



SPORT DEONTOLOGY AND SPORTS ETHICS

PREVENTION OF SPORT MANIPULATION IN SPORTS LAW

Lauri TARASTI

Lawyer, Member of the IOC Sport and Law Commission, Finland

Abstract: *Prevention of sport manipulation in sports law.* The manipulation of sports competitions has become a second big problem in top sport beside doping. When money is today the central motive power in top sport and sports betting has reach incomprehensible dimensions (about 450 billion euro per year), the manipulation of sports competitions has spread to an alarming extent in those sports which are subjects of sports betting.

The sport movement has started its counter action like early warning systems, points for anonymous reporters, cooperation with the Interpol etc. So far the most important achievement has been the International Convention against the Manipulation of Sports Competitions of the Council of Europe, undersigned September 18, 2014, and coming into force during 2015.

The central reason, why the manipulation of sports competitions has not arisen to the publicity as doping, is that it is difficult and sometimes impossible to provide sufficient evidence on manipulation. To provide evidence begins usually from the inside of the sport movement, sometimes from a betting company.

The manipulation of sports competitions is under official prosecution in nearly all countries. It is included in the crimes of corruption and is investigated by police. Sport organizations have not the powers of police needed in the investigations, especially not to open accounts, to follow emails, to listen to telephone discussions etc. In addition, it is possible that the convictions of a sport organization and a court are dissimilar, because the threshold of the substantiation is higher in the court. Compensation claims might arise, if the sport organization convicts but the court exonerates. However, the conviction of the sport organization is needed for sport like the ineligibility, the loss of prize money etc.

Juridical research in the questions in connection with the manipulation of sports competitions has been only little for the time being. Many problems should to be solved within sports law as for example

- according to which country's law the manipulation cases should be assessed when the athletes or referees, the organizers of manipulation in many levels, betting companies and bettors are perhaps all from different countries
- how to define the manipulation compared with tactics in sport
- what is inside information and how to define it in sports betting
- how to take into account persons outside sport but guilty of manipulation.

Along with the Convention against the Manipulation of Sports Competitions the regulation of manipulation shall be transferred to be a part of sports law in the same way as the World Antidoping Code expanded the area of sports law, in fact established the own area of doping law.

The regulation of sport manipulation, however, relates so nearly with criminal code and criminal process law that a respective own area as the doping law might not be created, although the sport convictions relating to manipulation remain to be decided in accordance with the own provisions and practice of sport.

Key words: Manipulation of sports, competitions, Convention against the manipulation of sports competitions, Evidence on manipulation, Manipulation and doping, Sports law

DISCUSSION OF REFEREE'S SUBJECT STATUS AND RESPONSIBILITY O

Xiao Ping WANG

*Professor at the China University of Political Science and Law,
Director of China Sports Law Research Center, China*

Abstract: For years domestic scholars have not conducted much study on referee's subject status and responsibility of behavior. Due to the special rule the referee plays in the match, the identification that if the referee need to undertake the responsibility is always vague. The competition rules and sport industry organizations give more to technical regulations, coupled with that China's relevant laws of this field is imperfect, thereby it's difficult to restrict the behavior of referee. Thence, the author attempts to analyze and research in terms of the referee's concept, status, behavior and responsibility to get a clear definition of the referee's behavior.

Key words: The Referee Status Responsibility of behavior

THE NEW SPORTS REGULATIONS IN COLOMBIA

César GIRALDO

Lawyer, LLM in International Sports Law , Colombia

Abstract: Colombia is a country located in South America with 48.000.000 people which is really involved in the world of Sports. People love sports there; they really feel a passion when the Colombian Football Team plays against other country, or when any athlete from the country competes representing them.

It is not a secret that Colombia is famous around the world not precisely for sports. The violence lived in Colombia a few years ago due to the drugs war, is the image that most of people have about this country. During that period, Colombians suffered a lot; problems like terrorism, kidnapping, extortion, tort among others were growing across the country affecting the population feelings.

For this reason, during the last 10 years, the main aim of the Colombian Government was to attack the Drug Cartels and the Guerrilla. It was hard work but they really did a very good job. The Colombian Army reduced the violence in a considerable way and now, Colombia is a safer place to live and to visit.

During this process, sports took an important role in Colombian society. As I mentioned before, Colombian people is very passionate, that's why they live sports with a special manner, in particular because it is an "escape" for millions of people around the country who want to forget the social problems they suffered in the past.

Sports events such as the "Copa América 2001" which was organized and won by the Colombian Football Team, the "Copa Libertadores" achieved by Once Caldas in 2004, the participation of Juan Pablo Montoya and Camilo Villegas in the Formula 1 and the PGA tour respectively, gives to Colombians some reasons to forget for a moment the social problems they had.

Nowadays, when the economy and the hope of the people are growing, Sports are having an important role in society. An example of this is the organization of the “Under 20 FIFA World Cup” which was a great opportunity to show people around the world how things in Colombia are getting better.

For the reasons mentioned above, the Colombian Government observed the importance of sports in its society and how some important issues related with them were never been regulated in a serious way. In this order of ideas, this year the Congress decided to amend sports law regulations, which exist since 1995.

One of the main considerations that the national government takes into account to modify this rule was: (i) the economic situation of the athletes; (ii) the corporate structure of the football teams; and (iii) the violence in the stadiums.

The main aim of this document is to show the main amendments regarding the in Colombia, its effects, how this new rules will help the economical conditions of the athletes and how they can improve their skills in order to be more competent in front of other athletes around the world.

Key words : Colombia, sports law , Sports Regulations, violence, Sports , football

SPORTS LEGAL REGIME OF IRAN

Jalil MALEKI

*Lawyer , Dean of the Law Faculty , Islamic Azad University Central Tehran
Branch, (A.U.T.B), Iran*

Yaghoub KADKHODAEI

Lawyer & Master of Private Law, Tehran city, Iran

(Present: Jalil Maleki)

Abstract: As one the most attractive and crucial activities in providing various job opportunities, absorbing capitals, promoting social participation, preparing sources of income together with involving a large group of human resources, today sport is one the very elements of a developed country which has led to the creation of rapport among different organizations both nationally and internationally. In some countries sport has allotted a part of the public budget to itself, however in some others it has become a prosperous and profitable industry. And, subsequently the conflicts of countries and individuals' interests in this context have increased the number of delinquencies and crimes in this field. Duping; financial disputes among the players, coaches, supervisors, authorities, clubs; adverts;

Products; contracts with runaway prices have all arisen international attention toward managing and organizing this part of human activities.

Sports law as a major of law deals with studying legal events and activities together with studying related events in sports including contracts and upcoming responsibilities, crimes and semi-crimes whose issues are lives, properties, dignity, honor and other legal rights of individuals who are involved with sports. Sports law seeks the expansion of relations among countries internationally following political, economical and social purposes, and thus has been of main interests of different communities in different forms.

Although traditional Iranian sports such as wrestling and Zoor-Khaneh sports have got deep cultural and historical ties in Iranian society, systematic and professional sports have been professionally experienced in Iran since over a hundred years ago. Relatedly various rules and regulations have been enacted directly or implied to protect the sports activities, as well.

In this article according to the international aspects of sports in Iran, which have been mainly created by joining the global federations and signing the contracts with players, coaches and in general all the external contributors, besides studying the sports law in Iran and related issues on the history of sport in Iran other subjects such as policies enforced by the state, process of managing and organizing fields of sport,

legal procedures and attitudes to sports contracts, commission of parties, approaches of the state to the following contracts, process of managing sports cases, sanction of the rights of sports individuals, approaches of universities and ministry of science towards, legal aspects of responsibilities and of coaches, trainers, athletes, managers, authorities, audiences, sports organizations, regional sports management, sports doctors, producers and sellers of sports devices, copyright law and etc. will have been analyzed.

Keywords: Sport, Sport Regime, sports in Iran. sports contracts.

THE IMPACT OF THE THIRD PARTY'S BENEFITS ON THE CHINESE FOOTBALL PLAYER'S CONTRACTUAL STABILITY

Luo XIAO-SHUANG

*School of Physical Education, Hunan university of technology,
Lecturer, Zhuzhou, Hunan, China*

Abstract: Article 41 under The Provisional Regulations on the Status and Transfer of Players by China Football Association provides that where malicious collusion is found to be involved which damages the interests of the Chinese football association or a third party, the transfer contract in question shall be null and void. This clause has its' certain particularity, and is not contained in the FIFA Regulations on the Status and transfer of Players. It effectively protects the stability of the player's transfer contract. However the Chinese football association did not make any further clarification on the point. Although there is no case law so far in practice invoking such clause, the Chinese football association should further define the specific scope of the third party's interests, and so are the related issues. In the author's opinion, this clause originates from the Contract Law of People's Republic of China, so the Chinese football association should shed more light on qualification of a third party and delineate the range of interests in accordance with the related provisions of the Contract Law of People's Republic of China to explain the clause which may provide practical guidance for legal practitioners.

Key words: Chinese Football Association; the Third party's interests; Impact; Player's transfer contract; Contractual stability;

CORRUPTION IN CRICKET: LEGAL, COMMERCIAL AND ETHICAL ISSUES

Shah Murad

*Assistant Professor at Federal Urdu University of Arts, Sciences and Technology,
Pakistan*

Abstract: In recent years, cases of betting, match fixing and spot-fixing have sharply increased in both international and domestic Cricket. Over 18 international and 10 first-class cricket players have so far been found guilty of match fixing and spot-fixing. The International Cricket Council (ICC), an international regulating body of Cricket, is responsible to conduct the Cricket World Cup, World T20, Champions Trophy, Women's World Cup and other major international Cricket events. Pakistan is a member of the ICC and legally bound to adopt the rules and regulations framed by the ICC. However, Pakistan still did not incorporate its international legal obligations into municipal law. In absence of a legal framework at national level; cases of betting, match fixing and spot-fixing would continue to resurface. In order to curtail corruption from Cricket, it is imperative to devise and implement an effective, transparent and comprehensive regulatory framework. This paper provides an overview of legal, commercial and ethical issues involved in betting, match fixing and spot-fixing.

Keywords: betting, match fixing, spot-fixing, sport law and policy, judicial developments, national legislation.

SETTLEMENT OF SPORTS RELATED DISPUTES IN PAKISTAN:
IN SEARCH OF EFFECTIVE SOLUTION

Shah Murad

*Assistant Professor at Federal Urdu University of Arts, Sciences and Technology,
Pakistan*

Abstract: In recent years, disputes in the sports sector in Pakistan have significantly increased. The Pakistan Sports Board (PSB) is regulating and controlling the sports activities. However, it lacks legal mandate to resolve the sports related disputes effectively. In the absence of legal forum to deal with sports disputes at the national level, cases linger on before the ordinary courts for years which directly affected the sports activities. In order to promote the sports activities and competition in Pakistan, it is imperative to establish the courts of arbitration in conformity with standards and rules developed by the International Court of Arbitration for Sports (CAS) for settling the disputes through arbitration and mediation. This paper analyzes the settlement of sports related disputes in the context of sports law and judicial developments in Pakistan.

Keywords: Sports Law, Dispute Settlement, Legal Framework, Judicial Developments, National Legislation.

RECENT CHANGES ON THE APPLICABLE REGULATIONS LEGALLY
BINDING UPON PLAYERS' AGENTS AND JURISPRUDENCE RELATED
THERE TO

León ALFONSO

Associate at RUIZ-HUERTA & CRESPO SPORTS LAWYERS, Spain

Abstract: Following to the announcement by FIFA of the upcoming implementation of the Regulations on working with intermediaries by 1st of April 2015 and the repeal of the 2008 edition of the FIFA Players' Agents Regulations, a certain uncertainty has taken root in this area. What will happen with the ongoing procedures and the disputes that will arise up until that date? These are major concerns that our clients have had recently and will have in the coming months.

Players' agents have been under the auspices of FIFA and recognized by the latter as from 1995. The governing body in the world of football did indeed provide them at a later stage with a certain status as FIFA licensees and a judicial body where their disputes could be heard, i.e. the FIFA Players' Status Committee. However, on the 21st of March 2014 the FIFA Executive Committee approved the so-called Regulations on working with intermediaries which are meant to enter into force as from 1st of April 2015. Said regulations will drastically modify the legal regimen under which the players' agents operated. In the present paper, their new status and possibilities will be analyzed, together with certain suggestions regarding the mediation contracts that said agents may have already concluded and which are not in line with the new Regulations on working with intermediaries.

Notably, in case of any dispute arising out of said contracts, their chances to successfully resort to the CAS will be herein analyzed in the light of the most recent jurisprudence of the Court of Arbitration for Sport and the Swiss Federal Tribunal, so that the rights of said agents may be protected in order to avoid that they end up in an undesirable legal vacuum.

Key words: Players' agents, jurisdiction, Court of Arbitration for Sport, forum shopping, standing to appeal, company.

PUBLIC POWER SOURCES OF CHINA'S SPORTS ASSOCIATIONS AND
ANALYSIS OF RELEVANT PROBLEMS

Zhang XIAOSHI

Zhao JING

Sports Law Research Center of China University of Political Science and Law, China

Abstract: Since single sports associations represented by the China Football Association implemented professionalism, a series of problems have appeared and many experts and scholars stated their own points from different angles. In this article, the author tries to start with public power sources of sports associations, analyze the reasons of problems related to sports associations and put forward paths and ways to solve the above problems.

Keywords: sports associations, public power, power sources