

УДК 371.7
ББК 456(0)

PRICE OF THE VICTORY: ATHLETE IS A VICTIM OF CRIMINAL TRESPASS

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The article considers the personality of an athlete, not only as a potential criminal, but as a victim of a crime. The classification of crimes is presented in the article, as the result of which damage is caused to athletes directly. This range of problems is examined in detail; authors' opinion is expressed, as well as the opinions of the experts. The goal of the research is to predict crime (by means of extrapolation), where athlete is a victim for the period from 2016 till 2021. Therefore a conclusion is made that despite being famous and loved by public nation-wide, sports heroes have to pay the price.

Keywords: *athlete, crimes, victim, offender, offences, forecast, sports crime, legislation of the Russian Federation, sport and law.*

Nowadays, one of the characteristic features of public relations in Russia is the development of a new sphere that is professional sport. Professional sport is not only about sports competitions but also includes important economical and spectator elements. Unfortunately, in the modern state of law environment there are no distinct legal limits and "sports" controlling instruments which consequently lead to conflicts and law violation.

The majority of sports relations is off-limits and turns on the rules of sports organizations. Law enforcement agencies have no sufficient experience to apply the penal statute in the sphere of sport. Latency of "sports" crimes is constantly increasing because of the law-enforcement practice problems that break the principle of inevitability of punishment.

Sport and crime are two words that seem to appear together more often. It is no wonder that those have strong interrelation: "...it is rarely possible to differentiate between the two" [10]. At first sight, the Olympic ideals have nothing to do with the law of the underworld, but, unfortunately, the quantity ideals are underestimated, and the law of the underworld is at its full blossom.

Elite sports became incredibly cruel. People are forced to step over the line which distinguishes law-abiding and criminals.

With pressure for sports achievements, athletes are forced to use the forbidden performance-enhancing drugs, at the same time deceiving a drug test that consequently develops the underground pharmaceutical business and there is a fine line between those and drug-dealing. Elite sports are also famous for fantastic profits, fixed matches, bribes and corruption. Retired athletes often have psychological trauma which makes them to seek for new opportunities which would bring them big money again. They possess physical vigor, completed psychological training, organized nature which makes it possible to commit dangerous crimes particularly distinguished for the cruelty.

It is also necessary to note that most gang leaders are former athletes, for example, Yaponchik, Mikhas, Mansour (used to practice martial arts).

The tragedy which has happened in Zlatoust, Chelyabinsk region can serve as an example of the criminal activity performed by masters of martial arts. In May 2011 the 19-year-old candidate in masters of sports in boxing accidentally killed the peer, who had insulted him and his friend, with right hook. It is not surprising that the athlete left the where of an accident in a great hurry after realizing what he had done. And the injured young man was sent to reanimation where he later died from brain injury. Later,

as the press service of the Zlatoust city court reported, the boxer admitted guilt and case was reviewed using a special procedure. The two-time champion of Russia Alexander Budykin was convicted and got suspended sentence under article 109 of the Criminal Code of Russian Federation "Negligent homicide" of 1 year and 4 months in custody [13].

In most cases athletes commit crimes spontaneously, without advanced planning of attack. In the face of any fight or conflict they, not knowing one's own strength, strike sharply which would have laid an inexperienced man out. There are also such athletes who, after retiring, become so-called "fighters". Being previously trained, fighters enter criminal organizations and take part in shootouts along with shot callers.

In other words, athletes become hit men which illustrates the presence of a criminal factor in sports and confirms the relevance of the subject of crime in the sphere of sports. Economic reforms, making profit from sports by any means have led to destruction of control over the sports organizations and education activities.

Many scientists become more and more interested in "sports" crime, for example, V.V. Beletsky who has written the thesis about the criminological characteristic and prevention of crime among athletes, or A.P. Alekseev whose remarkable work studies of the identity of the criminal-athlete from the point of view of psychology. Another remarkable research is of Sergey Alekseev who has written the book "The sports law in Russia: legal bases of physical culture and sport" in which determinants of high crime of the people possessing good physical training are studied in detail.

Analyzing the above, the question whether athletes become criminals or leaders of criminal groups in all cases awakes. It is certain that with the advent of private criminological theories of crime in the sphere of elite sports provokes the need for the research of its victim aspect.

Victimology, being a science, accumulates and generalizes scientific data on the victim of a crime and in most cases offers researchers the directions of its further development [5].

The subject of a criminal "sports" victimology is victimity [12], which is an objective ability of a professional athlete to fall a victim of a crime. It is also necessary to consider the fact that professional athletes can become victims of any crimes therefore research of their specific victimity, which is predisposi-

tions of a group to become victims of a certain type of criminal offense [6], is necessary.

It can be assumed that athletes can become the victims of fans whose expectations haven't been answered. And those athletes highly possible to get a prize-winning place become victims of performances and competitions obstruction.

For example, in May 2014 Alexander Zubkov, the two-time Olympic champion in bobsled, was traumatized in a consequence of fight which has arisen as a result of the unknown breaking into his car that was the Olympic Games in Sochi victory present [7].

Now, the Olympic champion Artur Ayvazyan, the shooter from Crimea, may lose a chance go to the Summer games in Rio as the Ukrainian sports officials are willing to discharge the former compatriot, now the citizen of the Russian Federation, of participation in the Games, considering him a traitor [14].

Against this background, the victimology in the sphere of professional sport provides not only the scientific interest, but also the practical importance.

Further let us consider the list of crimes, in which harm is caused to athletes, that can be conditionally subdivided into several groups:

1. Crimes committed as a result of default in performance of obligations by the third parties.

The case which has happened in October 2008 can be considered an example of this category of crime. The Omsk ice-hockey team "Avangard" held a meeting with the team "Vityaz" (Chekhov) within open national championship. During the game Alexey Cherepanov, the forward of Omsk "Avangard", bumped up against his teammate and shortly after felt badly therefore was sidelined. Several minutes prior the final whistle his heart stopped. Acute heart failure, myocardiodopathy, became the cause of death specified in the conclusion. At the same time, it is worth noticing that Alexey suffered no serious injuries or damages during this match. The tragedy could have not happened if the medical care had been provided in time, but for unknown reasons at that time there was no "ambulance" by the sports palace where the match took place¹. Thus, the athlete has fallen a victim of default in performance of obligations by the official responsible for holding this sporting event.

2. Violent crimes which include grave crimes, such as murders, causing grievous bodily harm etc.

¹ This situation is a direct violation of Art. 39 of the Federal Law no. 329-ФЗ "On Physical Culture and Sports in the Russian Federation" dated December 4, 2007.

An example of this category can be the case which has happened in January 2005 in St. Petersburg. Dmitry Nelyubin, the cycle race Olympic champion in Seoul, has been killed in the backyard of his own house. The athlete was shooting fireworks celebrating the New Year near the cheerful company of youngsters. Young people have shown discontent by stabbing him with a knife; it was lethal to the cyclist [11].

3. Violent profit-motivated crimes. In October 2008 Olga Fyodorova, the member of Russian bobsled national team was attacked. Criminals waited for the sportswoman at the sports center on Leningradskoye Highway. They dragged the girl into the car without a license plate number and put a gun to her head demanding her car keys. Olga opened a bag and tried to grope keys as at that moment one of robbers shot her in a hip. Thieves pushed out the girl from the car on asphalt together with her bag right away and fled the scene [4].

4. Profit-motivated crimes. The apartment of a famous Russian football team forward Roman Pavluchenko was robbed in July 2012. The crime took place on Rusakovskaya Street in the elite house, located in the Area of Sokolniki that is the east part of Moscow. Theft was made during the period since morning on 4 July till evening on July 9 while the owners were absent. The sum of the caused damage was more than 6 million rubles; moreover, the exclusive collection of t-shirts of teams against which Pavlyuchenko had played was stolen too, including those brought from Euro-2012 [7].

5. Crimes committed by sports fans. In 2015 during the elimination game on the European championship-2016 the petard was thrown from stands into the goalkeeper of the Russian national team Igor Akinfeev. The athlete was carried out on a stretcher and sent to hospital, and teams left to the subtribune rooms. After several days the criminal has admitted the guilt, he came to a police station with his lawyer [15].

The listed classification is conditional also exhaustive as there is no official statistics showing data on quantity of the committed crimes where an athlete is a victim, unfortunately, that complicates studying of the identity of an athlete as a potential victim.

For the most authentic analysis of the information on the committed crime crimes where an athlete is a victim it is necessary to determine the exact definition of "athlete" as now there are three various approaches concerning the interpretation of this term.

The point is that in the no. 329-ФЗ Federal Law of 04.12.2007 "On physical culture and sport in the Russian Federation" the term "athlete" (article 2, paragraph 22), is defined as a person who is doing certain sports and taking part in sports competitions, whereas the term "high-class athlete" (article 2, paragraph 23) is defined as the athlete having a sports rank and taking part in sports competitions in order to achieve high sports results [2].

Speaking about the Labour code of the Russian Federation, we can see that article 348.1 governs the labor relations between workers "labor function of which consists in preparation to sports competitions and participation in certain sports competitions" [1] who in the text are addressed as "athletes".

In the Resolution of the Ministry of Labour of the Russian Federation no. 8 (lost effect in connection with the Order of the Ministry of Health and Social Development of the Russian Federation on 11.24.2008 no. 665 which entered into force on 1 December 2008) a position "athlete-instructor" which is classified as the wide "specialist" category was introduced. One of the job responsibilities of any athlete-instructor was being a professional athlete [3].

Thus, considering all that has been mentioned above, "professional athlete" is the matter of all those regulatory legal acts. The absence of the catchall term considerably complicates high-quality tracking of information which arrives in statistical divisions, concerning official capacity of those who have become the victims of a crime.

Law enforcement agencies experience certain difficulties organizing crime preventive measures. Therefore, forecasting offenses where an athlete is a victim is of particular importance. Moreover, the usage of a certain system of the scientifically based experiments and methods based on mathematical and statistical methods is necessary.

Thanks to modern science, forecasting assumes the development research of a phenomenon in the context of the future. Without any doubt, it will not be able to show a real picture of the expected events, but results of the forecast with a certain level of reliability will help to choose the right methods for fighting the crime.

In our opinion, under given circumstances it appears to be difficult to achieve absolute forecast, but it doesn't mean that it is inexpedient to make crime forecasts. Many scientists consider that bad forecast is better than good uncertainty. The main objective

of the forecast is “to find the best solutions under the conditions of uncertainty”.

Statistical regularities of crime development and related past, present and to certain extent future phenomena are the cornerstone of crime forecasting.

By means of many methods qualitative and quantitative forecasts of possible changes, tendencies and crime regularities can be made in near future. There are loads of forecasting methods and at present stage of science development it is only recommended to apply to those crime forecasts that show the higher accuracy. The methods include modeling, extrapolation methods and expert evaluations.

Without any doubts, each method has its own pluses and minuses, but their complex use increases the percent of result’s reliability. Let us consider in more detail an extrapolation method as its application at short-term forecasts gives a high probability of result accuracy.

Extrapolation is a distribution of the conclusions received while studying past and present crime to the future tendencies. As the crime and the related phenomena have the dynamic and structural indicators expressed in absolute and relative values and in future they can be predicted using the same quantitative units [8].

With the help of extrapolation method it is possible to receive probable conclusions concerning structure of crime and related phenomena. The received result corrects the extrapolation line of crime.

To reveal some dimensions and regularities of crime rate at extrapolation and its causal base, it is necessary to use statistical methods of smoothing and graduation of statistical ranks, using averaging and integration of intervals, alignment of dynamic ranks in way of moving average, alignment of level of a row on a straight line and other functions [9].

By means of the considered method let us predict the condition (dynamics) of crimes where an athlete is a victim in the Russian Federation on 2016–2021.

In Russia the dynamics of crimes where an athlete is a victim is characterized as follows: 2001 — 1 crime, 2002 — 3, 2003 — 1, 2004 — 2, 2005 — 1, 2006—no crime registered, 2007 — 3, 2008 — 2, 2009 — 2, 2010—no crime registered, 2011 — 1, 2012 — 2, 2013 — 3, 2014 — 2, 2015 — 1.

Let us make graduation of crime dynamics according to line (tabl. 1) as while examining actual data according to schedule it is possible to note or allocate linear scaling of the indicator.

Let us find the value a_0 and a_1 , where y — crime

rate, where an athlete is a victim, t — linear deflection:

$$a_0 = \frac{\sum y}{n}; \quad a_0 = \frac{24}{15} = 1.6; \quad (1)$$

$$a_1 = \frac{\sum yt}{\sum t^2}; \quad a_1 = \frac{3}{280} = 0.012. \quad (2)$$

Let us write down the obtained equation: $y_2 = a_0 + a_1 t$. We obtain an equation:

$$y_2 = 1.6 + 0.012 t.$$

By this equation, let us evaluate y_2 .

We can again make a graph of the function $y_2 = 1.6 + 0.012 t$ (fig. 1).

Using the method of extrapolation and on the basis of the received straight line equation, we will find the predicted value of crime in 2016–2021 (tabl. 2) therefore for implementation of the further forecast we will pick up extrapolation linear function.

Judging by expected calculations, the number of crimes where an athlete is a victim will increase. Let us draw a graph of extrapolation of the dynamics of crimes where an athlete is a victim, in Russia (fig. 2).

The values of the ranged dispersion indicator of murders that is a deviation from a theoretical or expected indicator will hover around empirical one-dimensional line.

However, the extrapolation method is not enough for obtaining the most probable forecast. As a comparison, let us show in relation to average values of dynamic ranks the expected value of contract murders level:

A. In order to count the interval row, the average level of a row is estimated by the formula of a plane arithmetic mean:

$$\bar{y} = \frac{\sum y_i}{n}, \quad (3)$$

where n — a number of a period of time, during which the level stays the same.

$$\bar{y} = \frac{\sum y_i}{n} = (1+3+1+2+1+0+3+2+2+0+1+2+3+2+1)/15 = 1.6 \text{ crimes.}$$

B. Average growth rate characterize intensity of process of growth:

$$\bar{T}_r = \sqrt[n]{T_{c_1} \cdot T_{c_2} \cdot T_{c_3} \dots T_{c_n}}, \quad (4)$$

where continued rate of growth, represented as coef-

Table 1

Graduation of the dynamics of crimes where an athlete is a victim

Year	y	t	t^2	yt	y_t	Δy_c	ΔT_{rc}
2001	1	-7	49	-7	1.52	-	1
2002	3	-6	36	-18	1.53	2	1.00657
2003	1	-5	25	-5	1.54	-2	1.00653
2004	2	-4	16	-8	1.55	1	1.00649
2005	1	-3	9	-3	1.56	-1	1.00645
2006	0	-2	4	0	1.58	-1	1.01282
2007	3	-1	1	-3	1.59	3	1.00632
2008	2	0	0	0	1.60	-1	1.00628
2009	2	1	1	2	1.61	0	1.00625
2010	0	2	4	0	1.62	-2	1.00621
2011	1	3	9	3	1.64	1	1.01234
2012	2	4	16	8	1.65	1	1.00609
2013	3	5	25	15	1.66	1	1.00606
2014	2	6	36	12	1.67	-1	1.00602
2015	1	7	49	7	1.68	-1	1.00598
Total	24	0	280	3	24	0	

ficients $T_{c_1}, T_{c_2}, T_{c_3}, \dots, T_{c_n}$, each of which is calculated by the following:

$$T_{rc} = \frac{y_i}{y_{i-1}} \cdot 100\%, \quad (5)$$

i — range degree current value.

$$\bar{T}_r = \sqrt[15]{1.105191} \approx 1.007\%. \quad (6)$$

Considering the indicator of average growth rate it is possible to note the decrease in intensity of value of contract murders level during the studied period.

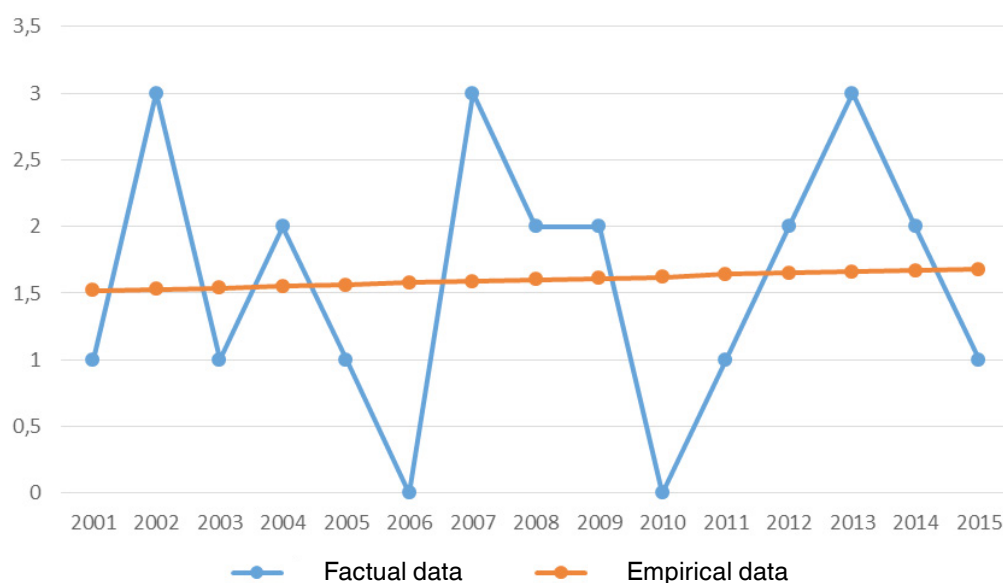


Fig. 1. Graduation of the dynamics of crimes where an athlete is a victim, in Russia

Table 2

Extrapolation of the dynamics of crimes where an athlete is a victim, in Russia

Year	t	y_t
2016	8	1.70
2017	9	1.71
2018	10	1.72
2019	11	1.73
2020	12	1.74
2021	13	1.76

C. The average absolute increment represents the generalized characteristic of the individual absolute increment:

$$\overline{\Delta y} = \frac{\sum \Delta y_c}{n}; \tag{7}$$

$$\overline{\Delta y} = \frac{\sum \Delta y_c}{n} = \frac{0}{14} = 0 \text{ crimes.} \tag{8}$$

D. Average increment:

$$\overline{T}_{pr} = \overline{T}_r - 100\%; \tag{9}$$

$$\overline{T}_{pr} = 1.007\% - 100\% = -98.993\%. \tag{10}$$

Thus, if to consider the average level of crimes in 15 years, and also intensity of growth and an average absolute increment, then it is possible to predict the level of crimes for 2016:

– based on average absolute increment:

$$\hat{y} = y_{2015} + \overline{\Delta} \cdot 1 = 1 - 0 = 1 \text{ crime;} \tag{11}$$

– based on average growth rate:

$$\hat{y}_{2016} = y_{2015} \cdot \left(\frac{\overline{T}_r}{100}\right)^1 = 1 \cdot \left(\frac{1.007}{100}\right)^1 = 0.01007 \text{ crimes} \tag{12}$$

at that an average growth rate shows crime rate decrease by 98.993 % a year, average statistics confirms the assumption on extrapolation model of crime level decrease, so, it is possible to assume the interval expected value of the dynamics of crimes where an athlete is a victim, in Russia for the next year will hover around 0.01007 to 1, that is at least one crime.

Thus, the practical value of the criminological forecast helps prevention of crimes. Without this it would be quite difficult to come up with proper prophylactic measure and crime prevention in Russia where an athlete is a victim.

An application of forecasting methods allows us to see systematical development of crime prevention, considering external factors such as an impact on criminality situation in the Russian country, concerning frequent crimes against athletes which sometimes remain unsolved.

Athlete is not a synonym for criminal or criminal group leader. Athletes are people, too; they are being robbed, beaten and killed. Despite being famous and loved by public nation-wide, sports heroes have to pay the price.

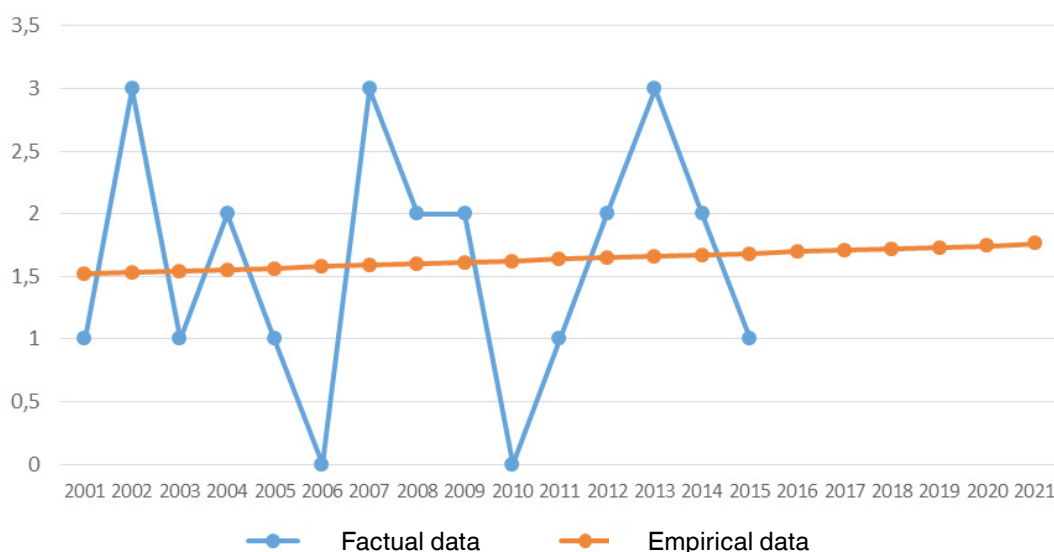


Fig. 2. Extrapolation of the dynamics of crimes where an athlete is a victim, in Russia

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Поступила в редакцию 5 июля 2016 г.

Для цитирования: Yarushin, S. A. Price of the Victory: Athlete is a Victim of Criminal Trespass / S. A. Yarushin, V. A. Myagkikh // Физическая культура. Спорт. Туризм. Двигательная рекреация. – 2016. – Т. 1, № 4. – С. 14–21.

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