

Examination of the Legal-Moral Exigencies of Sports in Developing Nations and Minors

Mr. Oluwagbenga Atere¹

Abstract

Sports betting has become a viable industry all over the world and in more recent times on the African continent creating jobs and economic opportunities for people and government. However, the secondary effect of sports betting or gambling is crime fuelled by addiction to sports betting. The author points out the dilemma of government in turning a blind eye to the criminality fuelled by the addiction to sports betting and economic opportunities for its citizenry which then necessitates terminologies such as legal gambling. This also creates an environment for the lack of protection of children who could be criminally and civilly exploited by the sports betting industry with no apparent legal consequences especially in developing nations. More, importantly the author tries to create the imagery of other bi-products of sports betting such as Match fixing as a class crime action requiring a special legislative and legal attention to effectively curtail the menace for the good of competitive sports in the world.

Keywords: Sports; Gambling, Legal consequences; Government

Legality Or Morality Of Gambling Or Sports Betting

The economic viability of the gambling and sport betting world necessitated the activities of government in curbing the overwhelming influence of the underworld in the erstwhile illegal gambling or betting industry by enacting laws to ensure that gambling is legal within some legal parameters. This was the ideology of the judges in the Indian case of **KISHAN CHANDER V STATE OF MADHYA PRADESH**² where the Court observed that;

“considering the fact that gambling is evil and rampant, that gaming houses flourish as profitable businesses and that detection of gambling is extremely difficult, the law to root out gambling cannot but be in public interest. Such a law must of necessity must provide a special procedure but so long as it is not arbitrary and contains adequate safeguards it cannot be successfully assailed”.

In other words, the need to legalise sports betting is inevitable since irrespective of law the industry subsists primarily in the hands of criminals which makes such activities undetectable which may potentially endanger society if the government do not create a legal environment for this somewhat illegal activity to becoming legal.

¹ lecturer Ajayi Crowther University, Oyo, Nigeria

² kishan chander v state of madhya pradesh AIR 1965 SC 307.

The Morality Argument

More so, there are scholarly views on the legality on the operation of activities such as gambling and sports betting because of the morality argument that such activities negatively affects the moral fabric of society in general. In the Indian case of **GURU PRASAD BISWAS V STATE OF WEST BENGAL & ORS**³ where the Courts held that the legality of gambling affects the morality of the life of every individual and therefore is a breach of their right to life. Also in the Indian case of **STATE OF Bombay v. RMD Chamarbaugwala**⁴ the court held on the negative impact of gambling that; “which encourages a spirit of recklessness propensity of making easy gain by luck or chance, which leads to the loss of the hard –earned money of the undiscerning and improvident common man and thereby lowers his standard of living and drives him into a chronic state of indebtedness and eventually disrupts the peace and happiness of his humble home”. Although there needs to be some form of caution as to the use of the word morality since the word when duly considered may mean deviation from societal agreed personal conduct and norms of a society or acts that are repugnant to good conscience which are determined by the level of civilisation, time of a particular society making the morality argument fluid.⁵

The morality argument is the major factor that restricted government prior to this time from quickly legalising the industry because of its somewhat criminal elements, its contravention of the principle of earning wages from actual work but from stroke of luck and its addictive nature on persons that participate in such activities.

However, because of the flexible nature of morality which is susceptible to time, civilisation, and culture imports and economic necessities then the morality argument may need to take a back seat and allow governments especially in developing nations legalise gambling or sports betting and earn substantial revenue from the industry through the taxation of its participants.

Nevertheless, there is a criminal element that closely knitted with the activity of gambling which makes it difficult for all jurisdictions to make all gambling especially around the sports betting legal and it is because of its addictive nature.

Scientists have stated that gambling especially amongst pathological gamblers has an addiction rate of 2-5% which also includes normal persons who start out as normal persons. The addictive nature then acts as a catalyst for other crimes just to keep up with the incessant funding requirements of sports betting so the addiction then helps breed crimes such as petty crime, theft, embezzlement etc.⁶

The Operation of Sports Betting in Developing Nations

Despite the foregoing, on continents such as Africa, the motivation or drive to participate in sports betting is a little less than addiction but rather economic empowerment usually due to lack of alternate economic opportunities. More so,

³ Guru Prasad Biswas v state of west Bengal & ors (1998) 2 Cal LT 215.

⁴ State of Bombay v. rmd chamarbaugwala AIR 1957 SC 699.

⁵ Gherulal Parakh v. Mahadeodas Maiya & Ors. AIR 1959 SC 781.

⁶ Ibid.

Africans have always been big fans of gambling in sports but it was later in the 20th century that these opportunities started to manifest in Africa in specifically South Africa where the country allowed for sports betting especially in horse racing and football.⁷

Football betting has grown in leaps and bounds especially on the most developed economies in Africa due to the following of the sports in Africa. Infact as at 2018 the cumulative bets placed on football related events in Nigeria, Kenya and South Africa has reached \$40 billion and that the sports betting industry in South Africa will attain \$460 million dollars at the end of 2019 and these financial figures reached on the continent based on sports betting was reached because for instance 60 million Nigerians between the age of 18 and 40 are involved in one form of sports betting or the other with an average of \$15 dollars spent daily on their wagering⁸.

The reason why the numbers of participants in African countries is so high is because of the possible and unrealistic return on investment which is not reasonably foreseeable to be provided by their National government for instance there are three Nigerians who became instant millionaires just by participating in sports betting and they are Godwin Igala who won the sum of N58.5 million naira in 2015 by investing N800 naira in English premier league games.⁹

Also, Melvin Chike Ekpe won the sum of N27.3 million naira in 2016 from investing just a paltry sum of N100 hundred naira which is less than a dollar and the thirty year old confessed to have participating in the bet for three years hoping for a good outcome and also in the same year an anonymous person whose name was withheld won the jackpot of N37, 000,000 by placing a bet of N500.

Therefore, the foregoing shows that sports betting is highly lucrative and since the Continent of Africa is deprived of diversified economies the Youths which make large chunk of persons on the continent have decided to turn their passion for sports into money since there are no other viable economic opportunities so they are conditioned to bet in sports consistently which then means that in Africa the problem of addiction to gambling may not be the reason for the associated crimes related crime but rather the nonexistence of other economic opportunities which may then transform or metamorphose into gambling addiction.

The Illegality or Otherwise of Gambling or Sports Betting

There is a moral consensus in the society that despite the economic viability of sports betting there needs to be regulation, first because of the link of gambling to crime historically because of its link to the mob, money laundering, and other gangsters and an avenue to clean money that has other wise was obtained illegally.

⁷ Complete Sports ``Sports betting in Africa'' January 2019 <https://www.completesports.com/sports-betting-in-africa-an-industry-at-growth/>.

⁸ Ibid.

⁹ Moses Eze ``Three of Nigeria's biggest Online betingwinnes of all time'' African betting guide 1/8/2018 <https://africanbettingguide.com/news/three-of-nigerias-biggest-online-betting-winners/> last accessed on 22/4/2018

Also, another reason why gambling or sports betting is tainted with crime is because of its addictive nature and just like other addictions people who are addicted will go to any length to sustain their addiction including participating in crime which is why sports betting and gambling are closely knitted with crime and because national governments are interested in the financial benefits in terms of taxation that sports betting companies presents, it will rather regulate the gambling process rather than ban it totally despite its addictive or criminal tendencies for instance the United Kingdom has the Gambling legislation which sets out objectives that;

“(i) preventing gambling from being a source of crime or disorder being associated with crime or disorder being used to support crime.

(ii) ensuring that gambling is conducted in a fair an open manner.

(iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.¹⁰

Furthermore ,with the advent of online gambling such as sports betting all online hosts of betting sites were mandated to register with the gambling commission for the effective payment of taxes and regulation and also to regulate sports betting companies out of jurisdiction to protect its citizens so any sports betting company operating outside the gambling commission in the united kingdom is perpetuating illegal gambling.

Nevertheless, the foregoing suggests that gambling done with a license of the gambling commission is legal and in compliance with Act but an apparent problem is the protection of children and vulnerable persons.

Gambling and The Protection of Young Persons

The United kingdom legislation provides that;

A person commits an offence if he invites ,causes,permits a young person to gamble¹¹

Except in situations where

(i) participating in private non-commercial gaming

(ii) Participating in private non-commercial betting

(iii) Participating in lottery

(iv) Participating in football pools¹²

The Act then provides that anyone who sends a child or young person a document that advertises gambling or brings the attention of a child or young person information with a view to encouraging a child to gamble is also criminally liable for a criminal offence.¹³

However,if the foregoing united kingdom provision is compared to that south Africa which states that ;

“A minor must not

(a) enter a designated area within any licensed premises

¹⁰ United Kingdom Gambling Act 2005.

¹¹ Section 46(1) of the Uk Gambling Act 2005.

¹² Section 46(2) of the UK Gambling Act 2005.

¹³ Section 4(3) of the UK Gambling Act 2005.

- (b) Operate a gambling machine or a gambling device
- (c) conduct or make available a gambling opportunity
- (d) engage in social gambling or gambling activity other than an amusement game.”

14

There is an apparent distinction of ideology in the participation of child or young persons in sports betting since the United Kingdom provision although restricts child gambling or betting to a reasonable extent but is flexible enough to allow some level of betting for children the South African law is absolutely restrictive on child gambling or sport betting.

The United Kingdom gambling Act as mentioned above suggests that children can participate in sports betting but this is devoid of the principle of the capacity to contract of children and which is that such persons cannot participate in form of contractual obligations without the aid of a legal guardian failure of which could render the contract void.¹⁵

Sports betting is a contractual obligation because it parades all the important ingredients of a valid contract and so the fact that children are allowed to bet in sports without the supervision of a guardian makes a child susceptible to exploitation by licensed and unlicensed gaming or sport betting companies.

The supervision of children and young persons are even more important because some sport betting companies or pools companies utilise the exemption clause or the honours clause to exclude and consciously prevent the enforcement of such sports betting contracts in courts. In the Nigerian case of **Amadi v Pool House Group & Nigerian Pools**¹⁶ where it was held that the Pools or betting company was under no liability to the claimant regardless of the money won by the claimant since in the pools agreement there was the exclusion of litigation from enforcement of such a claim.

Also in the Nigerian case of **Atu V Face to face pools ltd**¹⁷ where the coupon purchased by the claimant read that “any coupon and any agreement or transaction entered into or payment made by or under it, shall not be attended by or give rise to any legal relationship, rights, duties, consequences, whatever or be legally enforceable or the subject of litigation but shall be binding on honour only” and Justice Oputa held that parties by accepting such transaction did not intend to create legal relations and that transaction was binding in honour only and that there was no intention to create legal interest, rights, obligations to be enforced by law.

The foregoing legal authorities present situations where a child or young persons may be susceptible to exploitation in contractual or commercial agreements such as sports betting which then justifies the South African ideology on the absolute curtailment of child or young persons from sports betting and to continue to permit children and young person’s to participate in sports betting may be a breach of the protection guaranteed children in local and international law.

¹⁴ Section 12 of the South African National Gambling Act 2004.

¹⁵ Re Jones (1881) 18 Ch D 109.

¹⁶ Amadi v Pool House Group & Nigerian Pools 1966 ANLR 532.

¹⁷ Atu v Face to Face Pools Ltd 1974 4 U.I.L.R 131.

A clear example of such breach in international law especially on the continent of Africa is typified by the provision which states that ;

“Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical, mental, social, development.”¹⁸

The foregoing provision is an antithesis to the economic exploitation of children and encourages that state- parties on the continent to create mechanisms to curtail such activities. It is obvious that the possible exploitation of children and young persons is inevitable in sports betting since children can engage unlicensed sports betting companies or even when licensed betting companies are engaged exploitative terms such as the honours clause may be inserted which a child may not be conversant with and may result in the economic exploitation of that child.

However, it is also posited that sports betting may be also incidental to some rights attributed to children under international law such as the child’s right to leisure, recreational and cultural activities.

The African charter provides that ;

“State parties shall recognise the right of a child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to freely participate in cultural life and arts”¹⁹

Scholars have canvassed the argument that sports betting or gambling is a recreational activity. Activities such as betting on football cups or basketball matches or poker nights are all activities that elucidate fun for persons that partake in them.²⁰

This therefore means that it could be argued that sports betting and gambling by children may be protected by the right to leisure and recreational activity but it is opined that if such recreational activity is to the economic detriment of a child then the foregoing provision should lose its effect.

The Nigerian Child Gambling Experience

Also, it is important to note that unlike the jurisdiction of the United Kingdom which does not criminalize gambling but criminalizes illegal gambling the Nigerian jurisdiction has gone ahead to criminalize gambling with some noticeable exceptions for instance the Criminal Code Act in Nigeria provides that;

Any person who keeps a common gaming house is guilty of a misdemeanour and is liable to a fine of a N1,000 or a term of imprisonment of two years or both”²¹except from games of chahcha, cowries, and any other games of chances of which are not alike favourable to all the players including the banker or other persons by whom the game is managed or against whom the game is managed or against whom the players stake play or bet.²²

¹⁸ Article 15(1) of the African charter on the rights and welfare of the child 1979.

¹⁹ Article 12(1) of the African Charter on the rights and welfare of the child 1979.

²⁰ <https://www.wvrtc.org/gambling-as-a-recreational-activity-weekend-punter-fun/>

²¹ Section 236 of the Criminal code Act.

²² Section 237 of the criminal code Act.

Also, the Criminal Code Act in Nigeria also states that

“any person who being the owner or occupier of any house, room or place knowingly, and wilfully permits it to be opened kept or used as a common house by another person or which has the use of management or assists in conducting the business of a common betting house is guilty of misdemeanour and is liable to imprisonment for one year or a thousand naira provided always that nothing herein contained shall make illegal the use of total sator by a race club recognised by government at a race meeting with the approval of a superintendent of police in charge of that area”²³ Also the Gaming Machines prohibition Act makes it a crime to own a gambling machine in Nigeria with up to a year imprisonment in Nigeria.²⁴

The Nigerian jurisdiction criminalizes gambling outrightly with some exceptions which includes those that run gambling houses with the permission of government which does not expressly include online betting sites which are very common in Nigeria but can be said to also cover them since they run with licenses from government for instance Bet9ja is licensed by the Lagos state lotteries board which makes a lot of sense since lottery is an exception to the crime of gambling Nigeria.

The lottery system in Nigeria for instance has been able to accommodate online sports betting with an established regulator both at state and federal levels allowing gambling or sports betting as long as they are registered with the government which is the same ideology with that of the United Kingdom which is that legal gambling is permissible by registration with government but illegal gambling is criminalized.

Nevertheless gambling still outrightly criminalizes the concept of gambling which proves that the Nigerian jurisdiction still opines that gambling is still closely knitted with crime based on its addictive nature which motivates persons to commit crime to sustain the participation in gambling. It seems that the online sports betting companies were clever to register under the lotteries commission to avoid the illegal burden placed on it by the criminal code Act but it is however sketchy or debatable to prove whether sports betting is a variant of lottery strictly speaking.

However, the criminal code and the lottery commission law of Lagos state in Nigeria are silent on the protection of children and vulnerable persons which is quite unfortunate because of the rate of children participate in online sports with the aid of online sporting agents at betting house.

The figures show that sport betting is growing at an alarming rate infact the British Broadcasting corporation states that the gambling commission in the United Kingdom that about 450,000 children aged between 11 and 16 bet than those who take hard drugs, alcohol or smoked and that in the year 2018 39% of 11–16-year-olds spent their money on gambling spending averagely 16 pounds and that 6% of these children gambled online using their parents’ account.²⁵

²³ Section 239(2) of the criminal code act.

²⁴Online betting .com “Gambling laws in Nigeria” 2020 <https://www.onlinebetting.com/legal/nigeria/> last accessed on 23/4/2020.

²⁵ BBC, “Number of Child gamblers Quadruples in the past two years” 21 November 2018 <https://www.bbc.com/news/business-46286945> last viewed on 23/4/2020.

The foregoing shows that there is an increasing number of child gamblers which includes sports betting therefore its dangerous for the Nigerian state not to prohibit child sports betting in Africa except with the aid of a guardian .Just like how it is highly prohibited for adults to sell alcohol to kids .The wilful condonation of kids participation in sports betting be criminalised to prevent children from become addicted to gambling which leads to gambling disorder which then motivates crime in them.

Class Criminal Conspiracies in Sports Betting

There is apparently a growing concern amongst sports regulators and sports enthusiasts especially in the area of sports betting. Sports betting is usually very unpredictable in its outcomes and so some criminal elements which are usually associated with gambling devise means to achieve some level of predictability in the sporting event for their economic benefit.

In Europe the Malcolm convention encompasses the prevention intention of match fixing by defining match fixing as a manipulation of sports competition which invariably means an intentional agreement, act or omission aimed at an improper alteration of the result or the course of a sport competition in order to remove all or parts of the unpredictable nature of the aforementioned sport competition with a view to obtaining undue advantage for oneself and for others.²⁶

The crime syndicates usually perpetuate crimes to alter the outcome of a specific game which is referred to as match fixing which is usually embedded in crimes such as bribery and corruption, money laundering which then requires a law enforcement and legal sanctioning measures this growing trend which necessitates national and international legislation to forestall such activities.

Attempts have been made by regulatory bodies to curtail activities of conspirators whether players, sports officials and criminal elements in the public from match fixing to ensure an expected financial advantaged end for themselves. The football association in England in its rules provides that;

``A participant shall not bet directly or indirectly or instruct or permit, cause or enable any person to bet on

- (i) The result, progress, conduct, or any other aspect of or occurrence in or in connection with a football match or competition or
- (ii) Any other matter concerning or related to football anywhere in the world including for example and without limitation, the transfer of players, employment of managers, team selection and disciplinary matters''²⁷

Also in the case of **International Cricket Council (ICC) v Salman Butt, Mohammed Asif and Mohammed Amir** ²⁸where a match fixing scandal involving three Paksitani

²⁶ Council of Europe convention on the Manipulation of sports competitions,18 September,2014 4 www.coe.int/en/web/conventions/full-list/-/conventions/treaty/215 last accessed on 31/3/21.

²⁷ E.8.1 of the betting rules of the English Football Association hand book 2020-2021.

²⁸ International Cricket Council (ICC) v Salman Butt, Mohammed Asif and Mohammed Amir, Determination of the Independent Anti-corruption Tribunal, 5 February 2011 http://icc-live.s3.amazonaws.com/cms/media/about_

cricketers during a match in England proved that the participant can be just a person to sport fix a situation during the event not known to the Public.

The reason for regulations such as the foregoing is to ensure that the essence of sports which is effective competition to achieve an end which is unpredictable is sustained in order to discourage the following sports or even the athletes from such illegal acts if there is inclination that the sporting event has been rigged.

The foregoing regulation seems to elucidate the fact that match fixing is usually effectively realised with the help of a willing participant in a sport event which is usually the athletes or the umpire, referee or match official and such participants can directly or indirectly conspire with non-participants betting actors to fix a certain event in a match or its outcome for their economic gain thereby creating a web of match fixing conspiracies either for the sole benefit of the participant or collective benefit of the conspirators.

Public Availability

Match fixing in crime thrives in sports when transmitted amongst the co-conspirators in secrecy. In other words, match fixing is effective when the knowledge of a particular information as regards a certain event or sport is known to a few conspirator for those conspirators to increase the economic odds of their bets.

The foregoing is recognised by the English FA rules which states that;

“where a participant provides to any other person any information relating to football which the participant has obtained by virtue of his or her position within the game and which is not publicly available at that time the participant shall be in breach of the rule where any of such information is used by other persons in relation to betting”.²⁹

There always seems to be a need for an insider information for match fixing to work effectively since such insider information is not usually known to the entire public and sometimes the other participants of the sporting event just like when Tim Donaghy a referee with the National Basketball association traded insider information to a gambler between 2005-2007.³⁰ The foregoing then suggests that information about an event either a specific action or inaction which is privileged is usually monetized for the benefit of the betting and financial advantage of some co-conspirators and those information never leaks to the public.

Defense to Match Fixing

docs/518b6fcd97012-

International%20Cricket%20Council%20v%20Salman%20Butt,%20Mohammad%20Asif%20and%20Mohammad%20Amir%20-%20Determination%20of%20the%20independent%20anti-corruption%20tribunal.pdf.

²⁹ E 8.2 of the betting rules of the English Football Association hand book 2020-2021.

³⁰ Branca, A. “Ex-NBA ref Tim Donaghy: ‘Organized crime will always have a hand in sports’”, The Guardian online, 22 May 2015 www.theguardian.com/sport/2015/may/22/ex-nba-ref-tim-donaghy-organizedwill-always-have-a-hand-in-sport. last accessed on 31/3/21.

Furthermore, the English FA rules on betting further provides that it shall be a defense to the crime of match fixing if the participant can prove that prove based on balance of probability that the participant provided the insider information in which he did not know and could not have reasonably have known that the information provided would be used by the other person for or in relation to betting.³¹ There is a consensus that the defense canvassed for match fixing is reasonable since the mens rea must considerably follow the actus Reus but there is a fallacy in the use of the balance of probability test in proving match fixing since match fixing is a criminal offense and should have been the proof beyond reasonable doubt

Expectations of Curtialing Mach Fixing in Local Jurisdictions

The National jurisdictions must be very alert and very decisive based on their laws to quickly combat this organised crime but according to the International Olympics commitee and the United nations office on drugs and crime and in order to achieve this both organisations did a survey of the legal requirements of about nineteen countries and found that only about five had set up ;legislations or even at the right regulatory frame work to curtail the menace of match fixing with the remainig countries deficient areas such as;

- (i)The countries do not cover a large range of sports
- (ii)Bribery and corruption is still more prevalent cross sectorally in those countries
- (iii)The possible perpetrators of the crimes are different
- (iv)The goal of match fixing are not properly defined³²

Match fixing as a crime is particularly complex to establish because the crime has already happened before the sporting event and the causation link between the perpetrators and the pecuniary beneficiaries which creates a class of criminal conspiracy are usually very unclear and very difficult to prove which places an enormous burden on any local prosecution agency.

The difficulties stated above is typified by the activities of a Malaysian betting syndicate that targeted about three English Premier League for almost 15 months involving matches such as the West ham utd v Crystal Palce Nov 3 1997,Wimbeldon V Arsenal (22 december,1997) and Charlton Athletic V Liverpool (13 February 1999) where at a predetermined time during the game the floodlights of the stadium was switched off to signify the end of the game especially where the present game score coincided with the bets placed by the Malaysian betting syndicate and they were eventually apprehended but it took 15 months.³³

³¹ E.8.3 betting rules of the English Football Association hand book 2020-2021.

³² International Olympic Committee and the United Nations office drugs and crime, ``Criminlaistaion approaches to combat match fixing and illegal/irregular betting a global perspective.July 2013.

³³ united nations office for drug and crime, ``good practices in the investiagtion on match fixing``
https://www.unodc.org/documents/corruption/publications/2016/v1602591- lasta ccesed on 31/3/21 resource_guide_on_good_practices_in_the_investigation_of_match-fixing.pdf.

In the survey done by the collaboration it was discovered that the national government in their legislations addressed corruption in the public sector but this was not adequately done in the private sector³⁴ and more so just like the author opines above some jurisdictions absolutely prohibits gambling while others have refrained from criminalising it which then affects the criminal prohibition ideology of the state in curtailing bi-products of gambling which include match fixing.

Incidents of match fixing are all over sporting activities requiring special attention some of those popular events for instance;

Stephen Lee was indicted for participating in a snooker match fixing scandal in 2013 it was revealed that he fixed about seven matches in 2008 and 2009 and three of those matches were were played in malta cup of 2008 and two of those matches were played in the UK championship of 2008 and one in the world championship of 2009 and also in the Chinese championship of 2009. He was indicted and banned from the sport for 12 years.³⁵

Also, Hansie Cronje in the year 2000 it was revealed that Cronje has been involved in match fixing, the scandal affected so many cricket players and after confession he was suspended for life from the sport.³⁶

Nigeria presented a very laughable and obvious scenario of match fixing with no need for investigation because based on facts in 2013 two teams in the lower league of the Nigerian league plateau United feeders and Police machine were fighting to be promoted to the national league and in order to achieve his the margin of goal difference needed to be high so in the match between Plateau United feeders and Akurba fc it was 7-0 in favour of plateau utd feeders fc and after the match plateau feeders utd had scored 72 goals it was obvious the match was fixed and all match officials were banned for life and gthe match officials were also banned for life.³⁷

Also, in 2013 Nikolay Davidenko was one of the best tennis players at that time and during the match against Martin Vassallo Arguello Nikolay retired from the match just after one set claiming that he had a foot injury as the reason for forfeiting that match but evidence that a lot of persons enjoyed some pecuniary benefits from his supposed injury which sparked some investigations but he voluntarily retired to end the match fixing allegations against him which is improper because since it is a criminal offence the investigations should not have stopped issues surrounding bribery and corruption are at best misdemeanours and he should have gad his day in court.³⁸

Also, in 2010 the Pakistani cricket team was riddled with a match fixing scandal where three Pakistani players Mohammed Amir, Mohammed Asif, and Salman Butt and a book maker were involved in the match fixing with the hope to fix the test match

³⁴ Ibid.

³⁵ Nerds of gambling, ``12 MOST FAMOUS MATCH FIXING SCANDALS YHAT HAVE BEEN EXPOSED January 27,2018 <https://www.nerdsofgambling.com/12-famous-match-fixing-scandals-exposed/> last accessed on 23/4/2020.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

between Pakistan and England in 2010 and the three players were banned for life from the sport nad they were also sentenced to jail³⁹

The class action conspiracy in match fixing in sports betting is dangerously silent before the commencement of the event and they are run by betting syndicates who are likely based on their mode of operation also criminal syndicates like mobs, mafias etc involved in other form of crimes which is the reason for the attachment of crime to gambling operations in most jurisdictions.

The problem for national governments is usually the ability to detect the crime in the first place. The crime is usually water tight except if one of the conspirators decide to spill which then means that National governments would have to do depend a lot on intelligence gathering especially in developed nations where their intelligence gathering has been put to test severally and a reporting system policy centred around anonymous whistle blowing.

The foregoing presents a very unique situation for developed countries as recognised by the International Olympic committee and the United nations agency on the prevention of drugs and other crimes stating that some jurisdictions do not have the capacity with their present laws to adequately curtail match fixing and the facts show that those countries are developing nations such as those in Africa and South America. The truth is that there are already legislations in Nigeria that cater for fraud, bribery and corruption including other developing nations but evidence suggests that these developing nations has not been able to even sought out corruption in their public life where the evidence is literally in their faces talk less of a crime that is so subtle and sophisticated in its commission.

In order to achieve some level of effectiveness of preventing match fixing in countries such as Nigeria there needs to be a whistle blowing act particular to sports intended to create a reporting system that well motivated with monetary rewards to enable such efficiency in Nigeria and other developing countries because the author may argue that match fixing is a crime of luxury.

A developing nation except if the match fixing is obvious just as the situation mentioned above where Plateau utd feeder team scored 72 goals against another team then that is quite obvious which does not require any intense investigation or data gathering may be difficult in developing nations who are more bothered about their daily bread than investigating a crime such as match fixing.

Furthermore, the author also opines that the penalty for the crime of match fixing should be compulsorily banned from the sport and compulsorily surrendered to the national law enforcement agency to face charges on bribery and corruption and also introduce class crime sanctions for every person connected with that crime in order to convict persons who were not part of criminal proceedings to be convicted without trial as long as other persons that were part of the conspiracy mentioned their names and the law will then allow those persons to then excuse them form criminal liability if they can prove their innocence after their conviction. The foregoing suggestion is

³⁹ Ibid.

very important because of the numerical strength of the conspiracy to commit the crime which includes the betting syndicates and the persons who obtain pecuniary benefits from the fixing of the match’.

Recommendations

- (i)The selling of betting coupons for children for online betting should be criminalised in all jurisdictions.
- (ii)National governments should invest in public enlightenment about the addictive effect of gambling or sports betting .This is the least they can do since the government generate a lot of revenue from sports betting.
- (iii)That the sports betting sites must provide age restriction mechanisms on their websites to checkmating child betting
- (iv)The whistle blowing law must be weaponised with monetary incentives to fortify the reporting system to expose match fixing in sports especially in developing nations.
- (v) The class conspiracy nature of the crime of match fixing involving bet syndicates involving a lot of persons requires the conviction of one to convict all others but the others convicted in their absence will be able prove their innocence after conviction to serve as deterrence to all bet syndicates all over the world.

Conclusion

The advent of sports betting is an economically lucrative endeavour that cannot be overlooked by government so the authorities through their laws have to balance issues of revenue with criminality and addiction and child capacities .The developing nations may do a good job of the balance of the three but the developing nations are so handicapped in capacity to juggle all those factors even with existing legislations for the good of society.