

LEGAL FRAMEWORK FOR RESISTANCE OF SPORTS FAN VIOLENCE (FOOTBALL) - EVENTS IN MONTENEGRO

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Abstract: *In this paper we devoted special attention to the analysis of legal frameworks in order to prevent and combat violence and hooliganism at football events. Montenegro has recognized the phenomenon of violence and hooliganism at football events that pose a serious social problem. The competent entities, by establishing preventive mechanisms, try to reach the level of the countries of the European Union in this field. The legal and normative regulation of the suppression of fan violence, with the adoption of appropriate laws and regulations, on the basis of which the responsible actors would take adequate measures, is a challenge that awaits the willingness of everyone to accept and implement it. The aim of the paper is to point out the implementation of the legal framework, which primarily depends on the institutions of the system, as well as omissions which exist in combating violence in sports in Montenegro, especially violence in football matches. In this paper, the authors try to point out the importance of continuous analysis of current and proposed legal solutions and estimates the degree of their operational usefulness, taking into account the complexity of security challenges that accompany violence at football events. It was intended to show through past events, on the basis of events, the consequences that sports events and football can play as the most widespread form of sport. Finally, the importance of proactive approach in establishing a legal framework, protective functions and prevention in order to protect the safety of citizens as a vital value of society is emphasized.*

Key words: *sports, violence in sports, football, safety, prevention.*

1. INTRODUCTION

Sports and sports events³⁴⁹ have taken a place in modern man's culture, however, violence that follows it becomes a planetary problem, and is most prominent in those manifestations that are in emotional focus and where a large number of viewers are gathered. Although the latest statistical indicators point to positive tendencies related to the safety of football events, we must point out that Montenegro, according to the parameters, expresses a serious intention to improve modern legal and institutional mechanisms in order to effectively counter this complex social problem.

In today's time, the most numerous and most popular sporting events are football matches. Football stadiums and football are the subject of special attention of spectators, but if we look

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³⁴⁹ Sports events are organized sports meetings and competitions that have an important sociological role in people. According to the positive Law on the Prevention of Violence and Misbehavior at Sports Events, Article 5 - Sports Event is a sports event (festival, meeting, sightseeing, games, etc.) and sports competition.

at the past, sporting fights have attracted human attention since ancient times, so violence on sports grounds is not a new phenomenon. More recently, due to changed social circumstances, the behavior of fans has changed considerably so that the spread of positive energy and the support of the club at the sports event do not fall prey to the priority of the fan groups. Thus, at sports courts, messages of religious, national, social or political content can often be heard, which are not the reasons for holding these events. However, the situation points to a visible identity crisis, especially among young people. Therefore, even if the primary role of sports events is recreation and entertainment, they were still subject to political abuse, mainly as a rule through the popularization of parties and politicians in power. Finally, this problem cannot be completely solved but can be reduced to a socially acceptable level, which is the aim of applying repressive and preventive measures and coordinated action of legislative, executive and judicial authorities.

Regarding the role of the police in the prevention and suppression of violence at sports events, it can be seen in the context of the ambivalent and delicate role of the police to respect and protect, in accordance with the law, and to limit the rights of people to freedom of assembly.³⁵⁰ Police activities related to the maintenance of public order and peace and ensuring public gathering of citizens are of high security risk. Sports events today are used as a means of political manipulation by events from 14.10.2014. at a soccer match between the Serbian and Albanian national team, played in Belgrade, and which was interrupted by the incident caused by the Albanian side at 41 minutes. On that day, at the Partizan stadium, a drone-driven remote-controlled flight with flags and symbols clean "big Albania".³⁵¹ This is a typical example of the abuse of a sports event in order to send political messages and transfer political tensions between the two countries to sport. Therefore, fans during their stay at sports events act with the goal of presenting the group, neglecting the team they are cheering for, thus losing the atmosphere of fan-based enjoyment and support to their own club.

2. ASPECTS AND ASSUMPTION OF VIOLENCE IN SPORTS EVENTS

The most common victims of violence at football events are the villains themselves, then the authorities and ultimately the citizens. This area of violence has not been sufficiently explored in Montenegro, and a detailed analysis of the records maintained by the official control authorities would be of great importance for gaining knowledge of the scale and characteristics of this phenomenon. For the purpose of objective consideration of the developmental and consequential dimensions, the following is a review of the historical dimension of this phenomenon.

Violence at sports events has been recorded even in texts from the period of ancient Greece and the Roman Empire. In the book *King Sport*, published in 1981 in a chapter devoted to the violent behavior of fans, Dezmomond Moris cited an example of old Rome that happened many incidents during a raid of chariots between big fan groups split into "green" and "blue". The worst incident occurred in the year 512, when a massive raid took place that took several days and took over 30,000 lives.³⁵²

As a relevant and serious example of the beginning of violence in football matches, an example is taken from July 16, 1916. year in Buenos Aires - Argentina, before the match of the South

³⁵⁰ Milidragović, D., Milić, N., Direct threat to life as a special condition for the use of firearms, *Safety*, Volume 53, No.2, 2011, p.198.

³⁵¹ Otašević, B, Violence at sports events, *Official Gazette*, Belgrade, 2015, p. 91.

³⁵² Same p.13

African championship Argentina - Uruguay between the fans and the police. The match was delayed because 40,000 fans entered the stadium with a capacity of 20,000 seats³⁵³. As a special example of football fan clashes, an example from June 1969 for the 1970 World Cup qualifiers in Mexico between the Salvador and Honduras teams, where in three matches, more fans were killed and more than a dozen were injured. As a result, this game with all the unpleasant events soon caused the so-called Football or 100 Hour War.

In modern Europe, events with tragic consequences were taking place. A drastic example is the event of May 28, 1985. year-old from Brussels from the Heysel stadium when Juventus and Liverpool fans clashed at the European Cup championship match. On that occasion, 39 Juventus fans were killed and hundreds were injured.

In Montenegro, first violence was registered in 1984 when a group of unknown football strikers in the tunnel of the football club Buducnost in Podgorica, on their way to the dressing room, beat Judge Dobrivoje Sreckovic, dissatisfied with his trial at the Buducnost - Hajduk match.³⁵⁴

The aim of the attack or dissatisfaction of the Montenegrin fans are often aimed members of the police, who often register conflicts. Such an event occurred in Podgorica on 09.05.2012. year after the football match Buducnost - Petrovac when there was a violation of public order and peace on a larger scale, in which there was a conflict between fans of the football club Buducnost and the police. On that occasion, dozens of supporters and police officers were injured, with more material damage to citizens' property.

The frequent target of the attack is the opposing sports team, so before the football match for the European League match between Buducnost and Genoa in Podgorica on July 21, 2016, there was a conflict between the fans of these two clubs where there were injuries of several faces and material damage to property of citizens.

When there is a focus on watching violence at sporting events of the national football team,

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Scientific and expert papers:

1. Željko Spalević, Žaklina Spalević, Ljubisa Konatar, Education of security officers and detectives, International Scientific Conference EMAN, Ljubljana, 2018.

2. Kemal Brkic, Ljubisa Konatar, Sandi Dizdarevic, Intelligence Services in the Fight Against Terrorism, VI International Scientific Meeting, European University Kallos Tuzla, Brcko, 2018.

In addition to the above, several more works are under preparation. He is a participant in several scientific and professional conferences and gatherings in the country and abroad.

³⁵³ Same p.14

³⁵⁴ http://www.monitor.co.me/index.php?option=com_content&view=article&id=5914:navijai-vlast-huligani-kako-smo-postali-varvari&catid=4086:broj-1276&Itemid=5377, Accessed 27.07.2017.

there are no exceptions. Especially the responsibility of the host and club associations for the order and safety is foreseen before, during and after the end of the football game. In combating violence and violent behavior in football matches of particular importance are: Disciplinary Regulations, the Association of European Football Associations (UEFA) and the International Federation of Football Associations (FIFA).

An interesting example is the football match that took place in Podgorica on March 27, 2015 in qualifying for the European Championship, between Montenegro and Russia. The match was interrupted for throwing objects into the field, injuring Russian players and a two-side fan clash. Due to this and similar behavior of the fans, the Football Association of Montenegro paid more than 120 thousand Euros fines in the matches for the EURO 2012 and the 2014 World Cup.³⁵⁵ " Unsporting behavior continued in 2017 during the qualifications for the World Championship in Russia in 2018 when the FIFA Disciplinary Commission fined FS Montenegro for "unsportsmanlike and discriminatory behavior of fans" and for the use of pyrotechnics in matches with Poland, Romania and Denmark ³⁵⁶ These were just some examples of football violence in Montenegro, but it should be emphasized that there are no specific methodologies for recording and monitoring violence at football events, which leads to the conclusion that violence and misconduct are much more present than indicated by the data.

3. LEGAL FRAMEWORK FOR PREVENTING VIOLENCE TO SPORTS

In order to reduce violence at football events, a large number of European countries, through various preventive programs, undertake a variety of multisystem approaches to preventive action on factors that generate violence. Thus, after the events at the Heysel Stadium in Belgium in 1985, the Council of Europe in Strasbourg passed the European Convention on the Violence and Misbehavior of Viewers at Sports Events, especially in football matches.³⁵⁷ This convention³⁵⁸ has been ratified in our country, so Member States have an obligation to prosecute appropriate criminal offenses and offenses in this field. In the mentioned convention, it is especially pointed to the need to establish a special body where possible, which will coordinate the policies and activities of ministries and public services that will act to prevent violence.³⁵⁹ Thus, this Convention is considered an international source of criminal law in the field of sports and is responsible for creating mechanisms for criminal legal protection of sports and sports events. Many authors have written about this convention, and due to the rationality of space in this paper, we will not be considered. At the state level, a precise normative framework of regulations was established in Montenegro that regulates and criminalizes prohibited behavior at sports events. The entities that are obliged to create and develop a strategy to combat this complex phenomenon are the ministry responsible for sport, internal affairs, justice, public administration, labor, employment and social policy and education, judicial authorities, sports organizations, local self-governments as well as other social subjects.

³⁵⁵ http://www.monitor.co.me/index.php?option=com_content&view=article&id=5914:navijai-vlast-huligani-kako-smo-postali-varvari&catid=4086:broj-1276&Itemid=5377, Accessed 27.07.2017.

³⁵⁶ <http://kodex.me/clanak/141390/fifa-kaznila-fudbalski-savez-crne-gore-moraju-da-plate-15-000-franaka>, Accessed 03.08.2018 and i <https://fosmedia.me/sport/fudbal/fsof-Montenegro-kaznjen-sa-39000-eura>, Accessed 03.08.2018

³⁵⁷ On 19 August 1985, the Council of Europe adopted a convention in Strasbourg that represented the reaction of European states to the tragedy that took place at the Belgian stadium Heysel.

³⁵⁸ Law on Ratification of the European Convention on Violence and Misbehavior of Viewers at Sports Events, Especially in Football Matches ("Official Gazette of SFRY" International Agreements, No. 9/1990).

³⁵⁹ Spread in: Šuput, D., "The legal framework that regulates the fight against violence at sporting events in European countries", Foreign Legal Life, Volume 54, No.1, 2010, p. 238.

When it comes to international sporting events, then we must especially emphasize the need to encourage international police cooperation.³⁶⁰ More precisely, international police cooperation is of particular importance in ensuring full security of international sports events, where the leading role belongs to the preventive and repressive activities of the host country's police forces. As a preventive activity before the sporting event, the key moment is the collection of data in order to develop a security assessment and analysis of domestic and foreign fan groups. From the examples presented so far, it is indisputable that violence at sporting events is a complex security phenomenon. Independent repressive measures of various subjects often do not give the expected results, but in cooperation with legal measures can significantly improve safety on sports grounds.

By adopting laws that directly or indirectly regulate the field of safety in sport, conditions have been created to approach more effectively the fight against violence at sports events. These are primarily the Law on Sports, the Law on Internal Affairs, the Law on Public Order and Peace, the Law on Public Gatherings, the Law on the Prevention of Violence and Misbehavior at Sports Events, the Law on Protection and Rescue, the Law on Protection of Persons and Property, The Law on Misdemeanors and the Criminal Code on which the following will be more word.

*The Constitution of Montenegro*³⁶¹ is the highest legal act in the country that regulates all important social and legal issues. In the field of combating violence and misbehavior at sports events, the most important provision of Article 52, which guarantees the freedom of peaceful assembly, without authorization, with prior notification to the competent authority. Freedom of assembly may be temporarily restricted by a decision of a competent authority to prevent disorder or committing a criminal offense, endangering health, morals, or for the safety of people and property. In addition, Article 55 of the Constitution prohibits the activities of political and other organizations that are aimed at violating guaranteed freedoms and rights or provoking national, racial, religious and other hatred and intolerance.

The Law on Sports³⁶² stipulates that sport is organized physical or other activity, that is, activity performed according to established rules for the preservation, improvement and development of psycho-physical abilities and sports knowledge, satisfying the needs for movement and play, sports expression and creativity and achieving sports results at all levels (Article 1 of the Law). The law specifically defines provisions and principles related to sports and the functioning of sports entities. Regarding the field of combating violence and misbehavior at sporting events in this law, the provisions that regulate general and special sports rules are of special importance.³⁶³ Sport represents an activity of public interest that involves participating in sports competitions and organizing sports events. The establishment of sports activities provides conditions for performing sports competitions and sports events.

The Law on Internal Affairs³⁶⁴ stipulates that internal affairs are such tasks that the protection of the safety and property of citizens, as well as other jobs that realize the rights and freedoms

³⁶⁰ The Treaty of Lisbon (2009) on the functioning of the European Union includes the title: Space of Freedom, Security and Justice. which, among other chapters, includes a chapter - Police Cooperation.

³⁶¹ Constitution of Montenegro, Official Gazette of Montenegro, No. 1/2007.

³⁶² Law on Sports, Official Gazette of Montenegro, No. 36/11 and 36/13.

³⁶³ Sports subjects are obliged to respect and apply the sporting rules of national and international sports federations, COK and the International Olympic Committee. Sports activities and activities are regulated by the sports rules adopted by the National Sports Federation or Sport Organization, Article 8 of the Law on Sports of Montenegro.

³⁶⁴ Law on Internal Affairs, Official Gazette of Montenegro, No. 39/13.

of citizens, are realized. One of the internal affairs is also police affairs performed by the police, and part of the police affairs are:³⁶⁵ protection of citizens' safety and the constitutionally established freedoms and rights, protection of property, prevention of the commission and detection of criminal offenses and offenses, finding of perpetrators of criminal offenses and violations and their bringing to the competent authorities, maintenance of public order and peace, ensuring public gathering of citizens of high security risk.

The subject of the Law on Public Order and Peace³⁶⁶ includes offenses that threaten and disturb public order and peace. Normally violations are found that violate public order and peace in a public place and prescribe penalties and protective measures for these offenses. Public order and peace (Article 2) represents a harmonized state of mutual relations between citizens, created by their behavior in a public place and by the actions of bodies and organizations that exercise public authority in order to secure the public conditions for the realization of the Constitution of protected rights and freedoms. This law has envisaged a whole range of offenses in which the zone of prohibited conduct is regulated in order to protect against violation of public order and peace and prescribe penalties and protective measures for these violations. Particular emphasis should be placed here on offenses that directly or indirectly regulate violence in sports events that disturb peace, cause anxiety or endanger general security.

According to the Law on Public Gatherings and Public Events,³⁶⁷ a public event is a gathering organized for the purpose of realizing a future economic activity and for which special security measures are required (Article 4). The organizer ensures order and peace at a public event through the manager of the public event. In order to maintain a public event and to maintain law and order, emergency assistance and fire brigade are engaged and a regular service is organized or a registered company for security services is engaged (agency for physical security). For this purpose, the organizer may also hire the police, but he will bear the costs according to the previously signed contract with the police. On the other hand, the Police may limit the holding of a public event due to the violation of human rights and freedoms, the protection of persons and property, violation of public order and peace, Public events include popular events of a sporting character, or sports events that sometimes happen and have no events.

The Law on the Prevention of Violence and Misbehavior at Sports Events³⁶⁸ is an attempt by the state to deal with the actors of violence at sports events. According to the Council of Europe Convention on the Prevention of Violence and Misbehavior at Sports Events, in particular football matches, Member States undertake to take the necessary measures for the implementation of the Convention in the framework of their constitutional powers. His specialty is reflected in the approach to this complex phenomenon that regulates measures for the prevention of violence and misbehavior at sports events and obligations of the organizers of sports events (sports club, sports association, Montenegrin Olympic Committee ...) and the competent authorities in the implementation of these measures. The law determines as a general obligation of the organizer to ensure safety at sporting events and take measures to prevent violence and misbehavior. It is precisely stated what is meant by violence and misconduct on sports events. This law determines the measures that ensure the safety of spectators, competitors and other participants in sports events, which creates preconditions and conditions that prevent,

³⁶⁵ Same, Article 10

³⁶⁶ Law on Public Order and Peace, Official Gazette of Montenegro, No. 64/11.

³⁶⁷ Law on public gatherings and public events, Official Gazette of Montenegro, No. 52/16

³⁶⁸ Law on the Prevention of Violence and Misbehavior at Sports Events, Official Gazette of Montenegro, No. 51/17

suppress and sanction misconduct, riots and violence before, during and after the sporting event. The organizer of a sports event is obliged to undertake the following groups of measures: measures taken at sporting events, measures taken at sports events of increased risk and measures related to sports facilities.

The taking of measures at sports events (Article 6) begins with the obligation of the organizer of a sports event to conclude a contract with the company registered for the activity of protection ("security agency") for performing security and maintenance tasks. If the organizer estimates that it cannot be ensured safe keeping of the event, he may request the police to engage.

When we talk about violence at sports events, the organizational unit of the police dealing with it and are directly involved in the suppression of this type of violence is of particular importance. In the case when the police is engaged, the obligation-the duty of the organizer is to establish cooperation with the Center or security department of the Ministry of Internal Affairs (MUP) in order to implement measures related to maintenance of public order and peace. In addition to engaging the police, it is also the duty of the organizer to ensure the presence of a medical team, a fire brigade, a communal police, and others.

In order to respond to various forms of violence at sports events, proactive (preventive) and reactive (repressive) treatment systems are being developed towards the actors of violence. Thus, preventive measures at sports events (Article 9) undertaken by the organizer in order to reduce the risk of outbreaks of violence and misconduct:

- Measures to encourage the organization and good behavior of fans and sports clubs,
- achieving cooperation with their supporters to assist in maintaining the order,
- informing their fans (meetings with fans, issuing newsletters, calling through the media on fair and sports winding and other activities),
- coordinating activities with sports organizations and organizations of fans during roaming.

During the implementation of special measures, the MIA is significantly involved in the following activities: inspection of sports facilities in the sense of eliminating deficiencies that significantly contributed to organizational failings at previous events, ban on arrival at the place of play and entry into the sports facility for persons and support groups returnees in violence, welcome, takeover and escorting of support groups at border crossings (selection and control of persons, inspection of vehicles, ban on entry of persons under the influence of alcohol) upon entering and leaving the country. In the course of control at the border crossing, depending on the assessment, the police can prohibit a part of the fan group from entering the country, especially if it estimates that the planned police forces will not be able to "control" the fan group.

The second group of measures consists of measures taken at sporting events of increased risk and relate to domestic and international sporting events with a high competitive significance, a sporting event where the presence of a large number of domestic and visiting fans is expected and all other sports events where there are circumstances that can come to the violation of order (Article 10). These are: a domestic and international sports event of a more competitive nature, a sporting event where the presence of a large number of spectators or fans of visiting clubs is expected, and a second sport event when special circumstances indicate that violence or misbehavior may occur at this sport event. The competent sports federation, at the beginning of the year but also during the year, determines which national and international sporting events are considered sporting events of increased risk and provides the police with a notification.

At sports events of increased risk, preventive measures are also undertaken (Article 11) where the organizer of a sports event is obliged to:

- about the circumstances in which the event is held or the risk of the outbreak of violence and misconduct - immediately notified or at the latest within 24 hours before the start of the sporting event: the police, the competent sports association, the competent sports organization and competitors participating in the sports event,
- to establish cooperation with the police for the purpose of acting on orders concerning the provision of public order and peace at a sports event;
- cooperate with representatives of clubs of fans in order to exchange information between them.
- appoint a responsible person to cooperate with the police.

In addition to the above mentioned preventive measures, in the event of increased risk (Article 12), the organizer shall, through the responsible person, take the following measures:

- separating groups of visiting fans by selling tickets at separate and special points of sale,
- ticket sales only for seating places, but so much so that the safety of participants in the sport event is not jeopardized,
- cooperation with sport organizations participating in a sports event in connection with the sale of tickets for their fans,
- determining the specific entrances, exits and part of the theater for groups of visiting fans,
- encourage viewers to behave correctly through media and alert viewers, through media or pronouncements, to correct behavior.

When organizing high-risk sports events, the organizer is obliged to ensure that tickets can only be purchased with a personal document, including tickets purchased through fan clubs. Tickets for these events on the day of the event can only be purchased outside the sports facility at a location designated by the police. Interesting is the legal provision prohibiting the sale of alcohol in the vicinity of the facility and in the object of the sports event itself - three hours before and after, as well as during the sporting event.

Prior to the sporting events of increased risk, the visiting sports club (Article 16) is obliged to:

- not later than three days prior to the organizing departure of his fans for a sports event, inform the organizer of the sport event about all the elements essential for the reception of the club and its fans (day and time of departure, an estimate of the number of supporters, the mode of transport, place of residence or assembly, names of fans' leaders, etc.);
- to cooperate with the organization of their fans and participate in the organization of their arrival at a sports event;
- ensure the distribution of tickets for its fans received from the sports event organizer;
- take measures to ensure that this club and its fans are not the cause of violence and disorder at a sports event.

The third group of measures consists of measures related to sports facilities (Article 17) or the conditions that a sports facility should fulfill the organizer of a sports event is obliged to ensure that the sport event is held in a sports facility with adequate fences to prevent the entry of spectators into the sports field and fencing for separating opponents groups of fans. In addition to this, the organizer must provide: a special room that enables the police to visually monitor the sporting competition and efficiently conduct protection tasks, technical equipment for monitoring and recording the behavior of spectators in a sports facility, public announcement,

lightening for sporting events held in the evening, electricity and safe parking for the means of transport of guest clubs and private vehicles of the visiting club fans. If the sports facility has a parking space, the sports event organizer is obliged to ensure that the parking area of the buses is separated from the parking area for private cars. On the other hand, if a sports facility has no parking space or that space is insufficient, the sports event organizer is obliged to ask the municipality to approve the use of certain public space for parking buses and private cars.

The organizer of the sports event is obliged to ensure that the sports facility in which the sports event of the increased risk is maintained also has: a retarder at the entrances, adequate fences in front of a sports object for directing and separating opponents groups of fans, a reader of tickets, visibly marked entrances and exits to all parts of the theater, heavily fixed seats and an emergency room. Therefore, in relation to the first aid, the organizer of a sports event should provide the presence of an ambulance.

In addition to this service, if necessary, the presence of a fire brigade, utility service and various inspections is ensured (Article 7). A sports event in a facility can only be held if there is an Evacuation Plan that is regulated by the Protection and Rescue Act³⁶⁹. Evacuation is organized and controlled by moving people to prevent the risk effects that can lead to large human casualties and material losses.³⁷⁰

For violation of the provisions of this Law for natural and legal persons (Articles 28 and 29), fines of EUR 100,00 to 15,000 are foreseen and for certain preres individuals (Articles 30 and 31) can be sanctioned with a prison term of up to 60 days³⁷¹. With the fine, it is possible to pronounce the so-called. protective measure. In relation to the mentioned protective measures, there are several types of protective measures (Article 32):

- banning the presence of certain sports events in the territory of CMA Gore, with the obligation to report to the police,
- ban on the presence of certain sporting events on the territory of Montenegro with the obligation to stay in the premises of the police,
- prohibition of going to certain sports events abroad where of Montenegro teams or sports clubs participate, with the obligation to report to the police premises and the obligation to hand in a travel document.

Safeguards prohibiting the presence of certain sporting events in the territory of CMA Gore, with the obligation to report to the police, may be applied for a duration that cannot be shorter than one year nor for more than two years. The final decision that issued the protective measure of the police is also submitted to the national sports federation, which is obliged to inform the organizer of the sport event, that is, the sports club, the club and the fans association. From the previous we can conclude that the said law provided a wide range of mechanisms of legal protection against violence and misbehavior at sports events.

The Law on Protection and Rescue³⁷² stipulates that protection and rescue includes a set of measures and actions that are undertaken with the aim of detecting and preventing the emergence of hazards as well as mitigating and eliminating the consequences of natural disasters, technical and technological accidents, various contamination, terrorism, epidemics

³⁶⁹ Official Gazette of Montenegro, No. 013/07, 005/08, 086/09, 032/11, 054/16.

³⁷⁰ Ibidem, Article 75

³⁷¹ More on: Law on Prevention of Violence and Misbehavior at Sports Events, "Official Gazette of Montenegro", Art. 28-32, No. 51/17

³⁷² Law on Protection and Rescue, Official Gazette of Montenegro, No. 54/2016

and other accidents that may jeopardize or threaten the population, material goods and the environment (Article 1). What is particularly relevant for sports events are entrepreneurial plans.

Thus, it is prescribed (Article 33) that protection and rescue is carried out on the basis of protection and rescue plans. Plans of protection and rescue interesting for sports events are the so-called. entrepreneurial plans that specify different specific measures for each facility in particular, and the implementation of which is given by the MIA.

According to the Law on Protection of Persons and Property³⁷³, as we pointed out in the previous section, the obligation of the organizer of a sports event is to conclude a contract for the provision of maintenance and maintenance of the order at a sports event prior to the start of the event with the security agency. The aforementioned law (Article 2) closely regulates, among other things, protection activities which include the prevention of threats to the safety of persons and property and the prevention of unlawful actions directed at persons and property that are protected. In addition to this (Article 8), protection activities include: protection of property and facilities from destruction, damage and theft, maintenance of order at public gatherings, protection of persons from endangering their lives, physical and psychological integrity, privacy and personal rights as well as other forms of endangering their safety. When performing physical security and maintenance tasks at a sports event, security officers shall take measures prohibiting access to alcoholics, including persons who have been imposed a ban on the presence of sports events³⁷⁴. In addition to the organizer, the security agency is obliged to inform the MIA and the police about the sport event, in writing, no later than 48 hours prior to the start of the work of protection, which is submitted by the elaborate (plan) of physical protection and the project of technical protection.

The Law on Misdemeanors³⁷⁵ (Article 1) regulates the conditions for prescribing violations and misdemeanor sanctions, misdemeanor liability, misdemeanor procedure and procedure for the execution of criminal sanctions. Also, this Law (Article 7) regulates that funds collected from fines imposed for a misdemeanor are the state budget revenues, except for funds collected from fines for offenses that violate regulations, over which application they are supervised by the local authority, which represent the income of local self-government (eg fines imposed by the Communal Police). What is particularly relevant to sports events is the misdemeanor liability of a legal entity (organizer of a sports event, physical security agency) for misdemeanors if the offense was committed by an act or omission.

By means of the Criminal Code of Montenegro³⁷⁶, the state gives a decisive answer to every negative phenomenon in society and, by its actions, minimizes the harmful effects to the least possible (acceptable) measure. In essence, in order to combat the criminal behavior of this Code, we have identified two groups of acts characteristic of violence at sports events: crimes against life and bodies and crimes against public order and peace. The most common crimes at sports events are: participation in the fight, endangering dangerous weapons in fighting and quarreling, violent behavior and violent behavior at a sports event or a public gathering. The

³⁷³ Official Gazette of Montenegro, No. 1/2014.

³⁷⁴ During the takeover of a new official operation, companies engaged in securitization activities are formally prevented from applying this action because they do not have access to citizen records.

³⁷⁵ Law on Misdemeanors, Official Gazette of Montenegro, No. 1/11, 6/11 and 39/11.

³⁷⁶ The Criminal Code of Montenegro ("Official Gazette of the Republic of Montenegro", No. 70/2003, 13/2004 - and 47/2006 and "Official Gazette of Montenegro", No. 40/2008, 25/2010, 32/2011, 64/2011 - other law, 40/2013, 56/2013 - correction, 14/2015, 42/2015, 58/2015 - other law and 44/2017)

common denominator of the aforementioned criminal offenses is the provision of the necessary level of protection of human life and health in sporting events.

4. CONCLUSION

In the previous period, Montenegro has adopted a large number of regulations that regulate the fight against violence at sports events. In addition to this, with special attention it implemented the provisions of the European Convention on the Prevention of Violence and Misbehavior at Sports Events. The success of the state in suppressing this phenomenon will primarily depend on the synchronized application of preventive-repressive measures and the serious intention to include all parts of society in the resolution and prevention.

There is no doubt that violence at soccer matches in the coming time will develop and harmonize, so proactive preventive and repressive participation of all state bodies, but others, such as non-governmental organizations and other social entities (families, schools, media, etc.) is necessary. Almost all parts of the society must be involved in this struggle, primarily families, schools, police, and ultimately the prosecution and the judiciary, with the efficient resolution of court proceedings against hooligans without selective access to "privileged" individuals. Finally, the prevention of violence in football matches besides the legal framework must include the activities of the entities of the society in order to prevent violence of any kind. Their contribution to achieving these goals would be measured by a measure that is equal to all of them and would be rewarded according to the same principle, the equality of all before law and justice, above all, as the ancient Romans said "fiat iustitia pereat mundus" - let justice be, even if the world collapsed.

European experience highlights the importance of communication with fans, as a model for reducing security risks, with an emphasized need for international police cooperation. Of special importance should be equipping, training of police officers as well as the specialization of specially trained police units for effective police interventions, which are a condition for preventing serious consequences in sports events. The prosecution and the courts are expected to slow down the implementation of initiated misdemeanor and criminal proceedings with effective and rational mechanisms applicable in practice.

LITERATURE

- [1] Otašević, B, Violence at sports events, Official Gazette, Belgrade, 2015,
- [2] Milidragović, D., Milić, N., Direct threat to life as a special condition for the use of firearms, Safety, 2005, 53, No.2, 2011,
- [3] Constitution of Montenegro, Official Gazette of Montenegro, No. 1/2007,
- [4] Criminal Code of Montenegro ("Official Gazette of the Republic of Montenegro", No. 70/2003, 13/2004 - cont. And 47/2006 and "Official Gazette of Montenegro", No. 40/2008, 25/2010, 32 / 2011, 64/2011 - other law, 40/2013, 56/2013 - correction., 14/2015, 42/2015, 58/2015 - other law and 44/2017),
- [5] The Law on the Ratification of the European Convention on Violence and Misbehavior of Viewers at Sports Meetings, Especially in Football Matches ("Official Gazette of SFRY", International Agreements, No. 9/1990),
- [6] Law on the Prevention of Violence and Misbehavior at Sports Events "Official Gazette of Montenegro, No. 51/2017",
- [7] Law on Sports, Official Gazette of Montenegro, No. 36/11 and 36/13,
- [8] Law on Internal Affairs, Official Gazette of Montenegro, No. 39/2013,

- [9] Law on public gatherings and public events, "Official Gazette of Montenegro", No. 52/2016,
- [10] Law on Protection and Rescue, Official Gazette of Montenegro, No. 55/2017,
- [11] Law on Protection of Persons and Property, Official Gazette of Montenegro, No. 01/2014,
- [12] Law on Misdemeanors, Official Gazette of Montenegro, No. 1/11, 6/11 and 39/11,
- [13] Law on Police, Official Gazette of Montenegro, No. 28/2005.