

## **CURRENT ISSUES WITH SPORTS LAW ON VIOLENCE IN SPORTS EVENTS**

*Preliminary communication*

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### **Abstract**

*The present study examines legal status and powers of the security authorities, as well as current issues related to law responsibilities. As problem areas are discussed football hooliganism and match-fixing criminal liability provided for such issues. Some regulations which are relevant to the issues are analyzed. An overview of interior law and some legislative initiatives and tendencies in Europe has been done. The structure of public sport management bodies in the Republic of Bulgaria is observed. The role of public governance and the basic methods used for the settlement of sports relations are examined.*

**Keywords:** *sports relations crimes legislation, public regulation, football hooliganism, safety in sporting events, interior legislation, intellectual property*

### **INTRODUCTION**

Sport today faces a number of challenges such as violence, doping and a number of negative trends as arranged sports events, illegal betting etc. On one level athletes participating at sports events, on another level the people attending such events, especially young people have been given not so good idea of the sport.

The law is the most important and uniform system for regulating public relations. Sports law is a part of the overall structure of the law where is found the manifestation and realization of all basic legal elements.

Sports law comprises not only the legal safety regulations for all the sports activities but also the implementation of these rules and the impact they have had and will have for society.

#### *Purpose, objectives and hypothesis of the study*

The aim of this study is to examine and analyze legislation and other sources related to safety of sporting events.

#### *Tasks of the research:*

- Analyze the interior legislation.
- Make an overview of sports legislation in the countries of the European Union.
- Study the manifestations associated with hooliganism at sports events.

Hypothesis: We assume that drawing attention to legislation in the field of sports and analyzing the interior legislation we will identify some problematic areas. It could be beneficial to sports institutions that take initiatives and it could contribute to improvement safety at sporting events.

### **RESULTS AND DISCUSSION**

#### *Interior law regulation - Constitutional regulations*

The expansion of professional sport and the subsequent fact that so many people make their living through sports industry led to the intervention of the law. The objective is to create a lean organization and the normal functioning of this type of public relations in terms of secured rights and

obligations and giving effective protection in terms of their violation (Nekov (Неков), 2011).

The state is a special subject of sports law through its legislative, executive and judicial organs that regulate and supervise the activities of sports organizations.

Consequently it is the most influential subject of sports law (Naydenov (Найденков), 2011).

The citizens' right of sports activities is regulated at constitutional level in Chapter Two of the Constitution. This chapter establishes the fundamental rights and duties of citizens that are judicially enforced. The sports right is realized through slide method. Chapter Two art. 52 paragraph (3) prescribes that the State shall protect public health and promote the development of sport and tourism. Sports relationships are not explicitly regulated (Zahariev, L., & Zahariev, B. (Захариев, З., & Захариев, Б.), 2015).

There has been a law on physical education and sports since 1996, which has had numerous actualizations. Meanwhile this law is lagging the development of public relations. Athletes', coaches' and managers' rights have generally lacked even they are set up at the foundations of sports law. It is discussable which law they should have been regulated: The Law on Juridical Non-Profit Entities (LJNFE) or the Law on Physical Education and Sport (LPES). In the presence of multiple forms of associations many sports organizations have not found clear regulations in the law, for example the association of sports organizations at schools.

#### *Issue areas*

Sports and particularly football hooliganism is a negative social phenomenon that unfortunately is gaining momentum not only in Europe but also worldwide (Petkov (Петков), 2013).

Despite recent legislative changes football hooliganism remains current issue. Violence in sport is a worrying tendency which is spread worldwide. Thus it requires taking adequate measures at international level. The Committee of Ministers of the Council of Europe adopted "Eu-

ropean Convention for reduction of spectators' violence at sporting events and in particular at football matches." It has been ratified by 37 National Assembly of the Republic of Bulgaria and entered into force on December 1<sup>st</sup> 1996.

The legislator regulates the phenomenon of sports hooliganism in a special law with a range of rules for the protection of public relations related to the conduct of sporting events which is a sign of maturity and willingness of the state to engage itself adequately with this problem.

Stakeholders in sport have reported problems in regard of the persistent streams of revenue from gambling activities to sports. The regulatory approaches of the States members in the areas related to intellectual property rights and gambling activities differ especially for the rights of property of the organizers of sports events on the events organized by them, as well as for the issues of image rights in sport.

The settlement of the outcomes of sporting events is contrary to the sports ethics. Whether it is related to the desire to influence the gambling or betting with a clean sport, it is a form of corruption and as such is subject to sanctions under national criminal law.

The phenomenon 'buying games' has become more popular at national and international level. To meet public expectations in our country the legislator has criminalized it by creating a special chapter "Crimes against sports" in the Criminal Code. This chapter has regulated bribery charges and has posed very serious challenges to the investigating authorities, and many additional questions and ambiguities concerning various forms of criminal activity (Penal Code 2011 (Наказателен кодекс), 2011). In the regulation of crimes against sport is not clearly set how they will be accused of criminal liability third people who have benefited from the actions of the subjects of criminal activity, pledged large sums in sportsbooks and put profits.

The low collection of fines is a disadvantage of the law code. In most cases the perpetrators are minors, or adult citizens free of earnings. It is the legislator's right to focus its efforts on strengthening the general and individual prevention. There has been a lack of specific administrative liability for fan clubs. In the current law code their conduct has been sanctioned only sports clubs. The realization of the sports product is not regulated in the Law of Physical Education and Sport, for example the intellectual property. There have not been mentioned either some specific arbitration proceedings.

#### *Public utility regulatory acts*

It has been established a tendency towards unification of national legislations of the European countries in the field of sport. They have been based on international principles and national specificities.

Sports regulations have been implemented by the Regulatory Acts of the Council of Europe and the European Union which characteristics are recommendatory for the international organizations. In the field of sports some very important regulatory acts are adopted by the Council of Europe - "European Sports Charter" in 1992, "Code of Sports Ethics" in 1992, "European Charter on Sport for All" in 1975.

The European Union encourages police services and sports authorities to share information on supporters who are potentially dangerous and to create and support initiatives to prevent violence. Consequently the Commission supported the creation of the network "Football Against Racism" in Europe (FARE).

Bulgaria as an EU member state has been respected the autonomy of sports organizations, and has been promoted respect of basic principles related to democracy, transparency, accountability.

The report of the European Union "Development and prospects of Community action in the field of sport" sport has been defined as a unique activity that simultaneously fulfills different functions:

- educational - active sport practices develop people as individuals;
- healthy - physical activity leads to improved health status of the people, it is a way to defeat certain diseases and improve quality of life among the elderly people;
- social - sport is a way to overcome intolerance, racism, violence, drug abuse and alcohol and to support the integration of people outside the labor market;
- cultural - sport gives people an additional opportunity to explore places around them and become more sensitive to the environment;
- recoverable - sport as a hobby done during leisure time, providing individual and collective entertainment.

#### *Sport and corruption*

A careful reading of the Criminal Code' rules indicates that all major criminal measures against corruption are established by the law although structurally they have been arranged in different chapters. All kinds of bribery and influence trading have been mentioned in Chapter VIII "Crimes against state bodies' action, public organizations and individuals who accomplish public functions ", Section IV art.301 - 307a and Chapter VIII " Crimes against sports "- Art. 307v and art. 307 g in conjunction with art. 307v (appendices in Official Journal № 61/2011, where specific rules on bribery and influence trading in sports have been added). (Penal Code 2011 (Наказателен кодекс), 2011). Corruption crimes are practically negligible part of the total number of detected and punished crimes in Bulgaria.

#### *Qualifying panels – Penal Code*

A lot of types of crimes have been included in it depending on the motives - hooliganism, racist or xenophobic - art. 116 al. 1 item. 11. Typical to the given type of crime is that from an objective point of view the assassination is always preceded by a gross violation of public order, misconduct and neglect of morality . This characteristic is pertinent only to hooligan motives and is not mandatory in racist or xenophobic motives.

The existence of protected by law person's attribute has always been a reason to commit a crime for example the victim is a black person. In this case, the crime can only be committed through active action by the subject. To indict this aggravated crime in this qualified panel of judges it is necessary to reveal some available hooligan motives and to prove the lack of other reasons which are not sufficient to declare that the murder has been committed by hooligan motives. Chapter Eight "a" ((Penal Code 2011 (Наказателен кодекс), 2011) (Penal Code 2011 (Наказателен кодекс), 2011).

#### **CONCLUSIONS**

It is necessary to develop and implement measures concerning improvement of safety and security especially at international sports events. The set of current laws has been narrowed down to professional organizations, sports associations in schools etc. One of the prerequisites for the existence of the problem is the deplorable state of sports fa-

cilities in the country. There should be developed many European projects for partners' evaluations concerning police officers and their fight against the sports hooliganism. It is a priority to support activities aimed at combating racism, xenophobia, homophobia and related forms of intolerance in sport.

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