



Review Article

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Corruption in Sports



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Abstract

Corruption is any form of abuse of power for personal or group gain that is present in all societies. Like other social spheres, sport has not remained immune to corruption. As the biggest problem, the main cause of which is corruption in sports, there is a negative impact on the development of the entire sport. Although there is still very little meticulous discussion of the problem of corruption in sports, some sports workers, institutions and clubs are very often labeled in public as the main culprits of this problem.

Keywords: Corruption; Sport; Legislation; Criminal

Introduction

Corrupt sport fits with different definitions of corruption according to various criteria [1]. It is to be distinguished between corruption from within sport and corrupt sport that interlinks sport insiders (athletes, coaches, referees, managers) and sport outsiders whoever they are. Corruption from within primarily pertains to on-the-spot petty corruption and barter corruption. The latter is hard to detect and calls for statistical detection.

Unexpected consequences

Unexpected consequences of intended human actions and organizations prevail in competitive sport: every sport participant wishes or expects to win but only a few reaches the intended outcome [2]. This is exactly why sport attracts so much stadium attendance, so many TV viewers, and a great deal of sponsors, patrons, and financiers and, finally, so big inflowing money streams. Many unexpected sporting results are extremely positive from an economic standpoint; they attract attendances and revenues as best proofs of game outcome uncertainty, contention in a championship or a league, lasting suspense over all the duration of a match, competitive intensity of a sport contest, or the odds offered by a sport bookmaker or a broker. Uncertainty and unpredictability make sport contests an exciting opportunity for businesses around the world to take advantage of. But what would happen if uncertainty and unpredictability were taken away? The problem is that most sport manipulations kill outcome uncertainty and unpredictability, and, in the long run, they are likely to reduce or even phase out sports attractiveness to fans.

From a different standpoint, cheating, sabotage, playing with the sport rules or breaching them, refereeing biases and hooliganism are unexpected-and unwanted-results of intended wrong actions. They may be detrimental to the sport image, reputation, and development, and eventually violate the sport ethics. Sabotage which is not entirely unexpected-such as goading or diving-is only border line to the dark side of sport. A sport club's fake accounting, embezzlement, bribery, doping and match-fixing are also unexpected, and unwanted, deeds in normal functioning of the sports industry, but when they happen to last, they form a sustainable-and sustained-economic dimension of the dark side of sport.

Match-Fixing

It has become commonplace to refer to proven match-fixing cases as the tip of an iceberg but given that the rest of the iceberg is hidden it is impossible to exactly know its size [1]. Match-fixing causes economic effects which are exclusively positive for the deviating actors as long as their behaviour is not detected, but negative for everyone once the manipulation is unveiled. Match-fixing falls under three distinct categories:

- a. Match-fixing undertaken for sporting reasons, for instance throwing a match to pave an easier way in the next step of a competition; this kind of match-fixing is close to or confused with tanking.

b. Corrupt match-fixing where the object of the fix is to obtain a sporting loss, often in view to getting a financial return from an associated betting scheme.

c. Corrupt online betting-related match-fixing that involves influencing the game—not necessarily obtaining a sporting loss—to achieve the fix and consequently earn substantial monetary gain from rigged bets online.

Match fixers will target the most influential agents, primarily referees and umpires then goalkeepers, which does not exclude bribing other crucial (defensive) players or even attacking players for readily missing goal-scoring opportunities. All the bribed insiders will decisively influence the match outcome in a manner that raises as little suspicion as possible. Referees are especially under the spot since they are often in high-pressure situations when they have a difficult decision to make while their power to influence the match outcome is high by calling fouls against players. Indeed “before sport economic globalization and online betting, a major opportunity for corrupt sport to emerge was already found in sport gambling which provides an opportunity to fraud since it creates an incentive to lose a sport contest through match-fixing in view to making money against the likelihood of a sport performance.

Match-fixing is a serious problem [3]. Corrupt sports betting and gambling activity by athletes, coaches, and other stakeholders in sports, particularly on the Internet, poses a serious threat to the fairness of sports competition and therefore to its very structure. In addition, corrupt playing by athletes and the so-called “black whistles” of referees have been all too common recently in the lesser leagues of European football/soccer. Sumo wrestlers in Japan have also been the subject of match-fixing controversy.

In response to the general problem of corruption in and around the sports arena, the International Olympic Committee (IOC), as a leading stakeholder in the supervision of international sports law, has expanded its initiatives to detect and penalize match-fixing. It has employed International Sports Monitoring, a Swiss corporation, to monitor and track betting rings around the world. This effort involves the cooperation of some 400–450 odds-makers, betting firms, and lotteries, and will also involve an educational program for athletes and officials. Match fixing to make money through irregular or illegal betting appears to be the real growth industry in recent times, fueled by the range of betting options available through both the legal and illegal markets, the relatively poorly developed and inconsistently applied rules and regulations around betting, and an underprepared football industry [4]. It is also fair to say that in many countries, the investigation of allegations of match fixing is not a priority for law enforcement agencies in comparison with more pressing demands – such as tackling terrorism, murder, violence and gangs. It is also frequently desperately difficult – but not impossible – to investigate, given the international and fast-moving nature of the criminality.

Betting

Match-fixing and to a lower extent spot-fixing have become the most widespread form of crime in sport in recent years [5]. Fixing just one element in a contest is commonly termed spot-fixing. With spot-fixing some gambling operators offer online to bet for example on several yellow or red cards, or on the first or last player who would receive a card, or on the first foul, the first offside, the first corner kick, or how many minutes of additional time, who will kick from the corner, or will be the first player to be fielded from the touch bench, and so on. Such events are much easier to rig in a non-detectable way than fixing a match outcome or final score. Moreover, they may not influence the outcome, or score and empirical proofs cannot be mobilized in case of suspicion. Unfortunately, technological innovations in sport betting opened new opportunities for the development of less controllable bets such as spot-fixing.

Spot-fixing is likely to be enabled by the development of in-play betting rather than by the development of markets on sundry features of a match. A priori reasoning then suggests that the shift to in-play betting introduced new threats to the integrity of sport. Records from criminal trials show that fixers readily use both the rematch and in-play markets. The sports betting market exhibits increasing availability of bets on subjects other than the final winner of the contest. Among the new products, a loose distinction may be drawn between ‘derivative bets’ (relating to a component of the final score, for example, the winner of the first half of a match), and ‘side bets’ (relating to other data in a match such as how many yellow cards are issued). Such bets may be easy to execute, even by a single player, and sportsmen and women may be more ready to take part in a fixing activity if it is unlikely to have a decisive impact on the final winner of the event. The two co-authors judge that fixing will be more prevalent where betting is possible on many minor aspects of an event as opposed to only on its winner.

Gambling

What is true is that the opportunities for gambling around sporting events have become generally easier, culturally more acceptable and certainly more sophisticated in the products that are available such as spread betting and on-line betting exchanges [6]. The latter gambling product facilitates person-to-person betting with no traditional bookmaker taking a profit and allowing the gambler to be the bookmaker and make and “lay” bets. In the former, not only is the bet itself but also the size of the stake won or lost determined by events during the sports event. For example, in a cricket match, a bookmaker may make a forecast on the number of runs scored in an over and gamblers bet on whether that prediction is too high or low. Their winnings or losses will correspond with the difference between the runs scored and the bookmakers’ forecast. The form of gambling involved here is known as “spot-betting” and is a type of gambling on a market created around the occurrence of a specific event or

events that occur during the game e.g., when or against whom will the first corner be conceded in a football match.

The focus on manipulation of sporting events has moved from being primarily on the result of a game (“match fixing”), that is the manipulation of the result of a sporting competition, to the more sophisticated and focused manipulation of an event or occurrence within a match, (“spot fixing”). In this incident, it was the bowling of several “no-balls” at pre-determined times during the cricket match which provide the opportunity to illegitimately bet on this specific happening. Arrange of sports have a myriad of such variables events that can be brought about by a player or players in unison. The sophistication of gambling opportunities available mean that illegitimate bets can be placed around these events and the unpredictability of sporting competition is desecrated. Although there are different cultural and jurisdictional controls on gambling in countries around the world, these are increasingly difficult to enforce due to the technological nature of gambling, primarily via the internet. The regulation of the gambling industry-gambling is to a large part prohibited in law-creates a criminal black market, which provides the environment for potential manipulation of matches and betting patterns. Huge amounts of money can be involved.

Criminal Behavior

Corruption is first considered as a forbidden or criminal economic behaviour among sport insiders that are participants, athletes and players, coaches, referees, umpires, sport officials and managers from club level up to international sport governing bodies [1]. Benefits can be significant at an individual (or team) scale when they count in thousands of euros or dollars. When it comes to international corrupt networks and mafias the figures may reach some millions of euros or dollars. Corruption within sport may also aim at distorting sporting outcomes for a sporting (non-monetary) benefit which is very significant for a sport participant or a team in terms of ranking, promotion or relegation. This occurrence is coined barter corruption when there is no money stream involved or when money is only a subsidiary benefit compared to the sporting one.

An attempt to bring some clarity to both what amounts to corruption (with some attempts at a definition) and formally how governmental originations could engage with it, emerged in the last quarter of the twentieth century [7]. In the context of the transnational nature of many forms of corrupt activities, the understanding was that international conventions with legal force, requiring individual countries to implement anti-corruption mechanisms, were a vital development. Nine international conventions with a focus on anti-corruption have been promulgated since the mid- 1990s, providing a source of guidance on the meaning of corruption. These conventions fail to provide a specific definition of societal corruption but focus on specific types of corrupt behaviour. For example, the Organization for Economic Co- operation and Development (OECD) Convention

focuses on the role of public officials in office, where ‘Corruption involves behaviour on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them, by misuse of the public power entrusted to them’. Many commentators see the OECD Convention as the most effective international mechanism with the emphasis on the requirement that signatory countries should have effective anti-corruption criminal laws in place.

The lack of a clear definition of corruption within these conventions, it is argued, is due to ‘the challenges of public opinion, jurisdiction and cultural influences. International conventions are characterised as soft law instruments in that although they support primarily a criminal law approach to engagement with corruption, they allow discretion at the national jurisdictional level as to when and how this will be achieved. The anti-corruption conventions encourage signatory countries to develop appropriate legal instruments to engage with corruption to meet the treaty obligations with legislation criminalizing activities such as bribery, embezzlement, trading in influence, illicit enrichment, and money-laundering. As with these international conventions, few pieces of national legislation formally define corruption. In comparison, concepts such as bribery and fraud are more frequently legally defined. Additionally, there have been significant moves for more effective state action with a requirement that there is ‘fit for purpose’ legislation.

Regardless of the complexity of trying to understand corruption, it is still possible to grasp some understanding of the many and varied acts; it is better to view corruption as a range of acts, some of which are legal but seen as corrupt and others that are both corrupt and illegal [8]. Corruption is therefore very broadly defined or broken down into its constituent elements and can contain illegal or legal acts but unacceptable practices. As the literature suggests, there have been numerous attempts to classify corruption and provide a systematic method for approaching this complex phenomenon. These are:

- a) Political corruption
- b) Bureaucratic corruption
- c) Electoral corruption

As a social practice involving individuals and organizations, corruption is inherently difficult to measure [8]. However, in recent years several organizations have developed a Corruption Perception Index (CPI) for the purpose of qualitatively assessing the pervasiveness of corruption around the world. At one level these CPIs are acknowledged as an important development in raising public awareness of corruption and promoting reform, particularly by Transparency International. However, these approaches are also criticized for a lack of methodological rigor in showing just one side of the corruption equation, for example, those that receive a payment or gift while ignoring those offering the bribe, often from the private sector. These CPI surveys, however,

are also limited in their selection process; for example, which country is included in a CPI survey often reinforces stereotypical perceptions of corrupt regions of the world, and as such reflects the confusion and inadequacy and current corruption discourse. A CPI then is not a reflection of a 'real' geography of corruption, and therefore their measurements are problematic.

Legislation

The consequences of ignoring any one global challenge are dire [9]. The issues to deal with are many, from austerity and failing economies, to growing terrorism, to spreading pandemics, a warming planet and online attacks against confidential information. The damage that corruption wreaks on our economy and global sporting institutions is beginning to be documented. It distorts markets by removing any notion of a level playing field, it undermines the rule of law, and it allows corrupt capitalists and undemocratic world leaders to hoard economic and political power. Global sport is not immune from the challenge of corruption and the question of whether it is on the increase in the twenty-first century or not? The problem is not disconnected from issues of political economy or governance. The rise in anticorruption measures that now need to be put in place is something of a challenge, not just to global sport, but to global institutions in general.

There has been a rise in international anti-corruption legislation, such as the UN Convention against Corruption, the OECD's Anti-Bribery Convention, as well as regional and national laws. International civil society – such as Transparency International, Global Witness, Global Financial Integrity and, more recently, the Volcker Alliance – has had a great influence. Many have also cautioned that, although increased international attention has helped move the anti-corruption agenda forward, globalization is responsible for an increasingly sophisticated form of corruption, and they question whether corruption-fighting solutions have kept pace with the integration of financial systems, global supply chains and multi-jurisdictional entities. The point is that global sport is not immune from the challenge of corruption critique, but, more importantly, if sporting integrity and justice are going to become more of a reality, then global sporting institutions have not only to be more transparent, open and accountable, but also be seen to be putting effective anti-corruption measures in place that not only advance the levels of social change, but also change the levels of trust afforded to global and local sporting organizations.

Criminal Liability

The question of criminal liability for action on the sporting field is highly topical in a society that is increasingly focusing on violence [10]. Many areas of criminal law that are not considered in what follows might arise in sport: examples are 'fixing' or rigging of matches, illegal gambling carried on at some sporting venues in

relation to the outcome of a match, horse doping or failure to allow a horse to run on its merits, appropriation of funds of a sporting club by its officials, theft of equipment, and illegal use of drugs by athletes. Most of these situations attract the normal application of the law or are relevant to only one or two sports, and so are not discussed here. Allegations of impropriety and 'fixing' of events in several sports have underlined the view that sport is like other areas in the potential for corruption that it offers.

Conclusion

Several recent international corruption scandals have shown that sport is at high risk of corruption. This does not only mean football, but also affairs in other sports. Without honesty and integrity there are no real changes in sports. Athletes, fans, sponsors, sports workers, sports institutions, public authorities, the media and citizens must promote these social values for sport to be an important part of our identity. In the process of creating positive social values, sport is an important area that has occupied many generations. The results must be a real motivation for the development of a healthy society in which we all want to live.

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