



CRIMINAL LIABILITY FOR VARIOUS FORMS OF ILLEGAL INFLUENCE ON THE RESULTS OF OFFICIAL SPORTS COMPETITIONS IN SOME FOREIGN COUNTRIES

Beristenov Samat Orazbaevich

Head of the Organizational Department of the Ministry of Internal Affairs of the
Republic of Karakalpakstan, E-mail: beristenov.samat@mail.ru
<https://doi.org/10.5281/zenodo.13789075>

Abstract: The article examines the issues of liability defined in the criminal law for illegal influence on the results of official sports competitions in some foreign countries. The author comes to the conclusion that the legislation of many countries has significantly advanced in defining liability for illegal influence on the results of official sports competitions in various forms, and notes that in our country the main emphasis should be placed not only on defining criminal liability, but also on further improving the Law of the Republic of Uzbekistan "On Physical Culture and Sports". In this regard, some conclusions and proposals are presented regarding the introduction of liability for illegal influence in various forms on the results of official sports competitions into national legislation.

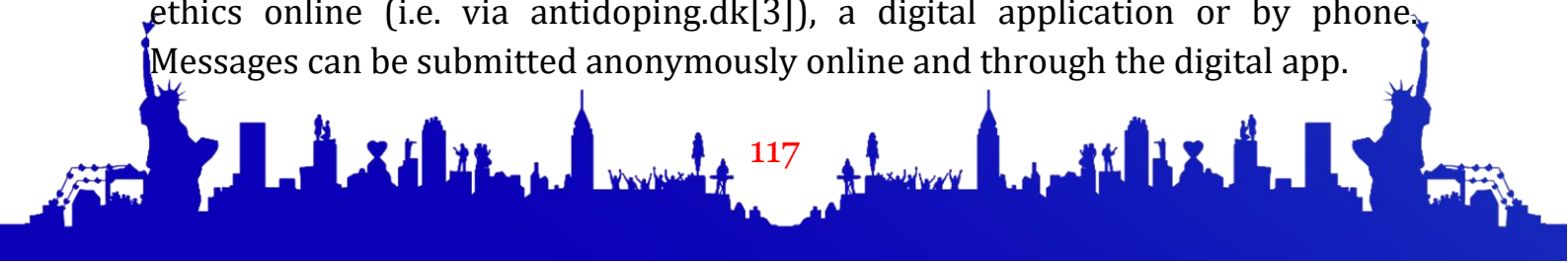
Keywords: official sport, competition, referee, undue influence, corruption.

The laws of 45 countries worldwide, including Germany, France, Switzerland, Greece, New Zealand, Brazil, Poland, Latvia, Lithuania, Georgia, Ukraine, Russia and Kyrgyzstan, criminalize various forms of illegal influence on the results of official sports competitions[1]. Also, in these countries, effective methods of combating corruption in sports have been introduced.

In particular, in accordance with Article 265d of the German Criminal Code, a person who, as an athlete or coach, receives material assets for himself or a third party in exchange for influencing the course or result of a professional sports competition for the benefit of another party, has a property interest or demands it, shall be imprisoned for a period of not more than three years. will result in deprivation or the imposition of a fine[2].

This article stipulates that a sports referee commits the above act, and the same punishment is imposed for bribing an athlete, a sports coach, and a sports referee.

In Denmark, you can report match-fixing or other violations of sports ethics online (i.e. via antidoping.dk[3]), a digital application or by phone. Messages can be submitted anonymously online and through the digital app.





Article 111 of the Estonian Law "On Sports" stipulates the establishment of a national contact point to combat manipulation of sports competitions[4]. The National Contact Point collects information on combating manipulation in sports competitions; coordinates activities to combat manipulation in sports competitions; provides information on possible violations to state bodies, sports organizations; cooperates with national and international organizations in this field. The tasks of the national contact point are performed by the Ministry of Culture.

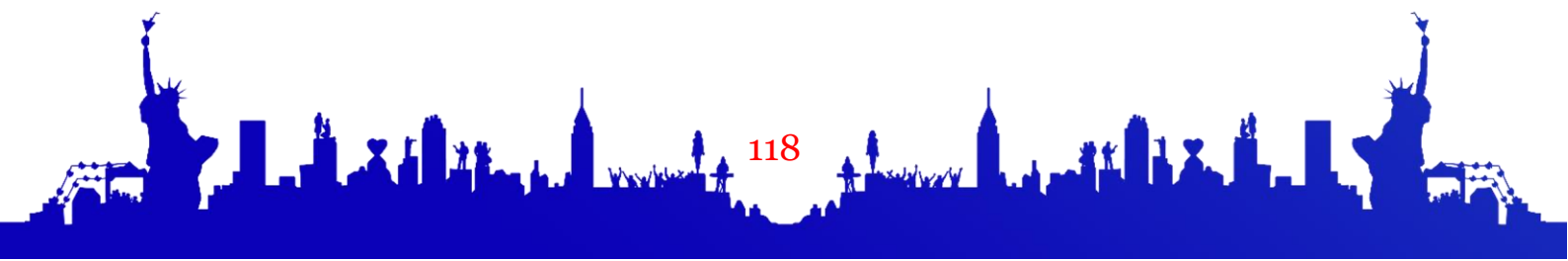
Russian legislation also provides for issues of combating corruption in sports. In particular, according to Article 26.2 of the Law "On Physical Culture and Sports in the Russian Federation", the following acts are illegal influence on the results of official sports competitions:

- bribery and coercion of sports competition participants;
- receiving money or other material valuables or receiving other property interests from the participants of the sports competition;
- use or distribution of internal (insider) information in the field of sports obtained as a result of work or other activities;
- failure to take measures to prevent conflicts of interest in the field of sports. This article also defines the concept of conflict of interest and internal (insider) information, measures to combat influence on sports competitions, obligations of sports federations (associations) to implement measures aimed at preventing corruption.

Also, the Law provides the Ministry of Sports of the Russian Federation with the following powers to combat corruption in the field of sports:

- suspension or termination of their state accreditation when sports federations (associations) do not fulfill the obligations stipulated by law;
- making a decision to remove a sports federation (association) from the register of all-Russian sports federations.

In accordance with Article 184 of the Criminal Code of Russia, in order to unlawfully influence the result of an official sports competition, giving material valuables to its participant, coach, referee or organizer, making them a property interest, forcing them or agreeing with them in advance, as well as receiving material property or property interest by these persons will result in a fine from 300,000 to 700,000 rubles, imprisonment for up to 4 years or imprisonment for up to 5 years.





Acceptance of a bribe or pre-arrangement by a referee or organizer of an official sports competition with the purpose of unlawfully influencing the result of the competition is defined as an aggravating circumstance[5].

Measures to combat corruption in sports in Ukraine are defined in the Law "On the Elimination of the Influence of Corrupt Offenses on the Results of Official Sports Competitions"[6]. According to the law, the National Agency for the Elimination of Corruption, the Ministry of Youth and Sports of Ukraine, sports federations, the National Olympic Committee and other sports organizations are entities that fight against corruption affecting the results of official sports competitions and have the following powers in this regard:

- receiving information about corruption cases and their investigation;
- to receive a written explanation from the athlete, competition organizers regarding cases of corruption;
- to ensure the participation of public representatives and experts in the verification of information about corruption cases;
- interrogating persons who are aware of the work situation;
- making a mandatory decision based on the results of the inspection;
- cooperation with international and national sports organizations in the fight against corruption.

Subjects are required to take the following measures within their powers to prevent corruption in the field of sports:

- mutual cooperation in the implementation of the anti-corruption policy in the field of sports;
- normative aimed at checking and preventing cases of corruption and development and approval of methodical documents;
- systematic analysis of the procedure for organizing and holding official sports competitions;
- creation of an opportunity to report (anonymously) cases of corruption in the field of sports and generalization of the practice of checking reports on cases of corruption;
- implementation of monitoring and research on the regulation and elimination of conflicts of interest in sports;
- carrying out an anti-corruption examination of the normative legal documents adopted in the field of sports.

Article 369-3 of the Criminal Code of Ukraine establishes criminal responsibility for illegally influencing the results of official sports competitions.

In view of the above, the following is suggested:





1) Development of the draft law "On making additions and amendments to certain legal acts of the Republic of Uzbekistan in connection with the prohibition of improperly influencing the results of official sports competitions" and providing for the following:

a) making additions and amendments to the Law of the Republic of Uzbekistan "On Physical Education and Sports" on clarifying the concept of inappropriately influencing the results of official sports competitions, prohibiting inappropriate influence on the results of official sports competitions, preventing conflicts of interest in the organization and holding of official sports competitions;

b) addition to the Criminal Code of the Republic of Uzbekistan regarding the establishment of criminal liability for inappropriately influencing the results of official sports competitions.

References:

1. https://www.unodc.org/documents/corruption/Publications/2021/Legal_Approaches_to_Tackling_the_Manipulation_of_Sports_Competitions_EN.pdf
2. https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p2450
3. <https://antidoping.whistleblownetwork.net/setup>
4. <https://www.riigiteataja.eye/akt/128022020003>
5. http://www.consultant.ru/document/cons_doc_LAW_10699/5b164b57cb7b6b9d3818fca16b7672f60fe5fc6c/
6. <https://golaw.ua/insights/publication/anti-corruption-regulation-in-ukraine-in-2022-special-report-for-lexology/>

