

EDUCATION AND IDENTIFY WAYS TO PREVENT CRIMINAL OFFENSES IN SPORTS

EDUCAÇÃO E IDENTIFICAÇÃO DE FORMAS DE PREVENÇÃO DE OFENSAS CRIMINAIS NOS ESPORTES

EDUCACIÓN E IDENTIFICACIÓN DE FORMAS DE PREVENCIÓN DE DELITOS PENALES EN EL DEPORTE

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ABSTRACT: One of the ways to prevent cultural, social, and professional harm from the occurrence of crime is to education law and makes the sports community aware of criminal law because the sports community plays the most important role in creating culture. Sports law is one of the law trends that deal with accidents in sports. The word "Sport" has a wide meaning in this term, sports operations and activities in the sense of public and championship are part of this collection. Due to the nature of the subject under study in this research, the objective and qualitative description of the content of the existing concepts and conditions is descriptive and analytical. Based on the results of the research, we conclude that education, legal culture in sports, empowerment of human resources, and the need to establish sports-legal institutions independently according to scientific and research issues and legal supervision and inspection are the most important ways to prevent sports crimes.

KEYWORDS: Education. Criminal offenses. Sports.

RESUMO: *Uma das formas de prevenir prejuízos culturais, sociais e profissionais decorrentes da ocorrência do crime é a legislação educacional e a conscientização da comunidade esportiva sobre o direito penal, pois a comunidade esportiva tem o papel mais importante na criação de cultura. O direito esportivo é uma das tendências do direito que tratam dos acidentes no esporte. A palavra "Esporte" tem um significado amplo neste termo, operações e atividades esportivas no sentido de público e campeonato fazem parte deste acervo. Devido à natureza do assunto em estudo nesta pesquisa, a descrição objetiva e qualitativa do conteúdo dos conceitos e condições existentes é descritiva e analítica. Com base nos resultados da pesquisa, concluímos que a educação, a cultura jurídica no esporte, a capacitação de recursos humanos e a necessidade de estabelecer instituições jurídico-esportivas de forma independente de acordo com questões científicas e de pesquisa e supervisão e fiscalização legais são os caminhos mais importantes para prevenir crimes esportivos.*

PALAVRAS-CHAVE: *Educação. Infrações penais. Esportes.*

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RESUMEN: *Una de las formas de prevenir el daño cultural, social y profesional de la ocurrencia del delito es la ley de educación y sensibilizar a la comunidad deportiva sobre el derecho penal porque la comunidad deportiva juega el papel más importante en la creación de cultura. El derecho deportivo es una de las tendencias del derecho que trata de los accidentes en el deporte. La palabra "Deporte" tiene un significado amplio en este término, las operaciones y actividades deportivas en el sentido de público y campeonato forman parte de esta colección. Por la naturaleza del tema objeto de estudio en esta investigación, la descripción objetiva y cualitativa del contenido de los conceptos y condiciones existentes es descriptiva y analítica. Con base en los resultados de la investigación, concluimos que la educación, la cultura legal en los deportes, el empoderamiento de los recursos humanos y la necesidad de establecer instituciones legales deportivas de manera independiente de acuerdo con los temas científicos y de investigación y la supervisión e inspección legal son las formas más importantes para prevenir los delitos deportivos.*

PALABRAS CLAVE: *Educación. Delitos. Deportes.*

Introduction

In today's world, sport is an effective educational and moral way, especially for young people, a means that is becoming more and more scientific. Politically, victory in sports fields is a useful tool to propagate and prove national credibility and because of this, large budgets and a lot of manpower are spent on the development of sports and success on the field. With the growing enthusiasm of the country's youth for learning various sports and the promising achievements they have achieved in the international and global arenas, the development of sports has transcended demand and has become a national and social demand (MIRSOLEIMANI, 2013). Sport became especially important as an important principle in development at the end of the nineteenth century. The revival of the new Olympic Games and the formation of various sports federations in the world increased the participation of the people in sports and spectators in sports. This popularity led to the creation, multiplicity, and diversification of sports organizations. Also, with the huge resources spent on sports, the sports trade has become a major industry. Given the broad tendency of different sections of society, it is necessary for law, which deals with all aspects of our lives, to have an active and wide presence in this field (RAHIMI; NASIRI, 2018). Sport as one of the effective ways of education and morality and as a social phenomenon has spread dramatically around the world and is gaining more and more scientific face, so along with it, its legal, cultural, and economic dimensions have also been highlighted. As a result, huge budgets are being spent on the development of sports and winning on the world stage but sometimes the scenes of sports competitions, sports training, and the resulting conflicts have caused injuries that occur

unintentionally or due to a decline in moral obligations and athletic error. The legislator has also considered these dangers and damages and has provided in paragraph E of Article 158 of the Penal Code. Sports operations and accidents resulting from them, provided that the cause of the accidents is not a violation of the rules related to that sport and these rules are not contrary to Islamic law, will not be criminally liable, but civil liability remains (FAIZ, 2018). Law is a science that analyzes the rules governing the relations of individuals and their evolution. The importance of this knowledge, which is a branch of social sciences on a general scale, is carefully revealed in the importance and role of its subject. The subject of knowledge of the law is the rules and regulations that human beings have in every society to maintain society, therefore, the science of law discusses something whose existence is undeniable for the survival of society and civilization (AGHAEI NIA, 2010). Sports law clarifies the duties, powers, and legal responsibilities of all those who are involved in sports activities in any way. But it should be noted that exercise is not separate from the dangers and injuries and one athlete may make a mistake on the other. The legislator has not overlooked these dangers and harms and has considered them. Therefore, as stated in paragraph e of Article 158 of the Islamic Penal Code adopted in 2013, if these actions have been carried out under the rules of that sport and those rules are not contrary to the Sharia, no crime has been committed, but according to the law, civil liability still stands (YAGHOUBI NEJAD, 2013). Many of the offenses committed by athletes, coaches, and referees concerning sports in terms of their responsibility can even be considered a crime, and often a single action can lead to criminal and civil liability. Hence, judicial authorities such as general courts, special authorities, disciplinary committees, dispute resolution boards, arbitrators, and the International Court of Arbitration for Sport have been established to deal with these crimes (AGHAEI, 2010).

Sports law is a set of rules and regulations that regulate the legal relations between athletes, coaches, managers, sports equipment industries, clubs, departments, and organizations related to each other, in addition to outlining macro sports justice policies, it includes all financial and contractual matters, crimes, sports accidents and violations, criminal and civil responsibilities, sports law formulation, analysis of international and domestic documents, and the like. However, the purpose of sports law is not limited to intimidating offenders in sports, but it is presented in a way that can include the following goals:

1. Increasing the legal awareness of the sports community in the field of sports law.
2. Use this knowledge to prevent the occurrence of sports accidents.
3. Clarifying the vital role of sport from the perspective of Iranian law.

4. Explain the duties and powers of sports managers from a legal point of view.
5. Provide a variety of legal measures that must be taken before and after the occurrence of sports accidents.
6. Informing the sports community about the legal consequences of sports violations
7. The most important result of these goals is to maintain the physical, mental, and dignity of athletes and also to protect sports management from legal responsibilities (AGHAEI NIA, 2010).

The main issue in the field of sports law is the familiarity of athletes with the applicable rules and regulations that these laws can generally be examined in three components: preventive laws, protective laws, and punitive laws. Preventive laws refer to laws and regulations imposed by a competent authority; Their purpose is to prevent or deter individuals from committing crimes or sports offenses or to prohibit certain activities or actions in the field of sports. Prohibition of betting, Article 654 of the Civil Code, prohibition of discrimination in paragraph 22, and prohibition of the use of energy substances in paragraph 28 of Article 3 of the Statute of the National Olympic Committee are among these laws (AHSANI AFROOZ, 2012). The results of Partington's (2016) study, entitled "Sports Coaching and the Law of Negligence" used applications for coaching activities indicated that; In training and coaching activities, more emphasis should be placed on developing awareness and knowledge and understanding of more trainers in the legal field. Because accidents during sports events are inevitable. Some of these accidents cause serious injury to athletes or spectators or disability and in some cases even death. Every accident has a cause, and that cause can be the basis of fault. In many cases, the cause of the accident is the negligence of coaches and teachers or sports managers in performing their duties, which can create a lot of responsibility for them in terms of sports rights. Sports coaches are responsible for educating and training athletes, and they have a variety of legal responsibilities in the field of sports, depending on their role. Physical education teachers should encourage young people to play sports during physical education classes, if a student is injured in this class, the teacher can be held responsible and the sports administrators are responsible for the execution of the stadiums and sports venues and in case of any problems during sports events or accidents in sports venues can cause liability for them. For example, if training an athlete in a dangerous environment is prohibited by law and the coach takes the cyclist to train on busy roads outside the city where heavy vehicles travel, in this case, if something happens and the cyclist crashes into a car slowly, the coach may be found guilty and responsible. In another example, the

stadium manager will be responsible if the overcrowding of the spectators in the stadium destroys part of the stadium and injures people. The fact is that athletes and spectators do not accept the dangers and injuries caused by the mistakes of stadium executives (SCALF; ROBINSON, 2002). On the other hand, Supporting laws are all laws and regulations that have been enacted by the competent authority to create appropriate conditions for the development and expansion of sports activities or to support athletes and those involved in sports which can be referred to as free physical education, paragraph 3 of the third principle of the Constitution and punitive laws are laws and regulations set by the competent authorities to punish offenders or criminals. Enforcement of these laws is after committing a criminal act or violation of sports regulations, so it is a secondary action against preventive measures. Although in sports activities, the possibility of various incidents of crime, quasi-crime, and offense is often considered, unfortunately, there are no specific rules and regulations to control these incidents and in the event of a crime or quasi-crime in various sports, the general rules of punishment and responsibility apply, however, in case of violation of technical regulations according to the relevant sport, a special punishment is considered by the disciplinary committees, and the approval and implementation of the regulations are mostly in the form of regulations and instructions (FARAHANI, 2012). Epstein (2007) in an article entitled "Principles of sports law education" examined the most important issues of sports law (such as principles, contracts, sports agencies, sports offenses, etc.) and sports law. He stated that, more extensive studies are needed in the field of sports law, and an analysis of sports laws is essential. Alazhozov (2012), in an article entitled "Resources, Responsibility for the Sports Rights of Physical Education Teachers" stated the responsibility for the negligence of physical education teachers in the four areas of supervision, facilities, and equipment, injuries caused by sports participation and education. Also, the National Association of Intra-University Sports (2014) introduced legal responsibility and risk management as part of the eight-core professional competencies of sports managers. Legal competencies include risk management - crisis management, injury liability, sports exceptions, consent, legal procedures, and insurance and plan coverage. Anu *et al.* (2018) in a study on injuries related to participation in adolescent physical activity in sports clubs, school sports, and other leisure physical activities. This study showed that; the rate of physical activity-related injuries in sports clubs is higher than in other physical activity conditions in adolescents. Because injuries in adolescence can have consequences for their future physical activity as well as future health, it is important to introduce preventive measures more widely and quickly to the sports club environment. This study also shows that the degree of injury is related to the

number and intensity of youth participation and because of the health benefits of adolescents, it is recommended to participate in daily physical activity. The results of this study support the view that more preventive measures should be taken to reduce the potential risk of injury. Considering the background and actions in this field, it can be said that knowledge of sports criminal law is growing in countries, and studies on sports law are not very numerous. Most previous research has focused on the role, responsibility, and legal awareness of athletes, managers, and organizers of sports competitions, and the development, expansion, and establishment of all aspects of sports law at the community level, organizations, and actors from a criminal perspective. There are many problems in the field of sports law. Criminal sports cases from criminal aspects: greed, contracts, illegality, inability to file objections to injustices etc., which is due to unfamiliarity with sports rights. Now, the question arises of whether there are enough ways to prevent sports crime? Has the sports system been successful in training human resources specialized in the field of sports law? Is there enough training and supervision on sports rights? Are sports law rules and regulations correctly defined? Considering that the study of the role of education in crime prevention is based on criminal policy both theoretically and practically, therefore, teaching sports law, especially the basics of criminal law and criminal offenses to the sports community (athletes, coaches, sports officials at various levels and sports fans and supporters) is very necessary and important. In this article, the researcher has tried to emphasize the importance of teaching legal principles in the prevention of criminal offenses, so that the sports community can continue to operate in complete peace.

Prevention of sports offenses and crimes

According to the case of sports crimes in paragraph c of Article 158 of the Penal Code of 2013 (YAGHOUBI NEJAD, 2013) and Article 2 of the Penal Code of 2013, the crime is: “Any behavior, whether an act or omission of an act, while the legislator in for which the law prescribes punishment”. Saleh Walid, 2010 states: It is not considered a crime if the sports operations and the accidents resulting from them are not a crime, provided that the cause of the accidents is not a violation of the rules related to that sport and these rules are not contrary to the Sharia. Considering these two legal articles and studies conducted in the field of sports crimes, violations and crimes such as doping, corruption, and violence in sports are among the common sports crimes among athletes and those involved in sports (REZAEI; ASADINEJAD, 2011). Which include: Doping, violence in sport, which includes: A)

Violence and aggression of spectators against each other and sometimes public property; B) spectator violence and aggression against athletes; C) Violence and aggression by athletes against each other, against the spectator, and the referee (SHEIKHVAND, 2011). Corruption in sports is generally done in two categories: 1- The result of competition (competitive corruption) in which case the supplier or recipient of bribes can be athletes, sports officials, referees, or non-athletes but involved in sports 2- Decisions and illegal actions of sports competition by individuals and sports officials (managerial corruption), which can be in the form of rival cities to host important sports competitions, allocation of salaries and incomes (for example, television broadcasting rights), candidacy for positions and organizational positions, and cases related to construction in sports (NAJAFI KLORI, 2012). Mr. Nia (2020) in his research concluded that in 1973, it was decided for the first time that accidents caused by sports operations are not considered a crime, provided that the cause of those accidents is not a violation of the rules related to that sport. This provision was repeated in subsequent laws with minor changes. The reason for this ruling is social expediency, damaged satisfaction, custom, and attention to the important position of sports in the excellence of morality and the emphasis of the constitution. The perpetrator is an athlete, and the act of sports is a group of actions that are performed within the framework of a sport. The main condition for having a criminal exemption is adherence to the rules related to the sport in question, the most obvious of which is the rules related to sports errors. Also, the athlete cannot abuse the permission of the law to intentionally injure others. The irresponsibility of the athlete is limited to the time of the sport and also the sport should not be against the sharia rules. Corruption can increase the dominance of capitalism in sport because, over time, the financially capable can bribe their decisions and goals. The prevalence of corruption in sports and sports organizations violates the philosophy of sports, which is a healthy and fair competition for victory and success. Despite the corruption, the reputation of sports organizations, sports, and people involved in sports is damaged, which has serious consequences. For example, when financial and administrative corruption is identified among the members of the International Olympic Committee as a major sports organization and the media all focus on this issue, Sponsors worry that the International Olympic Committee's notoriety could spread, and this is very effective in separating these sponsors from the Olympic movement and thus causing damage to the International Olympic Committee and the Olympic movement (MASON, 2006).

In general, corruption in sports is generally divided into two parts:

- 1- The result of competition (competitive corruption) in which case the supplier or recipient of bribes can be athletes, sports officials, referees, or non-athletes involved in sports.
- 2- Illegal decisions and actions of sports competition by sports individuals and officials (managerial corruption) which can be in the form of rival cities hosting important sports competitions, allocation of salaries and incomes (for example, the right to broadcast television), nomination for positions and organizational positions and cases related to construction in sports (NAJAFI KLORI, 2012).

Methodology

The present study is a review of identifying and teaching ways to prevent criminal offenses in sports, which has been done by collecting and reviewing documents and articles and meta-analysis of available resources. To find reviews of articles published in domestic and foreign journals in databases available in the country, including: Meg Iran, Seyed, Medible, as well as Google Scholar, PubMed, Science Direct, and Scopus databases, as well as papers presented in conferences and dissertations, were used. Based on the inclusion and exclusion criteria, the abstracts of the articles were studied separately by the researchers to reduce the error, then the unrelated articles were rejected and the research-related articles were identified to receive their full text and extract the data.

After the accepted articles were included in the study and the quality control was confirmed by a pre-prepared checklist, the studies were ready to extract the data. Checklist prepared for data extraction including variables: The title of the article was the location of the article and the time of the study. During the search until 01 December 2021, 95 articles were reviewed, after this stage, 70 articles, which included basic information, were fully studied. Then 47 articles were removed from the study due to unavailability and finally, 23 articles were reviewed.

Results

According to various research that have been done on sports law, the results of the research that are related to the title of research are shown in Table 1.

Table 1 - Researchers' research results

Researchers	Research	Research findings
Dizer <i>et al.</i> (2021)	Sports crimes: issues of systematic approach, criminalization, and qualifications	Thus, the allocation of a separate specific object of criminal law protection (public relations in sports) can become the starting point for a scientifically grounded intersectoral and intra-industry systematization of sports delicts, justified criminalization of acts as directions for optimizing the criminal law protection of sports.
Jafari and Sadeghi (2014)	Challenges of criminal law in the face of athlete violence in football	The results show that the distinction between the types of violence allowed and unauthorized in the sport of football and the expression of the characteristics of each specifically addresses the obstacles and problems of criminal law to deal with the types of violence of athletes in football.
Bagherinia and Saqian (2016)	The need to establish a sports law federation and its role in preventing sports crimes	The results highlighted the "need to establish a sports rights federation" as an institution to reduce sports crimes and offenses. To provide the possibility of protecting the rights of the Ministry of Sports and Youth and sports federations at the national and international levels and providing judicial support to the sports community in legal and criminal authorities.
Shabani Moghadam <i>et al.</i> (2016)	Identifying and prioritizing obstacles and strategies for the development of sports rights in Iran	In the analysis of the findings, in the barriers section, 4 dimensions (scientific-educational section, human resources section, legal and legal section, and managerial-structural section) were examined. The main ones are scientific-educational barriers, legal barriers, and manpower barriers, respectively and in the solutions section, the main strategies for the development of sports rights, respectively: The manpower solution was a scientific-educational solution and a legal solution. It should be noted that after the structural-managerial solution, it did not play any role in the audit function and as a result, did not have a significant effect on the development of sports rights. Finally, practical methods arising from the research results to remove obstacles to the institutionalization of sports law and strategies to improve it was presented.
Jalilian and The Romans (2018)	Civil liability in the sports community in Iranian case law	The number of injuries and injuries caused by sports accidents in recent years has been so high that the need for new laws and regulations tailored to the needs of this platform has become increasingly apparent. Determining the types of responsibilities, including criminal and civil in this field, the limits, and scope of these responsibilities, and the conditions for their realization and creation, require their own precise scientific and research foundations and foundations.
Aghaei (2020)	Criminal liability resulting from sports operations	Engaging in behaviors such as punching, kicking, hitting another with foreign objects and objects, and generally any bruising or even injury that is normally considered a crime, If committed during sports activities, they will lose their criminal character. The reason for this is the explicit statement of the legislator about the case. The legislator's reference to sports operations as one of the justifiable causes of crime is subject to conditions that have been almost repeated in different periods of legislation in Iran. The lack of compliance with the rules and regulations that were added to the

		relevant articles after the Islamic Revolution has caused problems in terms of legal conflict and the legitimacy of some sports. It is suggested that the Ministry of Sports and the National Olympic Committee, before issuing a permit, start activities that involve some form of self-harm or otherwise by inquiring or consulting the competent authorities.
Suri <i>et al.</i> (1400)	Develop a conceptual framework for the legal development of sports in Iran	Based on the research findings, it can be said that education, legal culture in sports, and human resource empowerment according to scientific and research topics and legal supervision and inspection are the most important factors in the development of sports law in the country.

Source: Devised by the authors

Discussion

According to the laws of the economic, social, and cultural development program of the country, governments are obliged to present a comprehensive sports plan with emphasis on a scientific nation, championship development, development of public sports, education, and professionalism. Examining the laws and regulations related to sports crimes in Iran and its application to developed countries, many problems can be expressed, the most important of which is the lack of sports law specialists in various stages of drafting legal and disciplinary laws and regulations on sports. On the other hand, studies show that the composition of the members of the disciplinary committees of sports federations is not appropriate in terms of their expertise and mastery of the standards and teachings of sports law, and what is certain is the small number of sports law specialists in this composition. Perhaps it can be said that this issue is one of the most important reasons that we are witnessing various injustices by disciplinary committees to the detriment of athletes, champions, and coaches (FOROUGHINEJAD, 2004). On the other hand, based on the findings of Suri *et al.* (1400), it can be said that education, legal culture in sports and human resource empowerment according to scientific and research topics, and legal supervision and inspection are the most important factors in the development of sports law in the country. Therefore, considering that solving the problem of crime prevention can be considered a comprehensive system of social problems analysis and despite much theoretical research has been done, however, it still seems that in many countries, including Iran, there is no written framework and basis to distinguish the effective cases in this field from the ineffective ones. This issue becomes even more apparent when, first, preventive measures and measures are changing and progressing at an indescribable rate; second, in cases where the effectiveness or ineffectiveness of a strategy is referred to sporadically, these allusions have no strong or convincing scientific basis and rely solely on experience or cross-section (SAFFARI, 2010).

Therefore, in the field of crime prevention along with criminal justice, new solutions should be sought, Because the growing position and understanding of the importance and necessity of this issue by communities, despite the improvement of conditions, equipment and facilities did not help to reduce the incidence of crime, but due to new technologies, has also led to its further increase. According to studies, sports crimes are no exception to this issue and we are witnessing an increase in crimes such as doping, corruption, violence etc. (REZAEI; ASADINEJAD, 2011). While reviewing and analyzing various sports crimes and explaining the situation in each crime, to play an effective role in preventing and controlling the occurrence of crimes and violations in the field of sports by formulating a correct and scientific plan and planning with a criminological view to reduce or eliminate crimes and implement prevention programs. According to Yazdan Panah (2019), prioritization of barriers and strategies for the development of sports law showed that in the sports delegations of West Azerbaijan province a total of seven categories of scientific and educational barriers, manpower barriers, legal barriers, managerial barriers, regulatory barriers, doping control and ethical barriers in sports were identified. Given the increasing advances in science and the increase in criminal opportunities, specialization and the selection of measures and strategies to prevent or reduce crime with the least possible time and cost seems inevitable. Therefore, it is appropriate for the Sports Law Federation to pay special attention to training analysts of criminal phenomena in sports to help reduce criminal opportunities and costs of crime by researching and investigating in this regard. In today's legal world, adjudication is an important issue that the institutions that have been formed in this direction, can be extremely effective and efficient in achieving more justice and the real chapter of hostility, as well as reducing the heavy burden of the judiciary in handling cases. The accumulation and referral of various cases to judicial authorities and courts increase the costs of society and wastes the time of individuals in society, and in front of the government and the judiciary also incurs a lot of costs.

Conclusion

According to the results, we can say: Education on sports law rights and strategies in terms of criminal law in sports activities will play an important role in reducing criminal offenses in sports, and this in turn will fill the gaps in sports law in countries. At the same time, this progress can improve the status and sports position of countries among other nations and increase their sports and legal status and ensure the presence of countries in interaction with sports between countries.

According to the studies conducted in the field of sports law and prevention of sports crimes, it is recommended that:

By creating training of legal sports solutions from the criminal aspect of sports law and focusing on creating a clean and ethical sports environment to protect sports organizations, bodies, and federations in national and international sports authorities and provided the possibility of judicial support for athletes and those involved in this field, including coaches, supervisors, and referees etc. in legal authorities, national and international penalties such as the sports arbitration court. From here, the following suggestions can be considered and followed:

- ✓ Educational support for the prevention programs of the International Commission and the National Anti-Doping Committee to reduce this problem;
- ✓ Conducting scientific research and research on the causes and factors of occurrence of crimes and sports delinquency;
- ✓ Investing and supporting research projects on the subject of criminal law in sports,
- ✓ Sports crime prevention, sports law training to reduce legal and criminal harm caused by sports activities;
- ✓ Supporting NGOs active in the field of sports criminal law.

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