

## An Undefined Concept in Turkish Sports Law: Sports Clubs Established Within Institutions or Public Bodies

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### Abstract

It can be argued that for sport, as a social phenomenon, to be clearly understood in terms of its competitive nature (such as matches or contests) it must be governed by rules. The proper conduct of competitive processes within a framework of rules and their implementation by designated institutions is significant. Among the foremost institutions responsible for this function are sports clubs and sports federations. Previously established under Law No. 5253 on Associations, sports clubs are now founded in accordance with Law No. 7405 on Sports Clubs and Sports Federations, which came into effect on April 22, 2022. Article 2(ö) of this law defines these organizations as private legal entities. A closer examination of the legal framework reveals the expression "sports clubs established within institutions or public bodies." However, this term is not explicitly defined anywhere in the relevant legislation, rendering its legal interpretation ambiguous. This study investigates the legal uncertainty caused by the undefined use of the concept of the "institutional sports club" in Law No. 7405. Adopting a normative perspective and utilizing the case study model from qualitative research methodologies, the study analyzes the existing legislation and literature related to the subject. It explores the issues stemming from undefined terminology and demonstrates how the absence of a clear definition leads to practical challenges and may constitute a violation of the principle of legal certainty. Ultimately, the study concludes that the expression "sports clubs established within institutions or public bodies" found in the legislation should be clearly defined by the legislator.

**Keywords:** Sports law, Sports policy, Sports management, Legal gap, Legal language

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## INTRODUCTION

Society is a system of rules that forms groups, establishes authority and cooperation within them, and regulates individuals' freedoms and behaviors (Yetim, 2005, p. 78). In social life, people must follow certain rules to prevent conflicts that may arise from their different natures. There are mutual obligations between individuals, between individuals and society, and between society and individuals. To maintain social order and harmony and to control behaviors that fall outside the accepted rules, society has established specific sanctions (Yetim, 2005, p. 34). According to Akıntürk (as cited in Nal, 2018, p. 7–8) these rules are mainly moral in nature. However, to be implemented more effectively and decisively, they require an authority to ensure compliance. Legal norms are the rules of social order that have material sanctions and serve this need.

Among the various types of law, statutory law refers to written legal rules enacted by competent public authorities, especially the legislative body. Statutory law includes the constitution, international treaties, laws, decrees having the force of law, presidential decrees, regulations, by-laws, and other written legal instruments. These are collectively referred to as legislation (Nal, 2018, p. 11).

From a legal and sporting perspective, sport is a human activity that is subject to a set of rules. The existence of rules implies the existence of a legal framework for sport (Çağlayan, 2007, p. 17). Since sport is a social phenomenon, ensuring its orderly conduct and its inclusion within the scope of legal operations necessitates a specific legal framework. To meet this need, lawmakers have enacted various laws over time to form sports legislation.

In this context, the legislator enacted Law No. 7405 on Sports Clubs and Sports Federations (Spor Kulüpleri ve Spor Federasyonları Kanunu, 2022) on April 22, 2022, as the fundamental legal framework for sport in Türkiye. Article 7 of the same law refers to the formation, meetings, duties, and powers of the general assembly, executive board, and supervisory board, as well as the types of records to be kept and decisions to be made. These references are made to the Turkish Civil Code (Türk Medeni Kanunu, 2001, Law No. 4721) and the Law on Associations (Law No. 5253 dated 04/11/2004). This provides a clear picture of the legal foundations applicable to sports clubs following Article 59 of the Constitution.

When drafting laws to preserve social order, it is important to use precise and clear terminology. In legal contexts, words that are rarely used in everyday language or used differently than in common usage, often referred to as jargon by linguists, are frequently employed (Altay, 2002, p. 13). Due to the complexity and specialized nature of the legal field, it has developed its own vocabulary and terminology (Kavun, 2025, p. 418). Therefore, legal texts should be written in a clear and comprehensible manner to avoid potential misinterpretations or disputes.

Within this framework, the sports legislation has been reviewed, and it has been concluded that some expressions lack clear meaning. This study focuses on the phrase “sports club established within an institution or public body,” which appears in the legislation, and seeks to determine its actual meaning. In Türkiye, there are sports clubs named after institutions or public

organizations, such as Ankara Metropolitan Municipality Sports Club and Eczacıbaşı Sports Club (Ankara Büyükşehir Belediye Spor Kulübü, 2025; Eczacıbaşı Spor Kulübü, 2025). However, even though these clubs bear the names of institutions or public bodies, it is not legally accurate to say that they are established within or managed by those entities. These institutions have their own administrative structures and processes that are regulated by separate laws. On the other hand, sports clubs are established and managed under Law No. 7405. Therefore, even if these clubs appear to operate within the structure of public institutions or enterprises, they are not considered part of them from a legal perspective. Such clubs are in fact founded and operated by individuals coming together voluntarily.

The subject of this study emerges from this de facto situation, which is examined within the context of sports law. In its assessment on the Rule of Law, the European Commission emphasizes that laws in Europe must be clear and predictable in order to ensure legal certainty (European Commission, 2025). Based on this principle, this study applies a normative approach and document analysis method to evaluate the concepts of “institutional sports club” and “sports club established within a public institution or body.” During the analysis, it became necessary to explain certain legal concepts, which are also included in the study.

In light of these findings, the issue has been addressed from the perspective of sports law. It is argued that undefined, ambiguous, or unclear expressions in law, including sports law, can lead to serious legal problems. In such cases, individuals may suffer loss or deprivation of rights. Given the unique nature of sport, these consequences may even be irreversible. By focusing on an undefined concept in the sports legislation, this study aims to help prevent a potential legal gap. It explores the problems that may arise from terms lacking clear definitions and seeks to contribute to the clarification of the concepts that form the focus of the study. The ultimate goal is to prevent the emergence of such legal problems in practice.

## CONCEPTUAL FRAMEWORK

### Legal Entity

A person is a being capable of having a will and expressing it with legal consequences, possessing rights and obligations, capable of engaging in legal transactions that create such consequences, owning assets, exercising control over such assets, bearing responsibility, and having the right to seek legal remedies and the capacity to be a party in legal proceedings. In law, persons are classified into two categories: natural persons (human beings) and legal persons, which are organized groups of individuals or assets established to continuously pursue a common objective (Köprülü, 1967, p. 2; Oğuzman & Seliçi, 1988, p. 105; Volf, 1948; as cited in Çağlayan, 2016). Article 47 of the Turkish Civil Code defines a legal person as follows: “Entities organized as groups of persons or as independent entities of property dedicated to a specific purpose shall acquire legal personality in accordance with the relevant special provisions. Entities whose purpose is contrary to law or ethics shall not acquire legal personality” (Türk Medeni Kanunu, 2001, Article 47).

Legal persons are divided into two types: private law legal persons and public law legal persons. These, in turn, are classified as associations of persons or associations of property.

Associations of persons are formed by individuals who come together to pursue a shared objective continuously, while associations of property are created by dedicating specific assets to a purpose on a continuing basis (Çağlayan, 2016). Sports clubs fall under the category of private law legal persons as associations of persons.

Legal persons are entities that, despite being composed of groups of people or assets, exist independently of their components. The law recognizes the legal person as an autonomous entity and acknowledges that it possesses a will, which is expressed through authorized bodies. Legal persons have the capacity to hold rights and bear obligations. They enjoy all personality rights just as natural persons do, except for rights inherently personal to human beings. According to Article 123 of the Turkish Constitution, which establishes the principle of being founded by law, public legal persons must be established by law or based on explicit legal authorization. This distinguishes public legal persons from private ones (Adalet Bakanlığı, 2006, p. 12–13).

### **Sports Club**

According to the Turkish Language Association (Türk Dil Kurumu [TDK], n.d) public is defined as “all state organs providing public services” and “the entirety of citizens in a country; the general public.” Ak (2017, p. 140) defines sports clubs as units where individuals' talents are discovered, the techniques and tactics of the relevant sport are taught, and sports services are provided to local communities. These clubs are considered the most essential institutions for meeting sporting needs. According to Fişek (1998, p. 452) a sports club is an indispensable tool for sport, whose sole function is to promote physical activity, and which represents the most basic organizational structure at the grassroots level through its democratic nature.

In the legislation, a sports club is defined as “a private law legal entity registered with the Ministry to participate in the activities of the Ministry and sports federations” (Law No. 7405 on Sports Clubs and Sports Federations, Article 2/ö). In Turkey, the legal personality process for sports clubs dates back to the Ottoman Empire. Although there are debates in international law about whether the Republic of Turkey is the legal successor of the Ottoman Empire, from a sociological standpoint, a continuity can be observed (Örsten-Esirgen, 2023). Officially, it was not possible to establish sports clubs with legal status before 1909. Before this time, sports clubs and their activities did not qualify as formal legal entities; instead, they were conducted informally under the general principles of the Mecelle as simple partnerships. With the enactment of the Ottoman Law on Associations in 1909, sports clubs were formally recognized as associations. Despite amendments to this law, it remained in effect until 1938 during the Republican era, and sports clubs continued to be established under this legislation (Dinçkol, 2016). The Law on Associations was revised multiple times until the enactment of the most recent version, Law No. 5253, in 2004. Until the 2022 enactment of Law No. 7405 on Sports Clubs and Sports Federations (Spor Kulüpleri ve Spor Federasyonları Kanunu, 2022), sports clubs operated under association status. Since 2022, sports clubs have been governed by a dedicated and independent legal framework.

### **The Concepts of Institution and Public Body**

According to the TDK the term institution refers to a structure or organization that operates in fields such as economics, culture, politics, or religion, possessing its own set of rules and

operational principles (TDK, n.d.). To define the concept of a public body, it is first necessary to understand its characteristics. According to Tan (2018) one of the fundamental concepts of administrative law is public service, which, as expressed in both academic doctrine and judicial decisions, lacks a universally accepted definition (as cited in Solmaz, n.d., p. 145). Solmaz (n.d.) notes that even the Turkish Council of State has acknowledged the ambiguity of this concept in its rulings.

Gözler (2018, p. 267) defines public service as “activities aimed at the public interest, undertaken directly by a public legal person or indirectly through a private person assigned and supervised by the public legal person.” Duran (1977, p. 260) provides the following definition of public service: “designated and enumerated activities carried out by the administration using superior and exceptional authorities and procedures, to meet the needs of society or the public either directly or under its mandate and responsibility.”

In one of its rulings, the Constitutional Court of Turkey stated: “public service refers to continuous and regular activities offered to society to meet general and common needs, provided either directly by the state or other public legal entities, or under their supervision and control.” The Council of State has offered a similar definition. Therefore, it is evident that both doctrine and court rulings provide varied definitions of public service (Solmaz, n.d., p. 145). Public bodies are defined as public legal entities that are autonomous, possess their own assets and budgets, operate within a specific field of expertise, and are subject to administrative oversight by the central government. They are generally categorized as administrative, social, scientific, technical, cultural, or economic public institutions (state economic enterprises) (Solmaz, n.d., p. 89). According to the TDK a public institution is a public legal entity established to provide specific public services. Structurally, public legal entities can be categorized as either associations of persons or associations of property. Associations of persons formed by the state, special provincial administrations, municipalities, and villages constitute what is called public administration. On the other hand, institutions like universities, the Turkish Radio and Television Corporation (TRT), and state economic enterprises (SEEs) are formed as associations of property and are referred to as public bodies (Gözler, 2019, p. 38). Based on these definitions and the literature, it is observed that most definitions emphasize the aspect of public legal personality. Accordingly, entities that carry out public services and are established by law can be defined as public bodies.

### **Sports Clubs Established within Institutions or Public Bodies**

Whether established under the Law on Associations or under the Law on Sports Clubs and Sports Federations, it is explicitly stated that sports clubs are private law legal entities (Spor Kulüpleri ve Spor Federasyonları Kanunu, 2022, Article 2/ö). However, despite this clear statement, an examination of legislation and literature reveals references to certain sports clubs as being “established within public institutions and organizations.”

According to the transitional provisions of the Law on Sports Clubs and Sports Federations (Spor Kulüpleri ve Spor Federasyonları Kanunu, 2022), Provisional Article 1, Clause 4, it is stated that: “Sports units that are established within public institutions and organizations, engaged in sports activities but lacking legal personality, must complete the registration requirements outlined in this Law within one year from the date of its enactment. Those unable

to meet the requirements within this period may be granted an additional extension of up to six months. If they still fail to comply, their registration with the Ministry will be canceled.”

Additionally, in the second section of the Regulation on the Registration of Sports Clubs and Sports Joint Stock Companies (Spor Kulüpleri ve Spor Anonim Şirketleri Tescil Yönetmeliği, 2022), under the article titled “Establishment, Registration, and Membership of Sports Clubs,” Article 5, Clause 2/ç, it states: “In cases where a sports club is established within a public institution or educational institution, an official letter of permission must be obtained from the relevant body.”

From these two provisions, it is evident that the concept of sports clubs established within public institutions and organizations is acknowledged, along with the reference to “institutional sports clubs.”

However, it is observed that the concepts of institutional sports club and sports club established within public institutions and organizations are not clearly defined in either the relevant legislation or academic literature. Although, İmamoğlu, Karaoğlu ve Erturan (2007) refer to the institutional sports club as a structure that is registered in accordance with regulations and formed within a public or private institution, even this definition lacks sufficient legal clarity. Likewise, Ekenci (2000), in his study on institutional sports clubs, does not provide a definition.

Nevertheless, in a study published prior to 2022, institutional sports clubs were defined as sports clubs established by commercial companies operating in other sectors (Küçükgüngör, 1998). Another study suggests that the Regulation on Youth and Sports Clubs, published in the Official Gazette No. 25869 dated 08.07.2005, implicitly refers to institutional clubs, school clubs, and military clubs (Erturan-Öğüt & İmamoğlu, 2011).

## **METHOD**

### **Research Model**

Logic presents the rules of correct reasoning and aims to reach the truth. However, the functioning of the mind alone is not sufficient to achieve this; certain rules must be followed. Deviating from these rules may lead to errors in judgment. Therefore, logic is defined as a normative science (Ünal, 2020).

According to Serozan (2013) logic, much like method, identifies the rules of correct thinking. When the method is briefly defined as the path to rational and consistent reasoning, logic and method can be used interchangeably. However, he also points out that in normative and dogmatic legal science, observation and experimentation are considered as methodological tools but are not part of the concept of logic. At this point, he argues that method and logic diverge. In the field of law, method refers to the logical route of producing rational, verifiable, and just solutions. It represents the technical elements of legal reasoning. Legal science, unlike the natural sciences, does not rely on empirical observation, experimentation, or causal reasoning. Instead, it involves assumptions, fundamental propositions, and purposiveness. Therefore, normative sciences and normative law are based on value judgments about what ought to be, and rely on purposiveness rather than causality. Legal studies differ from positive



scientific research by aiming to establish norms, prohibitions, and prescriptions, which makes them both “normative” and, due to their reliance on value judgments outside the scope of empirical testing, “dogmatic.”

Christiani (2016) suggests that there are two types of studies when examining law as a subject of research. These are normative legal research (doctrinal) and empirical (non-doctrinal) studies. The justification for normative legal research is that legal science is considered an idealized form of science. Therefore, the purpose of studying law as a research subject is to provide a prescription regarding what should exist in accordance with the law. In this sense, the object of research is the legal norm itself. This type of research is referred to as normative legal research.

In this study, a normative approach is adopted to examine the use of undefined concepts within legal texts. To identify such undefined terms, the qualitative research method of case study was employed, and document analysis was conducted. Case studies are research strategies that enable in depth data collection through multiple sources of information such as documents, reports, observations, and interviews (Yıldırım & Şimşek, 2016, p. 241–242). It is also a common and widely accepted approach in legal research (Creswell, 2016). In this particular study, no single specific case was analyzed. Instead, the legal status of sports clubs that carry the names of institutions or public entities was examined in general terms.

### **Data Collection**

The research question of this study is as follows: *What is the meaning of the expression “sports club established within an institution or public body” as stated in the legislation?*

In this context, the relevant legislation was reviewed, and documents containing the concepts of *institutional sports club* and *sports club established within public institutions or organizations* were analyzed using the document analysis model. During this process, the following terms were examined in detail: “institution,” “institutional sports club,” “public sports club,” “institution-based sports club,” “sports club established within a public body,” and “sports club established within public institutions and organizations.” A total of 267 pages of legal documents were analyzed.

Based on the findings obtained from this examination, conclusions were drawn from a normative perspective. Furthermore, academic studies dealing with ambiguous expressions, semantic confusion, and similar issues in the legislation were also reviewed. The relevant results are presented in tabular form in the findings section.

### **Data Analysis**

In this study, content analysis, one of the descriptive analysis methods, was employed to interpret the findings obtained through document analysis. In the first phase, documents that include or could potentially include the concepts of *institutional sports club* and *sports clubs established within public institutions and organizations* were examined, and no formal definition of these terms was found. In the second phase, studies addressing legal problems caused by undefined legal terms, semantic confusion, ambiguity, or wording errors in legal texts were reviewed. Some of these relevant studies are presented in tabular format in the findings section.

## FINDINGS

In light of the documents examined, it is observed that undefined expressions in sports law are a frequent issue and lead to significant legal consequences. The following tables summarize how this issue manifests in different areas and the resulting problems.

**Table 1.** Undefined expressions in sports regulations and the legal problems they cause

Undefined Expression	Context	Legal Problem	Summary
“Health personnel”	Arrington v. NCAA settlement agreement (concussion protocols) (National Collegiate Athletic Association [NCAA], 2019)	Ambiguity in implementation of the settlement; risk of inconsistent interpretation by different institutions	The lack of a clear definition led to confusion and differing practices in complying with the settlement among NCAA member institutions.
“On-site presence”	Arrington v. NCAA (NCAA, 2019)	Same as above	Vague requirements for the physical presence of medical staff during competitions created operational inconsistencies.
“Suitability”	Arrington v. NCAA (NCAA, 2019)	Ambiguity in compliance standards	Institutions struggled to interpret what constitutes “suitability” for medical compliance in athletic programs.
“Frequency of baseline tests”	Concussion management protocols (NCAA, 2019)	Confusion over whether they should be annual or once per career	This ambiguity led to inconsistent testing practices, potentially compromising athlete safety.
“Depletion layer”	Patent case: Tekna Plasma Systems Inc. v. AP&C (Soy, 2024)	Invalidation of patent due to vague terminology	Unclear technical terms in patent text led to uncertainty about patent scope and legal challenges.
“Depth and thickness”	Patent law (Soy, 2024)	Same as above	Same as above
“Parties”	CAS 2020/A/7611 Nurlan Ibrahimov v. UEFA (Court of Arbitration for Sport [CAS], 2022)	Disputes in interpretation of UEFA Disciplinary Regulations	The undefined term “parties” raised questions about whether one party’s rights also applied to the opposing party.

### Explanation:

Table 1 reveals that undefined terms in sports regulations—such as “health personnel,” “on-site presence,” “suitability,” and “parties” have led to disparate interpretations, inconsistencies in implementation, and in some cases, invalid legal or disciplinary decisions. These ambiguities undermine fairness and legal certainty, especially in international and federated sports systems.

**Table 2.** Undefined expressions in sports contracts and resulting disputes

Undefined Expression	Context	Legal Problem	Summary
“Best efforts”	General principle in contract law (applies to sports contracts) (Hayes, 2024).	Disputes over performance obligations	Different interpretations of how much effort a party must exert led to conflicts in contract enforcement.
“Material breach”	General contract law principle (Hayes, 2024)	Uncertainty about what constitutes a serious enough violation to terminate a contract	Vague standards caused disagreement over whether a breach justified contract termination.
“As soon as possible”	General contract timelines (Hayes, 2024)	Differing expectations about timing	Lack of a specific deadline resulted in mismatched expectations and potential legal disputes.
“Significant achievements”	Player bonus clauses (Lewis & Taylor, 2021)	Disputes about bonus eligibility	Ambiguity about what constitutes “significant” performance caused players and clubs to disagree over bonus payments.



### **Explanation:**

Table 2 demonstrates that vague terms in sports contracts are a source of frequent legal disputes. Ambiguous phrases like “best efforts,” “material breach,” and “significant achievements” create differing expectations between parties, especially in enforcement and compensation scenarios.

## **DISCUSSION AND CONCLUSION**

From the perspective of both the Civil Code and relevant legislation, sports clubs are defined as private legal entities. However, it becomes difficult to determine the exact meaning of the terms “institutional sports club” and “sports clubs established within public institutions and organizations,” which appear in certain sections of both legal texts and academic literature. The legislator does not clearly define these concepts, yet their presence in the legislation can lead to various practical challenges. Legally, one legal entity is permitted to establish another (see Article 3/1 of the Sports Clubs and Sports Federations Law (Spor Kulüpleri ve Spor Federasyonları Kanunu, 2022) and Article 56 of the Turkish Civil Code (Türk Medeni Kanunu, 2001). It can thus be said that sports clubs established as associations forming a joint-stock company constitute a valid example of this provision.

As the legislation does not impose any limitation, both private and public legal entities can legally establish sports clubs. This implies that municipalities, universities, and public institutions and organizations possessing public legal personality may establish sports clubs through internal decision-making mechanisms.

In the relevant regulation, sports clubs are classified as specialized sports clubs and military sports clubs. Specialized sports clubs are defined as “clubs that operate in no more than two sports branches and meet the conditions specified in the second paragraph.” Regarding military sports clubs, the regulation states that “regardless of the registration application to the Ministry and establishment procedures of other sports clubs, they may be established according to the procedures and principles specified in the legislation of the Ministry of National Defense” (Spor Kulüpleri ve Spor Anonim Şirketleri Tescil Yönetmeliği, 2022, Articles 10–11).

Additionally, the Ministry of Youth and Sports (GSB) includes a department called the School Sports Department. The relevant legislation for this department outlines its responsibilities, including the planning and implementation of domestic and international sports activities for educational institutions affiliated with the Ministry of National Education, and the provision of sports equipment and other necessary materials (Okul Spor Faaliyetleri Yönetmeliği, n.d.). However, this regulation does not define the concept of “sports clubs established within institutions or public bodies.”

In legal and legislative language, clarity and comprehensibility are of paramount importance. It is emphasized that the language used in legal texts must be clear and understandable to avoid conceptual confusion and misinterpretation. The language of laws should possess characteristics such as clarity, simplicity, scientific coherence, consistency in terminology, precision, and specificity (Boran-Güneysu, 2019, p. 5–6). Therefore, making implicit inferences in the context of law and legislative language may be problematic. Even when

explicit provisions exist, implicit interpretations can lead to confusion or difficulty in defining terms.

Zheng et al. (2020) found in their study that ambiguities in franchise agreements negatively affected litigation by franchisees, especially when franchisor training programs failed to clarify the franchisor's obligations. Adams (2011) noted that courts are often ill-equipped to analyze legal ambiguities. In one case, a court erroneously identified ambiguity in a non-existent insurance policy, which ultimately led to a wrongful judgment.

The findings of this study demonstrate that undefined terms in sports law are not merely conceptual issues but also lead to significant legal uncertainties and inconsistencies in practice. Phrases commonly found in sports regulations and contracts, such as “medical personnel,” “presence,” “compliance,” and “reasonable efforts,” are often interpreted differently by practitioners. This results in inconsistent applications. For instance, in the *Arrington Settlement Agreement*, vague terms like “presence” and “compliance” led to differing interpretations of the roles and responsibilities of medical staff during competitions, complicating the standardization of healthcare services (NCAA, 2019). Similarly, vague expressions like “strict liability” or “extraordinary circumstances” can have serious consequences in doping law. In a case reviewed in Canada, the ambiguity surrounding such terms caused difficulties in determining athletes' levels of responsibility, raising concerns regarding the principle of fair trial (Sport Law, 2000).

In the context of sports contracts, phrases such as “reasonable efforts,” “substantial achievements,” or “comparable services” often lead to different expectations between the parties when it comes to breach, termination, or fulfillment of contractual obligations. In this regard, the principle of *contra proferentem*, which states that ambiguous terms should be interpreted against the drafter or party insisting on their inclusion, is frequently invoked in contract law (Ergeç, 2016). However, the core issue is the failure to define such expressions clearly at the outset (Hayes, 2024). Similar issues also arise in patent law. The lack of precise definitions for technical terms can jeopardize patent validity. For example, in the case of *Tekna Plasma Systems Inc.*, ambiguous terminology affected the patent's scope and led to litigation (Soy, 2024). In another case, the vague use of the term “parties” in UEFA's disciplinary regulations caused legal disputes regarding whether a request submitted by one party also applied to the other (CAS, 2022).

The question remains: what does “sports club established within an institution or public body” actually mean, given that it is not explicitly defined in current legislation? Since there is no legal definition, only inference is possible. In this regard, it may be necessary to refer to the 1938 Law on Physical Education (Law No. 3530). Article 21 of this law states: “Institutions, factories, commercial establishments, and other organizations with more than 500 civil servants and workers are required to construct facilities such as gymnasiums, sports fields, swimming pools, and others, and to employ qualified physical education teachers or trainers, based on the proposal of the General Directorate and the decision of the advisory board, with the final decision made by the Council of Ministers” (Beden Terbiyesi Kanunu, 1938 Article 21). While these provisions do not explicitly refer to sports clubs, they may have influenced the emergence of the concept of institutional or organization-based sports clubs in later literature and current legislation.

However, the Regulation on the Procedures and Principles of Legislative Drafting states: “Drafts must be written in Turkish. A clear, simple, and comprehensible language should be used in the drafts. Foreign words that have Turkish equivalents should not be included. If it is absolutely necessary to use foreign technical terms that have no Turkish equivalents, they must be written in their original form” (Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik, 2022, Article 25/1).

In conclusion, the inclusion of undefined terms in legislation can cause various problems from a legal language perspective. Legal interpretations based on ambiguous terms may lead to misapplications or incorrect rulings. Especially considering the principle that legal actions must be grounded in law, the use of vague terminology when establishing a legal entity can result in potential legal issues. It is clear that the language used in drafting legal norms and contracts in sports law must be precise, definite, and well-defined. Undefined expressions are not only a topic of academic debate but also pose serious risks in practical implementation. Therefore, regulatory authorities and contracting parties must exercise greater care in their use of language, as this is critical for legal certainty.

From this perspective, it would be more appropriate for the legislator to clearly define the expression “sports club established within an institution or public body” as it appears in the legislation concerning sports clubs. This would eliminate ambiguity. In fact, clubs that carry the names of certain public institutions and organizations but are founded and registered by private individuals under Law No. 7405 could be clarified through this approach. Moreover, such undefined terms should be clearly defined at the level of regulations. The conditions under which clubs fall within this category should be explicitly stated. Clubs that bear institutional names but are legally independent should be marked during registration with a special labeling system, and their nominal relationship to the public institution should be clearly documented. Public institutions that support sports clubs should be encouraged to formalize these relationships through official protocols, thereby placing such support within a legal framework. In this regard, legal provisions should explicitly state how and by whom such clubs can be established and managed when founded by separate legal entities such as institutions or public organizations.

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