

## “CONTRACTUAL” COMPETITION AS AN EXAMPLE OF CRIMINALITY IN THE AREA OF PROFESSIONAL SPORT

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In this article a criminality in the area of professional sport is being analyzed. The main attention is paid to the criminality of professional sportsmen linked to their sports activity that means an agreement conclusion about the competition results.

**Keywords:** criminality, professional sport, agreement, bribery, politics, warning

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The research in the area of professional sport hasn't come to nothing more than several scientific works<sup>1</sup>. It is quite hard to define numerical and qualitative characteristics of this area: these indexes are not always properly formed by official criminal statistics. Nevertheless, the mentioned conditions only convince us that the development of the subject we have chosen is a matter of necessity.

In this article we will try to analyze crimes, committed by a sportsman that are aimed for the achieving the desired result by interaction with potential rival. One of the examples of this kind of criminality is an illegal conclusion of the agreement that determines the competition result («contractual» competition).

The fact that every professional sportsman has an inner need to defeat the rival, “push himself to the limit” is beyond any doubt. This is a very important and demanded trait of character in sport. Virtually, the victory cannot be achieved without it. But this is also what brings a sportsman to

choice: act in a legitimate way or try various tricks (agreement, bribery, physical neutralization of rival etc.).

Contractual competition can conditionally be defined as following:

*Criminal penalty actions* – contractual competition, result of which is predetermined because of the agreement between the sportsmen and is makes conditional the tournament profit for one of them. That is linked to illegal receipt of money, equities, or other property or illegal usage of services that have property nature. These crimes are regulated by ch. 3 cause 184 of CC of RF and implicate penalties and even arrest.

*Disciplinary penalty actions* - contractual competition, result of which is predetermined because of the agreement between the sportsmen and is makes conditional the tournament profit for both of them. No material interest is present, so a disqualification (including life-long) can be implied in accordance with competition regulations<sup>2</sup>.

Contractual matches take place in all championships of all sports. Usually teams that don't pretend to high positions carry out banal exchange: quid pro quo. Web-sites that

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<sup>1</sup> E.g.: V. Beletskiy Criminological characteristics and criminality prevention among the sportsmen [Text]: Candidate of juridical science: 12.00.08/ V. Beletskiy. Omsk: Omsk State University, 1996; O. Bobylev Criminal-legal and criminal aspects of fighting crimes among under aged sportsmen [Text]: Candidate of juridical science: 12.00.08 / O. Bobylev, Moscow, 1993 A. Meytin Criminalologic characteristics of crimes, committed by football fans and prevention of those [Text]: Candidate of juridical science: 12.00.08 / A. Meytin. Rostov-on-Don, 2004

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<sup>2</sup> E.g.: cause 43 of Disciplinary regulations of Russian football union (RFU). Disciplinary regulations of RFU of the 5<sup>th</sup> of April 2006 (version of the 24<sup>th</sup> of April) [Web source] // Russian Football Union: <http://www.rfs.ru/?node=doc-regulation-discipline>

sell information on the coming contractual competition are present in the Internet (“Contractual matches”<sup>3</sup>, “Contractual matches in Russia”<sup>4</sup> etc.). Though, as we already found out this kind of activity is illegal.

Many sport associations take measures to prevent such facts. For example: on 18<sup>th</sup> of April 2008 an agreement has been signed in Zurich (Switzerland) between National association of bookmaker offices and International federation of football associations for a long-term collaboration on prevention of the “unfair” football matches within the selection tournaments of world football championship 2010<sup>5</sup>. However, all that is more complicated since it is quite difficult to prove the fact of handing the match in because rivals carry out the negotiations in private and do not put forth any demands to each other.

Nevertheless, there are several indirect signs, that can help us to uncover the agreement between the sportsmen. Thus, if a team that has won the competition ahead of schedule shows a really poor performance in a play with outsider that struggles for saving his place in the league, we can suppose that it has some kind of interest in this cause. However, a poor performance by a champion can be explained other ways: absence of motivation for a victory, since the result is not really important; a game has been played by reserve instead of the main membership; etc.

<sup>3</sup> The only site, that gives information for check [Web source] // Contractual matches: <http://www.fixed-bet.ru/index.shtml>

<sup>4</sup> The only site, that gives information for check [Web source] // Contractual matches: <http://www.fixed-bet.ru/index.shtml>

<sup>5</sup> International Federation of Football Associations (FIFA) and National association of bookmakers (NAB) signed the agreement of long-term collaboration [Web source]: Press-release of National associations of bookmakers f 28<sup>th</sup> of April 2008 // National Association of Bookmakers (NAB): <http://www.nasb.ru/index/2008/658>

Accordingly, different methods of proving should be used in every single suspicious cause. That can be an approval of guilt and the results of special technical means usage<sup>6</sup> (listening in, operative filming etc.). The exposed episodes must not stay unpunished since not only the idea of fair play but also a great number of fans suffer. As a fact, a roguish activity is being carried out versus them, especially those that have made bets for their favourite team (player) in a bookmaker office.

An action of some different levels competition participants of an agreement becomes a common sense nowadays. Within out research<sup>7</sup> we tried to define the character structure of a sportsman who can commit such crime in order to understand a prevention work contingent. In common it is a man aged 16-29, married, has secondary of special secondary education, who has no remorse, and has mercenary traits of character.

Moreover, we have found out that 28% of interviewed sportsmen had broken the rules at least once.

There are two main reasons why some sportsmen make an agreement for some defined competition result: material and tournament interest.

A number of measures has to be made in order to prevent the studied criminal processes. The most important of those are patri-

<sup>6</sup> E.g.: The fact of bribery of three players of football club “Valanciena” by football club “Marseille”. One of the bribed players – Jaque Glassmann – has informed his club command of the bribe and it has informed the leadership of a national football league. Law machinery has got involved. As a result of the trial football club “Marseille” has been deprived of his title of champion in season 1992-1993, that hasn’t been given to anyone, and has been sent the second division. The president of “Marseille” Bernar Tapi was sentenced to two years in prison, ⅓ of those, however he has served nominally.

<sup>7</sup> Our conclusions are based on the results of online survey that has been carried out in 2004-2009 among professional sportsmen, coaches, the institutions of professional sportsmen training leaders, and football fans of Moscow, Voronezh, Rostov-on-Don, and Volgograd.

otic and legal education of sportsmen for whom an honor of his country must be more valuable than a material profit. Even more so that any kind of material stimulation of a sportsman in order to change the event result is a criminal-penalty action that is regulated by ch.1 and ch.3 cause 184 of CC of RF. And sportsmen should understand the meaning of these actions and the heaviness of the consequences.

These measures must be aimed for making an opportunity to present Russia on international competitions a matter of pride. Regretfully, this feeling cannot be formed within a year or five. It has to be inculcated to sportsman since his childhood. That is

why a development of positive personal qualities of a teenager must be carried out together with physical exercises and training, that is not a common notice nowadays.

After Russia has obtained the right to hold the Olympics in Sochi in 2014 our country should get down to the problem of criminality prevention in the area of professional sport more carefully. We have all opportunities to solve this problem: powerful scientific potential, qualified staff and, main of all, - political will to solve the set goals that are linked both with the big-time sport but also the health of children and youth, the future of Russia.