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CONTRACT MATCHES IN FOOTBALL: PROBLEMS OF IDENTIFICATION AND RESPONSIBILITY

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*The article deals with a problematic phenomenon in sports - contractual matches in football. The characteristics of these violations of the law and sports discipline are given. The studied phenomenon is considered at the international and domestic levels, as well as in the context of legal regulation at the level of the CIS countries. Taking into account the public danger of match-fixing and the harm caused by these offenses, it is proposed to introduce amendments and additions to the Criminal Code of the Republic of Belarus.*

Currently, sport is a multifaceted phenomenon that performs many social functions. However, having the big achievements in the development of sports, experts identify a number of problems in this area. They are contract matches and different kinds of fraud at the stakes on the results of sports competitions (this category may include sports competitions, the result of which was influenced by other factors than sports competition) [1].

The problem of contractual matches takes a special place in the sport, as the detection of violations, influencing the result of matches is complicated due to several reasons:

- the acts are carefully hidden by the participants of the committed frauds;
- there is no single mechanism for identifying and suppressing relevant activities, as well as for bringing those responsible to justice;
- internationalization of professional sports (this concept in a particular case can be used in two contexts - a significant number of foreign citizens in the field of professional sports (athletes, coaches, agents, sports functionaries and managers), as well as holding sports competitions in full or in any part of them territories of foreign states) [2, p. 473].

Football match is the most common manifestation of crime in the field of professional sports. The problem of contractual match is faced not only in the Republic of Belarus or neighboring countries, but also abroad. There are examples of detection and elimination organized groups, managers and players decided the result of football matches with criminal advantage, particularly in China, Germany, Poland and Turkey [3].

The largest number of contractual match takes place in South America. Specifically, Brazil and Argentina are champions of the dishonest games. Quite a large number of contractual matches in Italy and Ukraine, also in Spain, France, Portugal, Holland. In Germany and England contractual games are holding rarely [4].

Despite the fact that this problem is a large-scale, to invent new ways of dealing with this type of crime in football is not necessary, because there is a great second experience of legal regulation and practice in different countries. In this regard, there is also special support from the International Football Federation (FIFA), the Union of European Football Associations (UEFA).

In the sports law doctrine it is quite common to believe that contractual matches are matches, the result of which is determined in advance, as a result of an agreement, a contract of two or more people, for material gain. There is a legitimate question: who are the people entering into such agreements?

First of all, an agreement is made between the clubs, or their directors, or coaches. It should also select a group of people consists of Court, bookmaker's, etc. they are the people who may be interested in receiving a certain benefit.

According to the International Criminal Police Organization (Interpol), often money obtained by illegal means are laundering through bookmakers. There are cases when agents were enriched by organizing fake matches and making bets on them [5]. As a rule, these acts are committed by an agreement about the result of match between the clubs, engaging in a criminal act bookmaker, who took bets on the match from the representatives, aware of the agreement, to get some interest. As practice shows, criminals always spend a lot of money on bribing players, coaches, management, judges, etc.

Recently, the number of contractual matches in football has reached impressive numbers. Only in the period from 2012 to 2014, 67 major scandals around contractual match occurred worldwide. According to Interpol, from 2000 to 2010, the contractual character of 2089 matches was proved, of which 53% are in Europe and 70% are in football matches [5].

Contractual matches were held even in the Republic of Belarus. During the period of the history of football in Belarus carrying out contractual match is not a frequent occurrence, however the fact of considered offenses with the participation of Belarusian football players were recorded.

According to the statistics from the Ministry of Internal Affairs of the Republic of Belarus [6], from 2001 to the present, Art. 253 "Bribery of participants and organizers of professional sports competitions and spectacular commercial competitions" of the Criminal Code of the Republic of Belarus two criminal cases were initiated.

On September 25 in 2017, the Pervomaisky district court of the city of Minsk proceeded to the consideration of a criminal case, Belarusian football players were judged for Contractual matches. According to law enforcement agencies, former athletes who had connections with representatives of the Ukrainian football world accepted them in Belarus, looked for contacts with specific football teams and subsequently organized contractual match. The size of the bets depended on the category of the match. For the first league match - from 1 to 4 thousand dollars, the highest league and the Cup of Belarus - from 10 to 18 thousand dollars. The main bets were made in Asian and European bookmakers. According to the investigation, the citizens of Ukraine and Russia transferred money to the players of the teams of the Belarusian championship, which were supposed to affect the result. Subsequently, large sums were set for the programmed result of the match in foreign bookmakers offices. The case file featured five matches from 2015 to 2016. 15 people were accused in the case, two of whom were coaches, who were sentenced to restriction of liberty, and the rest were football players who were punished by the court with fines ranging from 400 to 1,200 base units [7].

International sports organizations and national sports federations are taking possible measures to counter contractual matches.

In 2005 FIFA founded the Early Warning System (EWS). It is a non-profit organization that monitors bookmaker bets on games to prevent bets that have a negative effect on matches. The EWS has agreements with more than 400 bookmakers and organizations around the world that provide data on strange bids for matches and other suspicious information [8].

UEFA, in order to prevent contractual matches, uses the Fraud Detection System for betting (Betting Fraud Detection System - BFDS). This system tracks UEFA matches, as well as games of national championships in the first and second divisions [9].

In the national European football federations, including the Association "Belarusian Football Federation" (BFF), honesty officers have been established who are contact with law enforcement agencies of foreign countries, including Interpol, experts from UEFA and FIFA, specializing in tracking of illegal betting rates [10].

P.V. Krashennikov argues that "contractual matches have complex legal nature: they are violations of the scope of the so-called soft law, i.e. ranging from regulations and other regulatory documents of FIFA, UEFA, the Russian Football Union, as well as the scope of criminal law. The most effective means of combating corruption in football are the methods of criminal law. Criminal prosecution for crimes related to corruption in sports, it is becoming increasingly topical" [11, p. 26]. Obviously, in order to reduce the holding of such matches, it is imperative to tighten the responsibility for committing fraudulent acts.

The holding of a contractual match in the Republic of Belarus in 2017 led to tougher penalties for holding one. The Football Federation of Belarus has toughened penalties for contractual match. From now on, for an attempt of cheating the organization individuals will be punished by a fine of 500 basic units and up to two years' disqualification, legal - a fine of up to 5000 basic units and removal from the club 10 points [12].

For the actual organization of a contractual match, individuals will be charged up to 500 basic units and disqualified for up to five years, and from legal entities - 5,000 basic units in addition to removing 15 points from the club, its possible exclusion from the competition and the first division in the division below [12].

In the criminal legislation of the CIS countries, the rules providing for criminal liability for bribing participants and organizers of sporting events are contained in Art. 253 of the Criminal code of the Republic of Belarus, art. 184 of the Criminal Code of the Russian Federation and in art. 220 of the Criminal Code of the Kyrgyz Republic.

Article 253 of the Criminal Code of the Republic of Belarus "Bribery of participants and organizers of professional sports competitions and spectacular commercial competitions" allows to bring to criminal responsibility for the organization and participation in contractual matches.

According to Art. 253 of the Criminal Code of the Republic of Belarus under the bribery of participants and organizers of professional sporting events involving criminal liability means the receipt of money, securities, other property or property-related services by an athlete, sports judge, coach, team leader or organizer of sports competitions to influence the results of the competition or the provision of such a reward. Part 2 of this article provides for the commission of such a crime again [13].

As international practice shows, contractual matches are not held once and alone. Usually, this is a bribery of participants or organizers of matches, committed by a group of individuals. Organizers of contractual matches is not carried out these games once, often many more. An example is the holding of a number of contractual games in the Republic of Belarus. In the period from November 2016 to July 2017, 5 played-up matches were conducted, the organizers of which were a group of 15 people.

Thus, it seems necessary to provide for a rule supplementing part 2 of Article 253 of the Criminal Code of the Republic of Belarus, defining punishment for committing criminal acts to bribe participants and organizers of professional sports competitions not only repeatedly, but also by a group of individuals. Namely: "the commission of actions stipulated by part 1 of Article 253, committed repeatedly or by a group of persons".

According to P. Krasheninnikov: "Dealing with contractual match issues is the prerogative of both specialized sports structures, including the Control and Disciplinary Committee and the Ethics Committee of the RFU, as well as state law enforcement agencies (the Russian Interior Ministry) and international law enforcement agencies (Interpol) [11].

In the Republic of Belarus, there are no specialized units of law enforcement agencies that would deal with corruption in the sphere of physical culture and sports. The reason for this is the lack of assumptions for their creation. However, it is not known how many contractual matches are held, which law enforcement agencies and sports federations do not know about. In order to improve the legislation, it is necessary to consider the creation of an interdepartmental group on combating corruption in the field of sports, including representatives of the General Prosecutor's Office of the Republic of Belarus, the Ministry of Internal Affairs of the Republic of Belarus, the Ministry of Sports and Tourism of the Republic of Belarus, the Ministry of Justice of the Republic of Belarus, sports federations and public associations.

In conclusion, it should be noted that one of the main principles of sports is the principle of fair play. To ensure his work requires the tightening of legislation for the commission of criminal acts in sports, as well as control over the conduct of competitions and other sports events

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