

CONTROLLING FOOTBALL-RELATED CRIME IN TURKEY: SITUATIONAL CRIME PREVENTION APPROACH AND IMPLICATIONS

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Abstract

How to control football-related crime has historically often occupied the agenda in Turkey. Due to the lack of the empirical evidence on the effectiveness of the State control mechanisms on football, this paper employs the situational crime prevention approach to reveal how the available crime control techniques can plausibly produce reduction in football-related crime. Five mechanisms of the situational crime prevention model to reduce crime are accordingly related to each technique. The paper aims to produce a template which locates the Turkish social control on football into a particular crime prevention approach.

Key words: *Turkish football, football-related crime, crime control, situational crime prevention*

Football, historically, has been one of the most significant elements of popular culture in Turkey. As in many countries where the game is acknowledged to be the predominant national sport, violent fan behavior has hitherto been the most undesirable aspect of Turkish football. It has been often claimed that football violence

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is a problem which is not being properly policed or governed due to inadequate policies and initiatives and inadequacies in the legal framework. A survey-based study, *Stadium Security Research 2013*, revealed that seven out of every ten persons find Turkish stadiums to be insecure, with 73 per cent stating that when attending stadiums, they have witnessed or been subjected to violence. Nearly one in eight (13 per cent) have suffered physical violence, while 30 percent have been exposed to verbal abuse. Finally, 30 per cent of study participants reported that they had witnessed either physical or verbal abuse. To address these concerns, the Turkish State has provided a range of control measures such as a strong police presence at stadiums, the introduction of *Law 6222 to Prevent Violence and Disorder at Sporting Events* and the imposition of unique administrative sanctions such as ‘women-and-children-only games’ as a punishment form for unruly behavior by fans and ‘banning away-team fans from stadiums at derby games’. However, the Turkish literature has lacked the analysis of the State’s control policy on football using a particular approach to crime prevention.

This paper examines the control strategies used by the State authorities, with a particular focus on the implications of situational crime prevention (hereinafter “SCP”). First, three approaches to crime prevention are briefly explained and the choice

of SCP are justified. The legal response of the Turkish State follows. The physical transformation of Turkish stadiums, the rules and prohibitions accompanying this transformation, policing strategies, the electronic card system, football banning orders (hereinafter “FBOs”) and the practices introduced by the Turkish Football Federation (hereinafter “TFF”) are first detailed and compared with their European equivalents, if any. How to locate each measure within the SCP model of Cornish and Clarke² follows. Due to the lack of available data on the effectiveness of identified measures, the paper focuses on how each measure could plausibly lead to reduction in football-related crime considering the opportunities and precipitators found in the Turkish football context. Finally, all identified control techniques are incorporated into a template

I. Approaches to Crime Prevention

In a simple criminological classification, three approaches to tackling crime can be discerned: law and order, social prevention and environmental prevention. Despite dissent from a few criminologists, the first of these, which demands the extensive involvement

² CORNISH, Derek. B. and CLARKE, Ronald. V., “Opportunities, Precipitators and Criminal Decisions: A reply to Wortley’s Critique of Situational Crime Prevention” **Crime Prevention Studies**, Y. 2003, V. 16, p. 41-96.

of the criminal justice system through arrest, imprisonment or another form of penalties, is likely to have some deterrent effects and even to be classified as the last ditch of social prevention³. Social prevention is concerned with identifying and addressing the social/root causes of criminal behavior, while environmental prevention aspires to manipulate specific contexts which engender criminal opportunities. It is worth noting that the sociological training of many criminologists led them to explain crime and deviance in terms of wider social variables such as social class, subcultures or parenting styles⁴. Regarding policy and practice, these sociological theories have put the main emphasize on the social transformations governments need to achieve to prevent crime⁵.

The theory of situational crime prevention (SCP), on the other hand, is an environmental approach to crime prevention, which was pioneered by the British criminologist Ronald V. Clarke in the early 1980s⁶. In his early work, Clarke identified two goals that SCP measures ultimately serve to achieve: first, to ‘reduce the

³ SUTTON, Adam, CHERNEY, Adrian and WHITE, Rob, **Crime Prevention: Principles, Perspectives and Practices**, Cambridge University Press, Cambridge, 2008, p. 23-4.

⁴ BIRKBECK, Christopher and LAFREE, Gary, “The Situational Analysis of Crime and Deviance” **Annual Review of Sociology**, Y. 1993, V. 19, p. 114.

⁵ SUTTON *et al.*

⁶ CLARKE, Ronald. V., “Situational Crime Prevention: Theory and Practice” **British Journal of Criminology**, Y. 1980, V. 20, I. 2, p. 136-147.

CLARKE, Ronald. V., “Situational Crime Prevention: Its Theoretical Basis and Practical Scope” **Crime and Justice**, Y. 1983, V. 4, p. 225-256.

physical opportunities for offending’ and/or secondly, to ‘increase the chances of an offender being caught’⁷. Informed by the seminal article of Richard Wortley⁸, Clarke’s latest classification has included 25 categories together with new techniques under five interrelated strategies to tackle crime:

**Table 1: The Latest Classification of the SCP Techniques
Borrowed from Cornish and Clarke⁹**

Increasing the Effort	Increasing the Risks	Reducing the Rewards	Reducing Provocations	Removing Excuses
1. Hardening targets	2. Extending Guardianship	11. Concealing targets	16. Reducing frustrations and stress	21. Setting Rules
2. Controlling access to facilities	7. Assisting natural surveillance	12. Removing targets	17. Avoiding disputes	22. Posting Instructions
3. Screening exits	8. Reducing anonymity	13. Identifying property	18. Reducing emotional arousal	23. Alerting Conscience
4. Deflecting Offenders	9. Utilizing displace managers	14. Disrupting markets	19. Neutralizing peer pressure	24. Assisting Compliance
5. Controlling tools/weapons	10. Strengthening formal surveillance	15. Denying benefits	20. Discouraging Imitation	25. Controlling drug and alcohol

⁷ CLARKE, *Situational Crime Prevention: Theory...*, p. 139.

⁸ WORTLEY, Richard, “A Classification of Techniques for Controlling Situational Precipitators of Crime” *Security Journal*, Y. 2001, V. 14.

⁹ CORNISH and CLARKE, p. 90.

The introduction of the last two categories of strategies, reducing provocations and removing excuses, has extended the traditional model of SCP which mainly focused on opportunity variables which are ‘the instrumental considerations of risk, effort, and reward’¹⁰. According to the two-stage model offered by Wortley, controlling precipitators can be as important as regulating opportunities¹¹:

The first stage of the model involves situational forces that precipitate criminal conduct. Behaviour may be entirely avoided if relevant situational precipitators are adequately controlled. In the event that behaviour is initiated, then, in the second stage of the model performance of that behaviour is subject to consideration of the costs and benefits that are likely to follow. The absence of appropriate disincentives or constraints will permit or encourage behaviour while appropriate disincentives or constraints will prevent or discourage behaviour.

Although Cornish and Clarke have welcomed this expansion of SCP in ways that embrace techniques directed at the motivational dimension of offending rather than the opportunity dimension,

¹⁰ CORNISH and CLARKE, p. 80.

¹¹ WORTLEY, p. 64.

they have insisted that the value of the precipitator-control techniques may be more limited in practice when compared to those of opportunity-reduction. Madensen and Eck, on the other hand, have suggested that the diversity of interventions guarantees that the weaknesses of one intervention are balanced by the strengths of other interventions¹².

Clarke acknowledged that the proposed opportunity-reduction techniques may easily evoke some unattractive issues at either the individual or societal level such as fear and suspicion amongst fellow citizens; an image of a “big-brother” or “fortress society”; and infringement of individual liberties¹³. For example, White¹⁴ claimed that SCP, which he categorized as the conservative or traditional model of crime prevention, fragments communities through social exclusion because it implicitly favours those who afford to benefit from the techniques above over those who do not. Duff and Marshall similarly argued that SCP may lead to ‘differential protection’ which protection against crime is left to individ-

¹² MADENSEN, Tamara D. and ECK, John E., **Spectator Violence in Stadiums - Problem-Oriented Guides for Police, No. 54**, Office of Community Oriented Policing Services (COPS), U.S. Department of Justice, Washington, D.C, 2008, p. 46.

¹³ CLARKE, **Situational Crime Prevention: Its Theoretical Basis...**, p. 250.

¹⁴ WHITE, Robert, “Situating Crime Prevention: Models, Methods, and Political Perspectives”, **The Politics and Practice of Situational Crime Prevention**, Ed. Ross HOMMEL, New York, Criminal Justice Press, 1996, p. 102.

uals, or potential victims, to the greatest extent possible at the expense of ‘an equal level of collective protection’ that should be provided by the political community¹⁵. This putative discrimination of SCP has been rejected on the grounds that a range of SCP devices is either cheap to implement or afforded by public authorities or private businesses rather than individual would-be victims¹⁶.

Sutton *et al.* similarly find SCP strategies, which focus on how to stop people committing crime rather than how to change them in fundamental ways, more befitting for a society of a more liberal and tolerant kind¹⁷. Felson and Clarke further believe that ‘people are not very prone to long-term improvement’¹⁸. However, it does not purport that SCP is opposed to the improvement of the social status of minorities or disadvantaged classes through social programmes¹⁹. Rather, SCP proponents reject the idea that social

¹⁵ DUFF, R. A. and MARSHALL, S. E., “Benefits, Burdens and Responsibilities: Some Ethical Dimensions of Situational Crime Prevention”, **Ethical and Social Perspectives on Situational Crime Prevention**, Eds. A. VON HIRSCH, D. GARLAND, and A. WAKEFIELD, Oxford, Hart Publishing, 2000, p. 24-26.

¹⁶ SEVE, Rene, “Philosophical Justifications of Situational Crime Prevention”, **Rational Choice and Situational Crime Prevention**, Eds. G. NEWMAN, R. V. CLARKE, R. V. and S. G. SHOHAM, Aldershot, Ashgate, Y. 1997, p. 193-4.

¹⁷ SUTTON *et al.*, p. 68.

¹⁸ FELSON, M. and CLARKE, R. V. (1997), “The Ethics of Situational Crime Prevention”, Eds. G. NEWMAN, R. V. CLARKE and S. G. SHOHAM, Aldershot, Ashgate, Y. 1997, p. 205.

¹⁹ SUTTON *et al.*, p. 50-51.

development is the major crime reduction mechanism while contending that SCP should support relevant initiatives for their own sake²⁰. Moreover, according to Sève, ‘situational prevention reminds us that the undertaking of prevention by citizens or groups (associations, companies, local authorities) may also constitute a democratic activity by a return to the sources of political liberalism’²¹. Felson and Clarke similarly underlined that the SCP approach advocates three ethical principles a liberal democracy should consider when designing crime prevention policy, which are (a) delivering crime prevention equally to all sections of society; (b) respecting individual rights; and (c) distributing the responsibility for crime prevention among citizens²².

In reply to the intrusion and obtrusion criticisms, Clarke²³ similarly remained optimistic about the operation of his model, insisting that SCP does not necessarily violate individual liberties or impair life standards. On the contrary, he claimed that many situational measures are not even noticeable, as in the replacement of aluminium cash compartments with steel ones in post offices in the UK, while some could even enhance quality of life, as in the design

²⁰ *Ibid.*

²¹ SEVE, p. 194.

²² FELSON and CLARKE, p. 199.

²³ CLARKE, **Situational Crime Prevention: Its Theoretical Basis...**, p.250.

of defensible-space housing which promoted the neighbourhood sense and feeling of safety among residents²⁴.

Finally, Clarke has suggested that the opportunity reduction techniques should be selected and implemented following ‘a careful assessment of possible solutions’ in relation to the crime problem in hand²⁵:

[M]any different solutions can be found for a specific problem of crime and disorder if it is analysed in enough detail. These solutions need to be carefully assessed for their costs and benefits. In all cases, the assessment must go beyond financial considerations and must include a variety of social and ethical costs – intrusiveness, inconvenience, unfairness, discrimination, etc. Even if the assessment is informal, as it usually must be, this stage should never be skipped. Because there are always many different ways to reduce opportunities, there is no necessity to adopt a particular solution if it is found unacceptable in certain respects.

SCP proponents underline that such cost-benefit calculation always should be kept at the specific or local level²⁶. All these suggest that SCP can only obviate ideological and ethical criticisms as

²⁴ *Ibid.*

²⁵ CLARKE, Ronald V., “Situational Crime Prevention”, *Environmental Criminology and Crime Analysis*, Eds. R. WORTLEY and L. MAZORELLE, Cullompton, Willan, Y. 2008, p. 192.

²⁶ See FELSON and CLARKE, SEVE.

long as it does not claim to be a general theory of crime prevention²⁷.

As for the academic advancement of the research on controlling football violence, it should be noted that in Europe the social-scientific research related to football-related crime and disorder has long been dominated by British scholars, and particularly English scholars. Consequently, the most significant theories in relation to the phenomenon have historically been generated in England, chiefly under the heading of ‘hooliganism’, and have reflected Marxist, psychological, sociological, anthropological, gender and socio-psychological/interactionist perspectives. Early theories on the phenomenon of football violence established the precedents of ‘sub-cultural theories of delinquency’ and proposed social prevention mechanisms to control football-related crime²⁸.

²⁷ MARONGIU, Pietro and NEWMAN, Graeme, “Situational Crime Prevention and the Utilitarian Tradition”, **Rational Choice and Situational Crime Prevention**, Eds. G. NEWMAN, R. V. CLARKE and S. G. SHOHAM, Aldershot, Ashgate, Y. 1997.

²⁸ See for example TAYLOR, Ian, “Spectator Violence around Football: The Rise and Fall of the Working Class Weekend”, **Research Papers in Physical Education**, Y. 1976, V. 4, p. 4-9. CLARKE, John, “Football and Working Class Fans: Tradition and Change”, **Football Hooliganism: The Wider Context**. Eds. R. INGHAM, S. HALL, J. CLARKE, P. MARSH and J. DONOVAN, Inter-Action Imprint, London, 1978. MARSH, Peter, ROSSER, Elisabeth and HARRE, Rom, **The Rules of Disorder**. Routledge & Kegan Paul, London, 1978. WILLIAMS, John, DUNNING, Eric and MURPHY, Patrick, **Hooligans Abroad: The Behaviour and Control of English Fans in Continental Europe**, Routledge & Kegan Paul, London, 1984. DUNNING, Eric, MURPHY, Patrick and WILLIAMS, John, **The Roots of Football Hooliganism: An Historical and Sociological Study**. Routledge & Kegan Paul, London, 1988.

While the main subject matter of the research on football violence was once self-acknowledged hooligan formations, the academic focus has gradually moved to the acts and processes that precipitate violence and disorder. However, even in the interactionist approaches, the main focus has been offender motivations or level of readiness rather than particular crime events²⁹. This has led the ignorance of opportunities and other immediate factors which are found in crime situations and move potential offenders from a state of readiness to commit offences to full action. This gap has been filled by the theory of situational crime prevention.

In light of the academic development of the research on football violence, the choice to adopt SCP approach in this paper may be justified as follows. First, it conceptualizes football violence as a wider phenomenon rather than the actions of a small number of people with criminal dispositions who are dedicated to

ARMSTRONG, Gary and HARRIS, Rosemary, "Football Hooligans: Theory and Evidence", **The Sociological Review**, Y. 1991, V. 39, I. 3, p. 427-458.

²⁹ See for example GIULIANOTTI, Richard, "Scotland's Tartan Army in Italy: The Case for the Carnavalesque", **Sociological Review**, Y. 1991, V. 39, I. 3, p. 503-527. STOTT, Clifford and REICHER, Steve, "How Conflict Escalates: The Inter-Group Dynamics of Collective Football Crowd Violence", **Sociology**, Y. 1998, V. 32, I. 2, p.353-377. SPAAIJ, Ramon, **Understanding Football Hooliganism: A Comparison of Six Western European Football Clubs**. Amsterdam University Press, Amsterdam, 2006. PEARSON, Geoff, **An Ethnography of English Fans: Cans, Cops, and Carnivals**. Manchester University Press, Manchester, 2012.

violence (i.e. hooligans). Secondly, it separately examines different forms of violent and disorderly fan behavior by avoiding sweeping generalizations and by taking account of legal definitions in labelling football-related violence. Thirdly, the available control techniques implemented in relation to football, or sport generally, in Turkey are associated to the latest framework developed by Cornish and Clarke, which extends both the purposes of situational preventive interventions and hence their forms in ways that include psychological dimension of the person-situation interaction.

II. Legal Regulations on Football Violence in Turkey

The football-related crime prevention policy of the Turkish State, as in many other European countries, is predominantly predicated on situational prevention and law and order. Law 6222 is at the heart of the Turkish social control in relation to football. This legal instrument which was introduced by the Turkish State in 2011 regulates preventive measures and criminal sanctions related to violent and unruly fan behaviors in detail.

The first specific legal instrument for addressing sports-related violence in Turkey was enacted in 2004 via Law 5149 to Prevent Violence and Disorder at Sporting Events. Law 5149 prohibited acts such as the sale, use or possession of alcohol and possession of injurious articles in sporting areas (Art. 11); obscene chanting (Art. 12); illegal ticket sale (Art. 14); unauthorized entry to the

field of play (Art. 17/1); making statements which are incompatible with sports ethics or incendiary, pejorative or discriminatory statements based on language, religion, sect, race, sex, ethnicity or political view, or hanging banners or bills of this nature at/around sport grounds (Art. 17/2); and damaging sporting areas (Art. 24). Those who breached any of these rules, except Article 12, were subject to either an administrative fine or an administrative fine with a banning order, which were imposed by the Sport Security Boards established under provincial administrations. The law did not envisage any punishment for obscene chanting, which was prohibited by Article 12.

Following the Report of the Parliamentary Research Committee completed in March 2011, Law 5149 was abrogated in April 2011 by Law 6222 to Prevent Violence and Disorder at Sporting Events. It has been (widely) acknowledged that international law and practices were taken into consideration by Turkish law makers involved in the legislative process that led to Law 6222³⁰. The Preamble to the new law, which was presented to the Turkish Grand National Assembly (TGNA) in December 2010 by the Jus-

³⁰ Turkish NOC Report 2013 by Turkish National Olympic Committee Sport Law Commission & İstanbul Bar Association Sport Law Commission.

tice and Development Party (JDP) Government, began by declaring the motive behind the introduction of specific legislation as follows:

As the protection of the rights of fans and other persons who carry on business in sports and the prevention of violence and disorder at sporting events constitute an extraordinary situation beyond a common public order issue, violence and disorder at sport cannot be dealt with by general criminal provisions. Thus, the problem should be dealt with particularly [translated from Turkish].

The Government also highlighted both quantitative and qualitative increases in violent and disorderly behavior at sporting events, in particular football games, in recent years³¹. It was underlined that Law 5149 had fallen short of expectation in terms of its ability to prevent violence and disorder since it came into force in 2004 and six years later problems in the application of the law had still not been resolved³². The increase in the number of offenders who got involved in sport-related crimes from 2002 to 2010 has been tabulated by Parliamentary Research Committee as follows:

³¹ Preamble to Law 6222: Draft Law on the Prevention of Violence and Disorder in Sports and the Report of the Justice Commission – 1/990.

³² *Ibid.*

Table 2: Number of Offenders Who Committed Sport-Related Crimes in Turkey, 2002-2010³³

	2002 - 2003	2004	2005	2006	2007	2008	2009	2010
2002-2003 (GDS Statistics)	1253							
2004-2007 (TFF Statistics)		297	653	748	1158			
2008-2010 GDS Statistics)						1087	1209	1091

Although both Law 5149 and Law 6222 were enacted to tackle violence and disorder arising at any sporting event, football has been the main context for their implementation. According to the official statistics collected by the TFF and the General Directorate of Security (GDS) between 2004 and 2010 and presented by the Parliamentary Research Committee in 2011, unruly fan behaviors were mostly witnessed at football matches.

³³ Report of the Parliamentary Research Committee, p. 109.

Table 3: Distribution of Sport-Related Disorder in Turkey, 2004-2010³⁴

	Foot- ball	Basket- ball	Volley- ball	Hand- ball	Othe r
2004- 2008 (TFF Statis- tics)	93%	4%	2%	0%	1%
2008- 2010 (GDS Statis- tics)	96.5%	2.7%	0.6%	0%	0.2%

These statistics indicate that football violence has been the primary motive behind the specific legislation on sport-related violence in Turkey. According to a report titled *The Factors Having an Effect on Violence in Sport, the Statistics, and the Solution Proposals*,

³⁴ Report of the Parliamentary Research Committee.

which was prepared by the GDS in 2012, the most frequently committed football-related crimes in Turkey are possession, use, or sale of forbidden articles in sporting areas (37%); obscene chanting (31%); damage to property (10%); entering sport areas without a ticket (8%); entering prohibited areas (7%); intentional injury (5%); and entering sport areas while intoxicated (2%). When hooliganism is defined on the basis of sub-cultural group formations with proclivities to inter-group violence³⁵, it can be argued that hooligan activities constitute a small proportion of football violence in Turkey. The data elicited from both media and official statistics indicate that missile throwing is the most common form of football violence in Turkey, followed by swearing (i.e. obscene chanting).

Finally, Law 6222 has extended the scope of the previous law so as to cover places where fans gather in groups frequently or temporarily and routes on a journey to and from stadiums as well as inside and around sporting areas. For example, fans now may be subjected to FBOs for engaging in unruly behavior far away from stadiums as long as the behavior in question fits the definition provided by the law. Extending the scope of the law in this way may be interpreted as a precaution designed to prevent the displacement of violence to outer stadiums. The law does not specify the

³⁵ as it is by Giulianotti and Spaaij.

timeframe in which the law applies, referring only to ‘before’, ‘during’ and ‘after’ a designated sporting event in a broad sense. The Government also intended to strengthen the new law by replacing administrative fines with the penalty of imprisonment³⁶. Accordingly, the authority to impose punishment for football-related offences has been delegated to the criminal courts. However, on 15 December 2011, six months after Law 6222 came into force, Law 6259 made significant amendments in relation to penalties. The terms of imprisonment were reduced by half or replaced with punitive fines. The Preamble to Law 6259 justified these reductions as follows:

As a principle of the state of law, punishments and security measures are imposed by considering the gravity of an offence and the dangerousness of an offender. In addition to this, the punishments imposed for crimes by other laws also should be taken into account when determining the just punishment. Finally, in compliance with humanist principles, penal policies should aim to reintegrate offenders into society and enhance their sense of social responsibility [translated from Turkish].

³⁶ Preamble to Law 6222.

According to some Turkish sports lawyers, the introduction of reduced sentences has substantially weakened the deterrent power of Law 6222³⁷.

III. Physical Transformation of Stadiums in Turkey and Stadium Rules

As stimulated by Article 3/4(a) of the European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches (1985), it is the duty of State parties ‘to secure that the design and physical fabric of stadia provide for the safety of spectators, do not readily facilitate violence between spectators, allow effective crowd control, contain appropriate barriers or fencing, and allow security and police forces to operate’. The regulations to be followed by clubs are also in force. The UEFA Safety and Security Regulations (Edition 2006), for example, oblige match organizers, clubs and other participating associations to take precautionary measures to ensure the safety and security of the crowd for all matches played within the scope of any UEFA competitions. The commonly-held expectations of physical transformation of stadiums by the sporting authorities is a testament to the hypothesis that ‘soccer matches (and other stadium

³⁷ Turkish NOC Report, 2013.

events) comprise a distinct place-and time-specific crime attractor/generator'³⁸. In the light of the international instruments above, separate sections for away fans, physical barriers between field of play and stands, all-seated terraces, numbered seating, entrance controls and CCTV systems have been introduced across European football stadiums albeit at different times and to varying degrees. The Hillsborough Stadium Disaster and the final report submitted to the Home Secretary by Lord Justice Taylor who carried out the inquiry may be seen as a milestone in English football. The report pointed to a number of factors that triggered the events: overcrowding; antiquated stadiums; poor facilities inside stadiums; hooliganism; excessive alcohol consumption; and the lack of positive leadership expected from relevant bodies like the FA, the Football League and clubs³⁹. Furthermore, the report provided a list of recommendations for both safety and control of the crowd such as the installation of CCTV systems; membership cards; segregation of terraces; more seating at stadiums; encouragement of fans' clubs; alcohol restrictions; more active involvement by clubs with the community; and harsher penalties for offenders. The guidance offered by the Report on the management of football stadiums

³⁸ KURLAND, Justin, JOHNSON, Shane D. and TILLEY, Nick (2014), "Offenses around Stadiums: A Natural Experiment on Crime Attraction and Generation", *Journal of Research in Crime and Delinquency*, Y. 2014, V. 51, I. 1, p. 7.

³⁹ Final Report of Inquiry by Lord Justice Taylor into the Hillsborough Stadium Disaster, Submitted to the Home Secretary on 19 January 1990.

in Europe is still applicable, although some of its recommendations, i.e. membership cards, have been subject to criticism for the way they operate.

As for Turkey, the Report of the Parliamentary Research Committee has revealed that while official authorities and fan groups strongly support the idea that improving the physical conditions of sports facilities would effectively reduce football violence in Turkey. Accordingly, the major regulations introduced by the State have been CCTV systems, alcohol restrictions and other prohibitions.

A. CCTV

The transformation of stadiums into violence-free entertainment venues requires more than the amelioration of general facilities. Security-related installations which are incorporated into the fabric of stadiums play a vital role in both pre- and post-criminal processes. Judging by the declarations of the authorities, fan surveys and public opinion polls, CCTV has been a universally appreciated policing apparatus since its introduction⁴⁰. As well as identifying supporters who are involved in violence and disorder inside stadiums, it functions as a deterrent for potential offenders. As main-

⁴⁰ GARLAND, Jon and ROWE, Michael, "The Hooligan's Fear of the Penalty", *Soccer & Society*, Y. 2000, V. 1, I. 1, p.149.

tained by Cavadino and Dignan, the deterrent function of punishment depends on the ‘perceived likelihood of detection’ in the eyes of potential offenders, which CCTV and other forms of surveillance in stadiums attempt to foster⁴¹.

While many European States have officially supported and regulated the application of CCTV, skeptical voices from within academia have questioned its operation in terms of the displacement of violence to outer stadiums and the violation of fundamental rights, i.e. privacy. With reference to Greek stadiums, for example, Mastrogiannakis and Dorville have suggested that ‘the main effect of the deterrent and repressive functions of these systems, concerning the control of the phenomenon, is to force the riots outside and far from the stadia’⁴². However, they have not provided any empirical data to support this argument other than stating that many scholars have expressed this view. By contrast, another Greek

⁴¹ CAVADINO, Mick and DIGNAN, James, **The Penal System: An Introduction**, 4th Edition, Sage, London, 2007, p. 38-9.

⁴² MASTROGIANNAKIS, Diamantis and DORVILLE, Christian, “Electronic Surveillance in Greek Stadia: Bureaucratic Process and Bargaining Games of a Failed Operation”, **Sport in Society: Cultures, Commerce, Media, Politics**, Y. 2013, V. 16, I. 2, p. 189.

scholar, Georgoulas, has adopted a critical criminological approach to examining the use of CCTV in a range of countries across the globe⁴³. He has concluded that:

It operates based on the evidence of guilt, violates privacy (there will be no unmonitored locations), is characterized by the transparency in collection, circulation and elaboration of personal data, and pre-exposes and prerecords population groups that are pre-stigmatized, even before the (prospective or not) event. The practice of CCTV systems so far has shown that in Europe most of these violate the legislation of the states in which they are deployed (mainly in relation to personal data and their use).

The arguments of Georgoulas are rather harsh, particularly in his failure to acknowledge the positive aspects of the practice in terms of crime prevention and public safety. Stadiums are widely recognized as public spaces throughout the world and obviously CCTV is not in operation in areas such as washrooms. As Felson and Clarke point out, ‘there is no reasonable expectation of privacy in such public places’⁴⁴. Duff and Marshall justify the use of CCTV cameras on the grounds that it burdens everyone subject to surveillance indiscriminately and support the use of this measure as long

⁴³ GEORGOULAS, Stratos, “Social Control in Sports and the CCTV Issue: A Critical Criminological Approach”, **Sport in Society: Cultures, Commerce, Media, Politics**, Y. 2013, V. 16, I. 2, p 246-7.

⁴⁴ FELSON and CLARKE, p. 209.

as the protective benefit is worth the burden⁴⁵. In a similar vein, the concerns expressed by Georgoulas may be valid in particular contexts when CCTV records are used for the stigmatization of particular supporter groups, i.e. in a way that discourages the free expression of their political views. Accordingly, the way local practices operate determines whether the system achieves its primary goals of deterring potential offenders and identifying law-breakers.

Scholars who examined the system also expressed concern about the intrusive aspects of CCTV⁴⁶. Norris and Armstrong, for example, claimed that the proliferation of CCTV will turn Britain into a maximum surveillance society. Newburn and Hayman responded to such dystopian predictions by highlighting the duality of the system, in which the potential harms and benefits of CCTV surveillance simultaneously exist in the same political context⁴⁷. By achieving a balance between these two, the authors suggested

⁴⁵ DUFF and MARSHALL, p. 27.

⁴⁶ See DAVIES, Simon G., "CCTV: A New Battleground for Privacy", **Surveillance, Closed Circuit Television and Social Control**, Eds. C. NORRIS, J. MORGAN and G. ARMSTRONG, Aldershot, Ashgate, 1998. MARX, Gary, **Undercover: Police Surveillance in America**. University of California Press, Berkeley, 1998. NORRIS, Clive and ARMSTRONG, Gary, **The Maximum Surveillance Society: The Rise of CCTV**. Berg, Oxford, 1999.

⁴⁷ NEWBURN, Tim and HAYMAN, Stephanie, **Policing, Surveillance and Social Control: CCTV and Police Monitoring of Suspects**. Cullompton, Willan, 2002, p. 167-9.

that protective functions can be favored over privacy even by the subjects of the surveillance⁴⁸.

As for Turkey, the examination of 26 football-related violent events occurred between 1967 and 2014 has indicated that lack of evidence is one of the most common justifications for acquittal in football-related criminal cases in Turkey⁴⁹. This finding is likely to be interpreted as the low risk of apprehension by potential offenders in a manner that affects their crime decision-making processes. In order to increase the risk of detection in Turkish stadiums, the duty to install necessary equipment into stadiums has been imposed on clubs by Law 6222 and the Regulation on the Implementation of Law 6222. In June 2013, the physical and technical infrastructure of the Turkish stadiums was examined by a dedicated committee under the auspices of a joint workshop comprised of the representatives of a range of relevant institutions, including the Ministry of Youth and Sport, the Ministry of Justice, the High Council of Judges and Prosecutors, the GDS, the General Directorates of Sport, the Offices of the Chief Prosecutor, provincial security directorates and sport security units in the provinces where the first and second division football clubs are located and the presidents of these clubs. Informed by the findings of this committee,

⁴⁸ *Ibid.*

⁴⁹ See Appendix 1 and Appendix 2.

the Ministry of Youth and Sport issued a circular on 16 August 2013 in which it charged the clubs and the Federation to complete the installation of technical equipment urgently to ensure the consistent implementation of the relevant laws. A circular from the Ministry of Interior dated 26 September 2013 similarly demanded the supply and installation of a sufficient number of camera systems with cutting-edge features able to monitor the stadium gates, terraces and the field of play and to record sound and video that can be used as forensic evidence. It is worth noting that Fenerbahçe was the club which achieved a considerable improvement in relation to the stadium security systems far before other clubs in Turkey. In 2008, the club announced that with the support of the TFF they installed a security system which consists of 178 cameras in and around their stadium⁵⁰. Eighteen out of 178 cameras were installed outside the stadium so as to cover an area of one and half kilometers for 24 hours. The head of stadium claimed that this system was one of a kind in Turkey and accordingly Fenerbahçe had the most secured stadium of Turkey.

Regarding the SCP approach, CCTV cameras may produce their effects through several different mechanisms. As suggested

⁵⁰ Fenerbahçe.org, 2008, **Saracoğlu'na 178 Kameralı Yeni Güvenlik Sistemi/New Security System with 178 Cameras at Saraçoğlu**. Available at: <http://www.fenerbahce.org/i/detay.asp?ContentID=10693>, Accessed: 20 May 2016.

by Tilley, ‘in a given context, a particular crime prevention measure fires one or more causal mechanisms, which produce a particular outcome-pattern’⁵¹. In the Turkish football context, CCTV, as a SCP measure, activates two mechanisms depending on its mode of operation: increasing risks and reducing provocations. While acknowledging that CCTVs can work and produce their effects through different mechanisms, as also explained below separately, increasing the perceived risks of detection by strengthening formal surveillance is likely to be the first and main effect of CCTV. Although there is limited evidence available on the effectiveness of CCTVs in Turkey, the evidence of impact on different crime types in other settings attests to the suitability of this measure to reduce football-related crimes in Turkey⁵².

B. Alcohol Restrictions

Although populist views have taken the correlation between alcohol consumption and football violence for granted, the literature

⁵¹ TILLEY, Nick, **Understanding Car Parks, Crime and CCTV: Evaluation Lessons from Safer Cities**, London, Home Office Police Department, 1993, p. 3.

⁵² see for example the systematic review and meta-analysis of the CCTV impact on crime reductions in public space, undertaken by WELSH, Brandon and FARRINGTON, David P., “Public Area CCTV and Crime Prevention: An Updated Systematic Review and Meta-Analysis”, **Justice Quarterly**, Y. 2009, V. 26, I. 4, p. 716-745.

provides little empirical evidence regarding the influence of alcohol on the occurrence of violent fan behavior⁵³. Nevertheless, alcohol as a contributing if not causal factor has been acknowledged and regulated to varying degrees by a range of European countries including England, France, Portugal, Slovenia, Scotland, Spain and the Netherlands⁵⁴.

One of the earliest legislative actions on the issue was the absolute ban on alcohol in Scottish stadiums imposed by the Criminal Justice (Scotland) Act 1980. Five years later, the European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches (1985) brought the issue onto the European stage. The Convention encouraged State parties to take necessary action ‘to exclude from or forbid access to matches and stadia, insofar as it is legally possible, [...] people who are under the influence of alcohol or drugs’ (Art. 3/4(d)) and ‘to prohibit the introduction of alcoholic drinks by spectators into stadia; to restrict, and preferably ban, the sale and any distribution

⁵³ See MURPHY, Patrick and WADDINGTON, Ivan, **Soccer Review**, Leicester, The Professional Football Association, 2005, p. 40. FROSDICK, Steve and MARSH, Peter, **Football Hooliganism**, London, Routledge, 2005, p. 123.

⁵⁴ SIEKMANN, Robert, GARDINER, Simon, SOEK, Janwillem, OLFERS, Marjan and MOJET, Hans, **Football Hooliganism with an EU Dimension: Towards an International Legal Framework – Final Report AGIS Programme 2003**, The Hague, T.M.C. Asser Instituut, 2004.

of alcoholic drinks at stadia, and to ensure that all beverages available are in safe containers' (Art. 3/4(f)). That same year in England, the Thatcher government introduced the Sporting Events (Control of Alcohol) Act 1985, which banned the consumption and/or possession of alcohol within sight of the pitch.

In Turkey, Law 6222 similarly prohibits the admission to sports grounds of a person who clearly appears to be under the influence of alcohol or another stimulant. The possession of liquor or narcotic or stimulant drugs at sporting events is subject to a punitive fine (Art. 13/6). Those found drunk inside sports grounds and refuses to leave are forcibly expelled and banned from watching matches for a one-year period. Banning from watching for drunkenness is an example of an administrative football banning order, which is immediately enforced by the police with no need for any judicial procedure. Pointing to the need for 'reasonable suspicion', some lawyers have argued that it is not possible to impose this ban on a drunk person who does not constitute any risk of harm or has not committed a crime just because s/he enters or attempts to enter sports grounds⁵⁵. Law 6222 also prohibits alcohol consumption inside stadiums without any exception, i.e. out of sight

⁵⁵ DERE, Coşkun, "Spor Müsabakalarını Seyirden Yasaklanma/Banning from Watching Sport Competitions", **Ankara Barosu Spor Hukuku Kurulu - Av. Ömer Remzi Arıkan Armağanı/Ankara Bar Association Sport Law Committee – Special Edition for Lawyer Ömer Remzi Arıkan**, Eds. T. ÇAĞLAR, Ankara, Mattek, 2013. ZAFER, Hamide, "Sporda Şiddet ve

of the pitch as is the case for English stadiums. Despite the lack of empirical evidence on the role of alcohol in relation to the extent of football violence in Turkey, the president of the TFF also asked clubs to schedule early kick-off times to reduce the alcohol consumption by fans⁵⁶. Moreover, some Turkish lawyers have supported the idea of early kick-off times on the grounds that it is more difficult to evade the police in the daytime⁵⁷.

Considering the latest SCP model proposed by Cornish and Clarke, alcohol restrictions first serve to negate the excuses of offenders who seek to evade responsibility of their violent behaviors. The potential use of alcohol as an excuse was explained by Murphy and Waddington as follows⁵⁸:

It is also the case that football hooligans themselves helped to foster the link between football hooliganism and alcohol consumption. If, for example, a football hooligan found himself in court charged with assault and was asked to explain his behaviour, he may well have asked himself the question: ‘What sort of explanation is more likely to lead to a lesser sentence?’ ‘I was out

Düzensizliğin Önlenmesine Yönelik Bir Çare Olarak Seyirden Yasaklama/A Remedy to Prevent Violence and Disorder in Sport: Banning Order from Match”, **Türkiye Adalet Akademisi Dergisi/Journal of the Justice Academy of Turkey**, Y. 2014, V. 5, I. 19, p. 23-52.

⁵⁶ RADİKAL, 1 August 2013, **Taraftara ‘Direniş’ Yasak/Fan ‘Resistance’ Forbidden**, Available at: <http://www.radikal.com.tr/spor/taraftara-direnis-yasak-1144375/>, Accessed: 20 May 2016.

⁵⁷ Turkish NOC Report, p. 23.

⁵⁸ MURPHY and WADDINGTON, p. 40.

of my head because I'd drunk too much' or 'I get a buzz out of violence'. The answer is self-evident.

Taking the subjective evaluations of potential offenders in relation to the situations conducive to violence into account, Felson and Boba further claim that alcohol plays a major role in the perception of provocations⁵⁹:

It gives people big mouths and big ears. Big mouths help people make aggressive statements that provoke counterattacks and restoration of justice. Big mouths also help people to provoke others into fights. Alcohol makes bigger ears by getting people to hear things that were not said. Managing alcohol is part of preventing violence.

Controlling alcohol in the football context accordingly emerges as a strategy under the category of removing excuses, as proposed by Cornish and Clarke. Secondly, alcohol-related restrictions in football stadiums do not only serve to keep supporters sober-minded, they also reduce the likelihood of trouble stemming from the use of alcohol bottles and cans as missiles. Replacing glassware with plastic, for example, was a measure which successfully reduced injuries in barroom environments⁶⁰. Frosdick and Marsh noted that

⁵⁹ FELSON, Marcus and BOBA, Rachel L., **Crime and Everyday Life**, 4th Edition, London, Sage, 2010, p. 189.

⁶⁰ GRAHAM, Kathryn and HOMEL, Ross, **Raising the Bar: Preventing Aggression in and around Bars, Clubs and Pubs**. Devon, Willan, 2008.

a similar concern was found in relation to alcohol control strategies in the British context since the 1980s⁶¹. Incidents in which match officials and players were injured in this way have been reported in some European countries such as Germany and Sweden where pitch-side drinking is permitted⁶². This auxiliary dimension of these restrictions can be located within the category of increasing the effort for committing crime by controlling tools/weapons in the first place⁶³. Accordingly, in a similar way to CCTV, banning alcohol can produce its effects through different mechanisms which are (a) increasing efforts as a result of controlling alcohol containers that can be used as weapons and (b) removing excuses. Considering the extent of missile throwing in the Turkish football context, the first mechanism, in particular, can plausibly contribute to reductions in this form of disorderly fan behavior.

C. Other Prohibitions

Law 6222 identifies four specific offences that can be categorized as violent or disorderly fan behavior. Three of them, namely possession, use or sale of forbidden articles at sporting areas (Art. 12 and 13), obscene chanting (Art. 14) and unauthorized enter to the game field (Art. 16), have been enacted in a similar way to the

⁶¹ FROSDICK and MARSH, p. 127.

⁶² PONTURO, Tony, **Alcohol and Football**. London, Alcohol Concern, 2014.

⁶³ CORNISH and CLARKE

former law, although significant changes have been applied to the elements of the offences in question and to the punishment of offenders. ‘Running riot at sporting areas and damaging facilities’ (Art.17), on the other hand, has been introduced as a new offence.

According to Article 13 of the law, a person who carries tools which can be used for cutting, crushing, wounding or drilling or articles which are fulminating, sparkling, inflammable or burning will be sentenced to up to one year’s imprisonment; this term is extended up to five years for those who provide these tools and articles. If an offender disturbs the peace of a match by using these tools or articles, unless the behavior constitutes another crime which requires the imposition of a heavier penalty, s/he faces a sentence of 1-3 years’ imprisonment (Art. 13/4). If the same offence is committed by using other articles which are not prohibited by the Law, the offender is hit with a punitive fine (Art. 13/5). If implemented strictly together with ‘controlling access’, another SCP measure, controlling the possession, use or sale of forbidden articles at sporting areas emerges as one of the main precautions designed to block criminal opportunities for would-be offenders regardless of their motivation. This measure is accordingly located under the category of increasing efforts by controlling tools/weapons.

The elements and sanctions of obscene chanting, which constitutes a form of symbolic violence, in the former law (Law 5149, Art. 12) were also changed drastically. According to the new law (Law 6222, Art. 14/1) that regulates obscene chanting:

- The illegal behavior should occur at or around sporting areas.
- It can be a group behavior or single fan behavior.
- The words or acts should be perceived as an ‘insult’ by third persons who hear or see them, regardless of whether they mention or target a specific person.
- Offenders shall be punished with punitive fines, unless the behavior constitutes another crime which requires the imposition of a heavier penalty.
- And the investigation and prosecution are not bound to a complaint.

If the words or acts are of a discriminatory nature based on religion, language, race, ethnicity, or sex, offenders shall receive sentence of six months up to two years’ imprisonment, unless the behavior constitutes another offence which requires the imposition of a heavier penalty (Art. 14/2). In cases where offences defined in the

first and second clauses are committed through holding or hanging written banners or graffiti, the penalty is increased by one-half (Art. 14/3). Punishing obscene chanting unlike the former law may be interpreted as a strategy of the Turkish State which seeks to alert conscious about the illegality of this behavior and removes excuses accordingly. Swearing has been also identified as one of the most common unruly crowd behavior in the Turkish football context.

‘Unauthorized entry to the field of play and other areas in which fans are not generally permitted’ is regulated by Article 16 of the law wherein perpetrators are sentenced to a minimum of three months up to one year in prison or to a punitive fine. Moreover, offences which interfere with the course or threaten the security of a match, will incur a penalty of 1-3 years’ imprisonment (Art. 16/2). Regulating unauthorized entry to the playing field as a separate crime serves to avoid possible disputes as well as making it more difficult for motivated offenders to make contact with their targets, namely players in the pitch or match attendants. Pitch invasion is one of the most common disorderly fan behaviors in Turkish football history in light of the media sources examined within the scope of the project⁶⁴. Accordingly, banning unauthorized entry to certain areas including the field of play emerges as a

⁶⁴ See Appendix 1 and Appendix 2.

measure which will contribute to increased efforts by hardening targets and reducing provocations by avoiding possible disputes.

Finally, Article 17 of the law, which refers to ‘running riot at sporting areas and damaging facilities’, rules that the crimes involving intentional injury or damage to property at sporting areas are subject to the general provisions of the Turkish Criminal Code and the investigation and prosecution of these offences is not bound to a complaint. It is worth noting that Law 6222 presumes sporting areas and other commodities in these areas to be ‘public property’ in terms of the crime of damage to property (Art. 17/2). Identifying stadiums as public property, even though they may be owned by private individuals, implies that predatory crimes committed in such places are deemed by the Turkish lawmakers to be more serious than ordinary predatory crimes. It is also worth noting that referees, observers and representatives are similarly considered public officials in the crimes committed against them in relation to their duties⁶⁵. Sağır interprets this attribution as the control of sports, in particular football, by the central authority which aims to increase its power in stadiums⁶⁶.

⁶⁵ Law 6222, Art. 20.

⁶⁶ SAĞIR, Adem, “Sociological Analysis of the Case of Football in Turkey in the Context of Law No. 6222”, **TODAİE’s Review of Public Administration**, Y. 2012, V. 6, I. 3, p.190.

The detailed definition of violent and disorderly behaviors by Law 6222 is compatible with one of the basic principles of the SCP theory, which seeks ‘to remove any ambiguity concerning the acceptability of conduct’⁶⁷. From this perspective, the clarity of rules serves to alert potential offenders about the severity of the costs involved in the decision-making process⁶⁸. According to Clarke, some highly specific laws may be designed to support such rules⁶⁹. The introduction of new rules and prohibitions and the strengthening of some existing rules in terms of their elements and sanctions through Law 6222 is a testament to this argument. Such strategy accordingly may be seen as an implication of removing excuses via setting rules.

IV. Policing Strategies in Turkey

The policing strategy that has been encouraged in Europe is one of increasing cooperation and information exchange between the police and other competent authorities at both the national and the international level. Regarding the latter, the Council of EU seeks to enhance international police cooperation between Member States via its binding legal instruments. Council Decision

⁶⁷ CLARKE, Ronald. V., “Situational Crime Prevention”, **Crime and Justice: Building a Safer Society: Strategic Approaches to Crime Prevention**, Y. 1995, V. 19, p.118.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

2002/348/JHA (Art. 1/1), for example, obliges each Member State to establish ‘a national football information point of a police nature’ which will coordinate and facilitate the anticipated exchange of information and international police cooperation. As a part of their authorization, furthermore, they are assigned to attain the personal information of risk-supporters and prepare a risk assessment concerning individual clubs or the national team of the country in which they operate. In 2007, Council Decision 2007/412/JHA was introduced, which amended the 2002 Decision in light of expert assessments on the operation of international police cooperation. The amendment emphasized the need for the formation and circulation of ‘generic and/or thematic national football disorder assessments’, and the more accurate exchange of relevant information.

Despite the efforts to improve police co-operation in Europe, the early argument of Garland and Rowe, which emphasized the difficulty of controlling sporadic violence, still has merit, particularly considering the sporadic and spontaneous nature of football violence⁷⁰. As indicated by both official reports⁷¹ and media sources⁷², while inter-group quarrels emerge as sporadic incidents, throwing missiles at particular or random targets, pitch invasion,

⁷⁰ GARLAND and ROWE, p. 146.

⁷¹ See in particular “The Factors Having an Effect on Violence in Sport, the Statistics, and the Solution Proposals”.

⁷² See Appendix 1 and Appendix 2.

vandalism/property destruction, confrontations with the police and verbal assault can be listed as more frequent crowd behaviors in Turkey:

The fact that such events are relatively co-ordinated does at least offer the police the possibility of controlling and preventing this type of disorder, just as intelligence-gathering and surveillance might be used against drug-traffickers, paedophile rings or other organized criminals. Such strategies remain limited though, since much football-related violence appears to be relatively unorganized and *ad hoc*, and not the product of highly organized groups, and is therefore very difficult to prevent using the kinds of approach detailed here⁷³.

In the context of Turkish football, there has been only one exception to this rule. As part of the so-called hooligan investigation initiated in 2013, the members of a number of fan groups were arrested by the police after a one-year chase using technical surveillance devices and were accused of being members of a criminal enterprise⁷⁴. Within the scope of the operations, the police found a number of injurious articles, including knives, during the searches

⁷³ GARLAND and ROWE, p. 155.

⁷⁴ HÜRRİYET, 27 September 2013, **İstanbul'da Taraftar Operasyonu/Police Operation against Fans in İstanbul**, Available at: <http://www.hurriyet.com.tr/istanbulda-taraftar-operasyonu-24800370>, Accessed: 20 May 2016.

conducted before the matches. The proactive policing against football-related crime and disorder in Turkey, on the other hand, is the employment of the police and other security attendants in stadiums. According to Madensen and Eck, stadium personnel in charge of security is an essential part of any crime prevention strategy in relation to the football-related crime prevention⁷⁵. Clarke had also highlighted the role of formal surveillance in the football context as follows⁷⁶:

Good liaison between the police, the two soccer teams, and supporters' clubs can reduce the opportunities and temptations for vandalism and violence; arrival and departure of supporters can be better managed so as to avoid long delays; within and possibly around the grounds, routes of access to stands and occupation of stands can be controlled.

With reference to English stadiums, the employment of stewards at stadiums in the 1990s, as well as the proliferation of CCTV monitors, hand-held video camera and the photo-phone system in the late 1980s, made a significant contribution to policing football crowds⁷⁷. Many duties of the police at football stadiums were then transferred to stewards appointed by host clubs⁷⁸. That there was

⁷⁵ MADENSEN and ECK, p. 12.

⁷⁶ CLARKE, **Situational Crime Prevention: Its Theoretical Basis...**, p. 244.

⁷⁷ FROASDICK and MARSH, p. 158-9.

⁷⁸ *Ibid.*

no national standard for testing the efficiency of stewards in relation to crowd control and spectator safety was the primary concern for both authorities and academics in the first years of the practice⁷⁹. Today, all stewards working in any stadium in the UK must hold a Level 2 National Vocational Qualification (NVQ) in spectator safety. In order to achieve this level, they are subject to a training package, ‘On the Ball’, introduced by the Football Association. A stadium safety officer, who has to be appointed in every English stadium, is in charge of executing these training programs in addition to other safety-related duties. According to the Home Office Statistics for the 2010/11 season, ‘51% of all matches [in England] were police free – continuing to free up police resources to deal with local police and community priorities’⁸⁰. The English model of policing, which relies on the assignment of qualified stewards inside stadiums, is a testament to the hypothesis that systematic management of the immediate environment is an integral part of a successful situational prevention.

In Turkey, Law 6222 (Art. 6) obliges clubs to provide a sufficient number of private security guards, who carry out security-related duties inside stadiums along with the police, and club attendants, whose role is to ensure spectator safety. Regarding the

⁷⁹ *Ibid.*

⁸⁰ Home Office, 2011, Official Statistics on Football-Related Arrests and Banning Orders, Season 2010/11.

former, clubs can buy private security services to fulfil the duties imposed by the Law. Provincial Sport Security Boards are authorized to determine the number of private security guards which will be employed by clubs and their places of duty. In relation to first division football club matches, police officers who are not on duty on the match day can be assigned to provide security upon application by the relevant club and at the request of the Federation. The police officers assigned to this task by the authorized police unit are paid twice their usual daily wage. The number of police officers cannot exceed one third of the number of private security guards as determined by the Provincial Sport Security Boards. Private security guards assigned to sporting grounds are subject to Law 5188 on Private Security Services in terms of their duties and powers, except that they cannot carry firearms.

It is worth noting that the duties of private security guards that are regulated by law are not equivalent to those of stewards in English football stadiums. Stewards may be trained by the clubs themselves or provided via stewarding agencies for health and safety-related duties inside stadiums, such as guiding spectators upon entry and exit or rendering emergency first-aid. Unlike stewards, a private security force is a special unit which is endowed by

law with similar authority to that of the police, albeit with more limited powers⁸¹.

In order to facilitate coordination between relevant individuals and agencies and to monitor the execution of security measures at football matches, a competition security chief is appointed by the local authority from among police commanders (Law 6222, Art. 7). Police officers and private security guards work together under the command and governance of the competition security chief. Competition security chiefs were put in charge under the previous law as well. In a meeting held with representatives of the İstanbul Provincial Sport Security Board, it was stated that the assignment of the same provincial police commanders as competition security chiefs in 2010 and 2011 enabled this group of chiefs to specialize in the control of clubs and stadiums, including the use of spectator profiling⁸². According to Law 6222, competition security chiefs can decide to increase the number of police officers at any time. Each competition security chief assigns a police officer to each football club in the first and second divisions. This specified officer is charged with attending every match of that club, including away games. In the event of violence or disorder on the

⁸¹ Turkish NOC Report, p. 25.

⁸² Report of the Parliamentary Research Committee, p. 163.

terraces, private security guards inform the authorized police officer and the police officer in question dispatches a sufficient number of police to that area⁸³.

As a specific power invested in security attendants during the admission of fans into stadiums, stewards (or the police, depending on the law and ground regulations of a given country) have the right to search spectators to prevent admission of forbidden materials. Law 6222 (Art. 12/2) grants police officers and private security guards, on condition of the governance of the police, authorization to search spectators and their belongings via technical devices or by hand. The police are further warranted to conduct such searches around and en route to and from sports grounds before, during and after matches in accordance with Law 2559 on Police Powers (Art. 12/3). Comparing the security measures taken inside Turkish and British stadiums, Mizrahi and Maguire have observed that:

Turkey's security measures have even gone a step further in the searches conducted on spectators entering the stadium to watch the match. Turkish security guards remove lighters, coins and

⁸³ ÜSTÜNEL, Rüstem and ALKURT, Zafer "Futbolda Şiddet ve Düzensizliğin Önlenmesi için 6222 Sayılı Yasanın Getirdiği Yeni Bir Uygulama: Elektronik Bilet ve Yaşanan Sorunlar/A New Application by Law No.6222 to Prevent Football Violence and Disorder: Electronic Ticket and Associated Problems", **Kara Harp Okulu Bilim Dergisi/Science Journal of Turkish Military Academy**, Y. 2015, V. 25, I. 2, p. 157.

even house keys from those coming to watch, to try and ensure nothing can be thrown at any of the players or the referees, although the odd item still tends to find its way onto the field⁸⁴.

The effectiveness of the police presence at Turkish football stadiums has been the focus of numerous survey-based academic studies in the early 2000s, prior to the introduction of Law 6222 in 2011⁸⁵. A study by Oktay Çelik found that one in every three police

⁸⁴ MİZRAHİ, Doğan D. and MAGUIRE, Joseph, “Content Analysis on the Media Expression of Hooligan Behaviour in Turkish Association Football Derbies: Case Study of Fenerbahçe SK – Galatasaray SK from 2000-2010”, **Collected Insights from the Field of Sport - Volume 1: Football and Society**, Eds. G. HENDRIKS, K. GILBERT, D. OYON and C. STRICKER, Lausanne, AISTS, 2014, p. 20.

⁸⁵ See for example GÜLTEKİN, Okan, DOĞAN, Mehmet, DOĞAN, Ayşegül and EYLEN, Berrin, “Futbol Sahalarında Şiddet ve Emniyet Güçlerinin Tutumu Üzerine Bir Araştırma/A Research on Violence in Football and Attitudes of Security Attendants”, **21.Yüzyılda Polisin Eğitimi Sempozyumu/Symposium of Police Training in 21st Century**. Ankara, EGM Yayınları, 2000. KAYNAK, İlter, **Spor Müsabakalarında Görev Yapan Polislerin Tutum ve Davranışlarının Araştırılması/Investigation of the Attitudes and Behaviours of the Police in Sports Competitions**, Master’s Thesis, Gazi University, Institute of Health Sciences, Department of Physical Training and Sports, Ankara, 2002. DEMİRYÜREK, Murat. S., **Futbolda Şiddet Olgusu ve Futbol Karşılaşmalarının Güvenlik Yönetimi/The Phenomenon of Football Violence and Security Management**, Master’s Thesis, Ankara University, Institute of Social Sciences, Department of Political Science and Public Administration, Ankara, 2003. PULUR, Attila, KAYNAK, İlter and ORHAN, Serdar, “Polislerin Spor Müsabakalarındaki Saldırgan Seyirciye Müdahalede Kendi Taraftarlığının Etkisinin Araştırılması/The Investigation of the Effect of Supportive Attitudes of Police on Their Interfering Behaviors towards Aggressive Spectators in Sports Competitions”, **Kırşehir Eğitim Fakültesi Dergisi/Journal of Kırşehir Education Faculty**, Y. 2004, V. 5, I. 2, p. 241-260. GÜLTEKİN, Halil, **Türk Futbolunda Şiddetin Önlenmesine Yönelik Emniyet Uygulamalarının Yasalar Çerçevesinde İncelenmesi/Investigation of Security Applications Directed to the Prevention of Turkish Football Violence within the Frame of Laws**, Master’s Thesis, Niğde University,

officers (35.7%) speculated that missiles thrown onto the field were given to fans by club managers; 27.8% presumed that missiles were placed in stadiums before matches, while 19.8% alleged that stadium attendants provided fans with them⁸⁶. Only 16.7% believed that fans brought missiles with them⁸⁷. Most (85.9%) police officers said that they would not choose to take charge in football matches if they had another option⁸⁸. Only 3.1% said they were willing to take charge⁸⁹. Similarly, participants in a study by Arıkan and Çelik revealed their indispositions by rejecting the view that “the more police in stadiums, the less violence” by a 78% majority⁹⁰.

In terms of the interactions between fans and the police, 83.7% of participants in Çelik’s study and 70.5% of those in Arıkan and Çelik’s study suggested that fans provoked the police into treating them harshly. Çelik also reported that the majority of

Institute of Social Sciences, Department of Physical Training and Sports, Niğde, 2008.

⁸⁶ ÇELİK, Oktay, “Seyirci Saldırganlığı ve Polisin Tutumu/Spectator Aggressiveness and Attitude of the Police”, **Polis Dergisi/Police Journal**, Y. 2005, V. 45, p. 16-21.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ ARIKAN, Yusuf and ÇELİK, Oktay, “Futbolda Şiddet ve Polis/Violence in Football and the Police”, **Polis Bilimleri Dergisi/Turkish Journal of Police Studies**, Y. 2007, V. 9, I. 1-4, p. 109-132.

officers (88.1%) believed that the police did not provoke fans. Another consistent finding was that police officers were not influenced by their own fan identities when responding to incidents at football matches⁹¹. Regarding the views on the training participants had received, in a study by Arıkan and Çelik of 241 police officers from two different cities, İzmir and Sivas, more than half the participants reported that they had received in-service training on football fan profiles (54.8%), spectator aggressiveness and hooliganism (54.4%) and sport security (53.5%). By contrast, Gültekin's study of 300 police officers from three different cities (İstanbul, İzmir and Aksaray) with service experience in the top three divisions of the football league found that more than half had not received in-service training on spectator aggressiveness and violence (56.7%) or sport security (65.6%). These findings can be interpreted as an indication that police training fell below the desired level. With the introduction of Law 6222 and the Regulation on the Implementation of Law 6222, the responsibility for providing training for police officers and competition security officers has been imposed on the central sport security units established under the GDS. Responsibility for employing private security guards who are trained in sport security, on the other hand, has been left to individual clubs.

⁹¹ KAYNAK; PULUR *et al.*; ARIKAN and ÇELİK; GÜLTEKİN.

In relation to the efficiency of private security guards, the findings of a joint project by Bahçeşehir University and City Security Group (CSG), an İstanbul-based company providing private security services, offer important insights. The study used random sampling to seek the views of 1000 people living in İstanbul on the security of stadiums⁹². Seventy per cent of respondents reported that they found stadiums insecure (52%) or very insecure (12%). Sixty-six per cent considered the training of private security guards in charge of stadiums inadequate, while 7 out of 10 believed that private security guards who have been trained in sport security can prevent violence. Three out of five participants considered the police to be the most appropriate security provider, while two out of five favor private security guards. The research has illustrated that the number of those who favor private security guards correlates directly to the level of education and income of the participants. Seven out of ten participants believe that collaboration by the police, private security and the public prosecutor will increase security at sporting events. Regarding the latter, the Ministry of Justice has decided to assign public prosecutors who will be in personal contact with the police and will instruct them promptly when needed⁹³. Following a directive from the Ministry of Youth and

⁹² Stadium Security Research 2013 by Bahçeşehir University & City Security Group. Turkish: Stadyum Güvenliği Araştırması.

⁹³ Turkish NOC Report, p. 31.

Sport, three seats in the front row came to be reserved for so-called sports prosecutors to enable them to follow competitions in a proper environment. Stadium Security Research, however, illustrated that the number of those who consider the so-called sports prosecutors to be best suited for taking charge inside stadiums decreases as the level of education and income of the respondents increases. Similarly, the number of those who share the view that ‘collaboration by the police, private security and the public prosecutor will increase the security at sporting events’ tends to decrease in inverse proportion to the respondents’ level of education and income. These findings indicate that wealthier, more educated fans are more skeptical than others about the ability of these agents to control disorder at sporting events. It may also imply that these fans find the visibility of judicial actors on the terraces unnecessarily intimidating.

In relation to the SCP model of Cornish and Clarke, the presence of the police and private security guards at stadiums contributes to extend guardianship and accordingly increases the risk of detection for potential offenders. Moreover, authorized security attendants activate another SCP mechanism, which it is increasing efforts via controlling tools/weapons, because they undertake body searches of fans at stadium gates.

V. Turkish Fans' Identification (ID) Card Scheme:

Passolig

Identity cards for football supporters were first proposed in England by the Taylor Report under the name of membership cards; however, 'detailed theoretical and practical criticism of the government's membership scheme also led Taylor to reject it as a solution to hooliganism, which effectively meant that it was never implemented'⁹⁴. An equivalent scheme was only legislated after 2000 in Italy, another European country which had suffered a great deal of football violence. Fan identity cards for Italian supporters, known as *Tessera del Tifoso (TdT)*, were introduced in 2007 by the Ministry of Interior but did not come into effect until the 2009/10 football season.

The Tessera was first introduced as a 'fan privilege' card to be distributed by individual teams. The Tessera would enable fans to purchase tickets, to use the Tessera as a credit card and to gain special rewards to be determined by the individual teams. Initially, fans were critical of the commercial aspects of the card. The card would not be free and since it would be tied to a bank account, some saw the card as a scheme to help banks and add

⁹⁴ TAYLOR, Matthew, **The Association Game: A History of British Football**, Oxon, Routledge, 2013, p. 340.

nothing to the security at the stadium. The Tessera was to be introduced in phases. At first, it would only be required for fans to purchase tickets to away games, while, eventually, it was to replace the season tickets⁹⁵.

By operation of law, fans convicted of certain offences and fans banned from attending in matches are not eligible to apply for the *Tessera*⁹⁶. According to Maccanico, this rule implies that the scheme intends to differentiate between ‘fans who can be trusted’ and those who pose a ‘security threat’⁹⁷. The scheme encountered widespread opposition from Italian supporters across the country, in particular from *Ultràs*, which united to protest the practice, and led to a significant decrease in the number of fans attending matches during the 2010/11 football season in Italy⁹⁸. The scepticism on the part of *Ultràs* was rooted in the commercial aspects of the implementation and repressive outcomes for fans⁹⁹. Private advocates and public rights defenders also repudiated the scheme on

⁹⁵ GUSCHWAN, Matthew C., “La Tessera della Rivolta: Italy’s Failed Fan Identification Card”, *Soccer & Society*, Y. 2013, V. 14, I. 2, p. 223.

⁹⁶ MACCANICO, Yasha, “Public Order and Demonstrations in Italy: Heavy-Handed Policing, Militarisation and Prohibition”, *Statewatch Journal*, Y. 2010, V. 21, I. 1, p. 5.

⁹⁷ *Ibid.*

⁹⁸ See MACCANICO; GONDA, Marcin, “Supporters’ Movements “against modern football” and Sport Mega Events: European and Polish Contexts”, *Przegląd Socjologiczny*, Y. 2013, V. 3, p. 85-106; GUSCHWAN.

⁹⁹ GUSCHWAN, p. 216.

the grounds that the police would access sensitive private information and share it with football clubs and banks¹⁰⁰.

According to the annual report of the National Observatory for Sporting Events issued at the end of the 2011/12 season, there were over one million *TdT*s in Italy by the end of 2012¹⁰¹. Based on this report and the findings of the Memorandum of Understanding dated 21 June 2011 and signed by the Ministry of the Interior and the Sporting Authorities, the Italian sports lawyer Paolo Garraffa has addressed the concerns expressed against the *TdT* system by drawing attention to three positive developments that have resulted from it. First, contrary to popular belief the scheme has increased attendance at matches because *TdT* holders are now entitled to enter even risky away matches without being subject to ticket restrictions¹⁰². Garraffa has also noted that attendance at *Serie A* (Italian Professional Football League) matches had been declining for decades even before the introduction of *Tessera*¹⁰³.

¹⁰⁰ GONDA; GUSCHWAN

¹⁰¹ GARRAFFA, Paolo, 2013, "Supporter's Card and Stadium Attendance in Italy: A Successful Experiment?", **LawinSport**, Available at: <http://www.lawinsport.com/articles/regulation-a-governance/item/supporter-s-card-and-stadium-attendance-in-italy>, Accessed: 20 May 2016.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

Secondly, the scheme has virtually obviated ticket touting practices in Italian football¹⁰⁴. Finally, with the exception of a few stadiums, the scheme has succeeded in preventing football-related violence when the number of recent incidents is compared to those of previous seasons¹⁰⁵. Following Italy, Poland introduced a mandatory supporter ID card scheme via the ‘Act on Mass Events Security of 20 March 2009’:

Very strict identification scheme was also imposed which forced all supporters to purchase ID cards, including photo and private data. Every person who wishes to buy a ticket for any league game needs to have a *fan card* of the host club and present ID document at the entry. [A] Person from Łódzkie voivodship is unable to purchase an individual ticket for a game in Warszawa when the team from Łódzkie is playing there¹⁰⁶.

Like the criticism directed towards the *TdT* scheme, falling attendances has been the main concern of Polish authorities as well as procedural difficulties¹⁰⁷. The executives of both *Ekstraklasa*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ WOZNIAK, Wojciech, “Polish Football under Transition: Catch-Up Modernisation Gone Wrong”, *Football and its Communities*, Eds. D. HYNES and A. KIERNAN, Oxford, Inter-Disciplinary Press, 2013, p. 122.

¹⁰⁷ Stadium Database News Portal, 12 December 2015, **Poland: Clubs Withdrawing Obligatory Fan Cards**, Available at: <http://stadiumdb.com/news/2015/02/poland-clubs-withdrawing-obligatory-fan-cards>, Accessed: 3 May 2016.

(Polish Professional League) and the *PZPN* (Polish FA) have complained about the irksome application process involving the submission of excessive information with a mandatory photo. In accordance with the demands of these sporting authorities, the Polish legislative body agreed to revise current regulation and decided to end ID card scheme. According to the draft legislation, newcomer fans and tourists now can buy any match ticket with only a personal ID without being subjected to the formalities of a fan ID card, while season ticket holders and regular match-goings can continue to use their existing cards.

In Turkey, following the example of the European models, Article 5/4 of Law 6222 introduced an electronic system for creating match tickets. Fan ID cards contain the name, surname, national ID number and photograph of the person who wishes to buy a match ticket. If the person is a citizen of a foreign country, the card will contain the name of his/her country and the serial number of his/her passport instead of a national ID number, which s/he used when entering Turkey. Ticket sales are only executed upon presentation of these personally identifiable and non-transferable cards. Controlling the use of ID cards in stadiums is the responsibility of home clubs. In matches where there is no home club, this responsibility is discharged mutually by participating clubs. Fi-

nally, at national matches, responsibility is undertaken by the relevant federation. According to Article 11 of Law 6222, federations are entitled to control and inspect the operation of the card scheme via a ‘centralized control system’ which will be established under their auspices. Personal data collected through electronic card registrations are also stored in a centralized database by federations, to which the Ministry of Finance and the Ministry of Interior are granted access.

The Turkish fan ID card scheme known as *Passolig* was implemented on 14 April 2014, three years after Law 6222 was enacted, and only in relation to football matches. With the introduction of *Passolig* cards, the era of paper tickets came to an end. After a private bank, *Aktifbank*, purchased the operating rights of the scheme by tender, *Passolig* cards came to be issued as a debit card, a prepaid debit card or a credit card which is designed to function simultaneously as a match ticket, fan card, ticket for public transportation in certain cities and loyalty card for certain stores. Buyers have to pay an annual usage fee ranging between 16-29 Turkish liras, of which a certain amount is transferred to football clubs. Every person who wishes to buy a match ticket first should register for a *Passolig* card and then use it to buy match tickets. Season tickets are also processed on *Passolig* cards. Cards can be created with a club logo on them if a recipient indicates his/her

team when entering their personal data. Unless declared otherwise by Sport Security Boards, *Passolig* cards may be used for any matches in the first and second divisions regardless of the logo on them. However, clubs may give priority to the cards with their own logos. If after doing so there are still tickets available, a general sale of cards bearing the logos of other teams shall begin on a date set by the authorized club. According to the statistics updated daily on the official *Passolig* website, 2,007,323 cards have been registered as of 3 May 2016. Of these, 399,962 have been issued with the Fenerbahçe logo, followed by Galatasaray with 376,722 and Beşiktaş with 320,089.

Negative reactions to *Passolig* were evident from the very beginning of the scheme. The acknowledged Turkish sociologist and sports journalist Tanıl Bora has argued that the scheme amounts to the usurpation of a public space¹⁰⁸. That personal information about fans is shared with the Ministry of Finance and the Ministry of Interior by law has also aroused suspicion over whether the scheme is serving purposes other than preventing violence, such as blacklisting¹⁰⁹. The scheme is criticized on the grounds that

¹⁰⁸ BORA, Tanıl, 2014, “Passolig: Kamu Alanının Gaspsı/Passolig: Usurpation of Public Space”, Online Article, **Radikal**, Available at: <http://www.radikal.com.tr/yazarlar/tanil-bora/passolig-kamu-alaninin-gaspi-1188145/>, Accessed: 8 August 2015.

¹⁰⁹ GÜNEY, Emir, “Passolig Türk Sporundaki Şiddet ve Düzensizliği Nasıl Engellenecek?”, **Panorama Khas**, Y. 2014, V. 15, p. 70-72.

Law 6222 does not provide a safeguard for the protection of personal data collected from fans. Another criticism against the scheme is that people are obliged to become customers of a private bank even though they might use their cards for no transaction other than the purchase of match tickets¹¹⁰.

The Ankara-based fan association *Taraftar Hakları Dayanışma Derneği/Taraf-Der* (Fan Rights Solidarity Association) filed a suit alleging that the relevant provisions were unconstitutional and appealed to the Ankara 16th Consumer Court for a stay of execution. In the trial on 18 November 2014, the court found that the claim of unconstitutionality was reasonable and appealed to the Constitutional Court¹¹¹. As per Article 40 of Law 6216 on the Establishment and Adjudicatory Procedures of the Constitutional Court, if a competent court is of the opinion that the provisions which will be applied to the case at hand are contrary to the Constitution or of it finds the claim of unconstitutionality made by a party reasonable, it can appeal to the Constitutional Court for those provisions to be annulled. This authorization granted to general trial courts is referred to as “concrete norm control” when im-

¹¹⁰ *Ibid.*

¹¹¹ Hürriyet, 18 November 2014, “Passolig’de de Top Anayasa Mahkemesi’nde/Passolig Case Referred to the Constitutional Court”, Available at: <http://www.hurriyet.com.tr/passolig-de-de-top-anayasa-mahkemesi-nde-27604666>, Accessed: 20 May 2016.

plemented. Using this authority given by law, the Ankara 16th Consumer Court claimed that the provisions for an electronic card system, which underpin the *Passolig* scheme, violate fundamental and universal rights and freedoms in contravention with the Constitution, the European Convention on Human Rights (ECHR) and the Universal Declaration of Human Rights (UDHR). The court argued that the scheme causes innocent or even victimized football fans to suffer double-victimization by restricting such fundamental rights as the right to protect and improve their corporeal and spiritual existence, the right to demand respect for their private and family life and the right to request protection of personal data. Regarding the latter, Article 5/11(c) of the law, which regulates that the federations are entitled to advertise and commercialize the data on the electronic cards on behalf of clubs, was particularly found to be incompatible with the principle of protection of personal data as well as the legal motive behind Law 6222, which is the prevention of violence. It was claimed that with this article the concept of an electronic card is ascribed a commercial mission. Moreover, the annual usage fee introduced by the intermediary firm, *Aktifbank*, was interpreted as a breach of the principle of the hierarchy of norms on the grounds that such a fee is not regulated by law.

Considering Article 20 of the Constitution which guarantees that personal data is processed only in the situations stated by

law or with the explicit consent of people, the Constitutional Court also found the relevant provision to be an inappropriate and disproportionate restriction of the right to request protection of personal data¹¹². The Court stated that it cannot be assumed that people give consent to the transfer of their personal information to the third parties; moreover, it cannot be claimed that such transfer is a necessary measure to prevent violence in sports. Accordingly, the Court approved the request to annul this provision. For the same reasons, the provision that regulates that federations can transfer authority for keeping personal data in a central database was also found to be unconstitutional. However, apart from these two provisions, the Court established that the scheme is an appropriate measure for the prevention of violence in sports which constitutes a threat to public order and security:

By the medium of the scheme, illegal ticket sale or mass ticket supply for fan groups will be eradicated; admission of a banned person into stadiums will be prevented as a person will only be able to attend games with the card drawn up in their name; and in addition to security financial audit will be made more easily in terms of tax. Accordingly, it is clear that this regulation is crafted for the purpose of public good [translated from Turkish]¹¹³.

¹¹² Constitutional Court Decision No. 2015/103, 12 November 2015.

¹¹³ Constitutional Court Decision No. 2015/103, 12 November 2015.

Having noted that protection of personal data is not an absolute and unlimited right, the Court stated that it may be restricted by law without infringing upon the essence of the right and on condition of conformity with the requirements of the democratic order of the society and the principle of proportionality. The collection of personal data, i.e. name, surname, national identity number and photograph, was found to be an appropriate tool for the operation of the scheme, which is designed for public benefit. Moreover, the Court underlined that the information gathered does not have the characteristics of sensitive data, unlike information on political opinion, religious belief, health, sexual life or criminal record. Accordingly, it was stated that sharing this limited amount of personal data with the Ministry of Finance and the Ministry of Interior, which already hold more detailed and sensitive personal data about Turkish citizens, cannot constitute any contradiction to the principle of data security.

The decision of the Constitutional Court has been interpreted differently by the Turkish sports community. According to the part plaintiff (*Taraf-Der Association*) and other *Passolig* opponents, the Court implied that the TFF can operate an electronic card scheme, but it does not have a right to commercialize and transfer

that scheme to the banks¹¹⁴. From this point of view, the tender of *Passolig* should have been voided. However, the TFF claimed that the Court deemed the electronic ticket scheme suitable and acknowledged the authority of the TFF, including the transfer of the operation of the scheme, with the exception that the personal data collected as part of the scheme cannot be commercialized. The TFF concluded that the scheme operates in compliance with existing regulations because the personal data collected via *Passolig* has never been commercialized by the federation.

Regarding the implications of *Passolig* for the SCP model of Cornish and Clarke, this measure activates at least four different mechanism. It first increases the efforts for potential offenders as an access control technique. It also reduces anonymity and thus significantly increases the risks of detection. As the third effect produced by this measure, it prevents the mass ticket supply and accordingly removes the financial rewards which used to stir controversy among fan groups. Finally, it removes any possible excuse about the illegal supply or possession of match tickets by setting the certain rules about the sale of tickets.

¹¹⁴ Hürriyet, 16 December 2015, “AYM’nin Passolig Kararı Kafaları Karıştırdı/Confusing AYM Decision”, Available at: <http://www.hurriyet.com.tr/aymnin-passolig-karari-kafalari-karistirdi-40027971>, Accessed: 20 May 2016.

VI. **Football Banning Orders (FBO) and the Issue of Infringement of Fundamental Rights**

The very basic operation of FBOs in Europe was crafted in Article 3/4(d) of the European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches (1985), which proposes the exclusion of ‘known or potential trouble makers’ from matches and/or the prohibition of their access to stadiums. FBOs have been legislated in a range of European countries including Belgium, England, France, Italy, the Netherlands, Norway, Republic of Ireland, Scotland and Sweden¹¹⁵. In England particularly, they are at the heart of the recent policing strategy for dealing with football-related violence¹¹⁶. The development of FBOs in this country may be seen as a salient reflection of the zealous efforts made by State authorities to control the phenomenon which they called hooliganism. The earliest, non-judicial form of FBO was implemented in England by individual clubs in reference to their ground regulations, which grant them authorization to remove troublemakers¹¹⁷. As clubs could impose bans only

¹¹⁵ SIEKMANN *et al.*, p. 56.

¹¹⁶ JAMES, Mark and PEARSON, Geoff, “Football Banning Orders in the Courts”, *Journal of Criminal Law*, Y. 2006, V. 70, I. 6, p. 509-524; HOPKINS, Matt and HAMILTON-SMITH, Niall, “Football Banning Orders: The Highly Effective Cornerstone of a Preventative Strategy?”, *Football Hooliganism, Fan Behaviour and Crime: Contemporary Issues*. Eds. M. HOPKINS and J. TREADWELL, Basingstoke, Palgrave Macmillan, 2014.

¹¹⁷ JAMES and PEARSON.

within the borders of their own grounds, persons subject to the ban were still able to attend matches held on other grounds within the country or abroad¹¹⁸. FBOs on conviction in Europe, on the other hand, are primarily predicated on the prohibition of supporters who are convicted of football-related offences from attending all home matches as an additional punishment¹¹⁹. Compliance with an FBO is demonstrated by reporting to a police station on match days¹²⁰. In accordance with the increasing inclination to employ more proactive or risk-oriented strategies for controlling criminal behavior in Europe, administrative FBOs, which is called FBOs on complaint in England, have come to be imposed in the absence of a football-related conviction¹²¹. FBOs serve to control access to stadiums by denying trouble-makers and potential trouble-makers access to them in the first place in a manner consistent with the SCP model of Cornish and Clarke.

Although England has pioneered the development of many control techniques in relation to football in Europe, this has not been the case for administrative FBOs. Known in Italy as *Daspo*, such orders were first introduced on a national level by the Italian

¹¹⁸ *Ibid.*

¹¹⁹ TSOUKALA, Anastassia, **Football Hooliganism in Europe: Security and Civil Liberties in the Balance**, Basingstoke, Palgrave Macmillan, 2009, p. 111.

¹²⁰ *Ibid.*

¹²¹ TSOUKALA; HOPKINS and HAMILTON-SMITH.

legislature via Law No. 401 in 1989; by the late 1990s they had come to be used throughout Europe¹²².

As for the effectiveness of FBOs to reduce football-related violence, the Home Office Statistics in England published in 2011 stated that ‘banning orders work – around 92% of individuals whose orders have expired since 2000 are assessed by police as no longer posing a risk of football disorder’. The annual statistics published by Home Office also illustrated that there is a steady decrease in football-related arrests over the last five football seasons, which are the 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15 seasons, with the exception of the slight increase observed in the 2012/13 season. There were 1,873 football-related arrests in the 2014/15 season¹²³ while it was 3,089 during the 2010/11 season¹²⁴. The number of FBOs also steadily decreased during the last five years from 3174 as at 29 November 2011 to 2181 as at 8 September 2015¹²⁵.

In Turkey, FBOs are provided under Law 6222 in the form of a security measure known as ‘being banned from watching’ and

¹²² TSOUKALA, p. 111.

¹²³ Home Office, 2015 – Official Statistics on Football-Related Arrests and Banning Orders, Season 2014/15.

¹²⁴ Home Office, 2011.

¹²⁵ Home Office, 2015.

a protective measure known as ‘banning from watching’. According to Zafer, this variant phrasing was introduced accidentally by the Turkish legislative authority¹²⁶. In fact, the two forms of FBO are distinguished by the stage at which each order is made. As per Article 18/1 of Law 6222, being banned from watching orders shall be imposed by the court at the end of a trial as a security measure for offences regulated under this law and other relevant laws referenced by Law 6222. Although the term ‘security measure’ has a preventative connotation, the order is in fact made by the court as a sanction. However, distinct from punishment, security measures are sanctions aiming to eliminate the danger that the offender posed to the society. The duration of the measure is determined so as to be proportionate to the dangerousness of the offender. Being banned from watching indicates that a person’s access to sporting grounds for the purpose of watching matches and trainings is prohibited. This form of banning order takes effect with the finalization of the court’s judgement and terminates after one year from the execution of the sentence. If the court finds it unnecessary to impose a penalty when making a banning order, the order shall remain in effect for one year from the day on which the court’s judgement becomes final. According to Article 18/2, this form of FBO also shall apply to those offences of intentional injury, obscene

¹²⁶ ZAFER, p. 30.

chanting and damage to property that are committed by fan groups outside sporting grounds.

As for banning from watching, these orders will be made by the police *ex-officio* if the Office of the Prosecutor launches an official investigation against the suspect for offences regulated in Law 6222¹²⁷. Unless the order is removed by the prosecutor during the investigation process or by the court during the trial process, it will continue to be executed as a protective measure. Under Turkish law protective measures are ordered to prevent potential harm associated with imminent danger or to secure the execution of the sanction to be granted by the court later. From this aspect, they share the same legislative motives as the concept of FBO on complaint which exists in a range of European countries. Unlike these, however, banning from watching is enforced by the police *ex-officio* without making an application to the court. A banning order executed as a protective measure is immediately removed by the public prosecutor during the investigation phase. During the trial phase, it is terminated by the court if the court decides not to pursue prosecution or it returns an acquittal or drops the case (Art. 18/5). In cases public prosecution of a charge is suspended, or the

¹²⁷ Article 18/2 of Law 6222 and Article 22 of Regulation on the Implementation of Law 6222.

announcement of the verdict is deferred, or another sanction is decided as an alternative to a short-term imprisonment according to Art. 50 of the Turkish Penal Code (TPC), or prison sentence or the execution of a prison sentence is suspended, the order of banning from watching also shall be enforced for one year from the finalization of the court decision (Art. 18/6). In the case of a prepayment penalty (Art. 75 of the TPC), the order shall have effect from the date prepayment is made.

Information about people subject to these orders is recorded and kept in an electronic database which is created by the GDS for this purpose and is accessible by sports clubs and federations. This data is reported to relevant sports clubs and competent authorities of the relevant foreign country for matches played abroad. In practice, sports bureaus organized under the GDS register the required information (e.g. national ID number, photograph, date of order) in a data system known as Pol-Net 4. Using this mobile system, online inspections of national ID numbers and photo ID enable the identification of banned fans at stadium gates. A person banned from watching is obliged to report to the nearest police station on match days involving the team specified in the order, both at the start of the match and again an hour later. Article 18/8 of Law 6222 provides two criteria when specifying the team.

The first criterion is that the team should be the side that was playing when the offense subject to the order was committed. The second criterion is that the team should be the one that is supported by the person banned from watching. In practice, the team that should be recorded in the Pol-Net 4 system is determined according to the suspect's declaration or the terrace on which s/he was seized. A person who fails to comply with the 'recourse' requirement is hit with a punitive fine equivalent to 500 Turkish liras. It is expected that this requirement will be waived when the electronic ticket system is completely installed in stadiums¹²⁸.

Regarding the impact area of orders, as clarified by Article 22 of the Regulation on the Implementation of Law 6222, being banned from watching applies to all regulated sports competitions and training sessions. For example, a person subject to an order because of a football match involving Fenerbahçe club must report to a police station only on the days when the Fenerbahçe football team, not other branches of the same club, has a match. However, the ban prevents that person from watching all sports competitions in any sports grounds.

¹²⁸ Turkish NOC Report, p. 60.

Because of the powers given to the police, the length of orders and the restrictions attached to these orders, FBOs have received considerable criticism from within academia, particularly in relation to the principle of proportionality¹²⁹. The English legislation has been particularly cited for potentially infringing civil liberties. As a notable example, in respect of matches outside the UK, FBOs oblige people subject to orders to surrender their passports to a specific police station at a specific time (Football Spectators Act 1989, Art. 14E/3) and 14J/3). Furthermore, according to Article 14G/1, ‘a banning order may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated football matches’. These additional requirements may include ‘requiring the person concerned to attend at a police station for the duration of a match to banning them from using public transport on match days and/or from visiting town centres, pubs and bars during risk periods’¹³⁰. FBOs on complaint, which are referred to as 14B orders in the literature, are particularly contentious because they are enforced in the absence of a criminal conviction.

As with FBOs on complaint, the legitimacy of banning from watching has been widely questioned in Turkey. In fact, three

¹²⁹ JAMES and PEARSON; TSOUKALA; HOPKINS and HAMILTON-SMITH.

¹³⁰ TSOUKALA, p. 111-2.

different local courts agreed that the measure is unconstitutional. The objections to the provisions for banning from watching focused on four main points: (1) the contradiction with the presumption of innocence, as the order is enforced in the absence of a court decision or a prosecutor's motion; (2) the contradiction with the right to legal remedies, as those who are subject to these orders have no right to object; (3) the contradiction with the principle of proportionality, as the order obliges banned fans to report to a police station every time their team has a match; and finally (4) the contradiction with the principles of personal liberty, human dignity and freedom to travel, as banned fans are forced to remain the fan of a particular team and to follow its fixture consistently. The Constitutional Court examined the applications made by the courts altogether and refused the requests to annul related clauses¹³¹.

The standards governing the restriction of fundamental rights and freedoms are set by the Turkish Constitution (Art. 13) as follows:

Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be contrary to the letter and spirit of the Constitution and the requirements of the democratic order of

¹³¹ Constitutional Court Decision No. 2014/138, 11 September 2014.

the society and the secular republic and the principle of proportionality [translated from Turkish].

With reference to the provision above, the Turkish Constitutional Court first underlined that restricting fundamental rights and freedoms is possible for the purpose of maintaining and protecting public order. Pursuant to the Constitution, the State is responsible for maintaining public order as well as protecting fundamental rights and freedoms and taking necessary measures to prevent crime and violence is a part of this duty. The Court also referred to Article 12/2 of the Constitution, which explains the nature of fundamental rights and freedoms in relation to the duties and responsibilities of the individual to society, to his/her family, and to other individuals.

A person has duties and responsibilities when using her/his fundamental rights and freedoms, not excepting participating in sporting events. People who abuse these rights and freedoms are assumed to know that their rights and freedoms may be restricted in conformity with the Constitution. It cannot be accepted that a few pro-violence people infringe others' rights. It is quite usual that those people have to face some sanctions when they do not fulfil their duties and responsibilities [translated from Turkish]¹³².

¹³² Constitutional Court Decision No. 2014/138, 11 September 2014.

The Court has determined that banning from watching orders are a necessary and appropriate measure to prevent the risk of harm to society and accordingly to protect public order. The Court also underlined that these orders can be removed by the public prosecutor during the investigation process or by the court during the trial process at any time. Although Law 6222 does not envisage an explicit right of objection for respondents, a valid objection still can be made at the beginning of an investigation as the investigation will be carried out in accordance with general provisions of criminal procedure, namely Law 5271 of Criminal Procedure. Accordingly, there is not an absolute obligation to implement these orders until the end of an investigation or prosecution. Finally, the Court found that the respondent's duty to report to the nearest police station was proportionate and necessary for the achievement of a legitimate aim. That the person subject to the order must report to a police station only twice on match days involving the specified team has been interpreted as a partial and temporary restriction which does not abolish the freedom of movement entirely or injure the essence of the right.

As for the role of FBOs for the situational prevention of football-related violence, they first strengthen formal surveillance at stadiums by preventing the admission of fans who committed football-related crimes. Accordingly, they can be located under the

mechanism ‘increasing risks’. Furthermore, the introduction of administrative FBOs for drunk fans can be interpreted as a strategy for removing the excuses in relation to the heavy alcohol use because this measure is likely to alert conscious about the illegality of the behavior in question.

VII. **TFF Practices**

According to the Football Disciplinary Regulations of the TFF which are updated before the start of every football season, home clubs are in charge of providing security and maintaining order inside and around stadiums. They are also liable for any incident occurring before, during and after matches and any violation committed by their players, attendants, presidents, honorary presidents, managers, workers, members, private security guards and supporters in accordance with the objective liability principle. Taking into account the gravity of the violation, clubs may face a range of disciplinary punishment, including written warning, reprimand, administrative fine, withdrawal of an award, exclusion from leagues, transfer ban, stadium ban, playing without spectators, defeat by default, point deduction and relegation to a lower league. Regarding the implementation of the ‘playing without spectators’ punishment, with the release of the Football Disciplinary Regulations dated 27 August 2011, the TFF took an unprecedented step which

also aims to contribute to the situational prevention of football violence and disorder inside stadiums. The practice of ‘women-and-children-only games’, amplified below, remained in force for three football seasons but was removed by the Football Disciplinary Regulations dated 15 July 2014, which introduced the practice of ‘partial stadium closure’ instead. However, this punishment, which was only implemented for one football season, was also removed the following year by the Football Disciplinary Regulations dated 1 August 2015.

Meanwhile, the admittance of away spectators to matches between Beşiktaş, Fenerbahçe, Galatasaray and Trabzonspor, which are referred to as derby matches in the Turkish media and sports community, were banned by the Federation between November 2011 and September 2016 for security reasons.

A. Women-and-Children-Only Games

Women-and-children-only games were introduced by the TFF in August 2011 as an alternative disciplinary measure to playing without spectators. The punishment of playing without spectators is imposed on teams for a range of violent and disorderly behavior by their fans, including pitch invasion, missile throwing, physical

damage inside and around stadiums and obscene chanting, in addition to or instead of a fine¹³³. It was determined that the clubs shall then be forced to admit, free of charge, to their next home match only women and children of either sex who are under the age of 12 and in the company of their mothers¹³⁴. The sanction in relation to the ban of obscene chanting used to be applied when breaches happened four times in a single football season, after which it was applied after every match during which the ban was breached.

Although the practice was introduced as a form of disciplinary action for clubs, in practice it functioned as a situational prevention measure manipulating the demography of the crowd and thereby the crime patterns in stadiums¹³⁵. Furthermore, it was a salient departure from the traditional criminological approach, which focuses exclusively on offenders while ignoring the contribution of others to both the occurrence and the prevention of crime beyond merely influencing the propensity of offenders to engage in crime:

¹³³ Football Disciplinary Regulations, 27 August 2011, Article 54-55.

¹³⁴ Football Disciplinary Regulations 2011, Art. 102.

¹³⁵ KURLAND, Justin, **The Ecology of Football-Related Crime and Disorder**, Ph.D. Thesis, University College London, Department of Security and Crime Science, London, 2014, p. 79-80.

Environmental criminology focuses a great deal of attention on the various *actors* that might influence the likelihood of crime occurrence, including but not limited to offenders, and how they interact within a particular setting. Recognising that the presence or absence of certain actors can act as a catalyst for crime occurrence, avoidance, or prevention is fundamental to understanding crime for the environmental criminologist. Considerable efforts have been made to come to terms with the necessary combination of actors for crimes to occur or to be averted, and while questions remain about the role various non-offender actors play in relation to different crime types, fundamental to the environmental approach is the notion that various actors contribute to and shape crime events¹³⁶.

In the context of Turkish football, the argument that violence and disorder would come to an end with an increase in the presence of women spectators on terraces had been made previously by TFF officials in 2008¹³⁷. Before the start of the 2011/12 football season, the then-TFF President, Mehmet Ali Aydınlar, introduced two more new strategies to improve Turkish football, which came to be memorialized with the news of violence and a match-fixing scandal. Regarding the first project, during the 2011/12 season, the TFF defrayed the cost of tickets for 111,689 women and children under

¹³⁶ *Ibid.*

¹³⁷ TFF Press Release, 15 October 2008, 'Ordu'da "Türkiye'de Bayan Futbolu" Semineri/Seminar in Ordu on "Women's Football in Turkey".

the age of 16 at 248 league matches¹³⁸. Meanwhile, the imposition of women-and-children-only games as a substitute for the sanction of playing without spectators was put into action. The first women-and-children-only match was between Fenerbahçe and Manisaspor teams in Fenerbahçe Şükrü Saraçoğlu Stadium in İstanbul in September 2011. The match, which received a great deal of attention in the national and foreign press, hosted more than 41,000 women and children spectators¹³⁹. During the 2011/12 football season, 43 matches were played before exclusively for women and children audiences by home clubs under sanction¹⁴⁰. In total, 241,739 women and children were admitted into stadiums free of charge as a result of these matches. Fenerbahçe, which is the most sanctioned club, played twelve matches in front of women and children spectators during the 2011/12, 2012/13 and 2013/2014 football seasons, including the title match of the 2013/14 season¹⁴¹.

The impact of the practice on the game in terms of the number of yellow and red cards displayed and the number of goals

¹³⁸ TFF Press Release, 13 August 2012, ‘Kadın/Çocuk Seyirci Uygulamasına Altın Pusula Ödülü/Golden Compass Reward to Women and Children Only Game Practice’.

¹³⁹ BBC, 21 September 2011, “Fenerbahçe only Allowed to Admit Women and Children”, Available at: <http://www.bbc.co.uk/sport/football/14998237>, Accessed: 26 October 2014.

¹⁴⁰ TFF Press Release, 13 August 2012.

¹⁴¹ Hürriyet, 27 April 2014, “Bugün Günlerden Fenerbahçe/Today is the Day of Fenerbahçe”, Available at: <http://www.hurriyet.com.tr/bugun-gunlerden-fenerbahce-26302301>, Accessed: 20 May 2016.

scored has been examined by Lale Orta¹⁴². In that study, eight women-and-children-only games selected by the author were compared with eight regular matches played between the same teams in the same season, which is the 2011/12 football season¹⁴³. No significant difference was found in the number of red cards or the number of goals accumulated by the two groups, but the number of yellow cards displayed during women-and-children-only games decreased by almost a quarter¹⁴⁴. Orta has interpreted this finding as an indication that women-and-children-only games do not affect the performances of players on the pitch apart from enabling more sportsmanlike play¹⁴⁵.

However, the positive effect of the practice was relatively limited on the terraces. Ankaragücü football club, for example, was sanctioned to play two additional women-and-children-only games because of the obscene chanting of female spectators during a

¹⁴² ORTA, Lale, “Strategic Effects of Woman Fans on Football Matches”, **International Journal of Management Sciences and Business Research**, Y. 2012, V.1, I. 8, p. 36-44.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

home match to which only women and children fans had been admitted as part of a playing-without-spectators sanction¹⁴⁶. Bursaspor football club was similarly punished with an additional women-and-children-only game after obscene chanting by its female spectators¹⁴⁷. In order to prevent further penalties, Beşiktaş football club, which was fined four times for obscene chanting, even asked the Federation for permission to play behind closed doors rather than in front of its women and children spectators¹⁴⁸. The club's request was denied but the 2013/14 football season was the last season during which the practice of women-and-children-only games was in place. Although the imposition of women-and-children-only matches does not seem to prevent symbolic violence, namely obscene chanting, in stadiums, it remains a valiant effort for the situational prevention of other football-related offences.

Within the SCP model of Cornish and Clarke, women-and-children-only games can be located under the category of reducing

¹⁴⁶ Hürriyet, 11 May 2013, "Kadınlar da Yaktı/Punishment because of Women", Available at: <http://www.hurriyet.com.tr/kadinlar-da-yakti-23249156>, Accessed: 20 May 2016.

¹⁴⁷ Ntvspor News Portal, 13 March 2014, "Kadın ve Çocuklar Ceza Aldırdı!/Women and Children Cause Punishment!", Available at: <http://www.ntvspor.net/haber/futbol/104272/kadin-ve-cocuklar-ceza-aldirdi>, Accessed: 20 May 2016.

¹⁴⁸ Sabah, 19 March 2014, "Kadınlara da Yasak Gelsin/Ban for Women", Available at: <http://www.sabah.com.tr/spor/superlig/2014/03/19/kadinlara-da-yasak-gelsin>, Accessed: 20 May 2016.

provocations because promoting the presence of female fans at stadiums can avoid disputes which are more likely to occur in the presence of male fans. The fact that no real violent incident was recorded during these matches is a testament to this evaluation.

B. Partial Stadium Closure

As per the Football Disciplinary Regulations dated 15 July 2014, partial stadium closure was substituted for women-and-children-only games. The sanction of partial stadium closure was first introduced by the UEFA Disciplinary Regulations (Art. 14) as amended in 2011. The Control, Ethics and Disciplinary Body of UEFA imposes the punishment for discriminatory misconduct on terraces.

The UEFA resolution introduced a two-stage approach to sanction clubs or national teams whose supporters engage in discriminatory behaviour. For the first offence, the club or national team should be sanctioned with a partial stadium closure concerning the section where the racist incident occurred. For a second offence, a full stadium closure and a financial penalty are provisioned. Additionally, the resolution suggests state authorities

ban supporters found guilty of racist behaviour from attending football matches in future¹⁴⁹.

During the 2013/14 football season alone, sixteen clubs were sanctioned with partial stadium closure by UEFA for discriminatory incidents on terraces at international matches¹⁵⁰.

In Turkey, the implementation of partial stadium closure as an alternative to women-and-children-only games did not receive a warm welcome from clubs. The clubs frequently stated that they were deprived of their fans and ticket revenues because of closed terraces despite the introduction of the *Passolig* scheme in April 2014 and the installations of camera systems throughout stadiums¹⁵¹. In accordance with the Football Disciplinary Regulations dated 1 August 2015, the implementation of partial stadium closure was terminated on the grounds that the existing systems are adequate for identifying culpable fans on terraces. In the current system, the only sanction imposed on first and second division clubs arising from the objective responsibility principle is an administrative fine which is gradually increased every time the ban on obscene chanting is breached. The revenue loss arising from partial

¹⁴⁹ Fare Network, Fare Observer Scheme in European Football Season 2013-14 Report, London, 2014, p. 5.

¹⁵⁰ Fare Network, p. 9-11.

¹⁵¹ Hürriyet, 29 May 2015, “Tribün Kapatma Cezası Kalkıyor/Partial Stadium Ban Repeal”, Available at: <http://www.hurriyet.com.tr/tribun-kapatma-cezasi-kalkiyor-29135879>, Accessed: 20 May 2016.

closure of stadiums has been averted because now all *Passolig* cards on a particular terrace where obscene chanting is committed are blocked for a match and new fans are admitted into the same terrace at the next match. Apart from the practical difficulties of identifying each individual who engaged in the prohibited behavior on the terraces, holding observant fans accountable for the behaviors of their non-observant peers may be interpreted as an effort to create positive peer pressure in order to prevent obscene chanting on the terraces.

With regard to the SCP model of Cornish and Clarke, partial stadium closure and blocking *Passolig* cards for a match can be identified as a measure which discourages imitation between terraces under the mechanism of reducing provocations. Both mechanisms are activated by CCTVs fitted into stadiums and detected the terraces where prohibited crowd behaviors, in particular obscene chanting, occur.

C. Derby Matches without Away Spectators

With the written approval of the four clubs, the TFF declared that no away spectators would be admitted to matches played between Beşiktaş, Fenerbahçe, Galatasaray and Trabzonspor during the 2011/12 season¹⁵². Despite frequent criticism against the practice

¹⁵² TFF Press Release, 17 November 2011, “Kulüplerden Ortak Karar/Mutual Decision by Clubs”.

and speculation about its abolition, it was the only one to survive in Turkey over the last five football seasons, including the 2015/16 season. The practice was one of the most extreme SCP measures not only in Turkey but throughout Europe. The ban sought to avoid possible provocations and therefore possible confrontations between two sets of fans by excluding away fans from stadiums completely.

Regarding the SCP model of Cornish and Clarke, derby matches without away fans can also be located under the category of reducing provocations because this measure seeks to avoid possible disputes among home and away fans by excluding the latter.

VIII. Conclusion

In light of the explanations above, the control measures introduced by the Turkish authorities have been coded and incorporated into a template as follows:

Table 4: Football-Related Control Policy of Turkey with a SCP Approach

Increasing the Effort	Increasing the Risks	Reducing the Rewards	Reducing Provocations	Removing Excuses

<p>1. Hardening targets <i>Stadium design, i.e. segregating fences between two sets of fans or fans and the pitch</i></p>	<p>2. Extending Guardianship <i>Increased police and private security presence</i></p>	<p>11. Concealing targets</p>	<p>16. Reducing frustrations and stress <i>Increasing comfort at stadiums</i></p>	<p>21. Setting Rules <i>Sale of tickets via Passolig, Defining criminal behaviors and sanctions in detail via Law 6222</i></p>
<p>2. Controlling access to facilities <i>Passolig</i></p>	<p>7. Assisting natural surveillance <i>All seated stadiums</i></p>	<p>12. Removing targets</p>	<p>17. Avoiding disputes <i>Banning away fans in derby games, Changing the demography of the crowd by promoting the presence of female fans on the terraces</i></p>	<p>22. Posting Instructions</p>
<p>3. Screening exits</p>	<p>8. Reducing anonymity <i>Passolig</i></p>	<p>13. Identifying property</p>	<p>18. Reducing emotional arousal</p>	<p>23. Alerting Conscience <i>Punishing obscene chanting unlike the former law, administrative FBOs</i></p>

				<i>for drunk fans.</i>
4. Deflecting Offenders	9. Utilizing place managers	14. Disrupting markets <i>Ending mass ticket supply via Passolig</i>	19. Neutralizing peer pressure	24. Assisting Compliance
5. Controlling tools/weapons <i>Banning the possession and use of a list of articles, Body search</i>	10. Strengthening formal surveillance <i>CCTVs, FBOs</i>	15. Denying benefits	20. Discouraging Imitation <i>Partial stadium closure, Blocking Passolig cards for a match</i>	25. Controlling drug and alcohol <i>Absolute alcohol ban inside stadiums</i>

The analysis of the football-related crime control policy of Turkey with a situational approach to crime prevention suggests that a successfully implemented situational interventions can plausibly reduce football-related crime in Turkey. As indicated by Table 4, different situational crime prevention interventions may activate more than one crime reducing mechanisms. *Passolig* is the most significant example of such interventions because it takes advantage of four crime reducing mechanisms, which are (1) increasing the effort for potential offenders who intend to gain access to a

stadium, (2) reducing anonymity and thus increasing the risk of being detected, (3) removing the financial rewards by preventing mass ticket supply, and finally (4) removing excuses about the illegal supply or possession of match tickets by setting certain rules about their sale. However, as explained above, this particular intervention is also the most criticized one because of the actors, namely a private bank, involving in its implementation. In a similar vein, the Turkish literature has indicated that both fans and security attendants have concerns about the policing strategies implemented at Turkish stadiums. The study herein suggests that the theoretical value of each intervention may not be the same as its perception by fan groups or other relevant persons because of the contextual factors. Merging the theoretical and practical value of situational interventions thus emerge as an important area for the further research¹⁵³.

Finally, the wide-ranging implications of situational crime prevention in the Turkish football context may be interpreted as a positive development for the football-related crime control policy of Turkey. Law 6222 imposes a number of SCP-related duties on clubs, the TFF and fan groups. If carefully designed and operation-

¹⁵³ See TEKİN, Derya, **An Evaluation of Situational Crime Prevention in Football in Turkey**, Ph.D. Thesis, Queen's University Belfast, School of Law, Belfast, 2017.

alized by these persons and institutions, situational crime prevention interventions are likely to contribute to the prevention of football-related crime and disorder in a more civilized manner.

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Appendix 1: List of Violent Events and the Consulted Media

List of Violent Events (VE)	Ntvmsnbc News Portal, 1 December 2008	Radikal, 22 September 2010	Original or Additional Source
VE 1	√	√	√√
VE 2	√	√√	
VE 3	√	√√	
VE 4	√	√√	
VE 5	√√	√	
VE 6		√	√√
VE 7		√	√√
VE 8	√√	√	
VE 9	√√	√	
VE 10			√√
VE 11	√√		
VE 12			√√
VE 13		√	√√
VE 14		√	√√
VE 15	√√		
VE 16		√√	
VE 17		√√	
VE 18		√√	
VE 19			√√
VE 20			√√
VE 21			√√
VE 22			√√
VE 23			√√
VE 24			√√
VE 25			√√
VE 26			√√

Sources*

* In 2008, *Ntvmsnbc*, a popular media organ in Turkey, published an online article on major football-related incidents under the title ‘The Black History of Football in Turkey’. The article summarised a series of football-related incidents

√: The source at which the event is covered

√√ : The source which is consulted in the PhD project conducted by the author, which forms the basis of this paper.

List of Violent Events (VE):

VE 1: Sivas-Kayserispor match of 17 September 1967

VE 2: Kırıkkale-Tarsus İdman Yurdu match of 25 June 1969

VE 3: Beşiktaş-Galatasaray match of 14 December 1991

VE 4: Fenerbahçe-Beşiktaş match of 13 December 1993

VE 5: Galatasaray-Leeds United match of 5 April 2000

VE 6: Diyarbakırspor-Altay match of 13 May 2001

VE 7: Kayserispor and Çaykur Rizespor match of 5 April 2003

VE 8: Göztepe-Karşıyaka match of 5 August 2003

VE 9: Beşiktaş-Çaykur Rizespor match of 21 October 2004

VE 10: Fenerbahçe-Galatasaray of 22 May 2005

VE 11: Fenerbahçe-Everton match of 31 July 2005

VE 12: Galatasaray-Fenerbahçe match of 22 March 2006

in Turkey since 1959 when the Turkish Football League was established. Another popular news portal in Turkey, *Radikal*, also compiled a list of violent events at football stadiums in ‘The History of Violence in Turkish Football’, published in 2010. The relevant information about football-related in Turkey described in this project has been inferred from a range of media reports, but these two sources have remained central. Each particular football-related incident has been cited from the relevant newspapers published on the date of the incident; however, when the original news cannot be found, ‘Ntvmsnbc News Portal, 1 December 2008’ and ‘Radikal, 22 September 2010’ have been referred to as the source.

- VE 13: Fenerbahçe-Galatasaray match of 3 December 2006
- VE 14: Galatasaray-Fenerbahçe match of 19 May 2007
- VE 15: Bursaspor-Antalyaspor match of 30 October 2008
- VE 16: Bursaspor-Diyarbakırspor match of 26 September 2009
- VE 17: Diyarbakırspor- Bursaspor match of 6 March 2010
- VE 18: Fenerbahçe-Galatasaray match of 29 October 2009
- VE 19: The cancelled match between Bursaspor and Beşiktaş of May 2011
- VE 20: Fenerbahçe-Galatasaray match of 12 May 2012
- VE 21: Fenerbahçe-Galatasaray match of 12 May 2013
- VE 22: Göztepe-Tavşanlı Linyitspor match of 13 May 2013
- VE 23: Galatasaray-Fenerbahçe match of 12 August 2013
- VE 24: Beşiktaş-Galatasaray match of 22 September 2013
- VE 25: Kayserispor-Çaykur Rizespor match of 11 April 2014
- VE 26: Galatasaray-Fenerbahçe match of 25 August 2014

Appendix 2: All Media Sources Consulted in the Project*

Name of the Media Source	Number of the Citations
Milliyet	21
Hürriyet	20
Radikal	13
Doğan News Agency	4
BBC	3
CNN Türk News Portal	3
Ntvmsnbc News Portal	3
Habertürk	2
Aljazeera-Türk News Portal	1
Daily Mail	1
Cihan News Agency	1
Cumhuriyet	1
Gazetevatan News Portal	1
Ntvspor News Portal	1
Sabah	1
Stadium Database News Portal	1

* Hürriyet, Sabah, Milliyet, and Radikal newspapers have been preferentially consulted during the project because these four Turkish print and online newspapers are the most acknowledged newspapers in sports news in Turkey. Free access to the online archive of the Milliyet newspaper, in particular, provided a wealth of information for the PhD project conducted by the author, which forms the basis of this paper.