

Prevention and Counter Measures of Bribery in Athletic Sports Industry

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Abstract

Through the method of literature and online inquiry, this paper studies the connotation, harm and classification of bribery in competitive sports industry and puts forward countermeasures such as enhancing the sensitivity of judicial enforcement and strengthening the management of sports competitions, which provides the basis for the decision-making of competent departments.

Keywords: *Competitive sports industry; Sports Events; Bribery; Preventive Measures*

I. Introduction

At present, the relevant legal system is not perfect in China, especially, the relevant laws on sports competition management are relatively lagging, which results in the phenomenon of black whistle and fake ball frequently appears in sports competitions, bring bad influence on society and sports. It not only infringes on the legitimate rights and interests of participants, but also damages the interests of consumers, seriously undermines the sports principle of fairness and justice, and hinders the normal development of sports. Therefore, only a thorough understanding of the causes of the negative phenomenon can help us to propose countermeasures to improve the legal regime for sports competitions.

II. Connotation of Bribery in Competitive Sports

Bribery has a wide range of influence, great damage, and strong power, which is the same to competitive sports. The match-fixing and gambling incidents in China have caused government officials and club managers to be criminally punished one after another, which is the same at all levels of world sports at present. The administrative departments of the Olympic Games, such as various professional leagues and the International Olympic Committee's choice of the host country of the next Olympic Games, often have bribery, which has a very bad influence on the development of the Games and society.

In response to the above, the IOC and national sports authorities have enacted regulations and laws to prevent bribery and impose severe penalties. For example, in German criminal law, bribery in sports competitions is stipulated: "Law enforcers and arbiters in sports competitions who accept the interests of others or ask for the interests of others shall be imprisoned for not more than five years".

Similarly, there are clear provisions on sports bribery in the criminal law of Kansas, USA: "The so-called sports bribery refers to (1) providing or conveying benefits to sports administrators, such as sports competition officials and competition referees, in order to make them perform improper behaviors and influence or change competition results; (2) In competitive sports competitions, give or provide benefits to the participants or athletes of sports competitions to influence the results of the competition". In particular, the Act provides that it is an offense to accept the interests or property of another person for the above-mentioned reasons in the event of various sports competitions.

It is also clearly stipulated in China's sports laws and regulations that, Bribery in competitive sports refers to: "Individuals and units related to sports events, for collective or individual interests, influencing the choice of the host place of sports competitions, or influencing the results of sports competitions or sports achievements, take an improper act of transferring benefits or finance to the managers or law enforcement personnel of sports competitions. Its behavior will constitute a crime and pursue its criminal responsibility."

III. Classification of Bribery in Competitive Sports

3.1 Competitive sports bribery is divided into active and passive bribery according to nature and subject

The author believes, based on the Sports Law, that bribery in competitive sports [1] mainly refers to the bad behavior of units and individuals closely related to competitive sports management departments to transfer benefits or property to sports competition managers to manipulate the results of sports competitions or change the location of hosting sports competitions.

Bribery in competitive sports [1] mainly refers to the illegal behavior of sports managers who violate the relevant regulations of sports competitions and accept the interests or property of units and individuals related to sports competitions.

At present, brokers, agents, clubs, and athletes are often the bribers because of the cases of bribery that have taken place. On the contrary, sports administrators, referees of competitive sports competitions, and managers of major sports events are often the bribees. However, club staff, coaches, athletes, and sports agents may be both bribers and bribees according to different cases. Without an offer, it is natural that there will be no acceptor, and vice versa, the two are interdependent and indispensable. In sports practice, the subject of briber in one case may often be the subject of bribee in another case. For example, in a competitive sports competition, a sports club takes improper means to bribe the referee on duty according to the competition form. If the relegation of the competition is successful, when some matches have little influence on it in the following matches, then the sports club may become the main body of bribee and collect the benefits of other sports clubs, thus "cheating" in some matches. Then, the club becomes the subject of bribes in sports competitions.

3.2 According to the different means of sports bribery, we usually divide it into non-financial bribery and financial bribery

Specifically, financial bribery refers to providing convenience or benefits to the briber in other aspects after the bribee accepts the briber's cash or in-kind [2]. Then non-financial bribery refers to the behavior that the bribee accepts bribes from the briber through some non-financial means, which makes the bribee benefit from non-financial interests and makes the bribee provides convenience to the briber in other aspects.

In fact, from the perspective of bribers, whether it is financial bribery or non-financial bribery, in the final analysis, it is an act of spending finance, but in the perspective of bribee, the meaning and aspects of benefits are different. Financial bribery is a change in ownership of the bribe property for the bribee, which directly leads to an increase in the overall assets of the bribee. Then, compared with financial bribery, non-financial bribery will not directly help the overall asset increase of the bribe taker but will be reflected through forms other than finance. Such benefits other than finance can make the bribe-taker benefit indirectly in spirit or material.

This requires us to realize that the essence of non-financial bribery and financial bribery is the same in the actual practice of specific sports competitions. In property bribery, the bribe taker has direct illegal income from property, which makes his overall assets rise. Therefore, we only need to directly check the property status of the bribe taker to find out the evidence of the bribery when dealing with this kind of property bribery. Next, it is only necessary to punish according to the criminal evidence, which shows that it is relatively easy to check and punish the bribe taker

in dealing with financial bribery cases.

Then, compared with property bribery cases, non-property bribery cases have their particularity. The way of accepting bribes is non-property, but indirect illegal income in other aspects, so it is difficult to directly check the overall assets of the bribe taker. Therefore, there are certain difficulties in checking and punishing [3], among which the specific amount of non-financial bribery is more difficult to determine. In China's criminal law, other legal systems, and administrative regulations, the general situation is that only the part of bribery cases involving property bribery is subject to legal sanctions and investigation.

Therefore, we should recognize bribery in sports competitions, distinguish the attributes of bribery in sports competitions, and make it clear that non-property bribery in sports competitions is also a dangerous illegal act, so as to prevent micro-duration. For the behavior of deliberately break the law, we should start with the law and industry regulations to increase the intensity of punishment measures, so as to fundamentally reduce bribery in sports competitions.

We found, after consulting relevant documents and archival materials, that most of the non-financial bribery behaviors currently occurring in competitive sports have the following types: First of all, the briber buys the opportunity to travel and vacation at home or abroad, and then transfers the opportunity to the bribe-taker or his relatives, which satisfies the bribe-taker mentally. The second is also the use of money to acquire study abroad or to obtain some better job opportunities through relationships, transfer to the bribe-taker; Thirdly, the coaches or players in the members of the sports organization are tempted by high salary contracts to make them submit; Thirdly, the briber achieves his goal by providing pornographic services to the bribe-taker; Finally, the government or other administrative departments where the athletes' families are located provide special care to the athletes' families.

IV. Characteristics and harm of bribery at competitive sporting events

4.1 Characteristics of Bribery in Competitive Sports Events

Bribery in competitive sports events is divided into the following types according to the purposes: (1) In sports competitions, one participating party bribes the other party for a better ranking or honor, so that the latter does not try its best to play, which loses the fairness of the competition. Then, put the former in a favorable position in the competition; (2) In order to host a certain event, some countries or places bribe sports officials who have the right to decide the venue of the event; (3) They even take direct bribery to competition supervisors to prevent the bribery of the briber from being discovered or investigated and punished; (4) In order to get the referee to decide in favor of their own side, take direct bribery to the referee.

As can be seen from the methods listed above, the subject of bribery at competitive sporting events encompasses essentially all persons involved in sports competitions, and the subject of bribes often has a diverse character. In other words, staff members of the sports administration, members of project associations, competition officials, coaches, athletes, referees, sports agents, disciplinary councilors, agents, etc. may become subjects of bribery in sports events in specific sports practice. The difference is only in the way they are punished.

4.2 The purpose of bribery in competitive sports events

The purpose of bribery in competitive sports events is that bribers get certain rights or interests for themselves through sports competitions by certain means. The author believes that there are the following two situations:

The first is that: Large-scale games can bring huge direct or indirect economic benefits to a certain region or country, because of which some countries or regions, in order to obtain the right to host a large-scale game, take bribes to make relevant sports officials take care of their own interests and obtain the right to host the games when exercising their voting rights. For example, Salt Lake City's Olympic bid scandal is a typical case.

The second is to pursue the outcome and ranking of the competition. These things can not only bring honor and money to coaches and athletes but also bring huge sponsorship funds and various advertising contracts to clubs. Therefore, outlaws take the method of bribery to make the referee on duty for unfair decisions and achieve their dirty purposes, which bring more meaning to the original just and fair sports competition artificially. This requires the sports authorities to further improve the competition system and prevent all kinds of outlaws from controlling the purpose of the competition through various illegal means.

4.3 Bribery in competitive sports events is not only illegal but also has the characteristics of multiplicity

Violations of competitive sports events (behavioral bribery) not only violate civil law and administrative law but also violate criminal law and economic law, such as fair competition clauses in sports competitions, good faith compliance clauses in economic contract law, bribery clauses in civil law, and criminal law, etc. In other words, Bribery in competitive sports, regardless of the seriousness and quantity, once it occurs, violates the athletes' rules, competition referee laws, coaches' rules, and club management regulations, as well as the civil law, administrative law, and criminal law, with multiple crimes, the parties concerned of which should bear multiple combined penalties. Therefore, sports authorities need to increase awareness and education so that the person concerned is aware of the consequences of their actions.

4.4 Bribery in competitive sports is extremely harmful to society

The resources of bribery in sports competitions are mainly the collective or state-owned assets of sports clubs, which directly leads to the loss of state-owned assets or collective assets. It not only leads to a great loss of national tax revenue, but also infringes on the interests of the audience who buy tickets, and finally makes them stay away from watching competitive sports competitions.

Bribery in competitive sports events not only harms the interests of competitors but also violates the principle of fairness and justice in sports competitions, which makes coaches and athletes have lucky psychology, instead of focusing on training at ordinary times, they consider how to go astray. The consequences of such acts directly result in serious violations of the competitive sports industry as a whole.

In addition, competitive sports also have educational functions. Victories in major competitions can inspire people to fight, energize the national spirit, and produce positive educational functions. On the contrary, improper bribery will lead to serious suspicion and resentment about the image of the good athletes and even the spirit of sport, and ultimately away from the playing field and jeopardizing society.

V. Responsibility division of bribery in competitive sports events

The core spirit of competitive sports events is fair competition. The bribery that currently exists in competitive sports is undoubtedly the greatest disruption to the spirit of fairness, but also the health and orderly development of the entire sports industry. So, we must first morally condemn bribery in competitive sports, and secondly, the state and the competitive sports authorities have also drawn up strict regulations and specific laws and regulations to impose severe penalties for such acts.

The responsibility to be judged is based on the specific harm circumstances and severity of the bribery in specific competitive sports. The liability for bribery in competitive sports is broadly divided into the following types: association penalties, administrative penalties, criminal penalties, and civil compensation. If bribery occurs in a sporting event, it is necessary to determine the penalties and liability to be imposed based on the circumstances and the degree of harm of such acts, which may be in one. However, most bribery acts may bear multiple responsibilities judging from the cases collected so far.

5.1 Administrative Penalties for Liability

In cases of bribery in competitive sports, the subject of bribery is subject to administrative penalties in addition to the association and the corresponding civil liability. The administrative authorities of the competitive sports industry are given the legal power of executive enforcement bases on the provisions of our Sports Law and other relevant sports laws and regulations. The sports administrative department has the power conferred by this law [4]. Therefore, the sports administrative department, with verification, can impose administrative penalties including fines on the subjects of bribery in competitive sports according to relevant laws and regulations after the occurrence of bribery cases in competitive sports.

However, there are frequent problems in the actual operation of the administrative punishment mechanism, the root of which is that the sports administrative department and the sports management association in China are the same group of people. It is this particularity that causes the emergence of competitive collective bribery in China at present. The Sports Management Association punishes the Association, after verification, according to the punishment regulations. But because they are the same group of people, they will no longer impose administrative punishment after being punished by the Association. Bribers in competitive sports events often escape the sanctions of laws and regulations, conniving at the deterioration of competitive sports bribery in disguise.

5.2 Penalties Imposed by Associations for Liability

The punishment imposed by the Association belongs to the lightest one among the penalties imposed on competitive sports. For any competitive sports, it belongs to the corresponding sports management association, which mainly includes swimming association, football association, etc., so this sports management association is the direct leading unit of competitive sports. So, bribery should be punished by the sports management association to which this competitive sport belongs first once it occurs in this competitive sport. Once sports bribery occurs, once verified, the sports association will punish it according to the competition rules, referee law, and sports competition management regulations.

From the relevant literature collected and the cases of bribery of internationally renowned competitive sports, it appears that a case of serious or highly harmful competitive sports bribery is often subject to severe penalties from multi-level and multi-tiered sports management associations. The grass-roots sports management associations in China should punish this bribery in competitive sports. In addition, the international sports management association also imposed severe penalties on the units and individuals involved in the case. For example, some football players fake matches in the arena, after accepting illegal bribes from bribers, which should not only be spurned morally but also be punished by the national football association. At the same time, according to the harmfulness of this bad behavior of "match-fixing", FIFA will also impose penalties including suspension on the relevant units and individuals in this case.

The order of all competitive sports should be completely transparent and strict, which is the key to ensure the normal development of normal sports activities. This basic order of competitive sports must include main legal elements, at the same time, and be assisted by corresponding sound rules and regulations, which mainly include specific management mechanisms and corresponding supervision mechanisms. Although with strict laws and regulations as the guarantee of the most basic order, there are still various problems after the bribery in competitive sports, which makes it difficult for bribery to be punished, thus contributing to this unhealthy trend in disguise [5]. First of all, the Sports Management Association has no right to investigate and collect evidence in law when dealing with bribery cases in competitive sports, which makes it difficult to analyze and punish cases; Secondly, there is no legal definition of competitive sports bribery in the law, without corresponding judicial interpretation, which causes some troubles to the characterization of competitive sports bribery; Thirdly, although there is a corresponding competitive sports management system in operation at present, great loopholes in the punishment of competitive sports bribery exist both in operation and the specific procedures of execution, which is also an indulgence of competitive sports bribery; Finally, for the punishment of bribery in competitive sports, there is

considerable arbitrariness in the punishment of bribery in competitive sports because the current regulations on competitive sports are not accurate and clear.

5.3 Penalties for Responsibility in Criminal Law in China

Criminal punishment is the most serious for the sports competition bribery. According to the "Sports Law", the criminal responsibility of the briber must be investigated according to law, if bribery occurs in competitive sports, which is related to illegal acts such as gambling.

However, from the current case analysis, it is often difficult to punish the responsible person because there is no applicable clause in the criminal law that is completely suitable for competitive sports bribery cases. These examples show that there is still a considerable way to go to impose criminal penalties on the subject of bribery in competitive sports.

5.4 Penalties Imposed by Civil Compensation for Liability

Competitive sports bribery is the destruction of sports spirit and brings a great negative impact on the development of sports. This behavior should not only be punished by laws and regulations but also bear the corresponding civil liability for compensation. Bribery in competitive sports makes the double players lose their right to fair competition before the competition through illegal means, which not only hurts the hearts of fans but also directly affects the rights of many fans as consumers to buy tickets to watch real matches, seriously damaging the legitimate rights and interests of fans. If citizens' legitimate rights are infringed, they have the right to bring a civil lawsuit to the people's court and demand civil compensation from the infringer according to the relevant provisions of contract law and civil law. Therefore, competitive sports bribery must bear corresponding civil liability for compensation.

People know more about protecting their legitimate rights and interests with legal weapons with the progress of society and the deepening of people's legal awareness. As can be seen from the cases and relevant literature already collected, some fans have filed a lawsuit to the court to claim compensation of the bribe subject to civil liability and defend their legitimate rights and interests after the appearance of a fake ball on the playing field. However, none of the courts have filed a case, unfortunately. Among the main issues are loopholes in the current laws and regulations and the difficulties identified by individual litigation for the parties.

VI. Countermeasures and methods to punish bribery in competitive sports

According to the previous cases and the relevant literature collected at present, as well as the analysis of bribery in competitive sports, it is found that the subject of bribery in competitive sports is extremely harmful to the development of sports spirit and sports, which may violate the provisions of various laws and regulations at the same time, and even violate the provisions of criminal law. Therefore, it is necessary to establish a prevention and supervision system to effectively control bribery in competitive sports.

6.1 Further improve the management system of sports events to supervise bribery during the operation of competitive events

According to the structural characteristics of the sports industry and the current sports competition system, it is often a set of people for two titles in the management department and the organization department. The advantage of this operation mechanism is that the rights are very concentrated, the advantage of which is that any instructions can be issued smoothly, thus ensuring the normal operation of various basic events. However, its shortcomings are also very obvious, that is, the excessive concentration of power makes it easy to create a vacuum of power supervision within the organization, thus having great selectivity in major projects such as fund management, competition venue, and selection [6]. This loophole will easily induce bribery in competitive sports, due to which

related units of competitive sports will manipulate the results of sports competitions through bribery. Therefore, it is necessary to speed up the pace of the sports competition management system under the current situation of competitive sports in our country. At the same time, it is necessary to formulate relevant competition bidding, operation, and other mechanisms, and strengthen the supervision of the operation process, to ensure that sports competitions are truly fair, open, and just.

6.2 Improve the standard system of sports morality to prevent bribery in competitive sports

The occurrence of bribery in competitive sports events has seriously hindered the healthy development of sports undertakings. For bribery in competitive sports, we should first crackdown on it morally, establish a corresponding moral system to educate sports participants and related personnel ideologically. The sports management department regulates athletes morally by formulating relevant codes such as "Athletes' Code" in specific sports competitions. However, as society develops, the binding force of such codes is more limited. Therefore, in view of the current situation, we should carefully analyze the characteristics of sports professionalization to establish a set of sports ethics systems based on sports ethics under the condition of comprehensively considering the requirements and interests of all aspects.

6.3 Amend the Criminal Law to Add the Provisions on Bribery in Competitive Sports

According to the literature collected at present and the analysis of related cases, In the competitive sport's bribery cases that have occurred in our country, "whether it has seriously violated the content stipulated in our criminal law" has caused a lot of debate at that time, from which we can find that this has virtually exposed the vacancy in our legal system, specifically, the qualitative nature of the bribe subject is unclear and unclear. Therefore, in view of the current situation of China's criminal law, it should be revised, so that any individual or group that harms the interests of others in social behavior should be punished. Then the determination of the subject of bribery crime needs to be revised from the criminal law, in cases of competitive sports bribery, whether the subject of competitive sports bribery is a State official or other person who takes advantage of his work, accepts a bribe, or paid a bribe to another person is criminally punishable.

6.4 Set up a special organization to supervise the loss of sports state-owned assets and international operation, and prevent the occurrence of sports bribery

At present, the ultimate root of both financial bribery and non-financial bribery is the need for funds in many competitive sports bribery cases, so how to cut off the source of funds for competitive sports bribery has become the key. At present, the present situation of the sports industry in China is that the main body of investment is often single without multiplicity, which can completely ensure the safety and stability of capital sources on the one hand, on the other hand, the disadvantage of which is that investors have absolute rights over funds and their use. So, this form may result in funds to bribe when encountering competitive sports competitions, thus making the final result beneficial to themselves. For the current situation, the international operation of capital in competitive sports can make the investment subject of the sports industry no longer single, due to which the management and operation of funds will be jointly supervised and restricted by many parties.

At the same time, because of the characteristics that the investors in China's sports industry are often large state-owned enterprises, and the investment in the sports industry is often a national asset, all the drawbacks of a single investor are all reflected, which leads to the inevitable occurrence of competitive sports bribery. It is necessary for asset management departments and tax departments in China to strengthen the management and control of state-owned assets and prevent the loss of funds, thus fundamentally eliminating the occurrence of bribery in competitive sports.

6.5 Strengthen the Law Enforcement and Enhance the Professional Sensitivity of Law Enforcement

Due to the characteristics of the current establishment of sports institutions, bribery in competitive sports should be investigated and analyzed first. Once verified, relevant sports management associations and sports administrative departments should be punished first. Those who violate relevant laws need to be transferred to judicial institutions for punishment by sports administrative departments according to law. Because of this handling mechanism, the sports administrative department can't transfer it to the judicial organ for reasons such as insufficient evidence before transferring it to the judicial organ, which has considerable loopholes in-laws and regulations and makes the bribery of competitive sports deteriorate fearlessly and unscrupulously. On the other hand, the current sports administrative department has not obtained the real right of judicial investigation in law, which is quite difficult in the process of investigation and evidence collection. It is difficult to operate. For sports administrative departments, sometimes take a default attitude towards bribery in competitive sports in order to protect the temporary stability of a certain industry, which creates a breeding ground for competitive sports bribery.

The real legal society is decided by law rather than human feelings to decide right or wrong. Therefore, a real society ruled by law requires judicial organs to actively obtain evidence of crimes in competitive sports bribery cases from various channels when dealing with competitive sports bribery cases, and cannot wait for the evidence of cases to be delivered to the door, thus causing a heavy blow to competitive sports bribery and establishing a firewall for competitive sports bribery.

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