of football, both at European and global level”. Moscoso Sánchez, Rodríguez Díaz and Fernández Gavira (2014) state that the Welfare State crisis and the hegemony of markets in the European sports system stands out in the Spanish reality.

In the Brazilian legislation, a larger contingent of documents and the Decree No. 7.984/2013—of a more general nature—are factors that impact on a more balanced distribution between terms, with emphasis on the more generic ones (Ministry, entities, Sports and administration), which refer to sports organization, a record similar to that diagnosed in the analysis of the Law No. 9.615/1998. The term “resources” is important evidence that indicates the conclusion pointed out by the study by Athayde *et al.* (2016), in which, when studying infra-constitutional sports legislation in Brazil, the authors point out as one of the focuses the creation, expansion and diversification of funding sources for sport, especially the high-performance sports.

To interpret and evaluate the content of sports legislation in Brazil and Spain, we carried out a full reading of the documents and, through qualitative analysis software, the codification of the texts, based on analysis categories that emerged from the collected data. As shown in Table 1, the predominantly assigned code/category, disregarding the subcategories, was “sports organization”, which refers to the rules and guidelines for regulating the actors (public and private) that organize and participate in sports policy and systems at the national level.

Table 1 – General distribution of analysis categories of the legislation (Brazil and Spain).

Categories	Quantity	%
Sports Organization	154	42.4
Financing	51	14.0
Sports Justice	50	13.8
Economy of Sport	39	10.7
Sport Dimensions	39	10.7
Doping	13	3.6
Infrastructure	7	1.9
Sports Practice	5	1.4
Training	5	1.4
TOTAL	363	100.0

Source: prepared by the authors.

Figure 4 shows the particularities of the sports legislation group in each country. For this, we built a code matrix in which it is possible to visualize the categories and subcategories that appear with greater evidence/frequency within the groups of documents (Brazilian legislation and Spanish legislation). The image confirms the previous highlights by focusing on the subcategory of “joint corporations” in the Spanish case and the category of “financing” in Brazil.

**Figure 4** – Code matrix of sports legislation (Brazil and Spain).



Source: Produced by MaxQDA Analytics Pro 2020.

Additionally, in the Brazilian group we can highlight the categories “sports justice” and “sports organization”. The first is composed of themes related to the sporting order and legal system, as well as those concerning the regulation of the professional exercise of the sporting activity, aspects widely presented in the Pelé Law (Law nº 9615/1998). The second category, in a broader way, refers to the organizational structure of the State dedicated to sport, with the definition of its composition and the competences of its agents.

In the Spanish legislation, in addition to the emphasis on “sports justice”, analogous to the Brazilian case, the subcategory “State and sports entities” also stands out. This codification contains excerpts from the group of documents that directly refers to the relationship between government bodies and private sports entities. Notwithstanding the autonomy and organizational freedom, it is possible to observe in the performance of the Superior Sports Council (*Consejo Superior de Deportes*) what we call a hybrid model of regulation of the national sports policy, or of tutelary autonomy or “tutelary assistance” (CAMARGOS, 2017), adequate to maintain the fundamentals of State tutelage over sport, without compromising the sector’s liberalization actions.

With regard to the public financing of Brazilian sport, although it is not the core of this text, two observations are necessary about the planning criteria established in the legislation. Initially, it is important to emphasize that the Pelé Law and Decree No.

7.984/2013 determine that the resources of the extinct Ministry of Sports—current Special Secretariat for Sports—must be used in accordance with the provisions of the National Sports Plan—PND. However, so far, this device does not exist and public spending on sport is guided by government planning instruments<sup>7</sup>.

A second highlight concerns the financing of high-performance sports, especially with regard to the funds transfer made to sports administration entities. The article No. 56-A, of Law No. 9.615/1998, establishes the need to sign a performance contract with the Special Secretariat for Sport. However, despite the funds transfer, no contract with sports entities was signed with this agency. The Federal Court of Accounts in an audit on the National Sports System (SND) pointed out the following: “[...] the absence of PND impacts the signing of performance contracts of entities benefiting from public resources with the Ministry of Sports” (FEDERAL COURT OF ACCOUNTS, 2014).

Spanish legislation takes a more general approach on the subject of public financing. Altogether there were only five segments coded in this category. Among the definitions presented in the documents is the competence of the Superior Sports Council to grant financial assistance to the sports entities, monitoring its application in accordance with the criteria provided by the Law 10/1990. In addition, the Council is responsible for authorizing the multi-annual expenses of the Spanish sports federations, determining the allocation of their net worth in the event of dissolution, controlling the subsidies that would be granted and authorizing the guarantee and sale of their properties, when they have been totally or partially financed with public resources from the State (ESPANHA, 1990).

We can claim that Brazilian and Spanish sports legislation are corollaries of the process of development and transformation of modern sport. The main modification of this sociocultural phenomenon in recent times has been its liberalization and commodification. According to Rodríguez-Díaz (2008), the process of commodification of sport in Spain reached its peak in the 1990s, with the current maintenance of the hegemony of the high-performance sports model in relation to sport for all, which denotes similarity with the historical trajectory of Brazilian sport policy.

This dynamic of incorporating market precepts into its organization and promotion is not a prerogative of the sports sphere and spreads to different fields of social life. In the sports spectrum, this vision/transformation is carried out by the sports, media and entertainment industries, linked to the administration and sports practice entities. Subjects that promote the so-called sport-spectacle, subsumed to the condition of a commodity, focused on inducing sports consumption and, therefore, guaranteeing the general conditions of reproduction and accumulation of capital (MANDEL, 1982). A process that is accentuated during cycles of major sporting events and that requires an adaptation (modernization) by the legislative framework.

To ensure the continuity and deepening of this process, reducing risks, the collective subjects highlighted above work with the State to ensure legal and economic support. In this sense, we observe a sports legislation that, on the one hand, maintains the regulatory and tutelary function of the State and, on the other hand, ensures the

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<sup>7</sup> We refer to the Multi-annual Plan, the Budget Guidelines Law and the Annual Budget Law.

autonomy and freedom of organization of the sports entities, stimulating the business configuration and expanding/diversifying the sources of financing for this sector.

#### 4 FINAL CONSIDERATIONS

We began this text by highlighting the globalization process and the integrative dynamics that compose the paradoxical international scenario. Despite the particularities and plurality that give rise to this landscape, it is possible to identify elements of generality that characterize it, for example, the movements of financialization, accumulation and concentration of capital, processes that once imported from certain economic sectors spread throughout the social fabric.

Sport, as an important contemporary sociocultural phenomenon, does not depart from this condition, although this occurs globally in an uneven way. And, in this sense, while the comparative analysis allows us to identify elements of specificity and distinction in Brazilian and Spanish sports legislation, both converge to elements necessary to meet the generality of the recent transformation of the sports sector, which concerns its process of spectacularization and commodification.

By adapting and guaranteeing legal support to the process, the legislation takes on certain characteristics highlighted in this study. Among them, those that stand out the most are: (i) the constitution of a hybrid architecture for the management of sports policy, which combines tutelary action by the State with the autonomy/liberalization of the private sector; (ii) encouraging the creation of entities whose legal nature is aligned with the business perspective; (iii) the diversification of financing sources for sports, especially high-performance sports, which is more attractive to the market due to its potential to boost commercial activity.

Finally, it is necessary to acknowledge the limits of this study, since it analyzes only one indicator among other aspects that constitutes an evaluation matrix of the national sports policy. As noted in the introduction, there are gaps between what is contained in the legal texts, the composition of the agenda and what is actually implemented in the field of practical action. This means that the conclusions of this study need to be compared with other analysis indicators, such as the monitoring of budget execution and the measurement of the effectiveness and reach of programs and projects aimed at promoting the practice of sports.

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**Resumo:** Este artigo resulta de pesquisa que se dedicou ao estudo comparado das políticas esportivas de Brasil e Espanha. Teve como objetivo principal analisar – de forma comparativa – a legislação esportiva de ambos os países após a constitucionalização do direito ao esporte. Adotando os procedimentos de estudos comparados e a técnica de pesquisa de análise de conteúdo, foram estudadas as legislações infraconstitucionais de Brasil e Espanha que regulamentam o setor esportivo. As análises demonstram: (i) a constituição de uma arquitetura híbrida de gestão da política esportiva, que combina ação tutelar do Estado com autonomização/liberalização do setor privado; (ii) o estímulo à criação de entidades cuja natureza jurídica alinha-se à perspectiva empresarial; (iii) a diversificação de fontes de financiamento ao esporte, em especial o de alto rendimento, mais atrativo ao mercado devido ao potencial de impulsionar a atividade comercial.

**Palavras chave:** Estudo comparado. Legislação esportiva. Brasil. Espanha.

**Resumen:** Este artículo es el resultado de una investigación dedicada al estudio comparativo de las políticas deportivas en Brasil y España. Su objetivo principal era analizar, comparativamente, la legislación deportiva de ambos países después de la constitucionalización del derecho al deporte. Adoptando los procedimientos de estudios comparativos y la técnica de investigación de análisis de contenido, se estudiaron las leyes infraconstitucionales de Brasil y España que regulan el sector deportivo. Los análisis demuestran: (i) la constitución de una arquitectura híbrida de gestión de políticas deportivas, que combina la acción tutelar del Estado con la autonomía / liberalización del sector privado; (ii) alentar la creación de entidades cuya naturaleza jurídica esté alineada con la perspectiva comercial; (iii) la diversificación de las fuentes de financiamiento para el deporte, especialmente los de altos ingresos, más atractivos para el mercado debido al potencial para impulsar la actividad comercial.

**Palabras clave:** Estudio comparativo. Legislación deportiva. Brasil. España.

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### CONFLICT OF INTERESTS

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

### AUTHOR CONTRIBUTIONS

**Pedro Fernando Avalone Athayde:** Data collection and organization. Original text writing.

**Pedro Osmar Flores de Noronha Figueiredo:** Proofreading of the original text and complementation of bibliographical references.

**Wagner Barbosa Matias:** Proofreading and complementation of data referring to Brazil.

**Álvaro Rodríguez Díaz:** Proofreading of the original text, review of data referring to Spain and complementation of bibliographical references.

**Fernando Mascarenhas:** Final proofreading.

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The research project was submitted to and approved by the Ethics Committee for Research with Human Beings of the Faculty of Health Sciences, University of Brasília, later approved through Opinion No. 4,008,482.

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### EDITORIAL RESPONSIBILITY

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