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## Criminological problems of Russian sports

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### Abstract

The modern Russian Criminal Code provides for criminal liability for unlawfully influencing the result of a sports competition (fixed match), as well as for inducing an athlete to use or for using substances and (or) methods and means prohibited in sports against an athlete. In December 2021, the State Duma passed the first reading of the draft law on combating fixed matches. Russia is a party to international acts aimed at combating manipulation of the results of sports competitions and doping. Serious work is underway in the country to restore the sports image after the doping scandals of 2014. At the same time, official judicial statistics do not allow us to fully assess the real size of crime committed in the field of sports. There are practically no criminal cases. A significant factor that makes it difficult to understand the true state of affairs in the field of sports is its closeness and autonomy. Although articles about fixed matches and doping are systematically published in the media. It was these problems that determined the need for a comprehensive criminological study on crime in the field of sports. In the course of the research, content analysis, documentary method and general scientific methods were used, such as comparison, analysis and synthesis, statistical and specifically sociological methods, as well as deductive method. The results of the study showed that the criminal policy and the current criminal legislation in the field of sports cause well-founded criticism of scientists, lawyers, and athletes, primarily for its inefficiency.

### Keywords

sports, criminal policy, fixed matches, doping, corruption

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Оригинальная статья

# Криминологические проблемы российского спорта

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## Аннотация

Современный российский уголовный кодекс предусматривает уголовную ответственность за противоправное оказание влияния на результат спортивного соревнования (договорный матч), а также за склонение спортсмена к использованию либо за использование в отношении спортсмена запрещенных в спорте субстанций и (или) методов и средств. 16 февраля 2022 года Государственная Дума приняла закон о борьбе с договорными матчами. Россия является участником международных актов, направленных на борьбу с манипулированием результатами спортивных соревнований и допингом. В стране ведется серьезная работа по восстановлению спортивного имиджа после допинговых скандалов 2014 года. При этом официальные данные судебной статистики не позволяют в полной мере оценить реальные размеры преступности, совершаемой в сфере спорта. Уголовных дел практически нет. Существенным фактором, затрудняющим понимание истинного положения дел в сфере спорта, являются его закрытость и автономность. Хотя в средствах массовой информации систематически публикуются статьи о договорных матчах и допинге. Именно эти проблемы определили необходимость проведения комплексного криминологического исследования, посвященного преступности в сфере спорта. В ходе исследования применялись контент-анализ, документальный метод и общенаучные методы, такие, в частности, как сравнение, анализ и синтез, статистический и конкретно-социологический методы, а также дедуктивный метод. Результаты исследования показали, что уголовная политика и действующее уголовное законодательство в сфере спорта вызывают вполне обоснованную критику ученых, юристов и спортсменов, прежде всего, за его неэффективность.

## Ключевые слова

спорт, уголовная политика, договорные матчи, допинг, коррупция

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## Introduction

Sport is an important part of almost any person's life. They are engaged in both on a professional and amateur basis. They are involved in sports from childhood to old age. Gradually, over many decades of the 20th century, sport has become commercialized and turned into a serious global phenomenon. As a result, the commercialization and globalization of sports have led to the development of a number of negative phenomena, which, first of all, include corruption, fixed matches, doping, etc. Sport is closely related to organized crime (Topil'skaya, 2020). Almost all countries of the world have found themselves faced with the need to devel-

op special programs, as well as adopt regulatory legal acts to counteract negative phenomena that are related to sports or occur within sports. According to UN estimates, about \$1.7 trillion annually passes through illegal betting shops alone. The Russian Federation did not stay away from these processes either. The doping scandals of 2014 also forced us to pay special attention to the situation in Russian sports (Duval, 2017). Russian criminal law provides for liability for both doping and fixed matches. But at the moment they cannot be considered effective. Criminological problems of sports have not been dealt with by many specialists in Russian science until recently. Basically, individual problems

of sports were studied, such as doping, fixed matches, corruption, violence and extremism in sports, sports and organized crime. At the same time, A. P. Alekseeva M. P. Kleimenov (Alekseeva, 2021; Kleymenov, 2012) began to develop a comparative new complex direction - sports criminology, which allows to critically assess the state and problems of crime in the field of sports (Groombridge, 2016; Jump, 2019).

### Research methodology

In the course of the study, the method of content analysis of publications in the media about well-known cases of fixed matches, doping and corruption in Russian sports was used, as well as a documentary method for studying international and national regulatory legal acts, scientific publications, and such general scientific methods as comparison, analysis and synthesis, deductive method, which allowed to formulate some general conclusions. Statistical and specifically sociological methods were used to collect and analyze empirical data, with the help of which a survey of experts and an analysis of criminal law statistics were carried out.

### The results of the study

Professional athletes and those who play sports on an amateur basis, as well as legal experts (judges, lawyers and prosecutors) took part in the criminological study on sports. A total of 110 people participated in the survey, including 50 lawyers from various regions of Russia, as well as the Republic of Belarus. In addition, 50 athletes representing various sports clubs of St. Petersburg were interviewed separately. The first survey was devoted to the problems of crime in the field of sports in general, the second to doping.

One of the most painful and difficult to identify problems in sports is corruption. The analysis of criminal statistics data does not allow us to fully assess the presence or absence of corruption-related criminal cases related to sports. Usually, persons guilty of committing such crimes are liable for ordinary crimes such as bribery, fraud, abuse of official authority, etc. So, in 2020, a criminal case was initiated in St. Petersburg under Article 159 of the Criminal Code of the Russian Federation "Fraud" against officials who were responsible for the construction of the stadium. According to the prosecutor of St. Petersburg S. Litvinenko,

Table 1. The extent of corruption in sports

Таблица 1. Масштабы коррупции в спорте

Question	Athletes	Lawyers
High	30.3	32.6
Average	35	37
Low	9.1	4.3
Neither agree nor disagree	25.6	28.1

Table 2. Causes of corruption in sports

Таблица 2. Причины коррупции в спорте

Answer option	% of responses	
	athletes	lawyers
Opacity of the work of sports organizations	44.8	79.2
Low legal culture of athletes	41.8	41.7
The absence of units of their own security services and law enforcement units specializing in the identification, disclosure and investigation of crimes related to the organization and conduct of sports events	40.3	41.7
Economic factors	49.3	37.5
Imperfection of legislation	44.8	37.5
Established traditions, peculiarities of culture and mentality	40.3	29.2
Lack of proper control in the field of sports medicine	40.3	29.2
Poor professional training of members of competitive, auction and quotation commissions	17.9	20.8

as a result of their actions, damage was caused up to hundreds of millions of rubles.<sup>1</sup>

The survey showed that both athletes and lawyers almost unanimously consider sports corrupt (82%). At the same time, a third of respondents identified the prevalence of corruption in sports as “high”.

However, in assessing the causes of corruption in the field of sports, the opinions of the survey participants differed.

As the analysis of the answers shows, if athletes assess the possible causes of corruption in sports relatively equally, then lawyers first of all pay attention to the lack of transparency of sports organizations (1st place), the low legal culture of athletes and the lack of their own security service units (2nd place), followed by economic factors and imperfect legislation (3rd place), and finally, traditions, cultural peculiarities, lack of proper control and poor professional training of members of competitive, auction and quotation commissions.

It is obvious that the last factor “poor professional training of members of competitive, auction and quotation commissions” was in last place also for athletes, since most of them do not have sufficient knowledge and ideas about this area of life, which, by the way, is to some extent confirmed by the opinion of lawyers about the low legal culture of athletes. And at the same time, the opinion of both of them about the need to create special units of law enforcement agencies and their own security services for their independent investigation of crimes in the field of sports is of interest. If we must agree with the first, then the involvement of independent security services in the disclosure of sports crimes, firstly, contradicts the goals and objectives of such bodies, which are charged with ensuring the safety of sporting events, and, secondly, the expansion of their functions can only further contribute to the development of excessive in this case autonomy and self-governance of the sports sphere.

Among the most common illegal actions in the field of sports are fixed matches. In the Russian Federation, responsibility for them is established in Article 184 of the Criminal Code of the Russian Federation. For the first time, this norm appeared in Russian criminal legislation in 1996 in connection with the adoption of a new criminal code. Thus, the legislator indirectly confirmed the presence of this negative phenomenon in our country. Over the years, Article 184 of the Criminal Code of the Russian Federation has undergone significant changes, and now it is called “Unlawful influence on the result of a sports competition or spectacular commercial contests”. You should immediately pay attention to the second part of the name, namely, “commercial contest”. It is obvious that commercial contests have a completely different legal nature, objectives and goals (Kleymenov, M. P., & Kleymenov, I. M., 2021, page 717). That is why there were no questions concerning commercial contests in our study.

As expected, more than half of the respondents know about fixed matches (56.7%). Although the data of criminal statistics indicate the absence of criminal cases under Article 184 of the Criminal Code of the Russian Federation, but in the media they write a lot and constantly about fixed matches. However, a criminal case has now been initiated for fixed matches against its organizers (Tamagut, 2021).

And, as a result, almost 80% of both athletes and lawyers believe that the results of sports competitions do not meet the principles of fair play, which, in their opinion, is primarily caused by corruption (53.3%), as well as due to the subordination of judges to the instructions of sports officials (31.7%).

As a result, the most interested in the result of sports competitions, according to athletes, are sports officials (1st place), in other words, authorities, then - organizers of competitions (2nd place) and only then - in descending

Table 3. Who is interested in the results of a sports competition?

Таблица 3. Кто заинтересован в результатах спортивных соревнований?

Answer option	% of responses	
	athletes	lawyers
Organizer of a sports competition	42	51
Sports Agent	29	31
Team Leader	20	31
Sports referee	30	20
Sports officials	55	55
Coach	29	27
Sportsman	33	37

<sup>1</sup> RIA Novosti <https://realty.ria.ru/20130206/399579256.html>

order: athlete, judge, agent and team leader. The lawyers interviewed by us practically answered the same way as the athletes, which once again underlines the general perception of the respondents of the sphere of sports as corrupt.

Their opinion is also supported by professional sports observers who write that “perhaps in our history there has never been such a thing when no one trusts anyone: clubs do not trust each other, football players do not trust their managers, club managers and the RFU do not trust the league, and all together they do not trust the referees” (Ivanov, 2020).

The problem of recent years for our sport has been doping. After the events of 2014, the criminal legislation was supplemented with new articles - Article 230<sup>1</sup> and 230<sup>2</sup> of the Criminal Code of the Russian Federation, which establishes liability for inducing or using prohibited substances and (or) methods in sports against an athlete. It should be noted at once that experts perceived these novels ambiguously. A number of them believe that the legislator was in a hurry, some, on the contrary, believe that it was done on time.

As for the results of the survey, both athletes and lawyers unanimously claim that the use of prohibited substances and (or) methods by athletes in sports affect the results of sports competitions (86%). But they treat criminal responsibility differently.

At the same time, respondents agree that in a situation related to doping, criminal liability under Article 230<sup>1</sup> and 230<sup>2</sup> of the Criminal Code of the Russian Federation is sufficient, it should be applied to guilty persons (60%), while about 30% would like to increase the severity of criminal liability, and about 10% would be limited to administrative measures.

From our point of view, the results of a survey specifically dedicated to doping, in which 50 athletes from St. Petersburg, representatives of athletics, took part, are of interest. As it turned out, about 50% of them know exactly what means and methods are prohibited in sports. But not everyone is ready to report their use:

- 14 athletes would hypothetically report the fact of doping by a familiar athlete;
- 32 athletes would have reported the fact of doping to athletes by someone else's coach;
- 20 would have reported the fact of doping to athletes by their coach;
- 4 admitted that they were offered to use doping to improve athletic performance, but they did not tell anyone about it.

As the survey showed, the respondents know athletes who use doping. But with regard to the possibility of taking doping themselves or using methods prohibited in sports, for the sake of improving the result, athletes answered, mostly evasively: «it would depend on the situation».

As can be seen from the table, internal rules, as well as coaches and heads of sports federations influence the athlete's decision-making to the greatest extent.

The opinion of athletes and lawyers is also of interest, who «suffers» the most during a fixed match or in the case of athletes using substances and/or methods prohibited in sports.

Interestingly, the lawyers had athletes in the first place, followed by spectators or fans and coaches. At the same time, athletes believe that in this case, the interests of athletes and spectators (fans) are equally affected. Bookmakers did not name almost everything.

Table 4. Attitude to the introduction of criminal liability for doping

Таблица 4. Отношение к введению уголовной ответственности за допинг

Answer option	% of responses	
	athletes	lawyers
Yes, criminal liability is needed	15.6	28.7
There are enough administrative and legal measures	68.2	56.3
The use of "doping" is a personal right of the athlete	12.2	10
Neither agree nor disagree	4	5

Table 5. What the athlete focuses on when making a decision about the use of doping

Таблица 5. На что ориентируется спортсмен, принимая решение об употреблении допинга

The survey also revealed who or what has the greatest influence on their decision-making	%%
internal rules of the sports organization	34
the authority of coaches and heads of sports federations	30
state policy in the field of sports	26

Table 6. Whose interests are violated as a result of fixed matches and the use of doping by athletes

Таблица 6. Чьи интересы нарушаются в результате договорных матчей и применения спортсменами допинга

Answer option	% of responses	
	athletes	lawyers
Sportsman	58	78
Spectator, fan	59	68
Coach	46	46
Organizer of a sports competition	17	16
Relatives of the athlete	11	16
Team Leader	11	14
Sports Agent	5	12
Sports officials	1.5	8
Other athletes (not participating in a sports competition), bookmakers	0	1

At the end, the respondents found out their attitude to the criminal policy in the field of sports: how effective it is from their point of view and what hinders the fight against crime to the greatest extent. As it turned out, almost half of the respondents agree that the current criminal law measures are not effective (48%), and they attribute this to a low level of legal culture (50%) and imperfect legislation (38%).

### Discussion of the results

The current problems of Russian sports, as the study shows, as well as the study of materials published in the media and scientific publications, primarily lie in its corruption. This is due, as many experts rightly point out, to the peculiarities of the legal regulation of the sphere of sports.

In the Russian Federation, the principle of sports autonomy is combined with state regulation, which is enshrined in the Federal Law “On Physical Culture and Sports in the Russian Federation”. Sports organizations own their own budget, independently solve issues related to the distribution of income received, the transfer of athletes from one club to another, etc. At the same time, Russian sports exists mainly due to state funding. But the closeness of sports organizations associated with the peculiarities of their management does not allow for proper control of financial flows. Moreover, there are still no regulatory legal acts establishing criteria for evaluating the activities of sports organizations (Galieva, 2017, page 38). In addition, sports organizations have the right to independently decide on the responsibility of athletes and establish their own disciplinary rules.

Corruption actions can be committed within sports federations, clubs, etc., for example, be related to the election of the president of the club, with the construction

of a sports facility or participation in a competition for the purchase of certain equipment. Commercial beginnings in sports, which is a kind of entrepreneurial activity, have led to the spread of a number of other negative phenomena such as fixed matches and doping (Maennig, 2005; Masters, 2015).

In this case, we have to agree with the authors, who rightly point out the imperfection of domestic criminal legislation in the field of sports. Moreover, M. P. Kleimenov and I. M. Kleimenov even write that in their opinion Articles 184, 230<sup>1</sup> and 230<sup>2</sup> of the Criminal Code of the Russian Federation, as they were practically not applied, and will not be applied further (Kleymenov, M. P., & Kleymenov, I. M., 2021, page 717). According to Article 184 of the Criminal Code of the Russian Federation, from 1996 to the present, only one criminal case is being considered in court, and according to Article 230<sup>2</sup>, only one sentence has been passed since 2016. Leaving aside the technical and legal problems of these articles, from a criminological point of view, we have to agree that they were adopted without the necessary criminological assessment in this case (Rakhmanova & Topilskaya, 2021) and have a political character rather than a normative one (Kleymenov, M. P., & Kleymenov, I. M., 2021, page 718).

It is considered that the crimes provided for in Article 184 of the Criminal Code of the Russian Federation (fixed matches) are purely corruption crimes, while Articles 230<sup>1</sup> and 230<sup>2</sup> of the Criminal Code of the Russian Federation (doping) are crimes that infringe on the health and public morality of the population. But the answers of both athletes and lawyers show that both crimes, first of all, encroach on public morality. It was the fans who turned out to be the persons whose interests are most and equally violated by fixed matches and doping.

## Conclusions

Crime in the field of sports is not a new phenomenon, but the forms and types of criminal behavior are constantly changing. Sport is not only athletes, coaches, representatives of sports organizations, etc., but a very wide range of people are also involved in the field of sports, including fans, parents of athletes, etc. In light of this, special attention should be paid not only to the forms of their interaction, but also to considering the moral principles that underlie sports. Moreover, special hopes are pinned on sports in the light of countering crime in general and, first of all, juvenile and youth crime.

Currently, new efforts are being made in the country to combat crime in the field of sports. In 2021, the State Duma passed in the first reading a bill on combating fixed matches. A plan has been adopted to implement measures to fulfill obligations in connection with the ratification of the Council of Europe Convention against Manipulation of Sports Results.

It is obvious that the current criminal law regulation to solve criminological problems in sports is clearly not enough. Not to mention that the boundaries of criminal law regulation in sports have not yet been precisely clarified. In our opinion, they should be defined as the legitimate interests of the individual, society and the state in sports protected by criminal law.

Although it is obvious that the general situation in sports is influenced by such factors as political, social, economic, and cultural, as well as specific ones inherent only to it. Real changes in the field of sports are possible only with the participation of representatives of both the state and sports organizations and law enforcement agencies. In turn, athletes, coaches, agents, etc. should also be ready to participate in coordinated actions to implement criminal policy in the field of sports.

Finally, it is necessary to develop research on the problems of crime in the field of sports, the results of which can be used as a basis for public policy in sports.

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