

THEORY OF SPORT AND CONTEXTS

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The consequences of implementing the Law on Sport adopted 25 June 2010, with particular emphasis on sport for all and conducted classes in its area of hand-to-hand fighting

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Abstract: New legislation has completely changed the situation in physical recreation, which now is described as “sport for all”. Unfortunately, the new law there does not regulate this very important area of social life. The provisions of the previous law precisely defined the organization of activities in the field of recreation, which is very important especially in the area of self-defense classes taught or martial arts. In such trainings very important are not only teaching techniques for fighting, but also proper emotional, moral and intellectual development of students. The new law wiped out the state supervision of sport for all, by introducing deregulation of the profession of recreation instructor. Currently, this work may be done by everyone and the fact who can be employed in that capacity is determined exclusively by the free market. The new law requires amendment so that all people who exercise have guarantee that their instructors have the knowledge, abilities and experience necessary to carry out this mission.

On 25 June 2010 Sejm of the Republic of Poland passed the Sport Act (Act Journal no 127, position 857 with further changes), which replaced Physical Culture Act of 18 January 1996. New legislation has completely changed a legal situation of physical recreation. Now it is defined as sport for all and one of elements of broadly defined sport. Unfortunately, the new law does not regulate this very important area of social life. It's fair to say that this is now no man's land, where are no rules, that were clearly and precisely defined earlier. This situation brings a serious risks. There are well articulated by the environment, which has been involved in conducting recreational activities which promote the various forms of physical activity, not accompanied by sporting rivalry. The leading role plays the Society for the Promotion of Physical Culture (Towarzystwo Krzewienia Kultury Fizycznej). It was founded in 1956 at that time, when, after the famous Polish October, there were a political “thaw” and revived hopes for a major socio-political reforms. At that time, the revitalization of the area of freedom in the field of physical culture, was the issue for

activists of pre-war organizations such as Polish Gymnastic Society “Falcon” (Polskie Towarzystwo Gimnastyczne “Sokół”) [Kisiel 2010] and YMCA. The need to create such an entity, which turned out to be TKKF stemmed from deeply humanistic ideas and conviction that the highest value is a human person [Krąpiec 2009] and not indiscriminate mass. So that man could achieve happiness and harmoniously develop oneself, man should care not only for intellectual but also for physical development. This can be done by physical and sport activities according to the saying: “in a healthy body, is a healthy mind”. Based on this reasoning, this organization was formed. Its central office was in Warsaw, but active members were situated all over the country. Nowadays, there are many of TKKF association and there can be distinguished the ones of voivodeship, regional, county, district and town level. These are legally independent societies of physical culture associations that are direct or indirect members of TKKF. In addition there are also other TKKF physical culture associations and clubs, which have legal personality and pursuing

substantive programme consistent with the broader physical education especially physical recreation (sport for all). Just in TKKF at the end of 2007 on Polish territory were 1089 functioning clubs, bringing to 145 803 members. Only in 2007 they organized more than 21 000 events of sports and recreation, leading 5364 sections of various specialties, in which practiced more than 225 thousand people (according to Statistical Yearbook of Central Statistical Office - GUS in 2007). Just these data clearly shows us how great and difficult to overestimate is the role of these organizations and how it meets the field of general physical recreation. Area of their statutory activity is a "sport for all". The main activities are implemented in the form of sections and instructional teams. The main objectives are: measures to improve the level of national physical culture, mobilization of society to build higher motor efficiency, conducive to promoting healthy habits of regular physical activity, development of self-discipline and the search for meaning in life [Bocheński 1993], impact leading to the conscientious fulfillment of social and civic responsibilities, but also education and further training of specialized personnel needed for the practice and development of physical culture and also creation of structures for this purpose. It can be concluded that in our country these organizations have to fulfill a very important mission, not only in terms of purely recreational sport, but also the mission of an educational-upbringing, including the relation to the construction of national organizational culture [Piwowski 2011a: 92-100]. It is worth thinking about what is a "sport for all", what this term really means?

It has been incorporated into the circulation of Polish vocabulary from the European Union, in which it was always aware that in addition to accelerated economic and scientific development, equally important are such universal values as health promotion, culture, recreation, quality and style of life. At the same time - which is very important for the discussion carried out here - no matter here are age of human beings, their gender, profession, health or physical fitness. Not only experts in the field of education, science, culture, health, environment and economists, but also politicians realized, that adequate protection of benefit from the value offered by the widely understood and developed physical culture implies the normal development of society [Krawczyk 1998]. This concern is driving the adoption as early as 1975, in Brussels, "European Charter on Sport for all". Although the Charter was not a mandatory, but it is formulated explicitly specified recommendation creating for the countries which had it accepted, the possibility to participate

in relevant European training programmes, educational and financial resources. The idea of a "Charter" was also the beginning of a series of European projects created for the active promotion of recreational forms of physical culture by specialists in various fields [Ronikier 1998]. They treat the "sport for all" as an integral part of the issue of recreation and leisure. The values of this form of sport relate primarily to rapid growth of physical activity in post-industrial societies, but beyond physical health they also extend mental health and a strong personality [Piwowski 2011a: 41-44] and problems related to the achievement of social balance [Merton 2002]. In this regard, it is recognized that sport (still understood as a "sport for all") strongly favors the processes of socialization and gives future generations the possibility of active participation in social processes occurring within and across cultures, races, social classes, generations, communities of men and women, groups of territorial, religious, professional, social, intercultural processes, etc. [Charzewski 1997]. Sport for all as opposed to the so-called "mass sports", which was mainly instrumental function, is an end in itself. There is not only execution of so-called "the collective various", but also assurance to individual needs of the human person, including the appropriate proportion of social context [Piotrowska 1995]. Particularly important here is shaping the attitudes of the younger part of population, especially when assuming that sport not only shapes the health and physical powers, but also shapes discipline, commitment and matures their own pro-social attitudes. Participation in a jointly undertaken and properly structured exercise teaches man cooperation and respect for other people. Thus, in many countries of the European Union, ministers responsible for education take care of sport and recreation of children and young people. Recognition by the old EU countries sport for all as a priority in the public action meant that societies of these countries have changed over the years the style of life to a more active and healthy one. Recreational sport became there fashionable, entered into a habit and it was also the subject of social recognition (and this is one of the important human needs). That can be seen in statistics from the middle 90s of 20th century - they show, that over two thirds of adult population practise sports. In the UK it was 65 percent, 68 percent in France and in Germany up 69 percent. Outside Europe, in the U.S. an even higher rate was recorded at this time - it reached 70 percent [Krawczyk 1998]. At the same time participation in sport for all in the post-communist countries was at a much lower level and it was in Russia and Slovakia 8 percent,

10 percent in Bulgaria, in Lithuania, Ukraine and Poland 12 percent, and the highest was in Croatia - 15 percent and Estonia - 18 percent [Jankowski, Krawczyk 1997]. Some experts believe that now in our country even if the level of people participating in sport for all is constantly increasing, it is still unsatisfactory and is at a level that post-industrial countries reached a half century ago. So this is a really serious challenge to our civilization, which must be treated with great seriousness by the authorities of both the state governments and by local governments. The government can not let go of this issue by relying only on the activity of people, but must act inspired to creating financial and legal base for the dynamic development of sport for all. It must also monitor and control how this development takes place and whether it is moving in the right direction, especially in recreation of the youngest, where mistakes can be particularly severe and difficult to repair. It should also benefit from the aid community programmes created by the European Union. Especially important is "Eurathlon II" (European Commission Programme for Sport). It was prepared by the European Commission with the support of the Council of Europe and allowed the creation of the European Sports Forum. Its main task is to reach a solution aimed at health promotion and sport for all, increase the effectiveness of cooperation sports institutions of the European Union and to create a platform of cooperation between the old and new members of the European community. Consequently, it can reduce the distance that today still divides the country in the field of sport for all. As indicated earlier an enormous role to fulfill have the Physical Education Association, headed by TKKF. The bottom line is there a positive impact on children and youth, which in this way an attractive offer of useful spending their free time is provided. This is a very good alternative to risky and dangerous behaviors, to which the youngest are exposed. A special place among the section under the sport for all, are those in which martial arts are taught. They enable us to realize the concept of holistic psycho-physical education. The main aim of holistic education is accurate knowledge of personality and promote a complete man to a higher level of his development [Cynarski 2009]. Far Eastern martial arts make physical education a wealth of new values, which are ideological alternative to the ethically questionable orders to fight for sporting success regardless of price. The etymology of 'budo' shows the main message, which is "the way of violence prevention" [Cynarski 200c: 88–89]. These disciplines teach self-control of aggression and self-defense as an effective response to the attack, not to attack on the life and health of

other people. The basic principles here are: courage, bravery, respect for self and others, self-discipline, improve physical and mental health and behavior consistent with honor [Piwowarski 2011b: 383; Piwowarski, Czop 2011]. The martial arts training, emphasis is on learning proper development of emotional control of anger and resistance to failure, which should not be discouraged, but should be a motivation to work on one self [Piwowarski 2010]. Equally important is the development of ethical expressed in respect for the teacher's authority and loyalty to oath *dojo* (Jap. space of the path). Another aspect is the intellectual development of an adept, which improves memory and concentration. Through the exercise of body and mind seeks to perfection, to create a perfect unity [Cynarski 2009]. This gives strength of will, patience, tenacity of purpose, a positive determination of the action. Students learn what friendship, loyalty and trust are. But in order to be able achieve a specified value thanks to systematic training, they must have the right master - teacher who will guide them with a model worthy of emulation and authority, as an example of follower of budo path. When it comes to European culture, it was Aristotle who observed that the noble man is more reliable [Aronson 1997]. In the teaching and upbringing the reliability of transmission is therefore essential, and these qualities are more easily obtained by searching for *Kalos kagathos* [Lipiec 2001], or, as Japanese prefer, according to the concept of "learning throughout the whole body" (*karada de oboeru*) [Piwowarski, Korzeniowski 2011: 95–96]. While meeting with their teacher in the dojo, students will "scan", reiterate, and - finally - perpetuated the standard technique and various forms of behaviour of their master. They will try to remember and train everything, what he demonstrates to them. The martial arts are not just about strength and coordination or perform the precision and efficiency techniques. Students who identified with their teacher will draw on his vivid patterns of attitudes shaped as the ethos of the Way of the Warrior, as a guide to shape their own lifestyle [Cynarski 2000b: 26–45, 2000a, 2002]. Therefore, the master should be a person of high morale, it must be able to give a positive example and have a positive impact on his environment, on the entire community of dojo. Dojo is a place, which is not merely a training hall but a place where students make continuous personal self-creation, striving to achieve harmony of two more or less synchronized with each other factors - spirit and body. This serves, along with training, harmonization of relationships with other people. There is a significant achievement - consistent with a long tradition of martial arts and

at the same time with the new ecological tradition - harmony with nature. The teacher of martial arts is much more than just a coach, but rather a life guide that beyond technical skills must be able to present the proper moral stance, high-class intellectual, mental and characterological qualities. He teaches art for which, when used in a manner inconsistent with the oath dojo, may be criminal. So not every person, even featuring a high level of technical skills, can reliably serve as a competent teacher of martial arts. If he does not fulfill all conditions stated above can cause great harm whether in health or in the psyche and upbringing of young people. They may also due to dysfunction of the role of the teacher's hand to hand combat, appear more adept personality aberrations and followed them social risks. The person of master is the key to the successful implementation of a holistic theory of combat training, which includes symmetric and full development of the human person with its multifaceted complexity. A master - instructor must also be able to choose the type of training, teaching methodology, dosing the training loads (training in motility and development of technique), in order to avoid overtraining athletes and to avoid causing injuries and discouraging the further training. This approach requires a very considerable knowledge of various fields in the theory and methodology of training and human physiology and anatomy. Hence, a martial arts teacher (as well as all other forms of recreation - sport for all) can not be person without specialized (multi-) preparation. This preparation, for the sake of healthy development of potential, students of professional, must also be inspected and certified, so that to work with an extremely valuable "human material" does not get random people.

This care and concern for the proper selection of the teaching staff including martial arts and self-defense was noticed. In the wake of such a professional and highly humanistic approach so far "watched over" Physical Culture 1996 Act (Act Journal from 1996 no 25, position 113). It governs not only a matter of competitive sport, but also recreation - sport for all. The fact that records of such a form of physical activity of citizens have been placed in a normative act with the rank of the Act clearly provides that the State authorities have acknowledged that recreation is very important area of social life. Thus, Article 1 paragraph 2 specifies that in the sphere of physical culture is a movement recreation area. Articles 2 paragraph 1 indicated that the basic objectives of physical education is to care for psychophysical development and health of all citizens. This is achieved inter alia through physical recreation (sport for all) - article 2 paragraph 2

point 3. This concept has been defined as "a form of physical activity undertaken for recreation and renewal of psychophysical strength" - article 3 point 8. Very important is article 41 paragraph 1, which states that the duty to organize activities in the field of recreation and the creation of appropriate material and technical conditions for its development charges as government bodies and local government bodies. This obligation was later developed in further article (42), where the legislature has determined that these tasks are done, inter alia through the promotion of recreation values and training of instructors, and directing them to conduct recreational activities. Article 44 states that organized activities for recreation, among others can lead people with professional qualifications in physical education teacher or the relevant authority specified in separate regulations. The importance which the State gave to properly prepare such persons proves paragraph 2 of regulation requiring their education in this field outside academia express consent of the Minister of physical culture. On the basis of the cited Act, the Minister of National Education and Sport on 20 December 2002 issued a regulation on qualifications, degrees and professional titles in the field of physical culture and the detailed rules and procedures for obtaining them. They were changed in regulations on 20 June 2006. In accordance with the provisions of this act of physical recreation instructor can be a person who has completed higher education in physical education or recreation and tourism with a specialty instructor, of at least 80 hours in the discipline of physical recreation or have at least secondary education and completed a specialized course instructors in the discipline of physical recreation and passed the final exam - paragraph 7. In § 13 the statutory requirement to obtain specialized training by the organizers of recreation instructors consent of the Minister responsible for sport and physical culture is confirmed. Additionally, in § 14 was introduced that the minister is obliged to consult the opinion, before issuing such approval, with the relevant associations of nationwide coverage. All these regulations were dictated by the state with special attention to proper preparation of persons who perform work in recreation instructor. The legislature well knew that to be able to do it in a professional, safe and ensuring holistic development of course participants way, training instructors must get a number of skills confirmed with a positively passed exam. Hence, the framework of programmes for such courses and highly qualified persons engaged in them were also very important. In both cases, the Minister responsible for Sport and Physical Culture reserved the right to approve

them in advance (at least three weeks before the course starts). Courses for instructors of recreation including specialty of martial arts and self defense were therefore conducted under the patronage and supervision of the State, recognizing the importance of the problem which has entrusted minister responsible for physical culture to monitor and take binding decisions in the preparation, training and testing instructors. This indicated a high profile that has been attributed to these issues, including the instructor diplomas. For many years, discussed training was conducted by experienced teaching staff, mainly AWF staff and experienced and proven professionals whose record of leading Sports Centre. Those specialists were guarantees for excellent preparation for self-teaching of students. Graduates who successfully have passed the course and passed all tests successfully including uneasy final examine (confirmed by a special ID card issued by the competent minister) obtain the title of instructor recreation in a particular specialization. Only such individuals can legally take the lead in the sections of self-defense or martial arts. It was a positive selection, which excluded from this group any random people without the proper preparation of methodical, professional or ethical, so important in this area of physical and social activity. Described the legal status created structured framework for safe and efficient conduct of activities in the field of martial arts, to engage in the economic activity and, finally, the verification of applicants for the possibility of renting gyms in areas normally subject to the directors of schools and other educational institutions.

That situation has radically changed with the entry into force of the new Sports Act of 25 June 2010 (Act Journal no 127, position 857). Art. 1 states that sports are all forms of physical activity which, through casual or organized participation affect at expressing or improving physical and psychological wellbeing, forming social relationships or obtaining results in competition at all levels. Sport defined in this way includes recreation, that is sport for all. Unfortunately, except that art.2.1. informs us of its continued existence, in any of the other provisions of this Act it is no longer mentioned. Our legislature deliberately left so outside the realm of statutory regulation, a huge area of civic activity. It has been resigned from the organization and control of this important and yet actually ordered legal sphere. State waived its governmental authority and supervisory powers at the disposal under the current provisions in relation to training in physical recreation instructors, and more lifted any qualification requirements for persons who conduct classes in the sport for all. It is an amazing thing that policy

makers have gone with the position of regulatory powers (in the case of conducting classes in martial arts and self defense as the most legitimate) to the position of full liberalism. Environment related to sport for all is appalled by this fact, and yet can not recover from the surprise that the country so easily given up the obligation to exercise protection over the whole multitude of people participating in this form of social activity. This legal status has given impetus to organize seminar by the initiative of Physical Culture Association. It helded on 11 December 2010 in Torun, and was entirely devoted to the consequences of entry into force of the new Sports Law. The participants of the seminar were representatives of organizations that every day deal with the training of personnel for the needs of sport for all, researchers Academy of Physical Education and other senior university education for the wider physical culture. All these entities on a daily basis actively cooperate with each other both in terms of programme activities and training. All participants who evaluated the conference were highly critical of the adopted on 25 June 2010 law on sport. Their particular concern has raised the issue of a total lack of legal regulations in the field of sport for all, and thus the indeterminacy of the terms and conditions of training activities in this area. Advisable seems to be the postulate maintaining the professional title for all sports instructor (so far recreation instructor) as regulated profession. The basis for this can be art. 2.1. the Act of the sport, including the definition of sport for all. It may also be possible to conduct such training instructors by different entities, but with the proviso that this process was overseen by the Minister for Sport and Tourism, or by the authorized organization with a national coverage, which has developed training programs, experienced and properly qualified. An additional argument for the restoration of control over the training of instructors of sport for all is the fact that existing regulations already require that persons conducting recreation activities held such a title. An important issue is also the situation that there are cases of refusal by reinsurance companies of to insure classes of the sport for all in the absence of permission of instructors. There is also a concern withhold grants awarded by the European Union for the training of instructors of sport for all in the National Cohesion Strategy - Human Capital. But the cardinal argument for the requirement to hold allowances for all sports instructors is the issue of threat the safety of persons involved in activities that now he can be led by a person not having the appropriate training and expertise required (it is almost as if, for example, anyone who obtains an ID card can purchase a car and verified their

capabilities as a driver through endless practice). Thus raises the important question - how the parents of children taking part in recreational activities have the opportunity to check whether the instructor, who entrust their offspring has relevant skills and abilities if the certification is no longer carried out? Of course, the instructor candidate may enroll in a preparatory course in the field, but now no one watches the quality of such trainings both in terms of programming and staffing. The exam is also only the internal value, because the government after its passing does not give the legitimacy of the instructor, and any "certificate" may come down to a pure marketing trick. Besides - why do you need training, if the presentation of a specific professional title is no longer required? Who in their excessive zeal would like to pay for the order to be entitled (in addition doubtful), which is not legally valid, which therefore, strictly speaking - there is no longer existing and can not therefore be required. Unfortunately, any explanations of the Ministry are not satisfactory to the environment from a sport for all and confirm the previously articulated concerns about the fate of this important field of physical culture, which, by its universality applies to all of us. According to the explanations of the Ministry indicates that the date of entry into force of the Sports Law of 25 June 2010, there was no liquidation of the profession of physical recreation instructor, and only ceased to be a profession regulated by the Minister of physical culture. This approach was adopted based on the assumption that it is necessary to regulate only matters necessary for the proper development of competitive sports. It was recognized that there is no need for any regulation of recreation area that was previously included in the Physical Culture Act of 18 January 1996. It was left in the area of civil liberties and human rights of the possible impact of market. This raises the question why the legislature decided that the matter should be regulated for competitive sports, and completely abandoned this in relation to the much more widespread and on a much larger group of sport for all. Could it be recognized that it is less important, and people practicing physical recreation do not need the protection guaranteed by the State and ensuring the appropriate qualifications of instructors conducting classes? Is not it a matter of "essential for the proper development of public sports"? The justification is stated that this law decided that the professional titles in the sport is the title of coach and sports instructor. So there is no possibility of extending this directory for all sports instructor (former recreation) by any regulation. It is true, but if a mistake is made and the profession had not been included in the Act, it must be amended.

The mental health of adults and vulnerable children in this case, can not be delegate only to the anonymous delegate "the invisible hand of the market". Not exactly a satisfying assertion seems to be made by the representatives of ministries that claims that training of instructor for sport for all is still possible, and the current legal status gives even more freedom and more opportunities in this area because there is no exhaustive list of recreation specialization. Since it is so good so why the topic experts consistently say this is not true? With a simple reason - you can educate yourself, only one responsible and competent no longer supervise such courses, and their completion does not state a credible certification.

We should immediately add that they do not come here to count any saving factors related to the economic crisis. The instructors themselves bear the costs of training, with the addition taking pride in the qualifications obtained. This was an additional element binding interest of citizens with the seriousness of the highest institutions, which probably is and should be the State [Izdebski, Kulesza 2004]. And people were ready and wanted to fund on their own raising professional qualifications of instructors, enthusiasts in various fields of physical activity. Do they have to do it now somewhere in the European Union but outside the borders of our country?

The minister points out that now the responsibility for hiring qualified staff will be passed on to an economic operator in the field of sport for all. It is solely the employer has to decide whether a person can conduct classes (such as martial arts or self defense), and in order to care for customer's safety and quality of services will surely employ the best. How such a belief, since in each service sector, and it happens quite often people are dishonest and irresponsible, who count only on the quick and easy profit. So why overpay for salaried persons with high qualifications when you can pay less to someone else. Yet the gym is not a grocery store where the main risk is that a customer buys a bad yogurt, but this is where the unprofessional service could cost someone's life, health or worse - personality dysfunction. And even in that store alcohol is sold only under a license because it is a regulated activity. So why not use the licenses at the same time in such an important and sensitive area as a sport for all? For such an important sphere of social life can not be applied the principles of free market game, which even in restrictive logistics to the world of objects requires a certain state interference. If it runs out there is a crisis. Unfortunately in sport for all it becomes a reality, and it is not administering the inanimate realm. The Ministry contradicts itself by

stating that Article. 22 of the Constitution permits for limiting the freedom of economic activity only for reasons of important public interest. It relies here on the government programme of the elimination of administrative barriers and bureaucratic economy. It forgets, however, that attention to safety, health and education of Polish citizens is also a constitutional duty of the State and this is also the “important public interest”, which should be strictly protected.

Currently, the legitimate expectations of citizens who wish to participate in sport activities for all are not adequately protected by the State. It should be again mentioned that this area of social activity can not only be considered as an approach to the business. Media report today about stopping by the police participants stadium brawls and riots and claiming that there are among them those exercising martial arts. More and more we hear about so-called “rumbles” hooligans who run with them which results in injured and even killed men. There is now a real danger that they can practice in the clubs that employ pseudo instructors forgetting the educational mission of sport. They just teach to fight, and that in order to eliminate the enemy, not in the dojo, but on the street. How many are there such groups and how many of these perverted “instructors” work for them, that we do not know about, because it is no longer an area of interest of our country. The employer will not suffer any consequences for hiring the wrong people, because the instructor’s permissions for recreation are no longer required. However, many reasonable employers have consistently requested to restore the system of allowances, confirmed documents issued by the competent institutions and individuals for training and certification of persons taking up employment in the recreation. And here comes a new threat. On the Internet there are many offers of training organized by various companies, for example, going from 2 to 4 days (it is worth recalling that earlier a course included a minimum of 140 hours and its duration was at least 14 days). Leaders of these courses are the most random lecturers (it is determined by price, not quality), whose competences no one verifies. This raises legitimate concerns of academics and qualified teachers of physical culture, looking anxiously at their profession.

In summary the new law on sport requires rapid revision, so that legitimate demands raised by the environment related to sport for all are included. The problem identified in the article is a real threat especially for those people who exercise, but also for those involved in organizing such activities. They can also cause quite unnecessary work - and make it very difficult - to law enforcement authorities. It

seems that the choice of a new minister of sport and tourism is a great opportunity to listen to the voice of the members of the popularizing physical culture and fix all mistakes. It might even in time prevent serious social damage, which described the lack of regulation in the area of sport for all can generate. The discussion in this article can be a good argument to start a new legislative work in this area. The authors wish to emphasize that they are the professionals with apolitical but definitely socially minded attitude and because of that this article could not see the light of day during the “election fever” in our country.

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Konsekwencje wdrożenia Ustawy o Sporcie z dnia 25 czerwca 2010, ze szczególnym uwzględnieniem powszechnej rekreacji ruchowej i zajęć z zakresu walki wręcz

Słowa kluczowe: zagrożenia, bezpieczeństwo, rekreacja, udzielanie zezwoleń

Streszczenie

Inspiracją do napisania tego artykułu była zmiana ustawodawcza wprowadzona w dniu 25 czerwca 2010 roku, kiedy to Sejm RP uchwalił *Ustawę o sporcie* (Dz. U. Nr 127 poz. 857, z późn. zm.), która zastąpiła obowiązującą dotąd *Ustawę o kulturze fizycznej* z dnia 18 stycznia 1996 roku. Nowe ustawodawstwo całkowicie zmieniło sytuację w rekreacji, która teraz została określona jako sport dla wszystkich. Niestety w nowej ustawie nie pojawiły się żadne zapisy regulujące ten bardzo ważny społecznie obszar. Przepisy poprzedniej ustawy określały, że zorganizowane zajęcia w zakresie między innymi rekreacji ruchowej mogą prowadzić wyłącznie osoby posiadające kwalifikacje zawodowe nauczyciela wychowania fizycznego, lub uprawnienia w tym zakresie określone odrębnymi przepisami, albo posiada co najmniej średnie wykształcenie oraz ukończyła specjalistyczny kurs instruktorów w danej dyscyplinie rekreacji ruchowej i zdała egzamin końcowy. Wynikał z nich wymóg uzyskiwania przez organizatorów specjalistycznych kursów instruktorów rekreacji ruchowej zgody ministra właściwego do spraw kultury fizycznej i sportu. Absolwenci, którzy pomyślnie zaliczyli egzamin końcowy uzyskiwali potwierdzony specjalną legitymacją wydaną przez właściwego ministra tytuł instruktora rekreacji określonej specjalności. Było to bardzo ważne zwłaszcza w obszarze zajęć prowadzonych z samoobrony czy sztuk walki. W treningach tych kładzie się bowiem nacisk nie tylko na nauczanie technik walki, ale także na prawidłowy rozwój emocjonalny, etyczny i intelektualny adeptów. Poprzez ćwiczenia ciała i umysłu instruktor dąży do osiągnięcia przez ćwiczących perfekcji, do stworzenia w nich doskonałej jedności. Jest więc sprawą oczywistą, że nie każdy człowiek dysponujący nawet wysokim poziomem umiejętności technicznych może być nauczycielem sztuk walki. Jeśli nie spełni pozostałych warunków zapewnienia rozwoju uczniów może spowodować wielkie szkody w ich psychice i wychowaniu. Pod rządami poprzedniej ustawy istniała więc pozytywna selekcja, która już na samym początku wykluczała z grona instruktorów osoby przypadkowe, bez odpowiedniego przygotowania metodycznego, profesjonalnego czy etycznego, tak ważnego w nauczaniu sztuk walki.

Nowa ustawa całkowicie anulowała nadzór państwa nad sportem dla wszystkich, wprowadzając deregulację zawodu instruktora rekreacji. Obecnie może tą pracę wykonywać praktycznie każdy, a o tym kto może zostać zatrudniony w tym charakterze ma decydować wyłącznie wolny rynek. Autorzy artykułu prof. Tadeusz Ambroży – kierownik Katedry Teorii i Metodyki Gimnastyki AWF w Krakowie i mgr Andrzej Czop – wykładowca w Katedrze Filozofii Bezpieczeństwa Wyższej Szkoły Bezpieczeństwa Publicznego i Indywidualnego

„Apeiron” w Krakowie podobnie jak całe środowisko związane ze sportem dla wszystkich są zaniepokojeni tym, że ustawodawca nie zapewnił właściwej ochrony ludziom, którzy nie uprawiają sportu wyczynowego. W swej publikacji wskazują na realne zagrożenia wynikające z braku uregulowań dotyczących tak ważnej sfery życia społecznego jaką jest sport dla wszystkich.

Proponują konkretne rozwiązania, które mogłyby się znaleźć w znowelizowanej ustawie o sporcie, tak by wszyscy ćwiczący rekreacyjnie mieli gwarancję, że ich instruktorzy mają wiedzę, predyspozycje i doświadczenie niezbędne do realizacji tej misji. Autorzy uważają, że teraz gdy ucichła już wyborcza wrzawa jest dobry czas by nowy minister sportu wsłuchał się w głos ludzi, którym zależy na rozwoju sportu dla wszystkich i by podjął odpowiednie kroki legislacyjne. Ten artykuł jest właśnie głosem w tej sprawie.

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