

Democratic deficit within the electoral system of the Football Association of the Czech Republic

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ABSTRACT

This study analyzes the electoral system of the Football Association of the Czech Republic (FACR) to explore the democratic deficit inherent in its governance structures. Recent trends in Czech football, marked by issues such as corruption and conflicts of interest, highlight the need for optimal governance to enhance accountability and transparency. This research examines the FACR's new statutes effective from March 2025, comparing them with earlier versions to identify persistent democratic shortcomings. Methodologically, the study employs qualitative document analysis, focusing on the statutory changes and their implications for stakeholder representation and decision-making processes. Key findings indicate that while some reforms aim to mitigate negative practices, the dual Chamber structure and uneven voting rights for different stakeholders undermine genuine democratic participation. Professional players and other vital contributors lack voting rights, leading to a governance model that fails to reflect the interests of all members. The study concludes that without further reforms to address these disparities, the democratic deficit within FACR is likely to persist, limiting the organization's ability to foster a fair and equitable football environment in the Czech Republic.

KEYWORDS

good governance; negative phenomena; stakeholders; representation; voting rights

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INTRODUCTION

In the very dynamic sport industry, several governance-related issues may arise, such as clientelism, corruption, or conflict of interest. Clientelism involves exchanging goods or services for political support, marked by power imbalances (Elliott, 2016). In sports federations, political authorities often favor individuals or groups offering political backing (Erturan-Ogut & Sahin, 2014). Conflicts of interest in sports governance often arise from individuals holding overlapping roles, with insufficient separation of regulatory, financial, and operational responsibilities leading to biased decisions (Parrish & Miettinen, 2014). Corruption in sports includes bribery, match-fixing, and fund mismanagement, typically aimed at gaining unfair advantages or personal benefits, thereby eroding the ethical principles of sport (Gorse & Chadwick, 2016).

In recent decades, Czech football and its governance, particularly the Football Association of the Czech Republic (FACR), which is a registered association by law, have been plagued by issues like corruption, mainly match-fixing but also misuse of funds (Pěruška, 2014; Numerato, 2016), clientelism which kept people perpetuating the corruption in power (in principle also described by Elliott, 2016 or Doidge, 2018), and conflicts of interest based primarily on deciding what people to put in the decision-making positions based on personal relationships rather than relevant competencies, which may benefit them but not the organization as a whole (Numerato & Baglioni, 2012), and one person or group of people occupying several power positions (Kaprálková, 2021).

It is important to state that while individual behaviors contribute to these issues, suboptimal governance structures significantly perpetuate these issues (Geeraert, Alm, & Groll, 2014). An essential aspect of democratic governance in sports organizations is the representation of all stakeholder groups (Geeraert, 2018), which must be reflected in governance structures (Hoye et al., 2020). Ensuring such inclusivity can facilitate the election of an Executive Board by the General Assembly that genuinely represents and acts in the best interests of members (Hoye & Cuskelly, 2007; Thompson et al., 2023). The process by which representatives are elected and selected to represent the membership base directly influences participation and engagement. Professional clubs, for instance, are often the most motivated to participate actively in governance processes (Enjolras & Waldahl, 2010; Karel, 2024), however, these are not the only stakeholders that should be included in the decision-making processes, players, coaches, referees, managers, etc. are important stakeholder groups as well.

The most important information about governance structure is incorporated in the Statutes of the registered association (Civil Code No. 89/2012 Coll.). Therefore, qualitative analysis and comparison of the Statutes from 2019 & 2024 are used as the main methods to determine the changes within the democratic deficit that arises in the electoral system of FACR.

Democratic deficit – research framework

The concept of democratic deficit extends beyond critiques of certain European Union bodies, representing the suppression of democratic principles in organizations or societies, particularly when negative phenomena occur repeatedly over time (Elliott, 2016). In general, democratic deficit reflects the inconsistency between democratic

ideals, where policies should reflect the majority's will, and the actual policy decisions made (Lax & Phillips, 2012). A central issue with a democratic deficit is the lack of accountability of governance structures to the individuals they affect, i.e., their members (Grigorescu, 2013).

A sufficient degree of democracy in sports organizations, along with accountability and transparency, constitutes the principles of "good governance", which determine whether governance structures effectively serve stakeholders' best interests (Geeraert, 2018), even though there is no ideal type of sport governance that would fit all the sport organizations (Parent et al., 2021). Member-elected governance systems emphasize representation, wherein a few individuals make decisions on behalf of many (Stenling et al., 2023). Effective governance in sports organizations depends on a well-defined framework of rules, strong leadership commitment, and active stakeholder participation to promote transparency, accountability, and inclusivity (Mrkonjić, Bayle, & Parent, 2024).

According to "good governance" principles, suboptimal participation in decision-making or imbalances in power distribution at different levels of governance signifies a democratic deficit (Geeraert & van Eekeren, 2021; Geeraert, 2018). For voluntary organizations operating within democratic states, democratic infrastructure is essential (Enjolras & Waldahl, 2010). Nonprofit associations like FACR must ensure that all members over 18 can, on some level of governance, participate in decision-making processes or elect representatives to advocate for their interests (Civil Code No. 89/2012 Coll.).

Kaprálková (2021) identified five areas of democratic deficit in the electoral system of FACR. The existence of the Moravian and Czech Chamber, which blocks the basic democratic rule of the majority win; the professional clubs' legal form that prevents important groups of stakeholders such as professional players and coaches from having voting rights; the way lower levels of governance of FACR behave and aren't controlled well enough; how some important groups of stakeholders aren't represented at the General Assembly at all; and last but not least how there is lack of structure around the process that determines which clubs of the 3rd and 4th tier divisions can send their representatives to the General Assembly.

The Czech context and FACR

FACR's governance model follows a mixed electoral system (Figure 1), where membership is club-based. Representation in governance depends on the league level: lower-tier clubs elect representatives to district or regional organizations, which in turn elect representatives to FACR's General Assembly. This multi-layered system can reduce direct member participation and hinder democratic processes (Enjolras & Waldahl, 2010).

Figure 2 describes what body/organization the leagues are organized by, which is crucial to determine who sends representatives directly to the FACR General Assembly and who sends representatives to the regional levels of governance. The professional football clubs and clubs that play 3rd and 4th level leagues have the right to send their representatives directly to the FACR General Assembly (with some exceptions described in the Results), clubs on the 5th to 7th league levels send their representatives to Regional Football Associations (RFA), and clubs on the 8th to 10th league levels send their representatives to District Football Associations (DFA).

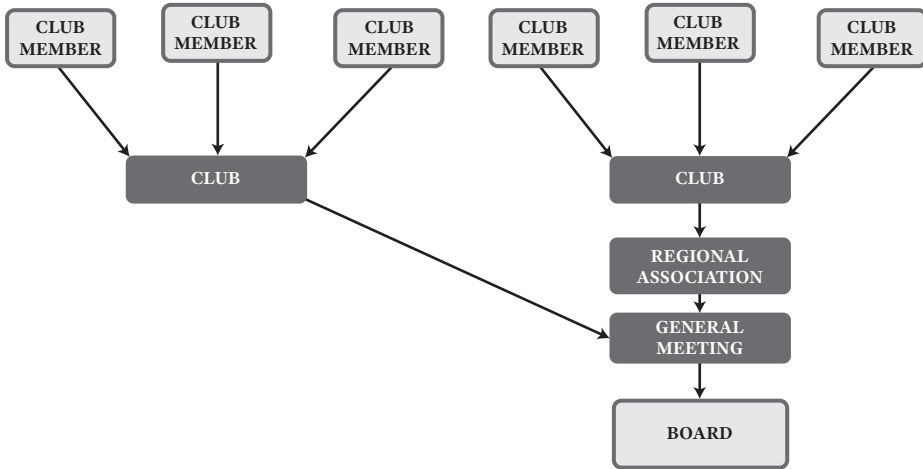


Figure 1 FACR's electoral system based on club membership

Source: Král (2015)



Figure 2 Organizations responsible for different league levels

Source: Author's own work inspired by Slavík (2014)

DFA's and RFA's then each decide at their meetings who represents each of them at the FACR General Assembly.

Active participation in governance fosters accountability and transparency (Geeraert, Alm, & Groll, 2014). However, FACR's current structure disproportionately emphasizes geographic and hierarchical considerations rather than the inclusivity of all stakeholder groups (Geeraert, 2018). Professional players and other key stakeholders are not guaranteed voting rights, even though their role is crucial for the delivery of sports performance, and they should be somehow represented in the organizational governance. This deficiency aligns with the democratic deficit concept, wherein systemic barriers prevent equitable representation (Enjolras & Waldahl, 2010).

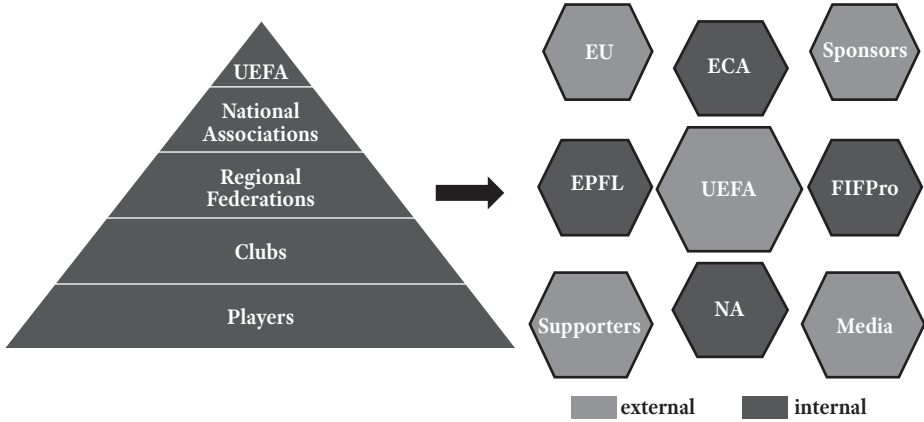


Figure 3 Stakeholder network in governance structure

Source: Schubert (2014), inspired by Garcia (2011)

As Schubert (2014) illustrates, UEFA has, to some extent, adopted a “stakeholder network” governance model (Figure 3), moving away from traditional pyramid structures to distribute power more equitably (Garcia, 2011). Such reforms aim to prevent power consolidation by giving members (various stakeholder groups such as player – FIFPro or National Associations – NA) decision-making power while separating regulatory, executive, and dispute-resolution functions, similar to the separation of powers in states (Kreft, 2017).

The persistence of clientelism and corruption in Czech football during the last decades underscores the need for reforms of FACR’s governance, particularly its electoral system. By March 2025, FACR will implement statutory changes addressing some of these deficiencies. Evaluating how these changes align with democratic principles and tackling the previously arising democratic deficit will be crucial for determining their impact on democratic participation and decision-making.

METHODS

This article aims to identify changes regarding the democratic deficit in the electoral system of FACR based on the analysis of the new statutes (effective from March 2025).

The primary method employed in this study is qualitative document analysis, focusing on the FACR statutes from 2019 and the revised statutes from 2024, along with the explanatory report on the changes. Specifically, the study focuses on the non-optimal representation of members in the governing bodies and potentially even decision-making.

Conceptualization

The previously identified areas of democratic deficit are used as the main concepts of the qualitative analysis (Figure 4).

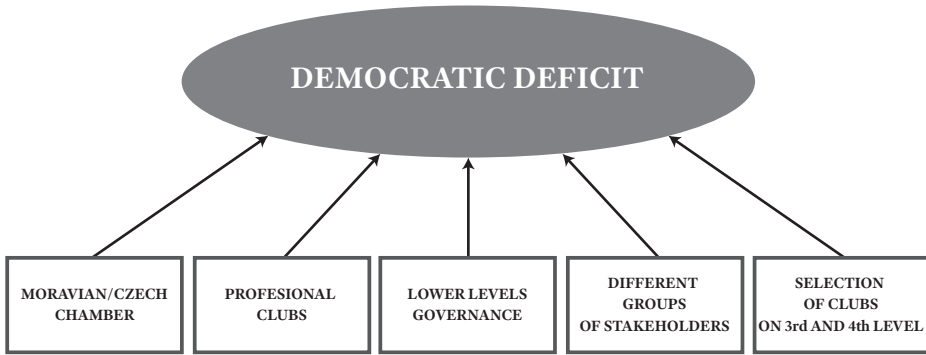


Figure 4 Democratic deficit in FACR

Source: Kaprálková (2021)

Thematic coding was used as the tool to structure the data.

Outcomes of the Qualitative Analysis:

- Summarization of the elements of the democratic deficit in the FACR electoral system based on the Statutes from 2019.
- Summarization of the changes in the new FACR statutes (2024) related to the emergence of a democratic deficit in the electoral system.

RESULTS

Moravian and Czech Chambers

The division between the Moravian (eastern part of the Czech Republic) and Czech (central and western part of the Czech Republic) Chambers was a central feature of FACR’s electoral system. According to the statutes: “The General Assembly can make decisions if a majority of representatives from the Czech Chamber and a majority of representatives from the Moravian Chamber are present. Unless otherwise stipulated in these Statutes, decisions of the General Assembly are adopted if a majority of the present representatives from the Czech Chamber and a majority of the present representatives from the Moravian Chamber vote in favor” (FACR, 2019, p. 25). This structure, rooted in historical tradition, gave precedence to geographic location and league hierarchy in decision-making participation. However, it effectively blocked the democratic principle of majority rule by allowing decisions to be contingent on both Chambers’ approval, even though the Moravian Chamber had significantly fewer representatives.

The changes

The division into the Moravian and Czech Chambers remains unchanged under the new statutes, with only slight modifications in wording and power distribution. The Czech Chamber has 127 representatives compared to 75 in the Moravian Chamber (Figure 5). The requirement that decisions pass with a majority in both Chambers persists, allowing the smaller Moravian Chamber to approve or block decisions with few-

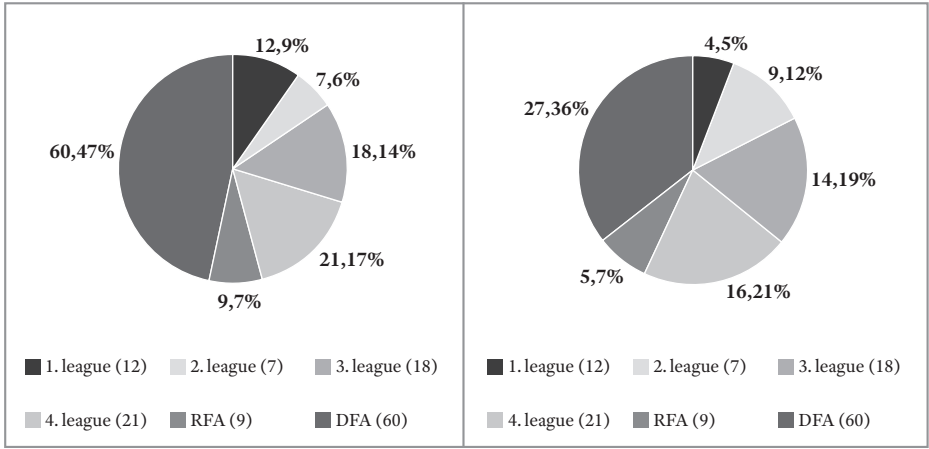


Figure 5 Czech and Moravian Chamber

Source: Author's own work based on FACR (2024a)

er votes. This arrangement continues to deviate from the principle of majority opinion prevailing, which highlights the ongoing democratic deficit within this structure.

Professional clubs and individual rights

Professional clubs held significant voting power in the FACR system, justified by their financial contributions to football. Each of the professional football clubs could send one representative directly to the FACR General Assembly: “Member clubs of the 1st League, 2nd League, Czech Football League, and Moravian-Silesian Football League, each with one representative” (FACR, 2019, p. 21). If the club had an A-team in the first league and a B-team in the second league, they could only send one representative.

However, in this scenario, coaches, players, and other members of FACR who joined through professional clubs (joint-stock companies) were entirely denied any voting rights. Decisions about who would represent a club at the FACR General Assembly were made solely by the club’s Executive Board or shareholders, which is caused by the fact that professional clubs in the Czech Republic are usually joint-stock companies and not registered associations. This left professional players, coaches, etc., without voting rights. The same situation where people who are members of the FACR via professional clubs are denied voting rights occurred, for instance, even when those people were part of B-teams that were in leagues organized outside the League Football Association (meaning non-professional leagues), as they were still tied formally to the professional clubs.

The changes

The new statutes strengthen the position of professional clubs. B-teams in the second-highest league now count as separate entities, enabling such clubs to gain additional representation, whereas this is: “the only case when one club can have more

than one vote” (FACR, 2024b). Moreover, professional clubs will now have one representative directly on the FACR Executive Board, expanding its size to 13 members. FACR justifies the enhanced position of professional clubs by referencing similar arrangements abroad and their recent economic success, including broadcasting rights initiatives (FACR, 2024b).

The fact that professional players, coaches, etc., can’t vote within their clubs and decide on who their representatives are at the General Assembly remains the same because of the legal form of professional clubs (joint-stock companies).

Lower-level governance issues

At the local level, FACR clubs were largely unregulated by the statutes. Clubs could choose different electoral terms for their Executive Boards and, in some cases, even avoid holding General Assemblies altogether, allowing the same individuals to remain in leadership positions indefinitely. The lack of uniformity and transparency in local governance created significant irregularities and limited members’ ability to influence decision-making processes.

In terms of DFAs’ and RFAs’ structure and functioning the old Statutes mentioned this: “Each Regional Football Association ensures, in accordance with its scope of activities, the fulfillment of the Association’s tasks within its jurisdiction for the region of the Czech Republic for which it is established and is authorized, within this framework, to acquire rights and obligations to the full extent” (FACR, 2019, p. 3), and then there were a few statements about whom their representatives elect and what proposals they can submit.

The changes

The lower-level clubs’ position remains the same, and they are not required to follow specific instructions in terms of how they are organized besides the Czech law. However, the new statutes attempt to address RFAs’ and DFA’s issues by requiring them to align their operations with FACR’s statutes (FACR, 2024b). FACR will now provide a model statute outlining areas where deviations are permissible and where they are not. This change aims to prevent irregularities in the scheduling of General Assemblies at the local level.

Regarding DFAs: “The regular General Assembly of the DFA is convened by the DFA Executive Committee once a year, with the regular election General Assembly required to take place once every 4 years during the period from January 1 to February 15. The DFA Executive Committee is obligated to convene the General Assembly and publish the invitation, including the date, location, and proposed agenda, no later than 4 weeks before it takes place” (FACR, 2024a, p. 23). Regarding RFAs: “The regular General Assembly of the RFA is convened by the RFA Executive Committee once a year, with the regular election General Assembly required to take place once every 4 years during the period from March 1 to April 15. The RFA Executive Committee is obligated to convene the General Assembly and publish the invitation, including the date, location, and proposed agenda, no later than 4 weeks before it takes place” (FACR, 2024a, p. 22).

This helps foster the democratic principles as the political cycle here copies the FACR’s one, and the RFAs and DFAs have to not only organize the General Assem-

blies but furthermore also properly inform about it, which can help raise transparency within the electoral system.

Representation of different groups of stakeholders

Representation in FACR governance was based primarily on geography, levels of governance, and league levels rather than roles within the sport. Members such as players, coaches, referees, and club managers lacked direct voting rights. Stakeholder representation was tied solely to club hierarchy (if it was a registered association, there was a chance for different groups of stakeholders to vote and get elected to stand for their rights if it was a joint-stock company, there wasn't), with no mechanism to include individuals based on their contributions or roles in the football ecosystem.

The changes

Changes in the new statutes reflect a limited effort to address stakeholder representation. The official associations of football agents, players, coaches, and referees gain advisory voting rights. "AFA, CAFH, the Union of Czech Football Coaches, and the Union of Referees send their representatives in accordance with their internal regulations as per paragraph 1, letter b), with each sending one representative. This representative is entitled to speak on every agenda item at the General Assembly and to submit proposals and comments in accordance with the rules of procedure of the General Assembly" (FACR, 2024a, pp. 11–12). Nevertheless, this advisory role does little to address the exclusion of other stakeholder groups.

Selection of clubs in the third and fourth tiers

Clubs in the 4th tier (Divisions) faced significant representation challenges. The selection of representatives to the General Assembly was determined through an unspecified process. The only mention in the statutes was that: "21 representatives elected at the assembly of member clubs from divisions in Bohemia (note: Czech Chamber), 14 representatives elected at the assembly of member clubs from divisions in Moravia" (FACR, 2019, p. 21). The unspecified process that determined which clubs could send the representative to often raised transparency and legitimacy concerns.

The changes

The updated statutes introduce new terminology, officially designating the third tier as the "3rd League" and the fourth tier as the "4th League" (that also applies to other leagues they are about to be named by their level). Clubs from the Czech Football League (CFL) and Czech divisions collectively send 39 representatives to the General Assembly, with a maximum of 18 from the CFL. Similarly, the Moravian-Silesian Football League (MSFL) and Moravian divisions send 30 representatives, with up to 16 from the MSFL. Here, the B-teams can't send their representatives (FACR, 2024b).

The process of selection when there are more eligible clubs than spots for the representatives that could be sent to the General Assembly remains unspecified to some extent however, the new statutes state that: "Clubs of the 3rd Czech League, whose representatives are elected at the assembly of member clubs of the 3rd Czech League, attended only by members of statutory bodies or authorized members of FACR affiliated with the respective member club, with a maximum of 1 representative per mem-

ber club” (FACR, 2024a, p. 11). Also: “Member clubs of the 4th Leagues in Bohemia (note: Czech Chamber) send a number of representatives such that their total, together with the representatives according to letter b), amounts to 39. These representatives are elected at the assembly of member clubs of the 4th Leagues in Bohemia, attended only by members of statutory bodies or authorized members of FACR affiliated with the respective member club. None of them may serve as a representative for another member club” (FACR, 2024a, p. 11). The same principle applies to the Moravian-Silesian 3rd and 4th-level clubs. Therefore, at least the basic framework for who can decide about the 3rd and 4th level representatives is set. Currently, CFL sends to the FACR’s General Assembly 18, Czech Divisions 21, MSFL 14, and Moravian Division 16 representatives.

Additional provisions in the new FACR statutes that indirectly influence the electoral system include a more precise definition of conflicts of interest, stating that: “No one is allowed to make decisions on a matter that directly concerns them and where circumstances suggest that their involvement in discussing and deciding could result in an advantage or harm for themselves, their close relative, or a member club to which they are affiliated as a member of FACR” (FACR, 2024a, p. 24), stricter vetting of elected candidates, and a ban on holding employment in FACR subsidiaries while occupying an elected position.

A notable improvement is the automatic transfer of a player’s membership upon their transfer to a new club, eliminating prior complications (FACR, 2024b) when players transferred to a new club but technically stayed members of the former club until any of the clubs made a formal proposal to change the membership from the former club to the new one.

Another key change in the area of membership establishment is the introduction of a named list of individuals who cannot become members of FACR (FACR, 2024b). Membership may be terminated if a member acts in violation of the regulations of FACR, FIFA, or UEFA, and the Executive Board decides about putting and erasing people from this list (FACR, 2024a).

Even though the effort to move towards more democratic procedures and representation, some of the changes fall short of providing voting rights to stakeholders, leaving the governance structure heavily reliant on geographic separation and league-level-based representation.

DISCUSSION AND CONCLUSION

This article identifies the changes in the democratic deficit in the electoral system of FACR based on the analysis of the new statutes (effective from March 2025). Five main areas of democratic deficit were analyzed: the existence of Moravian and Czech Chambers, Professional Clubs, and Individual Rights, Lower-Level Governance Issues, Representation of Different Groups of Stakeholders, Selection of Clubs’ representatives in the Third and Fourth Tiers.

Enjolras & Waldahl (2010) mention that professional clubs often have the greatest tendency to be active, which raises the question of whether their financial contributions sufficiently justify their increasingly prominent role within the FACR electoral system (Karel, 2024). This is particularly debatable given the fact that they also have

their own organization, the LFA, which oversees professional leagues. On the other hand, it can be argued that the professional clubs' push for more influence within FACR stems in part from the fact that public funding is directed toward their youth programs (which are typically organized as registered associations) due to their financial investments in the football development in general, and also due to the significant power that District and Regional Football Associations (DFS and RFS) wield at the FACR General Assembly as bodies representing 5th and lower division clubs.

Even though the number of representatives of RFAs (Czech Chamber: 9, Moravian Chamber: 5) and especially DFAs (Czech Chamber: 60, Moravian Chamber: 27) is relatively high, it may not necessarily be problematic that so many clubs from the 5th and lower tiers have representation big representation, considering the big number of clubs that fall into these brackets. The issue arises when there have been instances of bypassing regular electoral cycles when choosing different than 4-year-long terms, which should now be addressed by requiring DFA and RFA to adhere more closely to FACR statutes.

One of the challenges in optimizing FACR governance, particularly within the electoral system, is the persistent argument in the public sphere that it operates within the civil sector (i.e., a private organization). However, it can be argued that as long as the organization is partially funded by public resources, it should adhere to good governance principles to a certain extent (Král, 2014; Kaprálková, 2021). Another key argument is that an organization structured as a registered association is formed to meet the needs of its members, meaning that members should always have the opportunity to participate adequately in decision-making through the electoral system (as outlined in the principles of good governance, e.g., Geeraert, 2018).

The new FACR statutes, effective from March 2025, reflect at least an attempt to prevent some negative practices, even though not all directly pertain to the electoral system. Measures such as a blacklist of individuals who cannot become FACR members, a more detailed description of conflicts of interest, improved vetting of candidates, and efforts to eliminate dual roles held by some elected representatives who are also employed in various positions within subsidiary companies, could potentially bring FACR closer to implementing more democratic principles within its structures.

A certain rigidity in the electoral system, among other aspects, cannot be easily reformed, despite the apparent efforts to introduce democratic principles in some areas (as discussed by Slavík, 2014; Král, 2014). Even if a conflict of interest is uncovered, elected representatives may complete their terms, meaning a representative sent to the FACR General Assembly who is in a conflict of interest could still vote for the Executive Board in the June 2025 assembly.

In addition to the system's rigidity regarding changes toward good governance, the primary issue in FACR's electoral system from the perspective of democratic deficit is, apart from the division into the Moravian and Czech Chambers, its continued reliance on voting rights based largely on geography and league levels. However, even this principle is inconsistently applied, as some clubs from the 3rd and 4th levels are allowed to send representatives to the FACR General Assembly while others are not. Moreover, professional players, coaches, and other specialists have no voting rights in the system due to the legal form of their clubs (joint-stock companies) through which

they are FACR members. The newly introduced advisory vote for the representative organizations of players, coaches, intermediaries, and referees offers only minor compensation for this democratic deficit, which is contradictory to the statement of Hoye et al. (2020) that all relevant groups of stakeholders should be somehow accordingly represented within the governance structures.

The limitations of this lie in not having the empirical data of the changes being implemented yet and the analysis is solely based on the statutes. Therefore, we can only guess what the actual impact would be, especially in the case of the advisory votes, etc. Also, there might be other internal documents besides the statutes put in place in the future that change the context of some of the democratic deficit issues.

This research shows where the democratic deficit in the FACR's electoral system may arise in the next years based on the new statutes. It identifies that even though some positive changes are visible, the development of FACR's governance and, specifically, the electoral system must continue towards good governance practices if the fair, sustainable environment and continued football development are about to be upheld in the Czech Republic. The important aspect is to focus not only on the structure of governance but also on how different stakeholders behave so that they uphold good governance principles (Mrkonjić, Bayle, & Parent, 2024). Future research should, therefore, focus on how the new statutes and other relevant documents are applied, which can lead to the identification of different areas of democratic deficit and/or various ways to prevent it.

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