



# The player's penal responsibility for the actions of violence in sports: legal analysis in context of United Arab Emirates law

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## Abstract

This study deals with the issue of the player's penal responsibility for acts of violence in sports; it aims at briefing the important legal issues related to this subject and clarifying the position of the UAE legislator on a player's criminal liability for sports injuries and acts of violence in sports by researching the legal framework for sports injuries and sports accidents that occur during sports competitions. The study concluded that to be exempt from criminal liability in sports competitions, the game must be one of the games recognized by sports games laws, it must have recognized rules, and the acts of violence committed during the match must not violate the game rules. Also, the UAE has included sports insurance in certain sports activities as a club obligation, so any player registered with the relevant association is not allowed to participate in sports activities managed by the union unless this player is insured under a contract of insurance that includes the risks of death, permanent or temporary disability, sports injury, and medical expenses. The study suggests that the UAE legislature should pass a sports criminal law criminalizing the use of stimulants in sports.

**Keywords:** acts of violence, civil responsibility, criminal injuries, criminal responsibility, legislation, playing sports, sports injuries

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## INTRODUCTION

Sport has been known since ancient times as a social phenomenon. Throughout the development of human civilization, many thinkers have considered sport (both philosophers [1] and specialists in various scientific fields [2]). Sports are defined as a set of games and physical activities that people engage in and compete in for body development or for fun, subject to certain rules [3]. Despite numerous approaches to understanding the phenomenon of sport, seeking to define its distinctive values and goals [4], sport, like any other full-fledged social phenomenon, currently has a legal framework, ranging from the taxation system to the regulation of the circumstances in which criminal liability may arise [5].

The scientific rationale for sports activity has a wide scope and does not have a universal definition, since sport concerns both applied and humanities sciences. Sports activity is defined as a social activity that promotes human health and psyche, is primarily defined by elements of training and competition, and requires effort, rules, and regulations that govern it [6]. The subject of today's sports is characterized by fierce competition, heavy physical and mental stress, which are aimed at achieving the highest possible results, and great personal significance of the outcome of the competition [7].

On the legal side, sports law is now one of the modern legal disciplines that has begun to impose itself on society largely due to the important role of sports activities [8], which, in turn, from ancient times had a consolidating character in society [9]. Sport has been considered as a social phenomenon, where it is viewed as violence against oneself, an opponent, or a rival [10]. The goal of an athlete is to get high results by applying certain efforts that can cause stress and aggression. Unfortunately, these natural feelings can harm other people, which would mean committing an offense that goes beyond the game rules. Such frictions between athletes during the sports activities will lead to the emergence of many legal problems, as a result of these activities, such as sports injuries and the consequences and the consequent legal liability, civil or criminal, as well as the issue of insurance and compensation for sports injuries. Moreover, it can be the legal issues raised by sports activities such as the phenomenon of sports doping [11], the responsibility of organizers of sports activities for cases of violence and riots in stadiums, as well as the increase in violations of sports regulations and provisions and thus the multiplicity of forms of crimes committed because of doing sports.

A lot of papers were analyzed concerning the search for a way out of the current situation from the point of view of the legal nature. For example, existing concepts in the form of the theory of absolute sports immunity and the theory of strict compliance with the rule of law regulate aspects of the application of law, considering the severity of the violation, or the type of sport - contact (collective) or individual (non-contact) [12]. These developments can be viewed through legislative activity, where the legislature must address issues of sports law, trying to find legal solutions by creating a legal system that regulates sports activities. In the future, this initiative will certainly require finding people who specialize in sports law to become the new leaders of the sports movement, armed with good experience and a sports law education to manage various activities related to sports industry [13].

Unfortunately, sports events continue to become a concentration of negative influences, namely violence and increased crime in the sporting community. The research focuses on identifying the reasons for the increase in sports crime and finding legal solutions to prevent and reduce it. This study is relevant because there is a lack of detailed studies that address the issue of criminal responsibility of a player for an act of violence in sports practice.

The research problem is to attempt to identify comparative legislation that deals with the issue of sports injuries and the right of states to confront sport crimes that transcend the boundaries of its perpetrators to damage the reputations of nations. Thus, in recent decades, the Arab world is actively moving in the development of sports. Given the nature of Islamic religion and weak integration in world sports for historical reasons, the Arab countries are trying to configure institutional-cultural systems for sport events while maintaining internal identity and at the same time adopting positive world practice including law-abiding and behavior issues [14]. Thus, this study deals with the criminal responsibility of a player for acts of violence in the practice of sports in the United Arab Emirates (UAE), despite the absence of a special law regulating sports in the UAE. Nowadays, there is only UAE

Federal Law No. 7/ 2015 regarding combating prohibited substances in the field of horse racing and equestrian sports, and this law is specific to horse sports only. Nevertheless, the use of violence and the desire to win by unfair methods do not depend on the sport, so the challenge is to improve the existing legal framework, including in the UAE.

In light of the legal vacuum in the United Arab Emirates regarding sports crimes, specifically sports injuries, there is a research problem that raises the following key questions:

1. To what extent has the UAE legislature addressed player criminal liability for sports injuries and acts of violence during sports?
2. What is the adequacy of the legal texts in this area?
3. What are the limits of a player's liability for damages caused by sports injuries?
4. What is the UAE legislator's position on the criminal liability of a player for sports injuries and acts of violence in sports?

These issues involve defining the legal framework for sports injuries and sports accidents that occur during sporting events.

## **MATERIALS AND METHODS**

This study follows the descriptive analytical approach to determine the effectiveness of legal procedures to confront sports crimes by collecting data and information contained in international legislative texts, jurisprudence literature, and scientific periodicals. The study also compares legislation of different countries related to sports injuries. Some of the issues and criteria in this area are raised in the enforcement of sports law and scientific discussions about the nature of sports law and the criteria for their distinction. The article also examines various acts, including:

- List of the conditions and transfers of football players in the Emirates, the United Arab Emirates; Football Association;
- UAE Federal Law No. 5 of 1985 regarding the issuance of the Civil Transactions Law;
- UAE Federal Law No. 3 of 1987 regarding the issuance of the Penal Code [15];
- Egyptian Sports Law No. 17 of 2017.

Article also includes court rulings:

- Abu Dhabi Court of Cassation;
- Federal supreme Court;
- Dubai Court of Cassation.

## **RESULTS**

First of all, one should fully consider the criminal liability concept. It is defined as an obligation to bear the legal consequences of a person committing an act that the law considers a crime, and the subject of this obligation is the punishment or precautionary measure imposed by law on the person responsible for the crime [16].

Today, for criminal responsibility, it is no longer enough that an offender has committed a material act with harmful consequences; a crime in modern criminal jurisprudence is represented as a physical and psychological activity of an unlawful nature. Accordingly, for the crime to take place, two pillars are required, one of which is material and the other is moral, and the crime can only take place when they both occur. This study deals with the nature of criminal responsibility through two aspects, where the first deals with the concept of criminal responsibility, while the second deals with criminal responsibility related to sports, as follows:

The first aspect is the concept of criminal responsibility. It is designed to establish a criminal incident, i.e., a material incident that is the subject of a charge against a particular person who bears its consequences and deserves to be punished for it.

The second aspect deals with the criminal responsibility of sports through two sections, where the first deals with civil responsibility in sports competitions, while the second deals with the elements of criminal responsibility (Table 1). Further, the study deals with the material and moral elements of criminal liability in sports.

Table 1. Civil and criminal liability in sports competitions.

1. Civil responsibility in sports competitions	2. Criminal responsibility in sports competitions
<p>There are tournaments, such as karate, wrestling and taekwondo, which have special rules that are not covered by the law. Players' participation in these games and agreement to their rules is regarded as implicit contractual agreement. As such, the athlete's liability is contractual, and therefore, when any damage arises from these tournaments, the application of tort liability is excluded [17].</p> <p>This civil liability occurs when a person fails to fulfill a legal obligation [18] that results in harm to others. Thus, sports liability arises when an athlete fails to exercise care and violates an obligation required by the sport. Some sports include acts of violence by players with the intention of demonstrating their strength and skill or mastery.</p> <p>The law allowed sports players to engage in these activities, but within the accepted principles of the game, and it is not necessary that there should be written rules of the game, it is enough that the principles followed in it should be customary. This can be proven in various ways, including hearing statements by game experts, coaches or referees; if a player goes beyond these principles, s/he will be punished for his/her actions. It is worth noting that the civil defense prescribed in stadium cases may be a judicial defense, or it may be a sports defense (sports sanctions), depending on what the International Olympic Committee decides.</p>	<p>Criminal responsibility is defined as the obligation to bear the legal consequences resulting from the commission of a crime, and the subject of this obligation is the punishment or preventive measure imposed by law on the person guilty of committing a crime [19].</p> <p>Accordingly, criminal responsibility means to give crime a tangible form in the form of a punishment or restraint imposed by law on the person responsible for the crime [20].</p> <p>Criminal responsibility is different from criminal capacity because criminal capacity is a set of psychological factors that must be present in a person in order for an incident to be attributed to him or her as a perpetrator by awareness and will [21]. Or it is the crime to be prosecuted, in this sense it is a legal description or adaptation of a person's capacity to subsequently judge the degree of his or her responsibility. Thus, it is a condition for establishing criminal responsibility, and its absence leads to the absence of criminal responsibility [22].</p>

The first - the material element with respect to the crime of sport is the voluntary conduct that results in a criminal consequence, which is linked to the criminal conduct by a material causal link [23]. The material element is divided into action, result, and causation. The action involves an alleged positive behavior in the movement of the offending player, and each incident cannot be presented as a subject without positive or negative behavior [19].

The offending player must imagine the criminal outcome s/he wants to achieve, visualizing the abilities and physical movements needed to achieve that outcome [19]. Physical movement can be unintentional, so someone who passes out on the field during a game and falls on another player and injures him/her is not considered to have committed an act of injury or damage because s/he is out of consciousness and will, and here criminal liability is removed from him/her [24]. All blows and wounds resulting from the sport belong to the material element, but if a karate player does it and it is on karate terms, it is considered legal, and the law confirms that s/he must exercise that right.

Consequently, the material element is the external manifestation of the activity of the offender, which the legislator considers within the framework of crime and punishment, it includes the criminal behavior and the harmful consequence of this behavior and the causal link, which is the connection between the previous two elements [25].

The material element depends on the type of crime. In terms of the availability of the material element, the crime can be following:

- Continuous crime: in several matches, or in the match, as the same act continues by the offending player accompanied by the same will and intent.
- Positive or negative crime: most of the crimes are positive. The positive crime is the one done by a perpetrator such as a player who slapped, injured or killed another player.
- As for the negative offense, it occurs in a negative way, but the result is positive, as it is as if the player was watching a fellow player who had hurt himself and did not come out to help him/her, knowing the seriousness of the situation and having previous experience and knowledge.
- Temporary offense: such as if a player injures another player with one kick or one contact, whether intentional or unintentional.
- Habitual crime: the crime of habitual aggression is repeated by the aggressor player in most matches, and it has become a habit for him/her [26]. A minor offense consists of a single or repeated criminal move, such as hitting another player or continuing to assault him/her in the match.
- Sequential Offense: When the first player commits a series of successive acts connected by the unity of interest, intent and purpose. A player may take advantage of the referee not seeing him/her and take a hit or attempt to injure or hurt an opponent until s/he gives way and falls with injury, and this fall occurs after a sequence of movements accompanied by intent and purpose.

Second – the moral element means intentional or accidental act, according to article (38) of the UAE's Federal Penal Code. Intent is the offender's desire to commit an act or omission when both are legally criminalized.

The elements of the criminal moral element can be summarized in four elements:

1. Availability of a psychological attitude of the perpetrator to the crime.
2. Knowledge of all the essential and factual elements required by law for the crime to be committed.
3. The will of the activity that constitutes the material element of the crime.
4. Knowing the validity of the activity to cause the crime [27].

It seems that societies that practice sports in the majority tend to be violent more often in some games, and studies confirm that athletes are more aggressive than non-athletes, and that the lower classes are more inclined to practice violent sports as a result of the hard-living conditions that require them to use the body and force to impose control [28]. These phenomena are often observed in some societies where chaos, wars, deprivation, poverty and lawlessness prevail, which lead to violence and aggression. Further, the study describes sports competitions crime.

It is known that some sports activities are dangerous and violent as they require a competitive confrontation either individually or collectively, and legal obligation requires the athlete to follow the legal rules imposed by the principles of the game in sports practice. However, several crimes have emerged in the sports arena that threaten athletic competition. The actions of athletic participants who violate the law harm others, and committing an offence, whether intentional or negligent, results, in the establishment of criminal liability. Crimes in sports environment that we are witnessing are only a reflection of the deviation and corruption of some societies. Hence, it was necessary to correlate between law and sport, as the international community sought to establish a set of conventions and treaties to curb these crimes, also some countries have developed legal texts to deter perpetrators of sports crimes and set legal rules governing sports activities in addition to preventive measures in order to achieve security within the sports community [29].

Accordingly, this study deals with the nature of sports crime through two aspects, the first deals with the concept of sports law and crime in sports competitions, while the second deals with the forms of crimes that may take place during sports practices, as follows:

The first aspect – the concept of sports law and crime in the sports field, where the sports law is a combination of laws that apply to athletes and the sports they play, and as such sports law largely overlaps with labor law, contract law, and tort law. Accordingly, this requirement addresses the concept of sports law and crime in the sport field, according to the following in Table 2.

Table 2. Concept of sports law and crime in the sport field.

1. Definition of sports law	2. Defining crime in the sports field
<p>Sports law is defined as a set of legal rules that govern sports activity and athletes, and it is also defined as a set of legal rules that organize and govern sports transactions [30].</p> <p>In more comprehensive and broader definition of the sports law, it was defined as a set of binding legal rules that regulate the relationship of individuals working in the sports field, and it means working individuals (players, administrators and the public), where penalty violation occurs [31].</p> <p>Thus, sports law is those legal norms that regulate the relationship between participants in sports activities, as well as the boundaries of permissibility and behavior that exceeds these boundaries and, accordingly, is illegal behavior that requires punishment.</p>	<p>Sports crime is various acts of aggression including hitting, destroying or sabotaging, including inappropriate and immoral behavior, carried out by players, administrators or sports fans, in violation of civil law and regulations in force before, during or after sports competitions [32]. What turns a person's behavior from a socially acceptable act into a crime is the legal text that defines the elements of the crime and the assigned punishment. The crime also entered the field of sports, as it took place within its sports structures and facilities on the occasion of sports or sporting events by all the actors involved in it, including players, trainees, coaches, referees, fans, spectators, administrators, audience, commentators, security men, journalists or others, namely, so-called sports community [33]. Accordingly, a crime in the sports field can be defined as a crime resulting from aggressive behavior or resulting from a harmful act committed during or because of sports.</p>

The second aspect concerns forms of crime in the sporting sphere (Figure 1). Security in stadiums means ensuring the safety of the public and the security of sports facilities, and that does not mean that the security officer refuses to ensure the safety of competing athletes, as well as ensuring the safety and protection of important people who may be present at various events. A set of precautions are taken to ensure safety and security before, during and after a sporting event, especially since stadiums have become one of the places that attract large numbers of fans of different classes, nationalities, intellectual backgrounds, religious and ethnic differences. To achieve this, a security system based on the latest technology in this field is required to protect sport in an organized scientific manner.

Sports matches and competitions are characterized by intense competition and their results are decisive. The entire teams of players, coaches and administrators are in a state of enthusiasm, psychological overload and high tension, so the cases of abuse in sports increase.

Section 1. Sports stadium riots and sports violence. Sports riots are considered the most common types of riots, especially at the present time, which has led to the spread of intolerance and hostility between sports teams, and the occurrence of conflicts and disputes between groups and nations. Some comparative laws have stipulated the punishment for rioting (Egyptian Sports Law No. 17 of 2017, Article 91 and 92) [34].

The elements of riots vary and may include a violent player who is misbehaving, a highly objectionable coach, a nervous administrator, an unfair ruling, unaware audience inclined to violence, or a provocative and biased media, and a lack of security aspects in stadiums or wrong handling of minor violent incidents. Undoubtedly, there are some sports in which rioting is more often than in others. Hooliganism in sports stadiums increases with sports and games that receive great public attention, such as football, more than games that do not receive such attention and turnout, the distinctive thing about sports riots is that they often spread outside the stadium walls, appearing in the streets and transportation [35].

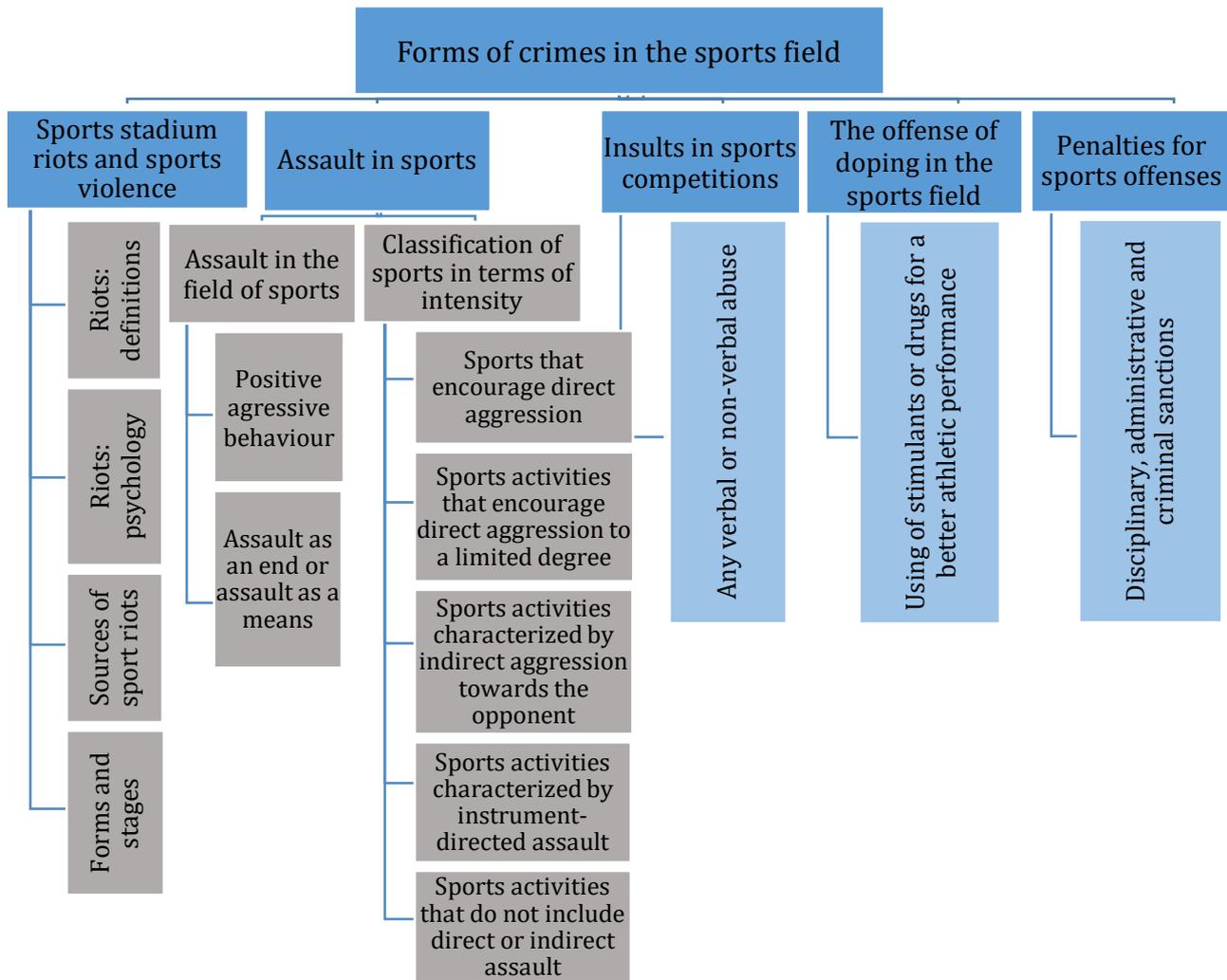


Figure 1. Forms of crimes in the sport field.

In terms of security, a riot is defined as physical violence resorted to by demonstrators or the threat of violence [36], or as a public, overt and forbidden assembly with the intention of committing acts of security violation that has occurred or is about to occur, and this assembly may have leadership responsible for planning, direction and control [37].

From the point of view of psychological science, a person derives his/her strength from his/her presence within the group of any kind. Therefore, s/he is affected by his/her presence within riot groups. His/her behavior and mentality within riot groups differ from his/her behavior and way of thinking when s/he is alone. In the second case, s/he acts wisely and deliberately, and stays away from anything that distorts his/her image, because s/he knows that s/he will be judged by society and held accountable for the mistakes s/he makes. However, when s/he participates in and interacts with groups of rebels, s/he feels safe and devoid of a sense of responsibility, and his/her fear of society's judgment is reduced, aided by listening to the instigators and being convinced of arguments s/he could not accept if s/he were alone outside the assembly [37].

Individual responsibility decreases and a new group mentality, or so-called collective mind, emerges, while class, social and cultural differences disappear, individuals' behavior is characterized by strong emotions, they are more susceptible to stimuli, emotions and suggestion, and thinking, behavior and reactions become contagious [37].

Researchers believe that the self-confidence of the masses is inflated and reassured by their lack of responsibility and punishment. The masses are able to commit the most heinous, extreme, and barbaric acts. Sources of sport riots are:

1. Sports fans riot, which is inappropriate behavior, acts of violence, aggression and shooting.
2. Player riots, which is inappropriate behavior on the field.
3. The referees' riot, which is represented in some artistic manifestations of arbitration.
4. Rioting of administrators, represented in the incitement of masses, and questioning the integrity of the referees.
5. The coaches' riot (the repeated objections to the decisions of the referees).
6. Rioting by members of sports federations, which is represented by the lack of firmness of important issues, ignoring the rules and regulations, and the management of the federation by members according to their interests [37].
7. The riot of the security, which is represented in the excessive strictness in dealing with the violations and mistakes of the sports fans, and the insulting of the others.
8. Paramedics riot, by exaggerating the player's injury diagnosis.

Moreover, there are many manifestations of riots fueled by mass media resources. The most acute manifestations of unrest are in the media: the bias of journalists, commentators, critics and analysts toward certain clubs or players, the focus on the political aspect, especially when covering competitions between teams, the use of language and words that provoke aggression and intolerance, and then the resort to arbitration aspects and challenges to referees' decisions [38].

Among the forms of sports violence is the violence practiced by fans among themselves. Fans of the first team and fans of the second team turn from fans into enemies, who exchange insults, hit and maim each other, this happens in the center of the stadium and can extend beyond the stadium, including the streets, cars, leading to mass chaos, which leads to injuries, deaths and material losses [39]. Sports riots take place in different forms, namely:

1. Verbal violence: insulting, screaming, and incitement to rudeness.
2. Physical violence: many forms such as assaulting the player, the referee, the coach, the administrator, and the security.
3. Destruction of other people's property (cars and other).
4. Destruction of state property: vandalism of sports facilities, smashing of windows, light bulbs, etc.
5. Breach of security: dangerous driving, drifting, violating traffic regulations, disrupting traffic, and harassing families.

The stages of riot are:

1. The first stage: the fans attack the players and referees.
2. The second stage: clashes between fans of the competing sports teams inside the sports stadiums.
3. The third stage: it is the most dangerous as the fans take their wrangling outside the walls of the sports stadiums to the streets and public and private properties.

Thus, riots are considered one of the most serious matters that threaten public security and peace in any country, as the riot represents a breach of security. Therefore, the police forces are always concerned with setting up preventive means and plans and methods for confronting riots and violence [40].

Accordingly, researchers believe that sports riot is the aggressive behavior resulting from accidents that occur in the venue of the sports event and may occur before, during or after matches through enthusiastic celebrations; it is practiced by the sports audience when they celebrate victory, expressing this by destroying property.

Although the phenomenon of stadium riots in the Emirates is not frighteningly common compared to many countries, it remains, regardless of its severity or size, a negative phenomenon that must be stopped, as it has detrimental consequences in material, moral and sometimes physical terms, and can go as far as taking a life. Here it is impossible to predict the damage that can be done at the level of society as a whole if this phenomenon is not stopped, especially since Arab society is based on love, peace and tolerance through the teachings of Islam.

A distinction must be made between unintentional (incidental, wrongful) assault and intentional assault [18]. Unintentional assault is the result of negligence or failure to follow the rules. When it comes to violence committed during sports, the player is committing the act unintentionally, s/he did not come to the stadium with the intention of harming this or that player. The competition that occurs between players is only the result of each team's desire to highlight the most important abilities it possesses. Therefore, the rudeness a player may exhibit during a game is legally permissible [18]. Moreover, one should also not forget about the accident and force majeure factor, when a person cannot calculate either his strength during physical contact with an opponent, or an unsuccessful hit of a sports charge on an opponent in non-contact sports [24]. The fact of establishing the intentionality / unintentionality of an act is difficult to prove and requires well-coordinated procedural actions - examinations, psychiatric examination, analysis of the state of health.

As for the intent, it is the will to commit the crime as defined by the laws. In this case, it becomes clear that the player deliberately caused harm, and assaulted others, such as hitting the player violently. Assault can be divided into two types, namely:

1. Positive aggressive behavior means showing superior physical ability and energy in order to win.
2. Assault as an end or assault as a means: Aggressive behavior is considered as an end in itself when the goal is to cause psychological or physical harm and harm to others with a feeling of enjoyment and satisfaction as a result, such as the player deliberately hitting his/her opponent or deliberately pushing him/her by hand to fall to the ground. As for assault as a means, it becomes clear when one aims to harm a person, but not for the purpose of enjoyment and satisfaction as a result, but for the purpose of obtaining support or reinforcement from outside, such as encouragement or approval of the coach, an example for this is the player obstructing his/her opponent when s/he approaches to shoot the ball in order to get the public's encouragement [18].

These two types of aggressive behavior are unwanted aggression, because the intent is to harm the competitor. Among the recognized types of sports are games that are practiced at the individual level and games that are practiced at the collective level, and to determine the extent to which the act is considered legally justified, it is necessary to look at the types of sports activities that determine the extent of the player's commitment to the rules of play or not, as follows [18]:

1. Sports that encourage direct aggression – sports activities whose rules and laws encourage direct physical aggression towards the opponent to a large extent, through clashing, docking, directing blows, and other aggressive responses that are an important element to achieve victory over the opponent, but it is required that the assault be within the rules approved by the game; examples of these sports activities are judo, karate, taekwondo, and American football.
2. Sports activities that encourage direct aggression to a limited degree – include sports activities whose rules and laws allow the player to have direct contact with the opponent, but within a limited scope. Examples of these sports activities are: football, basketball, water polo, handball, where it is noticed that the player in such sports activities learns how to intercept and contact, and some aggressive responses are within the limits of the special rules and laws included in the game or sport [18].
3. Sports activities characterized by indirect aggression towards the opponent – contain sports activities whose rules and laws allow direct aggressive response towards the opponent, but indirectly, for example, the tennis player performs the crushing blow with the ball towards the opponent.
4. Sports activities characterized by instrument-directed assault. An example of this is golf, where it can be seen that the golfer hits the ball with a force that shows the degree of aggression towards the tool, but despite this the competitor does not see this behavior as directed towards him/her.
5. Sports activities that do not include direct or indirect assault – sports activities that do not require any aggressive responses either towards the competitor or towards the tool, for example, free exercise (running, or for example the coach's mistake by giving clear instructions during the player's training in bodybuilding) [18].

Thus, aggression may be latent in some sports activities. The distinctive characteristics of some sporting activities may be a contributing factor to aggressive behavior. Sports games include, in some

aspects, violence that may be inflicted on one of the players, but this violence is not considered a crime as long as it falls within the terms. On the other hand, there are cases in which there is no legality.

Accordingly, researchers believe that some sports inherently involve violence against an opponent, such as boxing, wrestling, judo and karate; other games, while not inherently violent, such as soccer, bicycle racing, tennis, discus throwing or car racing, may still involve acts of violence.

Insults (expressions that demean a person's worth or damage their reputation in front of other people) often occur on sports fields [41].

The Egyptian Sports Law No. 17 of 2017 referred to insults that occur in the sports field (Article 84 and 85 of the Egyptian Sports Law No. 17 of 2017).

As for the Emirati federal legislature, for the crime of public insult to take place, expressions offensive to honor must occur in one of the ways specified in Article 9 of the UAE Federal Penal Code (Article 9 of UAE Federal Penal Code). The material element in an insult is achieved by attributing an unspecified matter or fact to a specific person [41]. In other words, it is to attach an unspecified fact that would affect the honor of the victim in any way of expression, such as saying, writing or pointing.

In application of this, the Dubai Court of Cassation [42] ruled that it is stipulated that the insults referred to in Article 373 of the Penal Code have a material element in the form of humiliation of a person or damage to his/her reputation, there is an element of publicity and criminal intent in them (Judgment No. 356, 2000) [43]. Insult can also be inflicted on legal persons. If a legal entity is a specific person and there is an attack on its reputation, then there is a crime, and therefore its legal representative has the right to claim compensation for damages caused to the legal entity as a result of the insult [41].

The offensive language must be included in the conviction, as it constitutes a material element of the crime. The Abu Dhabi Court of Cassation has ruled that the words of insult must be included in the conviction for insult, which constitute a material element of the crime, so that the Court of Cassation can control the validity of the application of the law to the incident. It was established from the contested ruling that the insulting words were not indicated that the appellants were assigned to direct to the victim, and for which the contested ruling was to convict the appellants, which is a flaw and must be overruled, and since the appeal was for the second time and the matter was valid for judgment, the court addressed its decision (Judgment No. 373 of 2010) [43].

The offense of doping in the sports field deals with an actual problem of doping among athletes. Many countries have issued special laws aimed at combating doping in sports in order to preserve health of athletes and protect them from the danger of doping, either by passing special laws criminalizing the use of doping in sports or through sports laws in general. The Belgian law issued in April 1965 is the first special criminal law criminalizing the abuse and use of stimulants in the sports field. Tunisian law is among the Arab laws that deals with the issue of combating doping in sports by adopting appropriate national measures to ensure the implementation of international conventions. The law also intervened to include all competitive and non-competitive sports activities, including horse riding, individual projects open to the public, and sports events, the license for the organization of which is issued by sports authorities for non-sports institutions [44].

The issuance by some countries of special laws concerned with combating doping in sports comes in implementation of their international commitments to prepare legislation and arrangements in the field of anti-doping, especially after these countries ratified the International Convention against Doping in sport issued by UNESCO in October 2005, which entered into force on February 1, 2007.

The German Sports Federation defines doping as synthetic substances that are used with the aim of trying to raise the physical and athletic level through the use of unnatural means and are used by injection or orally before or during competition with the aim of illegally winning championships [45].

Stimulants in this broad sense are not limited to drugs in their narrow sense, which are stipulated exclusively by various laws that punish their use, possession or trafficking. Stimulants are substances that artificially and unnaturally increase a person's physical or psychological capabilities, even if they are not included in the lists of narcotic substances stipulated by laws. The meaning of this saying is that the term "stimulant substances" is a general term that includes narcotic substances and also includes other substances included in the previous concept, therefore, if the substances used by the athlete are those stipulated in the drug lists, the criminal responsibility can be based in this case on the texts that punish the use of drugs.

The phenomenon of doping in sports is one of the most dangerous phenomena of violence in the sports field. It represents a kind of illegal use of force of all kinds in the sports field, doping in sports is also considered a covert violence practiced by athletes, in addition to physical violence and moral violence. The phenomenon of violence is directly related to the use of doping in sports because of the direct effect of stimulant drugs on the players through its control over the athlete's superego, and then the athlete's loss of his/her ability to control him/herself, which results in psychological conflicts for the player, making him/her tense and finding no way to release that tension except through violence [46].

The use of stimulants and stimulant drugs by the player is an illegal method in sports because it leads to increasing his/her ability and overcoming his/her opponents. For example, a boxer who uses a stimulant substance in a match that enables him/her to defeat and damage the opponent is equal to the boxer who puts a hard object in his/her glove, which leads to damage to the opponent's body. The French judiciary has recognized the criminal responsibility in this case, based on the general rules. In another case, in a ruling by the Belgian judiciary, a penalty was imposed on a boxer who gave his opponent a blow that resulted in a fractured left jaw, because in one of the training matches the boxer used gloves originally intended for tournament matches, and this is contrary to the sports customs in the field, and thus is not a reason for admissibility [47].

In order for an athlete to raise a beating or wounding in the same manner as before, he or she must prove that the acts were caused by the use of a stimulant. There must be either criminal intent or unintentional mistake, according to the general rules of the Penal Code.

Despite the great danger posed by athletes' use of stimulants in sport, both to the players themselves and to sporting activities in general, many countries, including Arab countries, do not punish athletes for this, nor do they punish those who facilitate or incite doping in sport, but these countries are content with the responsibility provided for in the rules of the international anti-doping code. Thus, legislative intervention is needed in all Arab countries to enact a criminal law criminalizing the use of stimulants in sport. What is needed is not the disciplinary punishment of athletes whose use of stimulants has been proven by national committees implementing the international code, but rather the imposition of criminal penalties to achieve deterrence, both general and specific. The criminal penalty is imposed by the specialized criminal courts concerned with the application of the penal laws, because the process of doping in sport corresponds in its legal basis to the crimes of drug use and the crimes of injury in the Penal Code (UAE Supreme Court, Appeal No. 305 of 2015) [48].

Accordingly, researchers believe that the phenomenon of doping in sports is one of the most dangerous forms of violence in the sports field. It represents a kind of illegal use of force of various kinds in the sports field; doping in sports is considered an aggression against the ethics of exercising sports, as it represents a special kind of fraud and deception towards the rest of the competitors in the field.

Crimes committed while playing sports undermine fair competition and the development of physical and moral fitness among members of society.

Some legislation has been tightening penalties for sports crimes, and this is what the Egyptian legislator has followed in the new draft sports law. It includes the death penalty, life imprisonment, and rigorous imprisonment for murder, threats with weapons, and inciting strife inside stadiums and sports bodies [49]. Whoever enters or attempts to enter the venue of a sporting event and is under the influence of drugs shall be punished with imprisonment and a fine (Article 87 of the Egyptian Sports Law No. 17, 2017) [34]. Then, whoever uses force, violence, threat, or intimidation against player, referee, member of the technical or administrative bodies of sports team, or any other person, shall be punished by imprisonment for a period of no less than two years and a fine of no less than ten thousand pounds and not more than thirty thousand pounds, or by one of these two penalties. If the latter resulted in the injury of a person, and if that injury resulted in a permanent disability or led to death, it shall be punished according to the provisions of the Penal Code (Article 88 of the Egyptian Sports Law No. 17, 2017) [34].

The Egyptian Sports Law No. 17 of 2017 punishes with imprisonment and a fine of no less than ten thousand pounds and not more than one hundred thousand pounds, or one of these two penalties, anyone who incites riots among the masses, destroys facilities or movables, or disrupts sports activity in any way, even if the result is not achieved [34].

The Egyptian Sports Law No. 17 of 2017 also penalizes anyone who engages in an organized activity in the field of sports without a recognized sports authority or through an unlicensed company or with a license that has been suspended or canceled in accordance with the provisions of this law.

## **DISCUSSION**

Talking about the Arab countries' legislation from the point of view of the legal regulation of sports activities, it should be noted that the Arab expert community drew such knowledge from European law. Some countries took an example especially from the Civil Codes of European countries, other laws, namely the Sporting Code of France. Book 3 Section 1 Chapter 2 Paragraph 4 in Articles L312-14 to L312-17 (criminal consequences for disorderly conduct in the organization and conduct of sports events) was considered. The rest of the areas of administrative and criminal justice concern only doping (Book 2, Section 3, Chapter 2) [50].

On the example of Egypt, it is clearly seen that those legal norms that relate to the fight against corruption in sports, both on the part of athletes and on the part of third-party actors (coaches, sports fans, doctors, sports functionaries) have already become a full-fledged part of the sports law of this country. The country's uniqueness lies in the fact that Egypt is an excellent example of the symbiosis of European legislation and traditional Sharia law [51].

However, this does not mean that there should be no further improvement of the norms. On the contrary, today's sports world is faced with new challenges - for example, doping. French law contains provisions on sanctions for the use of doping in the country. Similar ones are adopted in German legislation - Act against doping in sport [52]. On international level there are norms that apply to sport at a global level and include only the autonomous global legal order implemented by such world-wide sport organizations like Court of Arbitration for Sport, World Anti-Doping Agency and the international legal acts like UNESCO Convention against Doping in Sport [53]. Therefore, the main focus in the near future for many sports organizations and their members is the implementation and applicability of the anti-doping legal regime at the national level [54].

In addition, a separate issue today is the question of wearing the clothes of a participant in sports competitions, especially in those cases when s/he represents the national team at global sports events. Most of the risks for unrest between different countries are national and religious factors. Internationally, problems related to the ethics of athletes' clothing are often voiced by a number of countries that firmly adhere to the laws of their country, using a Muslim country such as Malaysia as an example [55]. Substantial discussions about the possible harmonization of legislation should give the spirit of understanding and readiness to resolve any situations peacefully through solidarity and respect for each other's positions, which is the postulate of world sports.

Modern UAE also uses positive insights from Western legal practice and does not abandon the traditional one. Taking into account the strategic vision of local elites, they intend to develop their country also in the field of sports as a reliable instrument of soft power. Due to this, it can be useful to propose the Emirati legislator the enactment of a sports criminal law criminalizing the use of stimulants in sports, emphasizing that what is required is not a disciplinary penalty against athletes whose use of stimulants is proven through the national committees, but the imposition of a criminal penalty for the purpose of achieving deterrence, both general and specific. The criminal penalty is imposed by the specialized criminal courts concerned with the application of the penal laws; the process of doping in sports is similar to crimes of drug abuse and the offenses of injury in the Penal Code.

Grounding on mentioned clauses, the Arabic authorities should expand the scope of the sports insurance to include all sports activities, especially equestrian sports and motor racing. Moreover, researchers suggest that the Emirati legislator enacts sports law in the Emirates and forms special courts, consisting of judges and technical experts to decide on sports cases and expedite the adjudication of sports crimes.

It is also possible to ensure that disciplinary rules in all sports federations are revised and that the punishment of freezing sports activities for clubs involved in sports crimes is intensified by increasing the sports legal competence of the professionals who will play the greatest role in establishing the optimal legal regulation of sports law.

## CONCLUSION

Sport is a human activity that provides pleasure and comfort to many people. However, despite its humanitarian and economic necessity, sport involves various risks depending on its nature. Accordingly, as part of liability for accidents arising out of the practice of sports, it is necessary not to leave damages arising out of the practice of sports uncompensated as long as there is a person responsible for it and the deviation from ordinary sporting conduct can be attributed to him/her in accordance with the general foundations and tenets of civil liability. Persons involved in sports, if they cause damage, must be prosecuted, whether they are players, sports bodies such as federations, clubs and organizations, technical personnel, including referees, coaches, volunteers, competition organizers or managers of sports facilities, etc. They all have a duty to prevent anticipated risks; if they breach this duty, they will be liable for damages.

Many countries of the world intend to further develop their sports industry as an instrument of their positive image in the international arena and to introduce sport as a part of social life and well-being of citizens. However, to make this possible, the authors of this study presented their views on this field of activity which will help improve the legislation for each of the countries, including the UAE.

Thus, it has been confirmed that a participant in a sporting activity remains liable unless it can be proven that his or her actions were committed within the rules of the game.

For exemption from criminal liability in sports competitions it is required that the game is one of the games recognized by the law of sports games and that it has recognized rules, and that acts of violence are committed during a match or sports competition without violating the law of the game, and that the act corresponds materially and morally to the rules of the game. If a player deviates from the rules of the game intentionally in order to cause harm or not to take precautions when playing, there is a penalty liability.

As for personal responsibility for mistakes that occur in athletic competitions, the one who makes them is responsible, regardless of whether the mistakes are technical or material.

If we talk about the problems of sports competitions, it is difficult to have criminal intent (intentional error), because for criminal intent there must be a will associated with the result, but the error often found in sports competitions is unintentional error.

The purpose of sports insurance is to insure against a sports accident that happens to one of the participants in sports activities. If a sports accident occurs, the injured party may claim his/her right to compensation from the insurer, the insurance company, which is obligated to compensate the accident by fair, comprehensive and full compensation to the injured party. The UAE has made sports insurance in certain sports a club obligation, so no player registered with the relevant association is allowed to participate in sports activities managed by that union unless s/he is insured under a contract of insurance covering the risks of death, permanent or temporary disability, sports injury and medical expenses, including tests and X-rays.

## REFERENCES

1. Reid H. *Athletics and Philosophy in the Ancient World*. New York: Routledge; 2011
2. Sewell D, Griffin M, Watkins P, Watkins P. *Sport and Exercise Science: An Introduction*. 1st ed. London: Routledge; 2005
3. SportAccord. Definition of sport; 2011. <https://web.archive.org/web/20111028112912/http://www.sportaccord.com/en/members/index.php?idIndex=32&idContent=14881> (accessed 2021 Dec 13)
4. Devine JW, Frias L, Javier F. *Philosophy of Sport*. The Stanford Encyclopedia of Philosophy; 2020. <https://plato.stanford.edu/entries/sport/#WhatSport> (accessed 2021 Dec 13)
5. Botnev SV. Legal regulation of sport in Australia: challenges of combating violence. *RUDN J Law* 2013; 3: 215-20
6. Abdel-Maqsoud IM and El-Shafei HA. *The Scientific Encyclopedia of Sports Management*. Alexandria: Dar Al-Wafa Publishing; 2004

7. Nevolina EV. A problem of violence in sport organizations: a Case Study. In: Bochavera KA, Dovzhik LM, editors. Sports psychology: science, art, profession. Moscow: Moscow Institute of Psychoanalysis-Kogito-Center; 2019: 168-74
8. Mitten MJ, Davis T, Osborne B, Duru NJ. Sports law: governance and regulation. Alphen aan den Rijn, The Netherlands: Wolters Kluwer Law & Business; 2020
9. Young K. Sport, Violence and Society. 2nd ed. London: Routledge; 2019
10. Gilinsky J. Social Violence: Monograph. Saint Petersburg: Publishing House "Alef-Press"; 2013
11. Mazzeo F, Antavilla G, D'elia F, Raiola D. Development of Doping in sports: overview and analysis. J Phys Educ Sport 2018; 18(3): 1669-77. doi:10.7752/jpes.2018.0324
12. Coufalová B, Pinkava J. Some aspects of criminal liability for sports injuries. Právnická fakulta Univerzity Palackého v Olomouci 2014; 14(2): 57-67
13. Epstein A. Incorporating the criminal law in sport studies. Sport J 2009; 12(3): 1-9
14. Megheirkouni M. Arab sport between Islamic fundamentalism and Arab Spring. Sport Soc 2017; 20(11): 1487-99. doi:10.1080/17430437.2017.1284801
15. Judicial Department. Article 9 of United Arab Emirates Federal Penal Code No. 3 of 1987 and its amendments; 2011. <https://cdn.expatswoman.com/s3fs-public/UAE%20Penal%20Code.pdf> (accessed 2021 Dec 13)
16. Hasso YE. Criminal Responsibility for Unintentional Error. Master's Thesis, College of Law, University of Baghdad, Baghdad; 1971
17. Al-Awjaz MTAQ. The nature and legal basis of the civil responsibility of the athlete in self-defense games. In: The Third Annual Scientific Conference of the Faculty of Law in partnership with the Faculty of Physical Education. Egypt: Faculty of Law, Assiut University; 2007: 544-50
18. Fawaz K. Criminal responsibility for stadium injuries. In: The Third Annual Scientific Conference of the Faculty of Law in partnership with the Faculty of Physical Education. Egypt: Faculty of Law, Assiut University; 2007: 1-13
19. Hosni MN. Explanation of the penal code, general section. Cairo: Dar Al-Nahda Al-Arabiya; 1989
20. Al-Khatib A. Summary of Criminal Law, General Principles in Penal Code. Damascus: Damascus University Press; 1963
21. Salameh MM. Penal Code - General Section. Cairo: Arab Thought House; 1979
22. Sorour AF. The Origins of the Penal Code. Dar Al-Nahda; 1979
23. Al-Saifi AF. General Provisions of the Criminal System of Islamic and Legal Sharia. Cairo: Dar Al-Nahda; 1997
24. Al-Qaddadi MBA. Criminal Responsibility. 1st edition. Riyadh: Al-Qaddadi Advertising Agency; 2008
25. Raouf O. Principles of the General Section of Punitive Legislation. Cairo: Arab Thought House; 1989
26. Mohieldin AM. The Origins of Punitive Legislation in the Arab Countries. Riyadh: Arab Center for Security Studies; 1991
27. Moneim SA. The General Theory of Penal Law. Alexandria: New University Publishing House; 2001
28. Kamel OS. Sports and Crimes of Physical Violence. Master Thesis, Faculty of Physical Education for Boys. Cairo: Helwan University; 1995
29. Halima N. Criminal Responsibility in the Sports Field. Algeria: Djilali Lebas University, Sidi Bel Abbes; 2017
30. Al-Shaali KR, Al-Azzawi AW. Contribution to the Theory of Sports Law. UAE: United Arab Emirates Sports Transactions Law; 2006
31. El-Shafei HA. Legislation in Physical Education and Sports, Legal and Criminal Perspectives in General and in Sports, Alexandria. Alexandria: Dar Al-Wafaa for Donia Printing and Publishing; 2004
32. Nakhleh M, Baalbaki R, Matar S. The Triple Legal Dictionary. Beirut: Al-Halabi Human Rights Publications; 2002
33. El-Sayed AF. Study of the Phenomenon of Riots in Sports Facilities. Cairo: Supreme Youth Council; 1987
34. President of the Republic. Article 85 of the Egyptian Sports Law No. 17 of 2017; 2017. [http://www.sarieldin.com/sites/default/files/2018-06/Law%20Number%2017%20for%20the%20year%202017%20-%20Promulgating%20The%20Sport%20Law\\_0.PDF](http://www.sarieldin.com/sites/default/files/2018-06/Law%20Number%2017%20for%20the%20year%202017%20-%20Promulgating%20The%20Sport%20Law_0.PDF) (accessed 2021 Dec 13)
35. Ali RB, Mahi I. The Psychology of Riots in Groups. Algeria: Kasdi Merbah University of Ouargla, Faculty of Arts and Languages; 2017
36. Al-Mutairi FAK. Evaluation of the training course on riot control, a field study on the employees of the Special Security Forces in Riyadh. Master's Thesis, The Higher Institute for Security Sciences, the Arab Center for Security Studies and Training, Riyadh; 1993
37. Al-Maliki AHA. Evaluation of the Curriculum of King Fahd Security College for Riot Control and its Role in Qualifying Security Officers. Master Thesis, Institute of Graduate Studies, Naif Arab Academy for Security Sciences, Riyadh; 2000

38. Al-Awartani Y, Azazi I. The stadium riots, elements, methods, treatment. Amman: Makkah Press for Publishing and Distribution; 2009
39. Fadl Y. Sports Media. Amman: Osama House for Publishing and Distribution; 2012
40. El-Gendy W. The strategy of confronting riots and the use of dogs and horses to break them up, a theoretical - applied - practical study. Cairo: Police Press; 2014
41. Al Sheyab T. Crimes against Persons. Sharjah: University Library; 2015
42. Dubai Court of Cassation. Criminal Chamber, Public Insult Crime, Judgment No. 356 of 2000; 2000
43. Abu Dhabi Cassation. Criminal Chamber, Crime of Defamation and Insult, Judgment No. 373 of 2010; 2010
44. Al-Balawi RH. Criminal responsibility for the use of doping in the sports field, A comparative study, University of Sharjah. *J Leg Sci* 2019; 16(1): 1-7
45. Salem MAM. Jordanian athletes' attitudes towards doping. Master's thesis, University of Jordan, Amman; 2000
46. Allawi MH. The Psychology of Aggression and Violence in Sports. 2nd edition. Cairo: Al-Kitab Center for Publishing; 2004
47. Kubaish M. Criminal Responsibility for the Use of Doping in Sports Competitions. Abu Dhabi: Judicial Department; 2013
48. Abu Dhabi Federal Supreme Court. Appeal No. 305 of 2015 Administrative, session Wednesday, September 30, 2015; 2015
49. Majeed M, Kazim M. Sports Crime and Sports Laws in Iraq, College of Education and Sports Sciences. Basra: University of Basra; 2017
50. Legifrance. Code du sport (Version en vigueur au 06 décembre 2021); 2021. [https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000006071318/2021-12-06/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071318/2021-12-06/) (accessed 2021 Dec 13)
51. Hill E. Al-Sanhuri and Islamic Law. *Arab Law Q* 1988; 3: 182-185
52. Gesetze. German Act against doping in sport; 2015. [http://www.gesetze-im-internet.de/englisch\\_antidopg/englisch\\_antidopg.html#p0037](http://www.gesetze-im-internet.de/englisch_antidopg/englisch_antidopg.html#p0037) (accessed 2021 Dec 13)
53. Bratianu D. European and Romanian sport law. *Discobolul Phys Educ Sport Kinetother* 2019; 57(3): 44-47
54. Rawat M, Rajsingh S. Athletes' right to a fair trial in 'non-analytical positive doping cases': An analysis. *Int J Sport Policy Politics* 2021; 13(3): 379-91. doi:10.1080/19406940.2021.1891947
55. Ismail MA. The etiquette of athlete attire, violation to domestic law and a view towards international practice. *J Law Gov* 2018; 1(1): 25-35