

Undermining Sports Values by Arranging the Matches

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Abstract: The values promoted by sport (fair play, integrity and respect for others) can be undermined by practicing illegal, national / international practices, as well as by arranging matches. One of the basic principles of sports law is the prohibition of illegal influence on official results obtained in large-scale competitions. According to the Council of Europe "arranging matches is a threat to contemporary sport", as the phenomenon can usually attract large criminal networks with negative, major implications on sports entities, supporters, fans and athletes. In July 2014, the Council of Europe adopted the Convention on the manipulation of sports competitions being open for signature to the European countries, as well as to those outside it (Republic of Moldova being the 22nd state to concede this document). This treaty has the mission to prevent, identify and apply sanctions to those who violate the discipline in this regard and who proceed to manipulate the official sports results. In this context, there is a need for close collaboration between the public authorities, those responsible for organizing international sports competitions, in order to prevent undermining sports values and official results by arranging matches.

Keywords: *sports competitions; manipulation; illegal practices; sports results.*

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1. Introduction

Given the large-scale sports competition stakes, towards obtaining undue advantages by organizers, participants or other non-member interested persons, making them resort to illegal practices, well-intentioned arrangements, acts or targeted omissions, so that it can change the results of sports competitions organized under individual or team demands. Usually, according to applicable international law, match-fixing can attract criminal monitoring/responsibility of parties/ persons who commit such acts or handling overall sporty competition, the condition takes to prove coercive action, corruption or evasion, as they are under the special law. Moreover, competition organizers are entitled to take necessary measures to ensure the safety, protection and support of sporting events.

Sport is a phenomenon that generates honor and fair play, representing at the same time an integral part of sporting events and a source of real pleasure. The joy that sport brings to billions of fans from all over the world may however be easily scam distorted by arranging matches. Corruption, accompanied with transnational organized crime involvement, undermines confidence in outcomes and discrediting sports reputation. Also, the proceeds from arranging matches can often be used to fund other illegal activities (Budevici Puiu & Manolachi, 2016; Budevici Puiu, 2016).

On November 21, 2018, the Republic of Moldova acceded to the Council of Europe Convention on handling in sports competitions (Council of Europe, 20147), and according to the document, the concept of "handling in sports competitions" refers to "arranged matches" and illegal sports betting to corruption in sports. Studies by international organizations have shown that the manipulation of sports results is constantly growing. If certain illegal practices of illicit influence on the official result are used in the manifestations, by exercising certain actions, in order to obtain a planned and committed result, then certainly the responsibility of those who committed such acts can be involved by:

- ***bribe giving*** to athletes, sports judges, coaches, leaders and the entire sports team, other participants or organizers, officials of the sports competition, in order to determine them to resort to coercive practices or to determine the listed persons to exercise such influence or to carry out a series of actions materialized by prior conspiracy with these persons;

- ***bribe taking*** by athletes, sports judges, coaches, sports team leaders, other participants or organizers of official sports competitions, respectively significant amounts of money, securities, other properties,

which can be used with the right to property or with the receipt of undue profits, other benefits and advantages generated by preliminary conspiracy actions.

2. Problem Statement

The purpose of the research is to identify and present the situational contexts that can have a significant impact on sports values by practicing illegal actions in arranging matches.

3. Research methodology: literature review, self-observation, systematic observation and graphic method.

4. Research results

Among the illegal practices identified by the analysis of the literature and jurisprudence in the field, we noticed that unfortunately, corruption, bribery, fraud, lies and violence become common during large-scale sporting events. Sports games should be conducted in accordance with the principles of honor and fair competition. However, integrity in sports competitions and sports ethics, in a broader sense, are seriously threatened by match-fixing. Thus, among the generators of the illegal practice of arranging matches we can mention: thirst for personal gain, inefficient leadership, poor management at the level of sports entities, the opening of sports structures as worldwide betting platforms easily accessible for widespread use, insufficient attention of law enforcement authorities to the illegal practice of match-fixing, as well as the use of organized crime to harm personal interests (United Nations, Office on Drugs and Crime, 2015).

In this context, to counteract these practices, international instruments, namely the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, act as an international regulatory framework aimed at developing cooperation and interaction between states. Thus, the signatory states are required to meet a number of obligations with regard to the adoption of specific laws, with the implementation of the necessary procedures and mechanisms for the prevention, investigation and prosecution of corruption and transnationally organized crime (United Nations, Office on Drugs and Crime, 2015).

Arranging matches can be classified into two types - Figure 1.

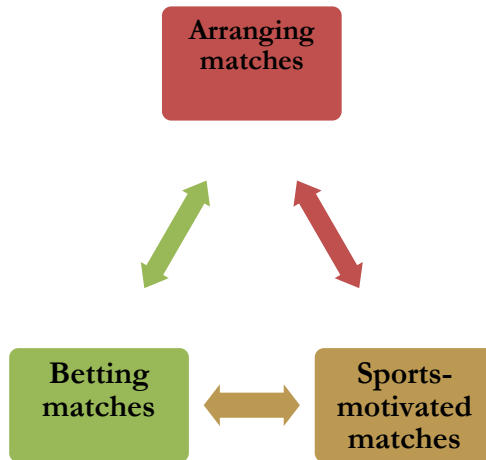


Figure 1. Types of arranging matches
Source: Author's own conception

Betting matches can be organized and controlled even by participants in the sporting competition, who make certain individual bets or can be made through an intermediary who acts on their behalf. Betting matches can also be organized by authorized operators who must comply with the standards set in terms of transparency and integrity of bets. Moreover, gambling agreements can be linked to other forms of criminal activity, such as: money laundering, human trafficking, evasion, non-payment of taxes, threats of physical violence, fraud, bribery and extortion. All of these also serve as a source of funding for organized crime (groups formed for the purpose of committing other, more profitable / serious crimes) (United Nations, Office on Drugs and Crime, 2015).

In the case of sports-motivated matches, there is at least an indirect financial benefit from the transaction made and an appropriate reason for arranging the matches may be the financial survival of the sports club.

The Council of Europe Convention against the Handling of Sporting Events (also known as the Macolin Convention) defines the concept of "handling in the field of sport" as an intentional agreement, act or omission aimed at illegally changing a result or course of a sporting competition to eliminate the complete or partially unpredictable nature of the aforementioned sports competition, in order to obtain an undue advantage for them or for third parties" (United Nations, Office on Drugs and Crime, 2015).

Thus, we could list a series of actions that fall under the scope of this definition, as follows:

- intentional loss in a match or in one of its stages;
- ensuring the intentional unsatisfactory performance of a competitor or the deliberate withdrawal of the player before the end of the match;
- micromanipulation of sporting events (namely adjustment of intermediate results of certain elements specific to a sporting event);
- incorrect and intentional application of the rules of the game by the referee and / or other organizers of the competition;
- causing interference during play, damage to play surfaces or equipment.

In the society of globalization, we can see an upward evolution of manipulation practices in e-sports. Video sports games are known as e-sports, in which case we are talking about competitions based on electronic systems, being usually made on the computer between players or groups of players. The growing popularity among fans has led to the fact that e-sports have become characterized by the professionalization of participants.

We can also mention that more than 80 percent of cyber competitions take place online with the participation of international teams, unlimited in space. The competition is open to 16 teams from around the world, including players of different nationalities. Due to this heterogeneity, it is very difficult to apply the appropriate legislation for the sporting event, as the matches take place on a computer server in one country, probably created and hosted in another country and includes players from around the world (United Nations, Office on Drugs and Crime, 2015).

In recent years, e-Sports betting have increased significantly, with over 75 operators operating in the field. As a result of this increase, financial liquidity automatically increased, which created conditions for organizers to engage in match-fixing practices, thus making a substantial profit from cyber manipulation of competition. On an uncontrolled betting platform, the turnover usually exceeds one million US dollars per match (International Olympic Committee, 2012).

Match-fixing is a serious issue that undermines sporting values, as well as the principle of impartiality in sport, which allows criminals to make substantial profits. Thus, it becomes a priority for Interpol, Europol and for international sports institutions (International Olympic Committee, International Football Federation, etc.) to investigate these illegal practices, to take measures against the manipulation of contractual matches and to develop structures and methods against them. It is important that these international entities allocate the necessary resources for the investigation of suspicious cases, as well as for the development of funds in order to coordinate actions and strengthen capacity in this field.

The indulgence and imperfection of criminal law in this field were noted in a joint publication of the United Nations Office on Drugs and Crime and the International Olympic Committee "Model provisions of criminal law for the prosecution of criminal manipulation of competition", which stated that in cases involving contractually arranged matches, "the possibility of investigating sports organizations, as well as the sanctions provided for them, including disqualifications and fines, are no longer sufficient and should be supplemented by criminal law measures. In view of this, legislation on offenses related to competition fraud is needed together with independent systems of sports sanctions" (Council of Europe, 2014).

In Figure 2, we present the impact that arranging and handling matches can have on sport, society and the economy at national / international level.

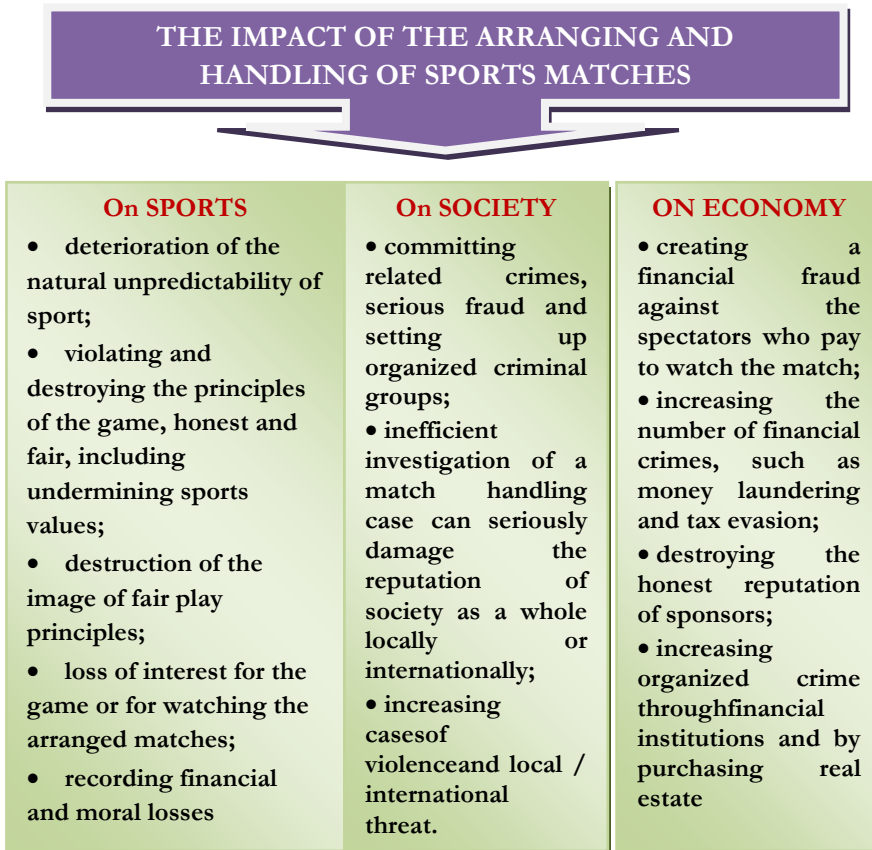


Figure 2. The impact of match-fixing on sport, society and economy
Source: Author's own conception

5. Conclusions

We can say that law enforcement authorities have a different role in investigating match-fixing, as they must ensure the protection of the general public and generally accepted values in sport, both by in view of the violation of sports regulations, as well as of the criminal law. Public authorities should take measures to prevent, detect, sanction and ensure discipline in organizing sports competitions, placing efforts and collaboration with several countries to identify practices of sports results manipulation. It is also important collaboration for transferring the best practices and exchange information to countering those facts, to combat corruption in sport and applying sanctions and tougher disciplinary measures.

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