

MATCH-FIXING IN BRAZILIAN FOOTBALL AND THE LEGAL LIABILITY BEFORE SPORTS ORGANISATION ENTITIES

Paulo Sérgio Feuz* & Ricardo Beré Ferraz de Sampaio**

ABSTRACT: On the basis of the increase in the practice of online betting on sporting events, there has been a concomitant vulgarisation of the phenomenon of match-fixing in football. With the aim of combating these acts and the harmful effects caused, state legislation and the codes and diplomas of sports governing bodies have started to make provision for this practice, seeking to act preventively and, if necessary, to remedy it. This scenario includes the recent judgements that have been handed down in sporting organisations, with the aim of protecting the integrity of competitions and sanctioning agents who seek to damage the world's most popular game.

KEYWORDS: Integrity; Match-fixing; Legal liability; Football.

Introduction

Football in Brazil, as well as being a way of life rooted in society, generating cultural, social and economic impacts, is a field that produces multiple and complex legal relationships, which are articulated to balance national passion with the competition integrity.

With the stabilization of the football industry as one of the segmented markets with the greatest economic power, there has been a growth in the number of agents who seek to obtain their own advantages through illicit activities in sport, tarnishing the sporting spectacle and hinder market development, so that football's governing authorities - and the public body - have been forced to remedy such acts.

In this limbo, and with online betting in football going viral, there have been recent cases of match-fixing, which, according to the *Fédération Internationale de Football Association* (FIFA), is characterised by the following practice:

Match manipulation can be defined as the unlawful influencing or alteration, directly or by an act or omission, of the course, result or any other aspect of a

* Coordinating Professor of the Sports Law Centre of Pontifícia Universidade Católica de São Paulo (PUC-SP); PhD, Master and Bachelor of Laws from PUC-SP; Director of the National School of Sports Law of STJD of Football; Academic Vice-President of the National Academy of Sports Law; Judge of the Full Court of the Football STJD; and Member of the Special Sports Law Commission of the Federal Council of the Brazilian Bar Association.

**Assistant Professor of Diffuse Rights and Sport at Pontifícia Universidade Católica de São Paulo (PUC-SP). Master's candidate in Sports Law at PUC-SP. Bachelor of Laws, with Honours, from PUC-SP. Assistant Judge of the Full Court of the Football STJD; Judge of the Full Court of the Handball TJD. Member of the Brazilian Sports Law Institute. Member of the Special Sports Law Commission of São Paulo Council of the Brazilian Bar Association

*football match or competition. Match manipulation can be committed for various reasons, the most common being: financial gain; sporting advantage; and other purposes.*¹

Illustrating the incidence of *match-fixing* in Brazilian football, *Sportradar*, a renowned Swiss technology services company for the sports industry, pointed out in its report "*Betting Corruption And Match-Fixing In 2022: A Review By Sportradar Integrity Services*"², published in March 2023, that Brazil was the country with the highest number of matches (in the most diverse sports) with suspicion of *match-fixing*, totalling 152 matches within the sample group.

These acts in turn produce a mistrust of Brazilian football as a management structure and a product to be consumed, affecting the long and golden history built up by the Brazilian national team, and undermining the market structures that surround the sport.

From a historical perspective, Brazil stands out as the most successful football nation on the planet. It reinvented the British sport and attracted international attention to the country, so that this activity became one of the most important elements of the country's foreign policy, mentioning the common practice of presenting foreign government leaders with the "*amarelinha*"³.

All these historical developments ended up producing, in the market synthesis, one of the most structured football industries outside the old continent. In a report by the renowned consultancy *Ernst & Young*, called "*Levantamento Financeiro dos Clubes Brasileiros - 2022*"⁴, which looked at the accounting reality of 30 clubs in Serie A and B of the Brazilian Championship, it was found that the general revenue of these clubs totalled R\$8.1 billion, showing a growth of 156% over the last decade, illustrating the recent rise that Brazilian football has achieved.

In this context, in a text published in the renowned information source *Forbes Money*, has been highlighted, in a free translation, "*five football teams with revenues greater than companies listed on B3*"⁵, establishing a comparison between the revenues of Brazilian clubs and companies listed on Brazil's main stock exchange, B3, based in the economic hub of the city of São Paulo.

Given these scenarios, it is crystal clear that *match-fixing* is a practice that is extremely damaging to the cultural environment of football, so that the public authorities and football management bodies are obliged to legally curb such acts and punish them when they are carried out.

1. THE APPLICABLE LEGISLATION

¹ Available at <https://www.fifa.com/legal/integrity/match-manipulation>. Accessed on 24/11/2023, at 22:08.

² Available at <https://sportradar.com/wp-content/uploads/2023/03/Betting-Corruption-And-Match-Fixing-In-2022.pdf>. Accessed on 24/11/2023, at 22:22.

³ The world-famous yellow shirt of the Brazilian national football team.

⁴ Available at https://www.ey.com/pt_br/media-entertainment/levantamento-financeiro-dos-clubes-brasileiros-2022. Accessed on 24/11/2023, at 23:00.

⁵ Available at <https://forbes.com.br/forbes-money/2023/08/cinco-times-de-futebol-que-faturam-mais-que-empresas-listadas-na-b3/>. Accessed on 24/11/2023, at 23:35.

Starting with the *System of Communicating Vessels in Sport*, that is the use of "various laws to achieve full supervision of sports"⁶, there is Article 217 of the Brazilian Constitution, which establishes a balancing action for the public body, since on the one hand sport is "everyone's right" and "leisure⁷ should be encouraged as a form of social promotion", and on the other hand "the autonomy of sports organisations" should be preserved, including the actions of the Sports Court.

Moving on to the infra-constitutional level, the main piece of legislation regulating match-fixing in the sports *block of constitutional norms*⁸, is Act No. 14.597 of 2023, the New General Sports Law (LGE), which repealed the Fan Statute and the conflicting provisions of Act No. 9.615 of 1998, the famous Pelé Act.

In this scenario, the LGE establishes, at first, that the Brazilian State must act jointly with the Sports Administration Entities to prevent acts of match-fixing, as set out below:

Art. 177. The aim of preventing and combating the manipulation of sports results is to rule out the possibility of intentional collusion, acts or omissions aimed at unduly altering the result or course of a sports competition, jeopardising the unpredictability of the competition or sports match and events with a view to obtaining an undue benefit for oneself or others.

Sole Paragraph. The federal public administration will establish partnerships with sports organisations that administer and regulate the practice of sport to promote mechanisms for monitoring sports competitions with a view to preventing and combating the manipulation of sports results.

Aggravating the scenario of match-fixing in Brazil, the New General Sports Law also behaves as a special criminal legislation, in compliance with article 12 of Act no. 2.848 of 1940, the Brazilian Criminal Code, by typifying match-fixing as a Formal Crime, that means, the mere attempt already characterises its consummation, as can be seen:

Art. 198. Soliciting or accepting, for oneself or for another, an advantage or promise of an advantage, whether pecuniary or non-pecuniary, for any act or omission intended to alter or distort the outcome of a sporting competition or associated event:

Penalty - imprisonment from 2 (two) to 6 (six) years and a fine.

Art. 199. Giving or promising a pecuniary or non-pecuniary advantage in order to alter or distort the result of a sporting competition or associated event:

Penalty - imprisonment from 2 (two) to 6 (six) years and a fine.

Art. 200. Cheating, by any means, or contributing to the cheating, in any way, of the result of a sporting competition or associated event:

Penalty - imprisonment from 2 (two) to 6 (six) years and a fine.

Moving on to the Brazilian sports scenery in general, there is the Brazilian Code of Sports Justice (CBJD), established by Resolution No. 29 of the National Sports Council on 10 December 2009. From a sports perspective, this act is precise in its prohibition of the practice of match-fixing for any agent linked to the sports industry, as shown below:

⁶ FEUZ, Paulo Sérgio. O IMPACTO IMEDIATO DA LEI GERAL DO ESPORTE. Boletim Revista dos Tribunais Online | vol. 42/2023 | Aug / 2023 | DTR/2023\7528 (FREE TRANSLATION).

⁷ At this point, sport was given unprecedented importance, as Article 6 of the Constitution of the Federative Republic of Brazil transferred the character of a Fundamental Social Right to the practice of sport, since this provision states that "education, health, food, work, housing, transport, leisure, security, social security, maternity and childhood protection, and assistance to the destitute, in the form of this Constitution, are social rights".

⁸ The Chief Justice Luís Roberto Barroso, President of the Federal Supreme Court, explains that "in French law, the idea of a constitutional bloc was developed, which serves to identify the existence of materially constitutional rules outside the Constitution". In BARROSO, Luís Roberto. CURSO DE DIREITO CONSTITUCIONAL CONTEMPORÂNEO. Saraiva: 2018. P. 110 (FREE TRANSLATION).

Art. 241. Giving or promising any advantage to a referee or assistant referee to influence the result of a match or equivalent.

Penalty: fine, from R\$ 100.00 (one hundred reais) to R\$ 100,000.00 (one hundred thousand reais), and elimination.

Sole Paragraph. The same penalty shall apply:

I - the intermediary;

II - the referee and the assistant referee who accept the advantage.

Art. 242. Giving or promising an undue advantage to a member of a sports organisation, a manager, a coach, an athlete, or any natural person mentioned in art. 1, § 1, VI, in order to influence the outcome of a match, competition or equivalent in any way.

Penalty: fine, from R\$ 100.00 (one hundred reais) to R\$ 100,000.00 (one hundred thousand reais), and elimination.

Sole Paragraph. The intermediary shall incur the same penalty.

Art. 243-A. Acting in a manner contrary to sporting ethics in order to influence the outcome of a match, test or equivalent.

Penalty: a fine of between R\$100.00 (one hundred reais) and R\$100,000.00 (one hundred thousand reais), and a suspension of between six and twelve matches, or equivalent, if committed by an athlete, even a substitute, coach, doctor or member of the coaching staff, or for a period of between one hundred and eighty and three hundred and sixty days, if committed by any other natural person subject to this Code; in case of a repeat offence, the penalty will be elimination.

Sole paragraph. If the procedure achieves the desired result, the judicial body may annul the match or equivalent, and the penalties will be a fine of between R\$100.00 (one hundred reais) and R\$100,000.00 (one hundred thousand reais), and suspension from twelve to twenty-four matches or equivalent, if committed by an athlete, even a substitute, coach, doctor or member of the coaching staff, or for a period of three hundred and sixty to seven hundred and twenty days, if committed by any other natural person subject to this Code; in case of a repeat offence, the penalty will be elimination.

Looking at the pyramid structure inherent to the federative model, in the private reality of football, there is FIFA as the body that governs football at international level. In relation to cases of match-fixing, the organisation's Disciplinary Code stipulates the terms below:

20. Manipulation of football matches and competitions.

1. Anyone who directly or indirectly, by an act or an omission, unlawfully influences or manipulates the course, result or any other aspect of a match and/or competition or conspires or attempts to do so by any means shall be sanctioned with a minimum five-year ban on taking part in any football-related activity as well as a fine of at least CHF 100,000. In serious cases, a longer ban period, including a potential lifetime ban on taking part in any football-related activity, shall be imposed.

2. If a player or official engages in behaviour described in paragraph 1, the club or association to which the player or official belongs may be sanctioned with the forfeiting of the match in question or may be declared ineligible to participate in a different competition, provided the integrity of the competition is protected. Additional disciplinary measures may be imposed.

3. Persons bound by this Code must cooperate fully with FIFA at all times in its efforts to combat such behaviour and shall therefore immediately and voluntarily report to the secretariat of the Disciplinary Committee any approach in connection with activities and/or information directly or indirectly related to the possible manipulation of a football match or competition as described above. Any breach of this provision shall be sanctioned with a ban of at least two years on taking part in any football related activity and a fine of at least CHF 15,000.

4. The Disciplinary Committee shall be competent to investigate and adjudicate all conduct on and off the field of play in connection with the manipulation of football matches and competitions.

At the Brazilian level, then, the sport's governing body, the Brazilian Football Federation (CBF), establishes its rejection of the practice of match-fixing in the General Competition Regulations, providing for both preventive and repressive practices, as can be seen:

Art. 65 - In order to prevent the manipulation of match results, or the occurrence of a specific fact or events during the course of a match, the following behaviours will be considered unlawful conduct by athletes, coaches, members of the coaching staff, managers and members of the refereeing team and all those who, directly or indirectly, can influence the outcome of matches:

I - betting on oneself, or allowing someone close to oneself to do so, on one's opponent or on a football match;

II - instructing, encouraging or facilitating any other person to bet on a football match they are taking part in or can influence;

III - to ensure the occurrence of a particular event during a football match in which he is taking part or can exert influence, and which can be the subject of a bet or for which he has received or will receive any reward;

IV - giving or receiving any payment or other benefit in circumstances that could reasonably bring themselves or football into disrepute;

V - sharing sensitive, privileged or inside information that could ensure an unfair advantage and lead to financial gain or its use for betting purposes;

VI - failing to immediately inform their club, the state federation or the relevant sports, police or judicial authority of any threat or suspicion of corrupt behaviour, such as when someone approaches them to ask about manipulating any aspect of a match or by promising a financial reward or favour in exchange for sensitive information.

Sole Paragraph - Clubs and Federations must help athletes, coaches, members of coach staff, managers and members of the refereeing team who report any practices or attempts to manipulate results in order, under the terms of Law No. 9.807/99, to include them in special protection programmes for victims of threats or witnesses to crimes who are coerced or exposed to serious threats as a result of collaborating with the investigation or criminal proceedings.

Having understood the civil, criminal and sports legislation on cases of match-fixing, it remains necessary to address the sports judgement body, in order to be able to reflect on possible corrections to improve the football environment.

2. THE SPORTS JUSTICE SYSTEM

Moving on to the sports judgement body, the Federal Constitution, as previously mentioned, established a special and exclusive judicial body, the *Constitutional Sports Court*, provided for in article 217, paragraphs 1 and 2. Thus, it was granted the character of a super-specialised body, as it is, according to the best *sports law doctrine*, the "*only exception to the full Right of Action, provided for in article 5, XXXV of the Magna Carta*"⁹, as demonstrated.

Art. 217: It is the duty of the State to encourage formal and non-formal sports practices, as a right for everyone, subject to the following conditions:

I - the autonomy of governing sports bodies and associations in terms of their organisation and operation;

⁹ FEUZ, Paulo Sérgio. **A NATUREZA JURÍDICA DA JUSTIÇA DESPORTIVA NO BRASIL**. Available at <https://www.stjd.org.br/noticias/a-natureza-juridica-da-justica-desportiva-no-brasil#:~:text=A%20Justi%C3%A7a%20Sports%20C%C3%A9%20regulated,casos%20de%20Competi%C3%A7%C3%A3o%20and%20Discipline>. Accessed on 25/11/2023, at 13:22 (FREE TRANSLATION).

Paragraph 1 - The Judiciary will only admit actions relating to discipline and sports competitions after the instances of sports court, regulated by law, have been exhausted.

Paragraph 2 - The sports court will have a maximum of sixty days from the initiation of proceedings to issue a final decision.

This implies that, for matters involving discipline (morality, ethics etc.) and competition (rules of the game, regulations etc.) in the sporting environment, the parties involved are constitutionally obliged to seek a solution to the dispute under the initial and exclusive supervision of the *Constitutional Sports Court*.

In accordance with constitutional provisions, Act No. 9.615 of 1998 established the way in which sports justice is organised, making it clear that it should be managed in conjunction with the administrative bodies of each sport, that is, there should be a sports court for each sport Federation, as has been shown:

Art. 50: The organisation, functioning and attributions of the Sports Court system, limited to the prosecution and judgement of disciplinary infractions and sports competitions, will be defined in the Sports Justice Code, with the leagues being able to set up their own sports judging bodies, with action restricted to their competitions.

Paragraph 4 - It is up to the sports administration bodies to fund the functioning of the sports justice bodies that work alongside them.

At this point, there is a theoretical debate about the nature of the Constitutional Sports Court, as several legal scholars believe that this body is in fact a purely administrative body. However, this work, in a divergent way, interprets that this understanding does not deserve to prosper, as the Sports Court does not judge cases related to the Right of Petition.

This is because, initially, the scope of the administrative process is to judge issues arising from direct or indirect public administration, which is not the case, since sports federation are private entities and are not subordinated to the state.

With regard to the competence of the Administrative Process, the eminent Professor Celso Antônio Bandeira de Mello says: "*These competences are attributed to the State, to its organs, and therefore to the agents invested in them, specifically so that they can fulfil certain public purposes enshrined in law; that is, so that they can fulfil the legal duty to supply interests conceived for the benefit of the community*"¹⁰.

Furthermore, the Administrative Process is regulated by a specific law, Act 9.784 of 1999, which in turn does not provide for its applicability to Brazilian sport. A practical example of this can be seen in article 22 of the afore mentioned law, which stipulates that "*the acts of the administrative process do not depend on a specific form*", unlike the instrumentality of *Constitutional Sports Justice*, which has its organisation and regulations in Act 9.615 of 1998 and the Brazilian Code of Sports Justice.

To support the above doctrinal position, another factor that makes the *Constitutional Sports Court* uncharacteristic as an administrative body is the fact that the acts of the Public Administration are always subject to control by the Judiciary, as opposed to the sports judicial system, which enjoys a jurisprudentially recognised exception to the full Right of Action:

It is true that the Constitution has treated the Sports Justice system in a way that goes beyond the simply administrative process. There is litigation in Sports Justice, provided for in the

¹⁰ MELLO, Celso Antônio Bandeira de. **CURSO DE DIREITO ADMINISTRATIVO**. 28.ed. rev. e atual. São Paulo: Malheiros Editores, 2011. P. 142 (FREE TRANSLATION).

Constitution, tempered by the Constitution itself, insofar as it only allows access to the courts when the administrative procedure has been exhausted.

[MS 25.938 DF, vote of Justice. Carlos Ayres de Britto, j. 24-4-2008, P, DJE of 11-09-2008] - (FREE TRANSLATION)

In this sense, only once the sports process has been exhausted will the parties be able to bring the procedural facts pertaining to each case to the attention of the Judiciary. It will then be up to the Judiciary to assess only the procedural assumptions analysed, such as jurisdiction, competence, and the basic principles of the country's legal system.

In observance of this, the vote of Justice Marco Aurélio Mello is supported by the Supreme Court:

Section XXXV of article 5 states that "the law shall not exclude any injury or threat to the right from the judgement of the Judiciary". (...) The 1988 Constituent Legislature itself limited the condition of having exhausted the administrative phase in order to formalise a claim before the Judiciary. It did so with regard to sport, (...) in §1 of art. 217 (...). It's worth saying that, from a constitutional point of view, free access to the judiciary is mitigated and, since the respective precept is an exception, it can only be interpreted strictly. Thus, the need to exhaust the administrative phase is tied to sport and, even so, in the case of a dispute involving discipline and competitions, the so-called Sports Court must act within a maximum period of sixty days, counting from the formalisation of the process, and then issue a final decision - § 2 of art. 217 of the Federal Constitution.

[ADI 2.139 MC and ADI 2.160 MC, vote of the rapporteur My. Marco Aurélio, j. 13-5-2009, P, DJE of 23-10-2009] - (FREE TRANSLATION)

Having understood the nature of the body responsible for judging cases of match-fixing, it is necessary to take a closer look at the structure of *constitutional sports justice*.

Due to the federative nature of the Brazilian state organisation, that is, with the Federation exercising the centralising character of the country's public administration and the States, Municipalities and Federal District exercising complementary regional functions, Sports Justice is organised in different jurisdictions.

As previously stated, because the Sports Court is linked to the Sports Administration Entity, the Federal instance, that is the one with national scope, will be linked to the National Federation of the sport. In the case of football, for example, the Football Superior Court of Sports Justice (STJD) is linked to the organisational structure of the Brazilian Football Federation. At sub-regional level, each state federation will have its own Sports Justice Court (TJD), as seen, for example, in the case of the Football Court of Sports Justice organised by the São Paulo Football Federation.

Finally, it should be mentioned that each of the *Constitutional Sports Court* – both Federal and State – is legally obliged to have two judging bodies, the first of which is the Disciplinary Committee, and the appeal body is the Full Court.

3.RECENT MATCH-FIXING PROCEDURES

Finally, it remains to be seen what impact the cases of match-fixing have had on the sports judicial environment. As of the writing of this article, the Superior Court of Sports Justice for Football has judged four cases involving the matter, dealt with in Procedures No. 134 of 2023, No. 143 of 2023, No. 164 of 2023 and No. 260 of 2023.

In the pioneering judgement of Procedure No. 134 of 2023, reported by the author of this article, Judge Paulo Sérgio Feuz, it was decided, in a free translation: "*By unanimous vote, the*

appeals were heard, but on the merits, the appeal by the Prosecutor's Office was upheld, maintaining the elimination applied to athlete Marcos Vinicius Alves Barreira and increasing the fine to R\$80.000,00 (eighty thousand reais), for infraction of Art. 242 of the CBJD; By majority vote, uphold the suspension of 720 (seven hundred and twenty) days applied to athlete Gabriel Domingos de Moura and increase the fine to R\$80.000.00 (eighty thousand reais), with the dissent of Judge Felipe Bevilacqua, Judge Luiz Felipe Bulus and Judge Jorge Ivo Amaral, who understood that the offence was committed in the attempted of Art. 157, §1º and applied a suspension of 360 (three hundred and sixty) days with a fine of R\$50.000,00 (fifty thousand reais) and Judge Mauro Marcelo who downgraded the offence to Art. 243-A, applying a suspension of 12 (twelve) matches and maintaining the fine of R\$80,000.00 (eighty thousand reais)".

In Procedure No. 143 of 2023, reported by the eminent Judge Luiz Felipe Bulus, eight athletes were judged, of whom only one was acquitted.

In the Judgement of Procedure No. 164 of 2023, reported by the noble Judge Maurício Neves Fonseca, it was decided, in a free translation: "*By unanimous vote, the appeals were heard, and on the merits they were partially granted, to reduce the suspension applied to the athletes Mateus da Silva Duarte and Paulo Sergio Marques Correa to 600 (six hundred) days each, plus a fine of R\$ 50.000,00 (fifty thousand reais), both for infraction of art. 243 of the CBJD; to impose on athlete André Luiz Guimarães a suspension of 600 (six hundred) days, plus a fine of R\$ 50.000,00 (fifty thousand reais), for an infraction of art. 243 of the CBJD; to uphold, by a majority, the penalty imposed on athlete Ygor de Oliveira Ferrera of elimination and a fine of R\$ 70,000.00 (seventy thousand reais), for an infraction of art. 242 § sole of the CBJD, with Judge Luiz Felipe Bulus and Judge Jorge Ivo Amaral differing as to the amount of the fine, and Judge Sergio Martinez fining him R\$50,000.00*".

In the most recent trial, referring to the landmark Procedure no. 260 of 2023, the largest judgement on the matter to date, eleven players were tried under the supervision of the author of this article, Judge Paulo Sérgio Feuz. Of those judged, three were acquitted and one of the eight sanctioned was banned from football.

The aforementioned judgements have shown some procedural indications of the highest court in Brazilian football. Regarding the statute of limitations for punitive claims, although this issue has not been settled at the time of writing, two doctrinal lines are preferentially applicable.

At first, some Judges expressed a preference for observing the thematic provisions of the CBJD, which emphasises that the punitive claim for acts in general in Sports Justice, that is, when there is no other provision to the contrary, will be 60 days, "*from the day on which the fact became known to the Prosecutor's Office, in cases where the offence, by its nature, can only be known at a later time than those mentioned in the previous paragraphs, such as in cases of falsehood*", as stated in art. 165-A, paragraph 6, section D.

As the practice of manipulating results culminates in the application of the aforementioned rule, because it "*can only be known at a later date*", the understanding is that the limitation period will run from the moment the Court Prosecutor's Office becomes aware of it.

On the other hand, applying a systemic view to the football environment, these authors believe that it should be applied in the light of the principle of the specificity of the rule and the pyramid structure of football, considering the specific statute of limitations laid down in the

FIFA Disciplinary Code, which, in relation to cases of match-fixing, is clear that the time limit for processing any offences under this heading expires in 10 years, as shown below:

10.1 Infringements may no longer be prosecuted in accordance with the following periods:

b) ten years for anti-doping rule violations (as defined in the FIFA Anti-Doping Regulations), infringements relating to international transfers involving minors, and match manipulation.

In this sense, as a way of maintaining the systemic structure of football and investigating the serious cases in this area, for the purposes of this work, in the case of match-fixing cases, the international provision of the highest football authority should be prioritised, that is the 10-year statute of limitations for punitive claims, to the detriment of the general rules of the CBJD.

Still seeking a systemic application of the penalty, but this time in a pacified manner, the Superior Court of Sports Justice for Football opted to make requests for an international extension of the decision, sending the understanding handed down by the Court to FIFA's disciplinary body, which, agreeing with the judgement, has the liberality to extend the jurisdiction of the decision to the entire Football Pyramid System around the globe.

On this subject, article 70.1 of the FIFA Disciplinary Code allows for the extension of the effects of sentences to be enforced at international level, as shown below:

70. Extending sanctions to have worldwide effect

(1) If the infringement is serious, in particular but not limited to discrimination, manipulation of football matches and competitions, misconduct against match officials, or forgery and falsification, as well as sexual abuse or harassment, the associations, confederations, and other organising sports bodies shall request that the Disciplinary Committee extend the sanctions they have imposed so as to have worldwide effect (worldwide extension).

Regarding the applicability of this issue, it is worth mentioning that FIFA, on September 2023, confirmed the worldwide extension of the sanctions imposed by the STJD in a similar trial, as highlighted by football's highest authority: "*As a result of the sound and exemplary cooperation with the CBF and in line with article 70 of the FIFA Disciplinary Code, the chairman of the FIFA Disciplinary Committee has decided to extend all of the above-mentioned sanctions to have worldwide effect*"¹¹.

In observance of the aforementioned provisions, the primary general guidelines for dealing with cases involving match-fixing in Brazil stand out, and it is certain that it is the responsibility of the management bodies, as guardians of the game, to vigorously combat the latest plague that threatens the purity of the sport. Only in this way will it be possible to preserve the brilliance and magic that make football a universal passion.

CONCLUSION

It is certain and categorical that any act that seeks to jeopardise the uncertainty of the sporting result, that is in terms of the number of goals, fouls, cards and other events within the match, is repulsive and appalling, because, if not remedied, it corrupts an entire structured system, which is all the more alarming when the environments in question are the main national competitions in the "*País do Futebol*"¹².

In this context, it is imperative to point out that the misfortunes inherent in the experience of sport are not to be confused with the acts discussed here. Along similar lines, it is imperative to

¹¹ Available at <https://www.fifa.com/legal/media-releases/fifa-extends-sanctions-imposed-by-brazilian-fa-due-to-match-manipulation>. Accessed on 26/11/2023, at 14:35.

¹² In free translation, "Land of Football", this expression is used to describe the sport as a revolutionised practice in Brazil, so that, on an international level, football is cognitively related to Brazilian culture.

point out that the Superior Court of Justice, in Special Appeal No. 1.664.186 - SP, related to the "máfia do apito"¹³, pointed out that human errors in sport are not to be confused with malicious and illicit practices, in a free translation:

6. Combined, fraudulent arbitration, aimed at favouring high rollers, is nothing like unintentional arbitration error; and this Superior Court has already ruled out the occurrence of moral damage in the latter case.

In this way, the imputation of sports liability to sports agents who use bad faith to achieve results that are different from the natural ones is a necessary measure to contain the possible growth of these acts derived from the greed to unduly gain an advantage in sports betting.

In this sense, the STJD's actions have been agile and stem from the need for a rapid response through a process that fulfils two important principles: Due Process of Law and Reasonable Duration of Proceedings.

In the cases presented to the *Constitutional Sports Court of Football*, in less than ninety days four judgements were made and twenty-three athletes were sanctioned, four of whom were eliminated from football, that is prevented from performing any work activity linked to sport, and the others were suspended for significant periods, such as up to seven hundred and twenty days away from the profession.

In addition, those athletes whose causal link was not proven were acquitted, demonstrating the symmetry of the court's actions with the legal diplomas and the fundamental guarantees of the country.

Another important highlight was the pursuit of the aforementioned full effectiveness of the decision, with the determination that the CBF should apply to FIFA for an international extension of the penalty, that is, sports liability with worldwide effects.

On this issue, FIFA's governing body has shown that it is in line with the STJD's decisions, having already extended the penalties imposed on eleven sanctioned players internationally, as shown below:

*FIFA has confirmed the worldwide extension of sanctions imposed on 11 players by the Brazilian Football Association (CBF) relating to incidents of match manipulation that took place in Brazilian football.*¹⁴

Therefore, considering the facts revealed here, it can be concluded that the manipulation of results today is an unforeseen *side effect* of the growing increase in the practice of sports betting, indirectly affecting Brazilian football.

As such, punishing the agents is a necessary measure to safeguard the integrity of competitions and, consequently, to protect economic activity, the rights of the workers involved, the leisure of consumers and, above all, the full protection of the National Passion!

¹³ The "Máfia do Apito" was the name given to the main match-fixing scheme in the history of Brazilian football, in which a group had negotiated with referee Edílson Pereira de Carvalho (at the time a member of the FIFA referee board) to guarantee results they had bet on. The case had repercussions at the judicial level, reaching the sporting, civil and criminal jurisdictions, and led to the banning of some referees and the cancellation of eleven matches in 2005.

¹⁴ Available at <https://www.fifa.com/legal/media-releases/fifa-extends-sanctions-imposed-by-brazilian-fa-due-to-match-manipulation>. Accessed on 26/11/2023, at 15:35.

BIBLIOGRAPHY

Constitution of the Federative Republic of Brazil.

Act No. 14.597 of 2023 (New General Sports Law).

Brazilian Code of Sports Justice - CBJD (CNE Resolution No. 29 of 2009).

FIFA Disciplinary Code.

CBF General Competition Regulations.

MS 25.938 DF, vote of Justice. Carlos Ayres de Britto, j. 24-4-2008, P, DJE of 11-09-2008.

ADI 2.139 MC and ADI 2.160 MC, vote of the rapporteur My. Marco Aurélio, j. 13-5-2009, P, DJE of 23-10-2009

STJD Football Procedure No. 134/2023.

STJD Football Procedure No. 143/2023.

STJD Football Procedure No. 164/2023.

STJD Football Procedure No. 260/2023.

BARROSO, Luís Roberto. **CURSO DE DIREITO CONSTITUCIONAL CONTEMPORÂNEO**. São Paulo: Saraiva, 2018. P. 110.

MELLO, Celso Antônio Bandeira de. **CURSO DE DIREITO ADMINISTRATIVO**. 28.ed. rev. e atual. São Paulo: Malheiros Editores, 2011. P. 142.

FEUZ, Paulo Sérgio. **O IMPACTO IMEDIATO DA LEI GERAL DO ESPORTE**. Boletim Revista dos Tribunais Online | vol. 42/2023 | Ago / 2023 | DTR\2023\7528

FEUZ, Paulo Sérgio. **A NATUREZA JURÍDICA DA JUSTIÇA DESPORTIVA NO BRASIL**. Disponível em <https://www.stjd.org.br/noticias/a-natureza-juridica-da-justica-desportiva-no-brasil>. Acessado em 25/11/2023, às 13:22.

BETTING CORRUPTION AND MATCH-FIXING IN 2022: A REVIEW BY SPORTRADAR INTEGRITY SERVICES. Disponível em <https://sportradar.com/wp-content/uploads/2023/03/Betting-Corruption-And-Match-Fixing-In-2022.pdf>. Acessado em 24/11/2023, às 22:22.

LEVANTAMENTO FINANCEIRO DOS CLUBES BRASILEIROS 2022. Disponível em https://www.ey.com/pt_br/media-entertainment/levantamento-financeiro-dos-clubes-brasileiros-2022. Acessado em 24/11/2023, às 23:00.

Available at <https://www.fifa.com/legal/integrity/match-manipulation>. Accessed on 24/11/2023, at 22:08.

Available at <https://www.fifa.com/legal/media-releases/fifa-extends-sanctions-imposed-by-brazilian-fa-due-to-match-manipulation>. Accessed on 26/11/2023, at 15:35.

Available at <https://forbes.com.br/forbes-money/2023/08/cinco-times-de-futebol-que-faturam-mais-que-empresas-listadas-na-b3/>. Accessed on 24/11/2023, at 23:35.