

Doping Disputes in International Sports

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ABSTRACT. *As the international development trend of sports continues to increase, various sports disputes have also increased. Among them, doping disputes, as the main type of disputes in sports arenas, have attracted the attention of all parties. Arbitration, as an important method of dispute resolution, is increasingly used in the resolution of doping disputes in practice, and it is also respected by many countries and sports circles. The purpose of this article is to study doping disputes in international sports arbitration. This article discusses the causes and harms of doping disputes, and analyzes its characteristics different from general sports disputes. Then it introduces the existing solutions to doping disputes, mainly including internal institutional resolution, litigation and arbitration. Sports arbitration has become the most important solution for such disputes because of its fairness, justice and efficiency. This article points out the specific problems of the International Court of Arbitration for Sports in applying the rules of evidence in the handling of doping cases, and proposes corresponding improvement suggestions, including expanding the scope of existing evidence discovery and constructing evidence based on limited discovery. This article uses interview method, questionnaire survey method and mathematical statistics method to investigate and research the current situation of anti-doping education in this province with the young athletes participating in the provincial sports meeting as the survey object. Studies have shown that the average annual number of specialized anti-doping training for excellent national sports teams is concentrated in 1 and 2 times, while the average annual specialized anti-doping training of provincial sports schools and scattered amateur sports schools is concentrated 0-1 times. It can be seen that special anti-doping training in provincial and municipal sports schools and scattered amateur sports schools needs to be strengt hened.*

KEYWORDS: *International Sports, Doping, Sports Arbitration, Questionnaire Survey*

1. Introduction

The issue of doping has always received widespread attention. Doping violations should not only be ethically condemned [1-2], the issue of legal dispute resolution is

more worthy of discussion. International and domestic sports organizations have severely cracked down on all kinds of doping behaviors [3-4], but various doping scandals in the international sports arena are endless, and doping disputes are also increasing [5-6]. How to severely punish doping violations while protecting the legitimate rights and interests of athletes from infringement, and to resolve doping disputes more efficiently and reasonably is a common concern of the sports and legal circles [7-8].

In the study of doping disputes in international sports arbitration, many scholars have conducted research on them and achieved good results. For example, Harper J established a global basis for CAS rulings by adding content about the recognition and enforcement of CAS rulings in the process of building Lex Sportiva. Unified recognition and enforcement mechanism [9]. Madeleine discussed the ways that may help international sports arbitration awards to be recognized and enforced in various countries, including treating foreign arbitration awards as contract debts or foreign judgments and domestic arbitration awards, and believes that international sports arbitration awards may be recognized and enforced in the future. Enforcement will encounter difficulties [10].

This article uses limited literature to sort out the system and discuss theories, analyze the practice of doping dispute arbitration at the international and national levels, and combine specific cases to explore how to effectively protect the legitimate rights and interests of athletes while combating doping. The practice of arbitration settlement of doping disputes in our country and the construction of sports arbitration mechanism provide reference.

2. Doping Dispute Methods in International Sports Arbitration

2.1 Doping Dispute Resolution Practice of the International Sports Arbitration Court

(1) The establishment of the International Sports Arbitration Court

The International Sports Arbitration Commission (ICAS) is mainly responsible for the daily operation and finances of the International Sports Arbitration Court (CAS). The establishment of ICAS made the Olympic Committee of CAS no longer have direct control over the operation and finances of CAS, and strengthened the neutrality of CAS. ICAS has the right to draw up a list of the Court of Arbitration, is responsible for CAS's financial expenses, and has the right to modify CAS's sports arbitration rules.

(2) The functions of the International Sports Arbitration Court

1) According to the arbitration clause or the agreement signed by the parties to the sports dispute to submit to arbitration after the dispute occurs, it shall be the arbitration basis for the trial of the Court of First Instance Arbitration. Such disputes mainly include sponsorship contract disputes, event broadcasting rights, disputes

between athletes and clubs, player transfers, commercial advertisements and other activities.

2) An appeal is filed to the International Court of Arbitration for Sports because one party is dissatisfied with the decision made by the Sports Federation, such as doping issues, disciplinary decisions, etc. However, whether the appeal procedure can be used depends on whether there is an arbitration clause under the jurisdiction of CAS in the constitution of the sports organization that made the decision.

3) According to the request of sports organizations (such as the Olympic Committee, individual sports federations) to issue advisory opinions on sports-related legal issues, the advisory opinions are not legally binding, but based on CAS's important influence in the field of international sports, these advisory opinions have authoritative influence.

2.2 Comparison of Arbitration Systems for Doping Disputes

(1) The arbitration procedure system for doping disputes in the United States

There are two ways to initiate the doping dispute arbitration procedure of the American Arbitration Association. First, according to the arbitration clause, the "Supplementary Procedures for the Arbitration of Doping Disputes by the American Arbitration Association" stipulates that the USADA and its doping dispute managers have the right to issue a notice to athletes to initiate the arbitration procedure. Second, the supplementary rules also stipulate that the parties to a dispute can submit a written application for arbitration to the American Arbitration Association to initiate the arbitration procedure.

(2) Research on the Sports Arbitration System in Germany

National courts will still review the case when receiving litigation requests, instead of adopting the provisions of the sports association's constitution that exclude judicial remedies. But under normal circumstances, German courts require the plaintiff to apply for arbitration at the arbitration institution of a sports organization first, and only after exhausting its own remedies, can litigate, unless there is unreasonable delay or unfair treatment in the arbitration.

(3) Research on the Italian Sports Arbitration System

Arbitration in Italy is divided into formal arbitration and informal arbitration. The difference between the two is fuzzy to some extent. If the court of arbitration that people freely choose at that time is not a sports institution or a sports organization, that is, a disinterested third party, such arbitration is usually regarded as formal.

(4) our country's doping dispute resolution mechanism

The main method of solving sports disputes in our country is that the parties settled or filed suits in the people's courts are still in the minority; in most cases, the sports clubs are used to resolve internally, or the competent administrative

department to mediate or decide . However, due to the nature of sports associations, there is no clear legal basis for dispute resolution, and the ultimate execution power is difficult to guarantee. In the absence of the protection of arbitration legislation, the establishment of dispute arbitration settlement institutions lacks basis , and the arbitration settlement of doping disputes is ultimately empty talk.

2.3 Enlightenment of International Doping Dispute Arbitration Settlement Mechanism to our country

(1) Improving relevant legislation on sports arbitration

Regarding the specific form of the arbitration agreement, the scope of the approved agreement must be clearly defined. In addition, in order to ensure the voluntary nature of arbitration, the parties must have a clear intention to submit to arbitration. In view of the particularity of sports, it should be clarified that only the parties have the right to enter into relevant agreements to prevent the occurrence of incidents in which agreements are signed for athletes in practice.

(2) Establish an independent doping dispute arbitration settlement agency

It is necessary to establish a neutral institution. To ensure its neutrality and impartiality, its daily operation fund must be separated from the parties to the dispute, and the management and arbitrators of the institution must be independent of the relevant sports organizations. When athletes question their neutrality, it is also necessary to establish a corresponding withdrawal application system.

(3) Formulate supporting arbitration rules

The efficiency can be controlled by clarifying the trial period, etc., or it can be resolved by setting up different sports arbitration models for cases of different degrees. In addition, the enforcement of the award is also very important. Compared with general commercial arbitration , the remedy of sports arbitration has its particularity. In sports arbitration, the primary demand of the parties is generally to satisfy or restore their rights, such as the cancellation of the suspension and the restoration of competition qualifications. Only seek economic damages when these demands are difficult to satisfy.

2.4 Basic Framework of Questionnaire Statistics Theory

For the studied objective function $f(x, w_0)$, introduce the expected risk functional:

$$R(\omega) = \int L(y, f(x, \omega)) d\rho \quad (1)$$

$$R(\omega_0) = \min_{w \in \Lambda} R(w) \quad (2)$$

Classification problem: $Y = \{0,1\}$ represents two categories, $\{f(x, \omega): \omega \in \Lambda\}$ is the indicator function set, and the loss function is:

$$L(y, f(x, w)) = \begin{cases} 0, & y = f(x, w) \\ 1, & y \neq f(x, w) \end{cases} \quad (3)$$

Here, L represents the loss function, $\{f(x, \omega) : \omega \in \Lambda\}$ is the given function class, that is, the hypothesis space. Different loss functions (function classes) and the choice of hypothesis space correspond to different problems. This method can be applied to multiple computational application fields such as regression analysis, pattern recognition, density estimation, ranking, and quantile regression. The more common ones are regression problems, density estimation and classification problems. Regression problems are the main research content of this article.

3. Investigation and Research on Doping Disputes in Our Country

3.1 Research Objects

This study takes participation in the anti-doping education of athletes in the province as the research object. The subjects of the survey are anti-doping education for young athletes aged 12-19 in the province, including national-level outstanding athletes, outstanding provincial sports team athletes, provincial and municipal sports school athletes and amateur sports school athletes who live and study scattered.

3.2 Experimental Methods and Data Collection

In order to ensure the quality of research and obtain more comprehensive information, I interviewed relevant personnel from the Provincial Sports Science Institute. At the same time, the leaders of the local sports competent competition department, some sports school leaders and coaches conducted their anti-doping education work. The interview provided a theoretical basis for the research of this article.

3.3 Mathematical Statistics

Use the descriptive statistics of spss software to describe the questionnaire, frequency statistics and reliability test. Use Excel software to perform statistical processing and chart analysis on the data. Finding measures and methods that can be used for reference has provided some help for this research.

4. Investigation and Analysis of Doping Disputes in our Country

4.1 Investigation and Analysis of Anti-Doping Education Implemented by Athletes

National-level outstanding sports teams and provincial sports schools adopt training, study, eating and living together, and cultural education is arranged by sports teams or sports schools. The survey results of this article are shown in Table 1.

Table 1. Does cultural education involve anti-doping education?

Team type	Culture class involves anti-doping content	Culture class does not involve anti-doping content
National team	25	116
Provincial team	28	275
Municipal team	41	301
Decentralized industry	0	153

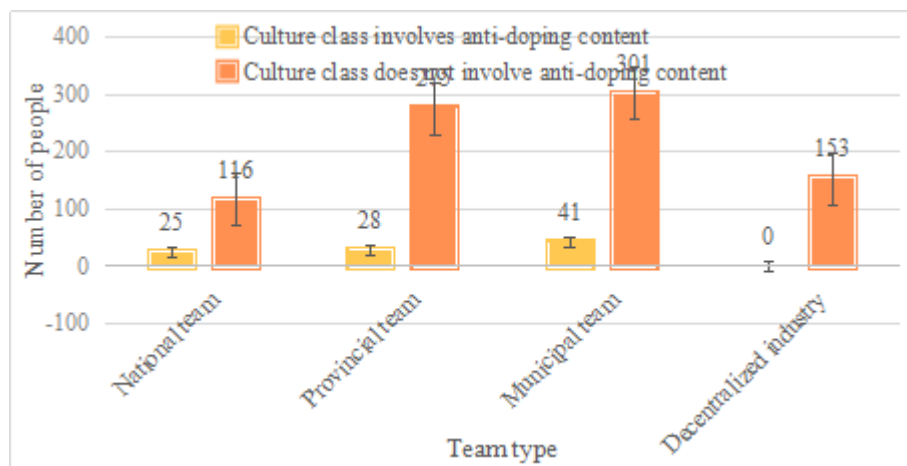


Figure 1. Does cultural education involve anti-doping education?

It can be seen from Figure 1 that 25 national-level outstanding sports teams, 28 provincial sports schools, and 41 municipal sports schools indicated that the cultural class has content related to anti-doping; scattered amateur sports schools (amateur sports schools with scattered living and learning). Daily training is carried out in sports teams or sports schools, and learning is in school, and school education itself does not involve anti-doping education. It can be seen from this that the education of young athletes' cultural courses basically does not involve anti-doping education. The reason for this is mostly due to the excessive pursuit of athletes' performance by sports teams or sports schools, and more energy is spent on training, while the time spent on basic cultural studies is very limited, not to mention anti-doping knowledge.

Learning; secondly, the conditions for sports teams or sports school teachers are limited, and it is difficult to set up anti-doping education courses in cultural classes.

4.2 Investigation and Analysis of Anti-Doping Education for Athletes Received by Training Units and Coaches

It can be seen from Table 1 that 4 people in the national excellent sports team specialized anti-doping training more than 2 times, 37 people 2 times, 45 people 1 time, 0 people 0 people; 2 people in the provincial sports school more than 2 times, disperse 0 people in amateur sports schools over 2 times, 37 people in 1 time, and 136 people in 0 times.

Table 2. Average annual number of specialized anti-doping training

Team type	0 times	1 time	2 times	More than 2 times
National team	0	45	37	4
Provincial team	21	78	23	2
Municipal team	215	53	37	1
Decentralized industry	136	37	5	0

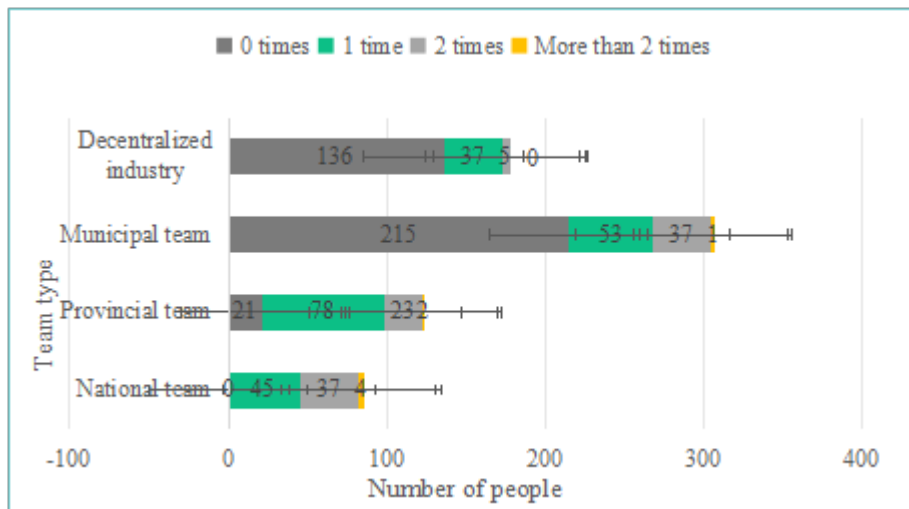


Figure 2. Average number of specialized anti-doping trainings per year

As shown in Figure 2, due to the existence of the pre-competition access system, the average annual number of special anti-doping training for outstanding national sports teams is concentrated in 1 and 2, while the average number of professional anti-doping training in provincial sports schools and scattered amateur sports

schools is Special anti-doping training is concentrated on 0-1 times each year, mainly due to the lack of full-time anti-doping personnel in local and municipal authorities and sports schools, coupled with limited funds, resulting in scarce special anti-doping training. Special anti-doping training in provincial and municipal sports schools and scattered amateur sports schools needs to be strengthened.

5. Conclusion

This article proposes the creation of special arbitration evidence rules that are different from other sports disputes to solve doping cases, expand the judges' discretion to correct justice on evidence issues, and set up observation agencies to improve the current situation. This article proposes a draft reform of the rules of evidence for doping arbitration in the International Court of Arbitration for Sports, hoping to better regulate the procedures for handling doping disputes.

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