


CORRUPTION IN SPORTS

Darko Dimovski*

University of Niš, Faculty of Law, Niš, Serbia

ORCID iD: Darko Dimovski

 <https://orcid.org/0000-0001-5068-3338>

Abstract

Corruption in sports receives little attention, although the first cases of corruption were recorded in ancient times. Only in the last couple of decades has sports corruption become the subject of special analysis by the purveyors of scientific thought. After defining the concept of sports corruption and pointing out the shortcomings of the given definitions, the author devoted himself to presenting some of the divisions of corruption in sports, giving examples so that readers could understand what kind of phenomena it is. As the Republic of Serbia propagates zero tolerance towards corruption in sports, we believe that it was necessary to present a normative framework regarding the incrimination of corruption in sports, which was done in the following part of the paper. In the conclusion, the observation was made that there are examples of corrupt behavior in sports, and especially in football, in the Republic of Serbia – it is obvious that none of the affairs received a judicial epilogue.

Key words: corruption, sports, football.

КОРУПЦИЈА У СПОРТУ

Апстракт

Корупцији у спорту се поклања мало пажње иако су први случајеви корупције забележени још у античко доба. Тек у последњих пар деценија је спортска корупција постала предмет посебне анализе од стране прегалника научне мисли. Након појмовног одређења спортске корупције, уз указивање на недостатке датих дефиниција, аутор се посветио представљању неких од подела корупције у спорту, при чему су дати примери како би читаоци могли да разумеју о каквим феноменима се ради. Како Република Србија пропагира нулту толеранцију према корупцији у спорту, сматрамо да је било неопходно приказати нормативни оквир у погледу инкриминације корупције у спорту, што је и урађено у наредном делу рада. У закључку је изнето запажање да постоје примери коруптивног понашања у спорту, а нарочито у фудбалу, у Републици Србији, те је очигледно да ниједна од афера није добила судски епилог.

Кључне речи: корупција, спорт, фудбал.

* Corresponding author: Darko Dimovski, University of Niš, Faculty of Law, Trg kralja Aleksandra Ujedinitelja 11, 18105 Niš, Serbia, darko@prafak.ni.ac.rs

INTRODUCTION

Corruption, as a social evil, is not a recent phenomenon. Manifest forms of corruption have followed humanity from its origin until today, because corruption existed as far back as ancient Greece and Rome. Throughout the course of history, the etiological and phenomenological features of corruption have changed, but its social danger and actuality remain to this day. No society is immune to the appearance of corruption. Illegal economic and political exploitation occurs even in societies with the longest and most successful market economies. Modern societies create favourable conditions for new forms of corruption in many areas of economic and non-economic activities.

The term 'corruption' comes from the Latin word 'corruptio' and means decay, bribery, bribery of an official, debauchery, and depravity. From this term comes the word corruptionist, which denotes a person who is corrupt, who accepts bribes, or who is bribed, that is, self-interested. Corruption is defined as a relationship based on abuse of authority in the public or private sector with the aim of gaining personal benefit or benefit for another (Konstantinović-Vilić, Nikolić-Ristanović, Kostić, 2009, p. 179). It occurs where there is an opportunity and interest. Likewise, various international organisations specialising in the fight against corruption have their own definition of corruption. At one of the conferences on the fight against corruption, the multidisciplinary group for corruption (GMC – Multy-disciplinary Group of Corruption) pointed out that corruption "is an act of bribery that is connected with the performance of duties by persons employed in the social and private sector, when such an action represents a violation of their duties, which stems from the position of a civil servant, an employee in the private sector, or an independent employee, with the aim of obtaining an illegal benefit for himself or another person" (Bošković, 2000, p. 6).

Corruption can be: petty, small, i.e. survival corruption, or big; sporadic or systemic; simple or complex; then, it can be corruption at the lowest, street level, contractual or public administration corruption, political, economic and judicial corruption (Jelačić, 1996, p. 42-43). In the same way, corruption in sports has been appearing lately. Since sports corruption has not been the subject of special analysis in the Republic of Serbia, the need to study it arises. Therefore, in the continuation of the work, the author, in addition to the conceptual definition of sports corruption, will present its criminological characteristics, as well as ways of prevention.

THE CONCEPT OF SPORTS CORRUPTION

Before we deal with the conceptual definition of corruption in sports, it is important to emphasise that corruption in sports is a phenomenon immanent in all social epochs. In order to illustrate this position, we will cite an example from the Olympic Games in 388 BC, when the first case of corruption in sports was documented. Namely, Eupolos of Thessaly bribed three of his competitors in a fighting tournament, including the reigning Olympic champion Phormion of Halicarnassus, enabling him to win the gold medal in that event (Heywood, 2014, p. 328). Examples of corruption in sports were also a regular occurrence in later periods of time, while their forms continued to develop, which makes it difficult to come up with a single definition of sports corruption.

The definition of corruption in sports should be broad enough to include all corrupt actions in sports activities. Numerous experts of scientific thought gave their definition of sports corruption, and therefore we will mention a few of them. Thus, by corruption in sports Boniface meant any manipulation or attempt to manipulate the result or aspect of the game with the aim of getting rich on the sports betting market. At the same time, we should also mention the definition given by Maennig, who defines corruption in sports as “a form of behavior of athletes who refrain from achieving the level of performance normally required in the sport in question to win the competition and instead deliberately allow others to win, or the conduct of sports officials who knowingly perform their assigned tasks in a manner that is at variance with the goals and moral values of the relevant club, association, competitive sport in general and/or society as a whole” (Bricknell, 2015, p. 2).

Boniface’s definition of corruption in sport is perhaps too narrow, as it raises the question of whether the numerous cases of corruption, for example, recorded by the International Federation of Association Football (FIFA) in 2015, when leaders of this association came under suspicion of bribery (Britannica, n.d.),¹ can be brought under the existing definition of corruption in sports. However, if we were to mean the result of the vote when deciding on the organisation of the World Cup in football, then the existing determination would be good. No such dilemma exists with the definition given by Maennig.

As sport in modern society includes political and economic activity on a global level, which is especially embodied in sports events such as the Olympic Games, or the World Cup in football or basketball, this undoubtedly affects the complexity of defining the concept of corruption in sports. However, researchers like Samantha Gorse and Simon Chadwick

¹ Retrieved 21 February 2023 from: <https://www.britannica.com/event/2015-FIFA-corruption-scandal>

believe that corruption in sports is any illegal, immoral or unethical activity that tries to deliberately distort the result of a sports competition for the personal financial benefit of one or more parties involved in that activity. A careful analysis of the presented definition can see that it does not include activities by the governing bodies, as well as activities related to deciding on the allocation of households for some sports events. At the same time, the given definition has another flaw. Namely, with reason, the question arises as to which morality will be our reference point for determining what is considered corruption in sports and what is not, especially when it comes to sports events at the international level. (Masters, 2015, p. 112).

In addition to this definition of corruption in sports, it is possible to name another. Thus, Adam Masters stated that corruption in sports is equal to a deviation from public expectations that sports will be played and managed in an honest manner. As with the previous definition of corruption in sports, we will analyse this one. Namely, this definition is broad enough to include the preparation of athletes, as well as the actual competition. At the same time, the term 'management' is a generic term that includes management at multiple levels, from individual athletes, sports teams and clubs, management through national associations and public officials, to international organisations. Likewise, 'management' denotes all levels of judging or judging in relation to sport - on and off the field, tribunals, panels, courts, etc. After analysing the concept of management, it is necessary to analyse the concept of honesty. Namely, honesty includes handling information regarding an athlete or team discreetly, without exploiting that knowledge with the aim of misusing insider information for gambling. Some defenders of scientific thought pointed out that the mentioned definition lacks the term fair. However, the question arises whether it is necessary to use this term in the framework of defining corruption in sports. To clarify this criticism, we will cite an example from the 2002 Winter Olympics in Salt Lake City, when the Australian Steven Bradbury won the speed skating race by causing the other skaters to fall in the tiki race. Although many would argue that this was unfair, which it may have been, as Bradbury was last until the final lap, there was no indication that his victory was the result of dishonest behavior (Masters, 2015, p. 113).

FORMS OF CORRUPTION IN SPORTS

One of the typologies of corruption in sports includes the following forms: (1) fraud at a relatively low level; (2) match fixing; (3) use of illegal drugs; (4) vote fixing; and (5) bribery. The oldest type of corruption is fraud at a relatively low level. Namely, they appear during a sports competition between two competitors or between two teams. In other words,

at the competition itself, there is bribery by the competitor so that the opponent will allow him to win. This form of corrupt behavior also includes cases when one competitor bribes another in order to help him defeat a third party. As an example of this form of corruption, there are cases from the famous cycling race called Tour de France, wherein spontaneous cooperation between rivals was proven in 2008. At the same time, this kind of corruption can occur in all other sports, even in football, where a large number of players are involved (Byers, 2015, p. 538).

Little is known about match-fixing, as the next form of collusion in sports, because only the tip of the iceberg is typically discovered no matter how many local law enforcement agencies are involved, with the cooperation of law enforcement agencies of other countries and the assistance of international organisations such as the International Police Organization - Interpol and the European Police Service - Europol. Match-fixing, viewed from an economic point of view, causes exclusively positive consequences for the actors involved in match-fixing, while it causes negative consequences for the integrity of the sport as soon as it is discovered. According to Europol estimates, less than one percent of matches in all sports are fixed, but the problem is reflected in the fact that large sums are invested in fixed matches. (Europol, n.d.)²

To illustrate how much money is made from match-fixing, we will state that during 2021, the profit from match-fixing related to betting was 165 million euros, according to the estimates of one of the leading sports technology companies called Sportradar, detailed in a report titled "Betting corruption and match-fixing." Thus, in the aforementioned Report, it was emphasised that in 2021 alone, suspicious activities were recorded in 903 matches in over 10 sports and in 76 countries around the world, which represents an increase of 2.4% compared to the previous year, when the previous record of 882 suspicious activities was recorded. If we were to analyse individual sports in which there is the largest share of suspicious activities in the form of match-fixing, we would come to the conclusion that the greatest share belongs to football. Thus, one out of every 201 matches is suspicious, because there is a fear that the result of the match is fixed. It is interesting to note the share of match-fixing in e-sports, where one out of every 384 matches is suspicious. Then comes basketball with one suspicious match in every 498 matches played. The number of fixed matches increases during the period of organising mass sports competitions at a lower level. This especially applies to football, where research has shown that 50% of suspicious cases in domestic leagues occur in leagues of the third rank, and even lower, where the assessments also include youth

² Retrieved 21 February 2023 from: <https://www.europol.europa.eu/crime-areas-and-statistics/crime-areas/corruption/sports-corruption#>:

football. Analysing the time frame of the largest number of match-fixing showed that they are mostly done during the beginning of the football season - 105 matches in September, and 104 matches in October. Sunday is the day with the most frequent share of match-fixing, amounting to 22.5%. This happens because, traditionally, the largest number of matches are played on Sundays. In numerous football championships, matches are also played on Wednesdays, which means that this day accounts for 16.8% of the total number of fixed matches. Saturday has a slightly lower percentage, amounting to 15.6% (Sportradar, 2022, p. 1).³

The next form of corruption in sports is the use of illegal drugs. The term doping is used as an abbreviation for the use of illegal drugs. Before determining what is meant by the term doping, we will give the etymological origin of the word. The word doping comes from the English word dop, which means a stimulating drink used by tribes during ceremonies in South America during the eighteenth century. After discovering the origin of the word, we can deal with the concept of doping. It refers to the consumption of illegal substances to gain an advantage over others in sports competitions. Another synonym for doping is performance enhancing drugs (PEDs). However, this definition is too narrow, because today there are other methods that improve performance, as well as ways to manipulate the results of anti-doping control (Mottram, 2005, p. 32).

The question of banning doping is raised with reason. Namely, doping is prohibited for two reasons. The first is that the use of illegal substances can have harmful and long-term side effects that can include cardiovascular problems, central nervous system problems, respiratory problems, and hormonal problems. The second reason is of a moral nature. Namely, the use of illegal drugs gives an unfair advantage in sports competitions, which devalues the spirit of sportsmanship. In this regard, the World Anti-Doping Agency (World Anti-Doping Agency - WADA) points out that the purpose of the anti-doping program is to protect the fundamental right of athletes to participate in sport without doping and thus promote health, fairness and equality for athletes around the world. (SportsMedToday.com, n.d.)⁴

The prevalence of doping is best evidenced by the reports of the World Anti-Doping Agency. According to the last published report from 2019, a total of 278,047 samples were collected. Of these samples, 2,701 (1%) were reported to have an adverse analytical finding. Based on additional findings, doping was confirmed in 1,537 samples (57%), 297 samples (11%) were rejected due to a valid medical reason, 274 samples (10%) were categorised as 'no case to answer,' 49 samples (2%) resulted

³ Retrieved 21 February 2023 from: <https://investors.sportradar.com/news-releases/news-release-details/match-fixing-rise-global-sports-betting-turnover-surpasses-eu145>

⁴ Retrieved 21 February 2023 from: <https://www.sportsmedtoday.com/doping-va-119.htm>

in the acquittal of the athletes, while the results of 544 samples (20%) are still pending (Anti-Doping Rule Violations Report, 2019, p. 6).

Regarding the next form of corruption in sports – vote rigging, we will mention a British investigative journalist Andrew Jennings. Namely, with his book titled “Foul! The Secret World of FIFA: Bribes, Vote Rigging and Ticket Scandals,” he has significantly contributed to the initiation of investigations that ultimately led to the arrest of FIFA officials in 2015. During the criminal prosecution, to date, 27 accused persons have pleaded guilty to the criminal acts they were charged with (United Nations Office on drugs and crime, 2021, p. 62). The United States Department of Justice has indicted five members of FIFA’s executive committee who, ahead of the 2010 vote on the selection of Russia and Qatar to host the World Cup, received money so that the two mentioned countries could host the World Cup (The New York Times, n.d.).⁵ In addition to rigging the vote in order to win the organisation of the World Cup, we should also mention the scandal during the decision regarding the best football player in the world for 2019. On that occasion, Argentinian Lionel Messi was declared the best football player, beating Portuguese Cristiano Ronaldo and Dutchman Virgil van Dijk. What was disputed was that a large number of voters claimed not only that their votes were incorrectly recorded but also that they were not recorded at all. The Egyptian Football Association announced that it had sent its votes four days before the deadline, and that its representatives, coach Shawky Ghareb and national team captain Ahmed Elmohamady, put their compatriot Muhammad Salah in first place, but that this was not adequately recorded. The representatives of FIFA replied that the Football Federation of Egypt did not submit the forms correctly, and that therefore their votes were invalidated. Likewise, the Nicaraguan captain Juan Barrera claimed his selection was recorded by FIFA even though he did not vote, saying: “I did not vote for Messi. I was surprised to be on the list of captains who voted for Messi and there is no explanation as to how it appeared there.” However, FIFA firmly denied everything (RT- Breaking News, n.d.).⁶

The last form of corruption in sports is bribery. Namely, big sporting events, such as the Olympic Games, have existed since ancient times. They are often accompanied by accusations of bribery and corruption. At the beginning of this century, numerous corruption scandals were revealed, and they affected major national and international sports governing bodies. As a result, some governance reforms have taken place, including decision-making, official selection and retention, and financial

⁵ Retrieved 21 February 2023 from: <https://www.nytimes.com/2020/04/06/sports/soccer/qatar-and-russia-bribery-world-cup-fifa.html>

⁶ Retrieved 21 February 2023 from: <https://www.rt.com/sport/469665-messi-fifa-best-votes-tampering-claims/>

monitoring and accountability, such as FIFA and the International Tennis Federation's investment in anti-corruption reform (Philippou, 2022, p. 819). Examples of bribery in sports are numerous. It is enough to state the interesting examples of giving bribes. So, for example, in Africa, it is practice for players to bribe coaches and selectors for personal advancement in order to be part of the national team and in order to come under the focus of European clubs. In this way, they have the opportunity to continue their career in a European club, where they would play for much more money (Philippou, 2022, p. 832). Another scandal worth mentioning is related to the football club Olympique from Marseille. Namely, in 1993, this club won the Champions League by defeating FC Milan (AC Milan) in the finals. However, that year, there was an unprecedented scandal in the match between Olympique de Marseille and the Valenciennes football club. The then president of Marseille Bernard Tapie and its general manager Jean-Pierre Bernès contacted the Valenciennes players Jorge Burruchaga, Jacques Glassmann and Christophe Robert through their club player Jean-Jacques Eydelie, asking them to play weaker in order to keep Marseille fresh for the Champions League finals - the League's final match against Milan six days later. Burruchaga and Robert accepted the bribe, while Glassmann refused to participate. That is how the entire scandal was revealed (Wilson, Pomfret, 2014, pp. 126-127).

One of the other typologies of corruption in sports was proposed by the already mentioned criminologist Maennig. Namely, he divided corruption in sports into competition-related corruption and governance corruption. By competition-related corruption, he means the activities of athletes and/or those officials who have direct responsibility for the outcome of a sports competition. Corruption in governance includes non-competitive decisions made by sports officials and administrative bodies, including decision-making on the awarding of host city status for major sporting events, the negotiation and awarding of broadcasting and/or marketing rights, and the awarding of contracts for the construction of sports facilities and sports management (Gorse & Chadwick, 2009, p. 13).

In addition, Maennig made further divisions. Thus, within the framework of competition-related corruption, he subsumed the use of performance-enhancing substances, match-fixing, gambling and the so-called shaving points. Under corruption in management, Maennig included falsification and unjustified voting, embezzlement, and bribery. As we have already explained the use of performance-enhancing substances and match-fixing in the aforementioned typology, we will not explain them further. Gambling, according to criminologist Milan Milutinović, can be defined as a game for money or other values based on certain rules in the form of betting with the desire to make a profit with minimal investment (Konstantinović-Vilić, Nikolić-Ristanović, Kostić, 2009, p. 404).

However, it should be emphasised that this is about illegal betting, which has become a global problem, and the financial scale of the problem is such that illegal betting is the main driver of corruption in sports. At the same time, illegal betting is a means by which large amounts of money are laundered by criminals, especially by organised criminal groups. In recent times, the situation has become more complicated, as innovative ways of betting are used, with the great growth of online betting and the use of cryptocurrencies. In order to be able to gain an insight into the scale of betting in sports, we will provide data according to the estimates of the UN Office for drugs and crime. Namely, it has been estimated that the market for legal betting on horse racing and sports was worth 40 billion USD in 2020. The largest market individually is Asia, with a value of 19.6 billion USD. Europe is in second place, with a value of 15.2 billion USD. The North American market is worth only 2.3 billion USD, while Oceania is worth 1.7 billion USD. Africa has the smallest share of the global legal betting market, amounting to 751 million USD, while the share of Latin America amounts to 335.9 million USD. The further growth of sports betting is rightly expected, especially in the United States of America, because in a 2018 decision, the Supreme Court allowed federal authorities to organise sports betting, which was prohibited by a federal law from 1992 (United Nations Office on drugs and crime, 2021, p. 14).

After providing data on the value of legal sports betting, it is necessary to look back at the extent of illegal betting. The last two decades have resulted in the spread of illegal betting with the help of the Internet. This was followed by the further popularisation of sports activities, but also by legal restrictions in countries characterised by betting culture. All this contributed to the growth of illegal betting. In this regard, we will cite data obtained by the American Gaming Association from 2020. According to their research, 52% of bettors participate in illegal betting. Along with this data, it is expedient to provide data on the connection between illegal betting and money laundering, because betting is used as a tool through which criminals launder money. The fact that 140 billion USD are laundered every year through sports betting is staggering (United Nations Office on drugs and crime, 2021, p. 17).

The last form of sports corruption is the so-called point shaving. Namely, it is defined as an illegal practice, by one or more bribed players, of deliberately limiting the number of points scored to suit the wishes of corrupt gamblers, without affecting the final result of the match. This kind of practice occurs when athletes, having previously received money, commit more than obvious fouls or do not score points from possible opportunities (Andreff, 2019, p. 7). There are many examples of this behavior. In this regard, we will cite several hypothetical examples in rugby to show readers how to recognise them in practice, because this sport is

most suitable for this kind of behaviour. As the first hypothetical example, we will mention shaving points by calling. Namely, in this hypothetical case, the coach is involved in corrupt activities, where he invites his players to shave points with appropriate tactics, by trying to increase the result by hitting over or covering the spread. Likewise, a different tactic, but with the same goal, involves trying to keep the game close or hit a low point. Another hypothetical example is the loss of points by kicking a player out of bounds rather than scoring a touchdown. The next hypothetical example refers to situations when the players spin the ball. This is an easy way to shave off points without being noticed, as a player can always ‘accidentally’ throw more interceptions by making bad passes or fumbling the ball multiple times in the same game. A final hypothetical way to shave points involves bad refereeing. Although referee errors can be unintentional, there are situations where a referee is involved in point shaving (Legion Report, n.d.)⁷

In addition to the hypothetical examples, we will provide some real-life examples. During 1994, the Arizona State basketball team was caught shaving points in four games. At first, the players involved in the point shave thought it would only happen in one game. The reason for this behaviour lay in the fact that they agreed to participate due to their poor financial situation, so that they could survive during college. However, they continued their illegal behavior in the following matches with increasing stakes from bookmakers. Soon they were arrested, and the possibility of becoming NBA players was lost. A similar situation existed in the Toledo rugby team. During 2005, the rugby team, thinking that this activity would go unnoticed with them being a small team, shaved points. However, agents of the Federal Bureau of Investigation (FBI) noticed a large number of bets on Toledo, which caused suspicion and, ultimately, the discovery of the entire affair (Legion Report, n.d.)⁸

NORMATIVE FRAMEWORK IN THE FIGHT AGAINST SPORTS CORRUPTION IN THE REPUBLIC OF SERBIA

By analysing the normative framework of the Republic of Serbia, it can be concluded that the incrimination of corrupt behavior in sports is at an enviable level. Namely, based on the presented forms of sports corruption, one should start from the criminal offense of fixing the outcome of a competition from Article 208b of the Criminal Code (Krivični za-

⁷ Retrieved 24 February 2023 from: <https://legionreport.com/what-does-point-shaving-mean-in-football/>

⁸ Retrieved 24 February 2023 from: <https://legionreport.com/what-does-point-shaving-mean-in-football/>

konik , 2005). The essence of this act consists of arranging the outcome of a sports or other competition with the intention of obtaining material benefit for oneself or another. A prison sentence of six months to three years and a fine are prescribed (*ibid.* paragraph 1). In the second paragraph of the same article, it is provided that if a property benefit in the amount exceeding four hundred and fifty thousand RSD is obtained as a result of the commission of the act referred to in paragraph 1, the perpetrator will be punished with imprisonment from one to eight years and a fine. The legislator has prescribed an even more severe punishment in the event that the acquired property benefit exceeds one million and five hundred thousand RSD, whereby the perpetrator will be punished with imprisonment from two to ten years and a fine (paragraph 3). Attempted crime is sanctioned by paragraph 4 of the same article.

For further analysis of the normative framework regarding the incrimination of sports corruption, it is necessary to consult the Law on Sports (Zakon o sportu , 2016). Namely, it prescribes the possibility of establishing sports companies (Article 33), while the method of establishment is prescribed in Article 92. This was important so that we could bring economic activities in the field of sports under the criminal offenses of Article 230 - receiving bribes in the performance of economic activities, and 231 – giving a bribe in the performance of an economic activity (Šuput, 2019, p. 210). The criminal offense referred to in Article 230 consists of making, offering or promising a gift or other benefit to a person to conclude a contract or reach a business agreement, or to provide a service or refrain from such action, or violate other duties in the performance of economic activity to the detriment or for the benefit of the business entity for which or in which he works, or to the detriment or for the benefit of another legal or natural person who mediates such giving of gifts or other benefits. A prison sentence of three months to three years is prescribed for this crime. The legislator provided that, starting from the fact that this criminal offense is committed discreetly and secretly, the perpetrator of the offense referred to in paragraph 1 of this article, who gives a gift or other benefit at the request of a person to conclude a contract or reach a business agreement, and who renders a service or violates a duty can be exempted from punishment if they report the crime before they learned that it was discovered. Paragraph 3 prescribes the confiscation of the given gift and property benefits in such cases.

In addition to the aforementioned criminal acts, we should not fail to analyse some other criminal acts under which certain corrupt actions in sports can be subsumed. Namely, if a sports worker as a functionary or an official of a sports organisation receives a bribe in connection with the performance of a sporting activity, which is not an economic activity, and in which the elements of another criminal offense are not fulfilled (here, above all, we mean the criminal offense of arranging the outcome compe-

tition from Article 208b), there is a legal possibility to answer as a perpetrator of the crime of receiving a bribe from Article 367 of the Criminal Code. The act of this criminal offense consists in directly or indirectly demanding or receiving a gift or other benefit, or receiving a promise of a gift or other benefit for oneself or another to perform an official act that should not be performed within the scope of one's official authority or in connection with one's official authority not to perform an official action that he should have performed, where the penalty of imprisonment from two to twelve years is prescribed. In this case, it is true passive bribery. The second form differs from the first in that the executor performs an official act that he should have performed, or does not perform an official act that he should not have performed - wrongful passive bribery (Vujić, 2019, p. 145). As there is a criminal offense of receiving a bribe applicable in certain situations to corruption in sports, it is logical that there is also a criminal offense of giving a bribe from Article 368 of the CC. Namely, a criminal offense exists when a gift or other benefit is given, offered, or promised to an official or another person so that the official within the scope of his official authority or in connection with his official authority performs an official action that he should not perform, or so that he does not perform an official action which would have to be carried out. This likewise applies to those who mediate such bribery of an official. For this form, the perpetrator will be punished with imprisonment spanning from six months to five years. Paragraph 2 of the same article stipulates that whoever makes, offers, or promises a gift or other benefit to an official or other person, so that the official within the scope of his official authority or in connection with his official authority performs an official action that he should have performed or fails to perform an official action that should not be carried out, or whoever mediates such bribery of an official, shall be punished by imprisonment for up to three years.

The last criminal offense which may be related to corruption in sports is trading in influence from Article 366 of the CC. Namely, the nature of the criminal offense consists of demanding or receiving a gift or any other benefit for oneself or another, directly or through a third person, to use one's official or social position, or their real or assumed influence to mediate the execution or non-execution of an official act. A prison sentence of six months to five years is prescribed for such cases. With reason, the question arises as to which situations are eligible to be brought under the mentioned criminal offense. Trading in influence occurs in cases of (non-)implementation of disciplinary and other legal procedures before the bodies of sports organisations.

In addition to legal norms, it is necessary to mention that certain sports organisations have adopted appropriate regulations on the prohibition of certain forms of corruption in sports. Thus, in December of 2012, the Football Association of Serbia adopted the *Rulebook on prevention of*

Match-Fixing, which aims, among other things, to protect against all attempts to illegally and improperly influence the result of any football match. Article 10 of the Rules defines match-fixing as an attempt by one or more individuals to influence the outcome of a match, or the occurrence of any events during a match through actions or omissions that are contrary to the sporting goal that is usually pursued. The following article prescribes the ways in which the match can be rigged. The Football Association of Serbia considered it necessary to define the concept of sports betting. In terms of current legal regulations, sports betting is betting organised in several categories, so there is legal, illegal and unlawful betting. Legal betting refers to a betting company that operates in the territory of states that have authorised it to do so, while illegal betting refers to a betting company that is only authorised in some states, but operates in other states. A betting company that does not have any authorisation is noted under the class of unlawful betting. At the same time, the Rulebook regulates the procedure in case of suspicion that a match is fixed (Articles 47-61). Through further analysis of the aforementioned Rulebook, we can come to the conclusion that its norms are clear and consistent in the detection and prevention of match-fixing.

CONCLUSION

Corruption in sports is immanent in all social arrangements and all eras, differing only in form. There is no doubt that the extent of corruption in sports in the modern era has reached a great level, with the expenditure of an enormous amount of money. International organisations joined the fight against corruption in sports. Thus, reports on the extent of corruption in sports began to be published by the UN Office of drugs and criminality.

As there are sports that are more prone to corrupt activities, such as football, rugby, tennis, and basketball, attention should be focused on them, because they include the highest percentage of corruption compared to other sports.

State authorities of the Republic of Serbia promote zero tolerance for corrupt activities in sports, emphasising that corruption in football, which is the most popular sport in our country, has been eradicated. By looking at the annual publications of the Republic Institute of Statistics, we can see that there are no registered cases of the criminal offense of fixing the outcome of a competition. For other criminal acts, which were analysed in the section dedicated to the normative framework of corruption in sports in the Republic of Serbia, we cannot draw a conclusion as to whether they were the subject of processing by the judicial authorities, because no record is kept of the special forms of execution of these criminal acts. In other words, it is impossible to conclude from these records

whether they are about corrupt acts in the field of sports. However, this does not mean that there is no corruption in sports. In this regard, it is enough to state that the Union of European Football Associations - UEFA has launched an investigation, because there is a suspicion of fixing a large number of football matches (Sportal, n.d.)⁹ This is an indicator of the need for the competent state authorities to deal with corruption in the world of sports, but also with corruption in other areas, because there is a connection between them, especially with corruption in politics, because our system is such that politicians often occupy leadership positions in sports associations, or the situation is such that, in order to become a leading sports worker, one must have close connections with the ruling party.

ACKNOWLEDGEMENT: This research has been financially supported by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia (Contract 451-03-137/2025-03/ 200120, 04.02.2025).

REFERENCES

- Andreff, W., (2019). *An Economic Roadmap to the Dark Side of Sport: Volume II: Corruption in Sport*, Berlin: Springer Nature;
- Bricknell, S. (2015). *Corruption in Australian sport, Trends & issues in crime and criminal justice* no. 490. Canberra: Australian Institute of Criminology;
- Byers, T., (2015). *Contemporary Issues in Sport Management: A critical introduction*, New York: Sage Publications;
- Gorse, S., Chadwick, S., (2009). *Corruption in sport: implications for sport marketing*, London: Centre for the International Business of Sport, no. 9. ;
- Heywood, P., (2014). *Routledge Handbook of Political Corruption*, United Kingdom: Routledge;
- Krivični zakonik, Sl. Glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019.
- Masters, A. (2015). *Corruption in sport: From the playing field to the field of policy*, Policy and Society, Oxford: Volume 34, Issue 2;
- Mottram, D., (2005). *Drugs in Sport*, United Kingdom: Routledge;
- Philippou, C., (2022). *Anti-bribery and corruption in sport mega-events: stakeholder perspectives*, Sport in Society, Cultures, vol. 25, no. 4;
- Sportradar, (2022). *Match fixing on the rise as global sports betting turnover surpasses €1,45 trillion for the first time*, Retrieved 21 February 2023 from: <https://investors.sportradar.com/news-releases/news-release-details/match-fixing-rise-global-sports-betting-turnover-surpasses-eu145> ;
- Šuput, D., (2019). *Korupcija u sportu, Finansijski kriminalitet i korupcija [Corruption in sports, Financial crime and corruption]*, Vršac: Institut za uporedno pravo, Institut za kriminološka i sociološka istraživanja;

⁹ Retrieved 06. March 2023 from: <https://sportal.blic.rs/fudbal/domaci-fudbal/objavljen-spisak-ove-utakmice-u-srbiji-su-pod-sumnjom-uefa-jedni-tvrde-da-je-sporno-cak-sest-meceva-superlige-mirko-poledica-navodi-dve-iz-prve-lige/2022042015051672084>

- United Nations Office on drugs and crime (2021), Global Report on Corruption in Sport – Illegal betting and sport, New York: United Nations;
- Vujičić, N., (2019). Krivična dela primanje mita i davanje mita u krivičnom zakonodavstvu i praksi republike srbije, finansijski kriminalitet i korupcija [Criminal acts of receiving bribes and giving bribes in the criminal legislation and practice of the Republic of Serbia, financial crime and corruption], Vršac: Institut za uporedno pravo, Institut za kriminološka i sociološka istraživanja;
- Wilson, J., Pomfret, R., (2014). Public Policy and Professional Sports: International and Australian Experiences, Cheltenham: Edward Elgar Publishing;
- World Anti-Doping Agency, (2019). Anti-Doping Rule Violations (ADRVs) Report, Montreal: World Anti-Doping Program;
- Zakon o sportu, Sl. Glasnik RS, br. 10/2016.
- Retrieved 21 February 2023 from: <https://www.britannica.com/event/2015-FIFA-corruption-scandal> ;
- Retrieved 21 February 2023 from: <https://www.europol.europa.eu/crime-areas-and-statistics/crime-areas/corruption/sports-corruption#>;
- Retrieved 21 February 2023 from: <https://www.sportsmedtoday.com/doping-va-119.htm> ;
- Retrieved 21 February 2023 from: <https://www.nytimes.com/2020/04/06/sports/soccer/qatar-and-russia-bribery-world-cup-fifa.html>;
- Retrieved 21 February 2023 from: <https://www.rt.com/sport/469665-messi-fifa-best-votes-tampering-claims/>;
- Retrieved 24 February 2023 from: <https://legionreport.com/what-does-point-shaving-mean-in-football/> ;
- Retrieved 06. March 2023 from: <https://sportal.blic.rs/fudbal/domaci-fudbal/objavljen-spisak-ove-utakmice-u-srbiji-su-pod-sumnjom-uefa-jedni-tvrde-da-je-sporno-cak-sest-meceva-superlige-mirko-poledica-navodi-dve-iz-prve-lige/2022042015051672084>

КОРУПЦИЈА У СПОРТУ

Дарко Димовски

Универзитет у Нишу, Правни факултет, Ниш, Србија

Резиме

Као у осталим областима, корупција је нашла начин да уђе у активност која је првенствено замишљена као рекреација, али и нека врста такмичења. Облици корупције у спорту су се временом само мултипликовали. Ипак, тек у последње време су научници почели да обраћају пажњу на корупцију у спорту. Савремене технологије су само допринеле повећању коруптивних могућности, што ће само отежати борбу против корупције. Ефикасна борба захтева прво појмовно одређење корупције у спорту, јер бисмо само на тај начин могли да знамо оквире појаве против које је потребно борити се. Из појмовног одређења проистичу облици корупције у спорту. Аутор је тежио представљању облика корупције у спорту, полазећи од подела криминолога који су се овим феноменом највише бавили. Након анализирања појавних облика, дати су карактеристични примери ради илустрације коруптивних активности у спорту. Битно је напоменути да су облици корупције знатно богатији, те да није било места њиховом додатном обрађивању услед ограничења у погледу дужине научног чланка. Наредни део рада посвећен је инкриминацији корупције у спорту. Истичемо да само је једно кривично дело, под називом „договарање исхода такмичења“, из члана 208б

Кривичнога законика посвећено корупцији у спорту, док друга кривична дела анализирана у овом делу могу да се односе и на коруптивне активности у другим областима, поред корупције у спорту. Занимљиво је истаћи да у Републици Србији не постоје правноснажне пресуде о кривичном делу из члана 208б, иако постоје сумње од стране међународних организација на намештање утакмица. Ово нам указује да Република Србија мора да уложи озбиљан труд у детекцији, па тек онда у доношењу правноснажних осуђујућих пресуда, јер само тако је могући радити на искорењивању корупције у спорту.