
Responsibility for the Organization, Distribution and Use of Substances and Methods Prohibited for Use in Sports

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Abstract:

This article is devoted to modelling the criminal liability for the organization, distribution and use of substances and (or) methods prohibited in sports. The authors have chosen their own models of criminal responsibility, developed in the theory of criminal law in the sphere of the use of substances and methods prohibited in sports as the objects for the study.

Authors substantiated and highlighted the expediency of establishing criminal liability for the use of substances and (or) methods, prohibited in sports for different types of subjects: for a professional athlete; for a non-professional athlete; for officials; for medical personnel organizing the use of substances and (or) methods prohibited in sports; for trainers and other individuals. The article also discusses the process of distribution of drugs banned in sports, in which other individuals related to professional sports might also be involved.

As these individuals might also act as: former professional athletes who retained connections and contacts in the world of professional sports; directors and managers of sports teams; other individuals directly related to professional sports and contacts that allow the distribution of prohibited drugs and methods.

As a result of the study, the authors proposed to supplement Chapter 22 of the Criminal Code with two new articles: Art. 184.1 of the Criminal Code of the Russian Federation "Organization of the use of substances and (or) methods prohibited in sports" and art. 184.2 of the Criminal Code of the Russian Federation "Distribution of substances banned in sports".

Keywords: *Distribution, use, substances, methods prohibited in sport, criminal liability model.*

JEL Classification Codes: *K00, K33, K39.*

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1. Introduction

Recently, over 200 Russian athletes have been disqualified for using prohibited drugs and methods in sports. As a result, accusations have been made against Russia in the state support of the doping system. One of the main measures that will allow to prove Russia's commitment to "pure sport" should be the establishment of criminal responsibility for the commission of certain actions, related to the inducement, dissemination and use of substances and (or) methods prohibited for use in sport. It is necessary to define (model) the main ways of further development of domestic criminal legislation in the field of protection of competitive relations in sport for the improvement and development of criminal legislation in the research area.

2. Theoretical, Empirical, and Methodological Grounds of the Research

It seems that the most successful solution for investigating the model of criminal liability for the distribution and use of substances and (or) methods prohibited in sports will be divided into two parts. The first one is to study and evaluate existing doctrinal approaches to the development of criminal legislation in the study area. The second is to propose own models for such development. In the doctrine of Russian law, there has been a discussion for a long time about the modality of responsibility for acts in the field of doping. The following section will consider some of the most characteristic positions.

Saraev (2008a) formulates the following model of responsibility for acts related to doping:

- a) the criminalization of the consumption of doping by athletes is inappropriate and does not meet the spirit of the criminal law, since the legislator does not define criminal liability even for the consumption of narcotic drugs and psychotropic substances;
- b) the criminal inducement (compulsion) of an athlete to use doping in practice is not widespread, and therefore does not require criminalization;
- c) the criminalization of illegal acquisition, storage, transportation, manufacturing, processing without the purpose of selling doping meets the requirements of the time, but it may be difficult to determine the large and especially large scale (for example, as required by the note to Article 228 of the Criminal Code);
- d) the criminalization of illegal trafficking of doping with a purpose of sale is most relevant since the criminal inducement (compulsion) of athletes to use doping is one of the forms of marketing; the sale represents a basic form for all other types of illegal trafficking in doping; the consequence of the sale leads to an inducement (involvement) in the consumption of doping.

As a consequence, the authors propose a new article of Criminal Code 234.1; illegal trafficking of drugs (substances) prohibited in sports as doping, illegal acquisition,

storage, transportation or transfer for sale, as well as illegal sale of drugs (substances) prohibited for the use in sports as a doping. It seems that it is impossible to agree with the authors' approach to modelling criminal liability in the use of substances and methods banned in sports, primarily because the responsibility in this case is considered on the basis of the development of criminal law norms in the sphere of narcotic drugs. Previously, the attention has already been drawn to the fundamental differences of purposes for consumption of doping and drugs. As a consequence, it is not correct to model criminal liability on the basis of these norms.

At the same time, in another paper Saraev (2008b) proposed the introduction of responsibility for the doping offense (at the time of writing this article by the author, there was no such liability), and for a doping crime with distinction on the subject and the objective side of an administrative offense and a crime, namely the lack or presence of the purpose of marketing "*means (substances) and (or) methods prohibited for use in sport as doping.*" The sale will be a criminal offense, that is, a crime, and this is due to its greater degree of public danger.

Yurkina (2013) believes that the most correct and justified issue is the establishment of criminal liability for the use and inducement to use doping by an athlete. A liability for the trafficking of doping containing narcotic drugs or psychotropic substances, their analogs, as well as potent or poisonous substances, should be based on the already existing articles of the Criminal Code.

Seredkina (2016), regarding the issues of criminalization in the sphere of doping, indicates that the toughening of punishment for doping and its transfer to the criminal sphere in Russia has long been ripe and has become a vital necessity. This punishment should be directed primarily to producers and distributors of illicit drugs, that is, to the source of the offense. However, with regard to athletes can be limited to more stringent administrative responsibilities (fines, duration of disqualification). Reducing the use of doping will certainly lead to a certain decrease in the sports results of our athletes, but this is nothing compared to the reputational losses of the state, which entail cases of detection of prohibited drugs in the body of athletes after the competition and subsequent returns of awards.

Rusanov (2016), considers the possibility of criminal liability for doping highlighting several aspects. The idea of the criminal liability of athletes, according to the author, has a number of weaknesses, the most important of which is that modern professional sports are so complex that it is not possible to deliberately take drugs without consulting a specialist. The majority of Russian athletes in almost every sports are within a team, and often do not even know what medications they are taking, because this is usually decided by their team doctors. Therefore, the issue of criminal liability for athletes in isolation from the criminal liability of other persons cannot be resolved. Also, for the use of doping, the athlete is sufficiently seriously punished by the anti-doping authorities, in fact, deprived of the source of subsistence and the opportunity to engage in their professional activities. Therefore,

again it does not make sense to punish the athlete. In this regard, the criminal liability for doping directly to the athletes is excessive.

The greatest social danger is the organized systematic activity of providing doping services. Such doctors and trainers are absolutely not afraid of the prohibition on the implementation of medical or coaching activities, as they may well continue their business outside the official field of view of professional sports organizations. Hence, the measures of responsibility on the part of such organizations for them will be ineffective. Consequently, for cases of systematic provision of services (delivery of drugs, implementation of various manipulations of the athlete's organism, sale of drugs, etc.), one can raise the question of introducing criminal liability, which in this case will not be excessive.

Summarizing the positions presented in the doctrine of criminal law, regarding the models of criminal responsibility for the distribution and use of substances and (or) methods prohibited for use in sports, it is necessary to note a few main aspects:

- a) The doctrine has formed a clear position on the need to introduce the criminal liability for the violation of anti-doping rules. At the same time, most experts discuss about a "limited level" of state intervention by criminal legal means in this sphere.
- b) There is a common position that the criminal liability of athletes for taking prohibited drugs and using prohibited methods in sports is unnecessary. This is due to the fact that the athlete is thus severely punished in the context of disciplinary liability through the application of sports sanctions against him.
- c) There was a clear understanding that the greatest social danger is the actions of persons who organize and systematize the involvement of doping into the system of professional sports, for example, supply drugs, organize their systematic use, and incline athletes to use prohibited drugs and methods.

It seems that the most effective way is the modelling of further opportunities for the development of criminal legislation in the sphere of distribution and use of substances and (or) methods prohibited for use in sport, on the basis of elements and attributes of the crime. Moreover, since the attributes of the object and the subjective side of the crimes at hand do not change for all crimes in the sphere under consideration, therefore the attributes of the subject and the objective side of crimes in the sphere of distribution and use of substances and (or) methods prohibited for use in sport will be taken as a basis.

The current criminal legislation envisages a liability for inducing an athlete and use of substances and methods prohibited in sport towards the athlete. Let's consider other possible acts that can be criminalized in the area at hand in combination with certain features of the special subject of the acts in question. Criminal liability for a professional athlete for the use of substances and (or) methods that are prohibited in sports. The question of the possibility of criminal sanction towards athletes for the use of prohibited substances and methods in sports is often discussed in the

literature. Some doctrinal positions on this subject have been given above. In our opinion, we should agree with the view that criminal liability is unnecessary directly for use of doping.

An athlete convicted of using illegal drugs is disqualified for long periods; if it is a repeated case - for life. As a rule, this means the termination of a professional career, and, therefore, the actual forfeiture of the profession. In this aspect, the potential possibility of such punishment for the athlete must have a sufficient preventive force. In addition, the penalty in the form of disqualification by its nature is close to criminal punishment in the form of forfeiture of the right to engage in certain activities. At the same time, as the practice of applying this punishment shows, it is most effective in case of violation of certain professional duties (in particular, with regard to doctors and officials).

Therefore, the introduction of special criminal liability for the use of substances and (or) methods prohibited by sportsmen for use in sports will contradict several principles of criminalization in this sphere. In particular, increased social danger of the act, characteristic of the offense and the principle of the impossibility of the impact of a certain kind of socially dangerous behaviour by other, not criminal prohibitions (in this case, disciplinary responsibility). It should also be noted that in the world practice of establishing liability for violation of anti-doping rules, the athlete's responsibility is rare. It is only in the legislation of the Federal Republic of Germany, which provides criminal liability for athletes for using prohibited drugs and methods. A survey conducted among the practicing lawyers showed that 92% of them agree with the impossibility of introducing a special criminal liability for the use of substances and (or) methods prohibited for use in sports by a professional athlete (Grima *et al.*, 2017).

However, it is more difficult to question the possibility of the athlete's liability for the use of substances and methods prohibited in sports if they are used with ulterior motive. In modern professional sports this situation is quite possible. For example, prize money in some sports, such as tennis, golf, boxing can be estimated in the millions or even tens of millions of US dollars.

For instance, prize-winning American rider Lance Armstrong made more than \$10 million. Later it was found out that during all his five victories of the Tour de France he used drugs and methods which were forbidden in sports. As a result, he was disqualified. Considering such commercialization of sports, carrying out a huge number of commercial competitions, many athletes have a desire to easily achieve financial prosperity through the use of illegal drugs.

It seems that such cases should be considered as fraud in the sphere of professional sports, which corresponds to the general rule of fraud provided by Art. 159 of the Criminal Code - thief of someone else property or acquisition of the right to someone else property by fraud or abuse of trust. In this case, using a prohibited

drug or method to gain financial profit from the organizers of the competition, the athlete uses deception as a means of achieving the result. In this case, the victim of crime is the organizer of the competition. Such approach of qualifying in the case of using doping with a purpose to obtain financial or other material benefit has been supported by 65% of surveyed practising lawyers.

Criminal liability for a non-professional athlete for the use of substances and (or) methods prohibited for use in sports. The use of prohibited substances and methods in sport is common not only in professional sport but also among non-professionals. For example, various steroids are often used by people involved in bodybuilding and powerlifting. However, the use of such drugs and methods outside professional sports does not pose a threat to society. Of course, there is a potential threat of using some of them directly for the health of specific athletes. But in the current Russian legislation, an unambiguous approach has been formed, according to which harm to own health is not a criminal offense. This approach, in particular, manifests itself in the absence of criminal liability for the use of narcotic drugs and self-mutilation.

Accordingly, the criminalization of such act will not correspond to a whole series of principles of criminalization. In particular, the public danger of the act; criminally-political conformity; the principle of the inability to influence certain types of socially dangerous behaviour by other, not criminal, legal prohibitions; considering the positive and negative moments of criminalization. Thus, criminal liability for a non-professional athlete for the use of substances and (or) methods prohibited for use in sports is excluded. This approach was supported by 100% of surveyed practicing lawyers. Criminal liability for officials for organizing the use of substances and (or) methods that are prohibited in sports. In the past few years, the idea of the possibility for officials to be held responsible for organizing the use of substances and (or) methods prohibited in sports has become more frequent.

The emergence of a discussion on this topic was largely triggered by Russia's accusations of having doping at the state level under the patronage of senior sports officials. In particular, during the WADA conference in 2016 in the report of R. McLaren, it was stated about the systematic support of machinations with doping in many sports (both summer and winter) at the state level, about the substitution of samples of athletes at the Sochi Olympics with the support of special services, about direct management of the Ministry of Sports to perform illegal manipulations with samples. At the same time, a number of top Russian officials in the world of sports soon retired, which was regarded by many as an indirect confirmation of their participation in the program to support doping in Russia. Accordingly, the question arose regarding the possibility of introducing criminal liability for such persons for organizing the use of substances and (or) methods prohibited in sport.

This act is the most dangerous form of activity in the field under investigation, since in this case the use of doping is systematized and comes to a completely new level.

Involvement of individual athletes in the use of banned drugs on their own initiative flows into the widespread use of doping.

Accordingly, the presence of such structure can potentially lead to significant damage caused to competitive relations in the field of sports, as well as the reputation of the state in the international arena. However, the introduction of criminal responsibility for the act committed by sports officials, in our opinion, is redundant for two reasons:

1) The small number of the committed acts. At the moment, there is evidence of single case. As a consequence, the principle of relative prevalence of the act will not be observed.

2) In criminal law, there are already special rules on the responsibility of officials, which, according to current legislation, include state sports officials and senior officials in certain sports federations. It should be noted that a survey conducted between practicing lawyers showed that only 27% of them support the introduction of criminal liability for officials for organizing the use of substances and (or) methods prohibited in sports; 63% are against it; 10% found it difficult to answer.

Criminal liability for health care professionals for the organization of the use of substances and (or) methods that are prohibited for use in sports is in practice. Medical workers often are involved in doping scandals. In the world practice, there were cases when whole laboratories were discovered, in which systematically, in large volumes, various drugs and methods prohibited in sports were used.

For example, the investigator Guenter Junger stated that Dr. Portugalov, the doctor of the All-Russian Athletics Federation, sent e-mails to Russian athletes with recommendations on how to correctly apply doping. In a number of European countries, laboratories for the use of doping and blood transfusion for bicyclists have been previously identified. In all cases, the use of doping was of a mass nature and there were dozens of clients in such laboratories.

In 2008, the German television channel ARD (First Channel of German Television) circulated information according to which at least 30 world-class athletes from different sports, including cross-country skiing, biathlon and cycling, are suspected of using the "blood doping" they received in the Vienna blood bank Human Plasma. These facts indicate that the participation of medical workers in the organization of the use of doping by individual athletes is quite common. An increased social danger to such actions is created by the fact that doctors have special knowledge in this field, which they use to damage the protected public relations. In addition, special knowledge and skills allows them to organize the use of doping on a systematic basis to a large number of individuals. In this context, the introduction of increased criminal liability for health care professionals for the organization of the use of substances and (or) methods that are prohibited in sports, is correct.

It is worth to note that this thesis was supported by 63% of surveyed practicing lawyers. Criminal liability for coaches for organizing the use of substances and (or) methods that are prohibited for use in sports.

Another option to develop the criminal legislation in this area is the possibility of special (criminal) liability for trainers responsible for organizing the use of substances and (or) methods that are prohibited in sports. It has already drawn attention that in practice there are cases when athletes which were training with the same coach, a group of coaches or in the same training centre were held responsible for the use of prohibited substances or methods in sports. These facts indirectly indicate the presence of a systematic and organized use of drugs and methods prohibited in sports in such groups. At the same time, coaches are initially the closest to the athletes; they prepare their training plans, direct the training process, etc. As a consequence, they have the opportunity to organize the use of doping and systematize it. It seems that these factors indicate an increased public danger of acts related to the organization of the use of substances and (or) methods prohibited in sports. Therefore, in our view, the establishment of a special criminal liability for such individuals is justified. It should be noted that the need for criminal liability for coaches for organizing the use of substances and (or) methods prohibited in sports was supported by 71% of surveyed practicing lawyers. Criminal liability for other persons for organizing the use of substances and (or) methods prohibited in sports.

First of all, such liability can potentially affect bookmakers, owners, directors and managers of sports teams. It is possible to model the situation in which one of these individuals can organize the use of drugs and methods banned in sports. This is due to the fact that they are deeply involved in the sports world and have their own economic and other personal interests.

However, in practice there was not a single case of doping a large number of individuals, which was organized on the basis of the decision of bookmakers, owners, executives and managers of sports teams. Thus, the presence of the principle of relative prevalence of the act in this case should be questioned. Therefore, in our opinion, there is no need to establish criminal liability for these individuals for organizing the use of substances and (or) methods prohibited in sport in modern conditions. It should be noted that 32% of the interviewed practicing lawyers supported the need for criminal liability for organizing the use of substances and (or) methods prohibited in sports; 60% opposed it; 8% were undecided. Criminal liability for healthcare workers for the distribution of substances prohibited for use in sports.

Another variant of the acts associated with doping which is traditionally considered at criminal law theories and sometimes embodied in a foreign criminal law, is the distribution of substances and (or) techniques banned in sports. For example, 18 people were arrested in 2011 in several cities in Valencia (Spain), who were suspected of selling illicit drugs to athletes. The action was carried out as part of a special operation. The criminal group was headed by three former athletes, and the

majority of the arrested lived in Valencia. They were involved in the distribution of banned drugs to athletes of various sports. Among the detainees - three employees of medical institutions, who have supplied the doping. As a result of the searches, thousands of doses of anabolic steroids, EPO, growth hormones, Clenbuterol and other tools that athletes use to improve their athletic performance were found. Medical workers are often involved in the distribution of drugs and methods banned in sports. This is due, first of all, to their special knowledge and skills that allow not only to supply drugs, but also to give recommendations on their use. Also, medical workers involved in the distribution of illicit drugs may be connected with individual athletes or sports teams based on their performance (for example, a team doctor, physiotherapist, etc.). This position allows them to be in trust with individual athletes, giving advice. As a consequence, to systematize the spread of doping within the sports team. In this regard, the participation of such individuals in the distribution of drugs and methods banned in sports represents an increased social danger. Consequently, in our opinion, criminal liability for medical personnel for the distribution of substances and (or) methods prohibited for use in sports is necessary. To note, that 85% of surveyed practicing lawyers have supported this thesis.

Criminal liability for trainers for the distribution of substances prohibited for use in sports. In addition to health care workers the coaches are traditionally close to professional athletes. Therefore, we consider the possibility of criminal liability for trainers for the distribution of substances and (or) methods that are prohibited for use in sports. Special trust relationships that usually develop between athletes and coaches can also be used to distribute illegal drugs. At the same time, it is not always about involving new athletes; prohibited drugs can be supplied to coaches and those athletes who have previously used them.

For example, in 2014, the American Anti-Doping Agency (USADA) announced the eight-year suspension of John Drummond - ex-trainer of the sprinter Tyson Gay. He was punished for trafficking and distribution of illegal drugs. During closed hearings, Gay said that forbidden substance in 2012 was advised to him by his former coach - Olympic champion Sydney in the relay race John Drummond, with whom Gay stopped cooperating after the Games in London. Other cases of coaches' participation in the distribution of banned drugs and methods in sports were recorded. In this regard, in our view, the establishment of criminal liability for coaches for the distribution of substances and (or) methods prohibited for use in sports is justified. It should also be noted that this thesis was supported by 90% of interviewed practicing lawyers, whom supported the establishment of such responsibility. Criminal liability of other persons for the distribution of substances prohibited for use in sports. In the process of distribution of the prohibited drugs in sports, other persons who are related to professional sports may also be involved. In this case, it is the former professional athletes, who retained connections and contacts in the world of professional sports; directors and managers of sports teams; other persons directly related to professional sports and contacts that allow the distribution of prohibited drugs and methods as mentioned before. As an example,

during the investigation in relation to the former Director of the Moscow Anti-Doping Laboratory G. Rodchenkov by the Investigative Committee of the Russian Federation, it was established that Rodchenkov had illegally sold banned drugs used as doping for his benefit. It was preliminarily established that he illegally acquired these drugs in the US, and in order to sell these drugs, he promised to the clients that he would hide the fact of detecting prohibited substances in their sample.

Thus, there is not only a possibility of committing such actions, but cases of participation of other persons having direct contacts in the world of professional sports in the distribution of drugs and methods banned in sports are recorded in practice. Therefore, the criminalization of the distribution of substances banned in sports by other persons seems to us to be justified and necessary, and also to the full extent consistent with the principles of criminalization of acts related to the declination, dissemination and use of substances and (or) methods prohibited for use in sports. It should be noted that a survey of practicing lawyers showed that 74% of the respondents support the possibility of criminal liability in this case. As an interim summary of the study on the development of criminal law in the area of distribution and use of substances and (or) methods that are prohibited in sports, we note the following:

- a) Based on the signs of the objective side of the offense and the attributes of the crime subject, the following models are subjected to criminalization: organization of the use of substances and (or) methods prohibited in sports by medical personnel; organization of the use of substances and (or) methods prohibited for use in sports by coaches; distribution by medical personnel of substances and (or) methods prohibited for use in sports; the distribution by trainers of substances and (or) methods prohibited for use in sport; distribution of substances and (or) methods prohibited for use in sports by other persons involved in professional sports.
- b) The establishment of special criminal liability for the use of prohibited drugs and methods in sport directly for athletes does not comply with the principles of criminalization of acts related to the inducement, distribution and use of substances and (or) methods prohibited for use in sports. However, if a self-serving purpose is established for the use of a drug or method prohibited in sports by an athlete and is connected with obtaining commercial profits from participation in competitions, then such person must be held accountable for fraud.

3. Results

On the basis of the conducted research, we will try to simulate the criminal law norms on the responsibility for organizing the use and distribution of substances and (or) methods prohibited for use in sports. In this regard, we can formulate the following conclusions:

1. Combining into one crime the responsibility for organizing the use of substances and (or) methods that are prohibited for use in sports and their distribution is impossible. This is due to the various subjects of responsibility for the crimes in

question, and to various degrees of public danger. The organization of the use of doping is a more socially dangerous act, since it involves the creation of a whole system aimed at involving new athletes in the use of prohibited drugs and methods, as well as "servicing" of athletes who already use doping. Accordingly, such act is capable of causing much more harm to public relations protected by criminal law.

2. The considered acts, as well as other crimes related to drugs and methods banned in sports, encroach on competitive economic relations in the sphere of professional sports. Consequently, these offenses should be located in Ch. 22 of the Criminal Code. At the same time, in order not to violate the logic of the construction of legislation, these acts should be placed after the already existing Ch. 22 of the Criminal Code of the Russian Federation, the provision of liability for the violation of competitive relations in the sphere of professional sports. It is the rendering of unlawful influence on the result of an official sports competition or a spectacular commercial competition (Article 184 of the Criminal Code of the Russian Federation).

3. The organization of the use of substances and (or) methods prohibited for use in sport involves intentional activity associated with the organization of the systematic reception of substances and (or) methods prohibited in sports against one or more athletes. Actual actions related to the organization appear to be: the creation of special laboratories in which athletes use drugs and methods prohibited in sports; organization and conduct of various studies to improve the effectiveness of drugs and methods banned in sports, etc. Based on current practice, the subjects of the crime in question may be medical workers and coaches.

4. Distribution of substances prohibited for use in sports involves systematically compensated or uncompensated transfer of substances that are prohibited for use in sports to others (sale, gift, exchange, payment of a debt, giving a loan, etc.). The subject of the crime under consideration potentially can be any person who is connected with the world of professional sports and, therefore, has the opportunity to distribute illegal drugs. However, such activities, carried out by trainers and medical workers, pose a great public danger in the possibility of permanent presence alongside athletes, and enjoyment ties of confidential relations with them, such persons are able to distribute illegal drugs in sports to a much larger extent.

4. Conclusions and recommendations

Proceeding from what has been said, we propose to supplement Chapter 22 of the Criminal Code with two new articles:

a) Art. 184.1 of the Criminal Code. The organization of the use of substances and (or) methods prohibited for use in sports, i.e. intentional activity of a sports coach or medical worker associated with the organization of the systematic reception of substances and (or) methods prohibited for use in sport against one or more athletes.

b) Art. 184.2 of the Criminal Code. Distribution of substances banned for use in sports. In general, summing up the study of problems to model criminal liability for the organization, distribution and use of substances and (or) methods that are banned for use in sports, we will draw several conclusions:

1. The following patterns of conduct in the sphere of organization, distribution and use of substances and (or) methods prohibited for use in sport are subjects to criminalization: organization of the use of substances and (or) methods prohibited for use in sports by medical personnel; organization of the use of substances and (or) methods prohibited for use in sports, coaches; distribution of substances and (or) methods prohibited for use in sports by medical personnel; the distribution of substances and (or) methods prohibited for use in sport by trainers; distribution of substances and (or) methods prohibited for use in sports by other persons having a relation to professional sports.

2. The establishment of special criminal liability for the use of prohibited drugs and methods in sport directly for athletes does not correspond to the principles of criminalization of acts related to the inducement, distribution and use of substances and (or) methods prohibited for use in sport. However, if an ulterior motive is established for the use of a drug or method prohibited in sports by an athlete which is connected with obtaining commercial profits from participation in competitions, then such person must be held liable for fraud.

3. Two new crimes are proposed to supplement the current Criminal Code:

a) Art. 184.1 of the Criminal Code. The organization of the use of substances and (or) methods prohibited for use in sports, i.e. intentional activity of a sports coach or medical worker associated with the organization of the systematic use of substances and (or) methods prohibited in sports towards one or more athletes.

b) Art. 184.2 of the Criminal Code. Distribution of substances banned for use in sports.

References:

- Grima, S., Grima, A., Thalassinos, E., Seychell, S. and Spiteri, J. 2017. Theoretical Models for Sports Participation: Literature Review. *International Journal of Economics and Business Administration*, 5(3), 94-116.
- Rusanov, G. 2016. Whom to punish for doping? *Vedomosti*, Issue 11 April.
- Saraev, V. 2008a. Perspectives of legal liability for illegal trafficking in doping. *Scientific bulletin of the Omsk Academy of the Ministry of Internal Affairs*, 4, 21-24.
- Saraev, V. 2008b. On the need for criminal-legal protection of doping. *Scientific Bulletin of the Omsk Academy of the Ministry of Internal Affairs*, 4, 26-29.
- Seredkina, O. 2016. The need to introduce criminal liability for the use of doping in Russia. *Science time*, 12, 588-593.
- Yurkina, T. 2013. Criminal legal assessment of illegal trafficking in doping. *Bulletin of Omsk University. The series "The law"*, 1, 222-224.