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Determination of factors of gambling establishments on the Internet

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Abstract. With the development of information systems, the spread of gambling institutions on the Internet is progressing, which affects the specifics of the training and education of qualified specialists in the field of combating crime. Such deviations affect the control of impulsive States, as a rule, accompanied by a range of other diseases, including suicides. For many players, this kind of game - it is fun, but for a significant number of people, such activities have a number of negative social, financial and personal consequences, expressed in criminal justice. In order to form competent professionals in this field, namely the prevention of all the negative consequences of the gambling industry. It is necessary to correct assess the determinants and causes of the high supply of gambling in the criminal market of services. Integrate into the training process the analysis of techniques and mechanisms for the implementation of the acts of the above category. This approach of teaching the signs of crime taking into account the current realities has applied value to explain the causes of the relevant deviations and improve the quality of education in the prevention and suppression of illegal gambling.

1. Introduction

The issue of training highly qualified specialists in all fields is quite acute. No exception is law enforcement agencies, in «the forge» which are the future guardians of the rule of law form the core competence. One of the main directions of training of specialists in the sphere of combating economic crimes and corruption is the direction for the prevention and suppression of illegal gambling.

The organization and conduct of illegal gambling is a new direction of Russian science, in this connection, to establish their determinants should base on the General provisions developed by criminology in the field of economic crime. Under the determinants (from the Latin. determinants), you should understand the previous condition (the factor or the element) that makes a certain phenomenon. Under the causes of crime are understood to be those negative things that create crime and crime.

In modern science developed a number of basic institutions to establish the causes of economic crime on the basis of sectorial approaches, which should be evaluated as a methodological basis for the study of crime and crimes committed in the field of illegal organization and conduct of gambling (hereinafter - illegal organization and conduct of gambling (IOCG)).



2. Problem Statement

Consider the most informative classification of determinants of economic crime, given by various authors: M. p. Kleymenov, I. Kozachenko, K. V. Korsakov research at systematization of signs of illegal acts in the sphere of economic relations used an economic method. A. I. Dolgova structured the main factors of economic crime on base of the General criminological theory, breaking them into economic and social, political, normative and legal, ideological, social and psychological, organizational and managerial [1].

G. Becker was the first who drew the attention of society to the reasonable beginning of criminal tendencies in economic offenses, explaining this by the fact that people are trying to reduce their costs without compromising the expected profit. On the social causes of crime in the classification of determinants based Kicheev Bn, believing that the social complex of signs of crime in the economic sphere is define by a type of business. Likholetov A. A. in the work «Criminal and criminological problems of combating illegal gambling business», considering these crimes, structured them from the point of view of the General criminological approach. However, the sectoral approach to defining the determinants of crime eliminates the search value of the causes and conditions of a particular crime, for which the causes and conditions of crime are established. Since determinants are required to determine the truth, not to describe it, already established.

Thus, it is necessary to approach to determination of determinants of such multi-profile phenomenon as IOCG in a complex way, taking into account all levels of social contact with gambling.

In this connection, for full reflection of the list of signs of crimes and improvement of quality of preparation and reaction of experts in the field of economic security we developed and used a multi-factor deductive approach to the analysis of determinants of time in the field of IOCG (figure 1).

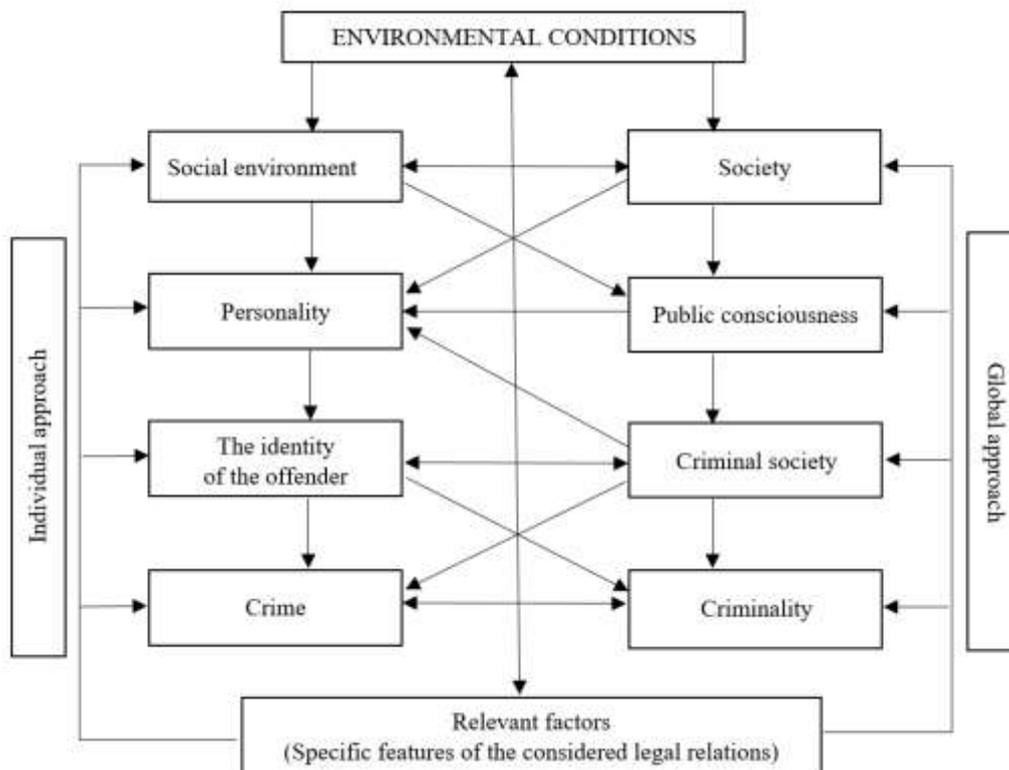


Figure 1. A multi-factor deductive approach to the analysis of determinants of crime and crime.

3. Purpose of the Study

Based on a multi-factor deductive approach to the analysis of IOCG determinants, it noted that they include, firstly, profile determinants that are identical in content to the determinants of organized and economic crime, and secondly, specific causes and conditions characteristic of IOCG.

Since it is not possible to analyse the full range of causes and conditions characteristic of organized and economic crime in the framework of this study, we will focus on the analysis of specific determinants of crimes in the field of IOCG [2, 3]. IOCG is a criminal market, the determinants of which can be divided into three groups of specific causes and conditions, presented in figure 2.

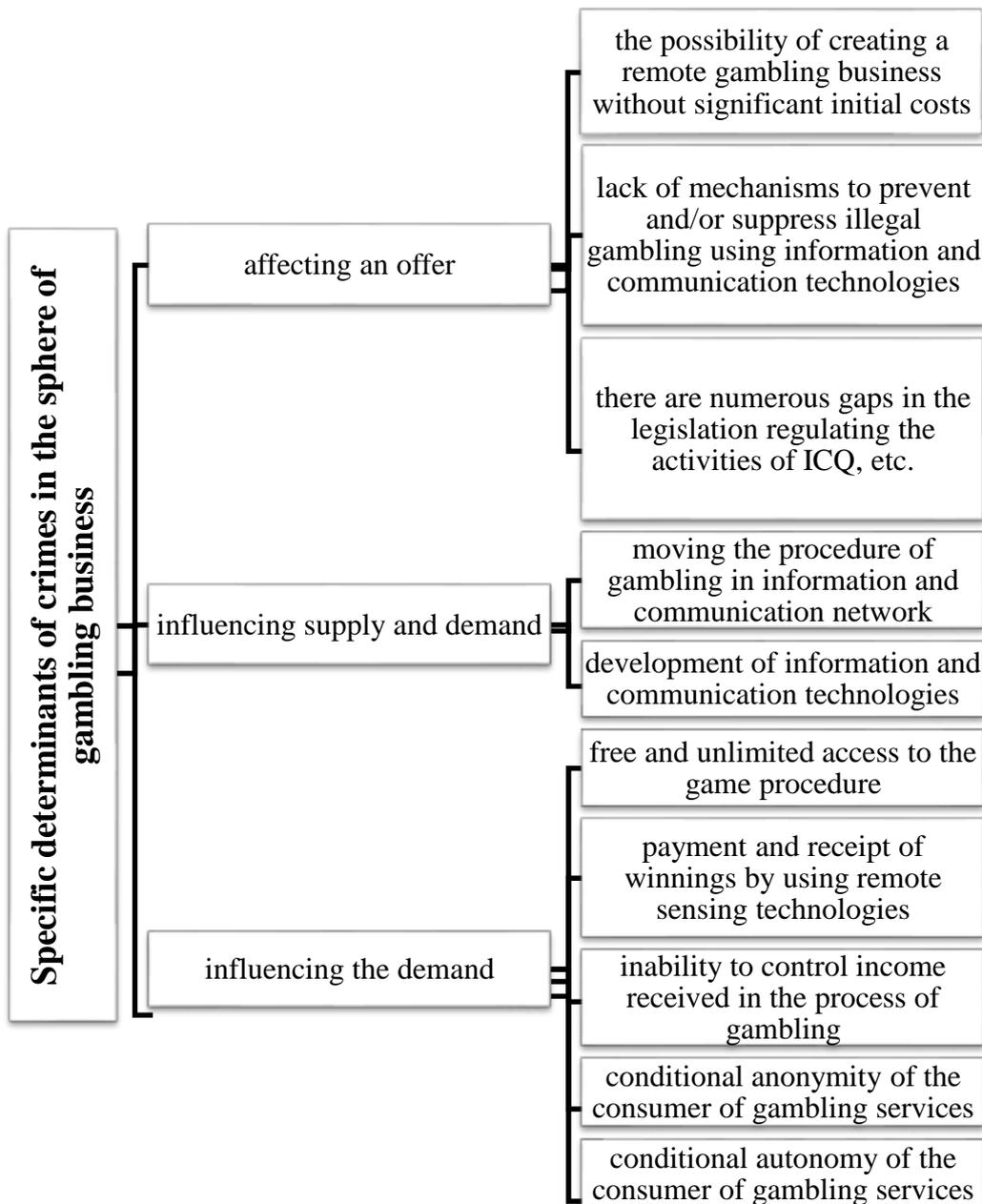


Figure 2. Specific determinants of crimes in the sphere of IOCG.

The offer of gambling is deterministic:

(a) the presence of stable demand (demand creates supply), which is primarily due to the small number of gambling zones in the country and their uneven distribution. Should remember «... the subconscious desire of any person to make a profit without applying any effort...» being the eternal engine of the markets of easy enrichment.

Considering the current situation in the field of IOCG, it is necessary to mention the tolerance of society to IOCG, born of a General decline in morality and the desire for illegal enrichment [4]. The extreme degree of such tolerance is legal nihilism, which manifests itself in a negative attitude to the law and the law enforcement system, which was determined at the end of the 20th century by socio – political events in the life of the country. The crisis, economic reforms, a significant stratification in the level of welfare, impoverishment of the population, unemployment, change of moral guide-lines have had a significant impact on citizens.

The Commission of the analyzed crimes contributes to the activities of the media, which in the nineties of the twentieth century actively disseminated criminal subculture. In addition, as it did not want to «silence» a presence «needs» the population in the services gambling, profits from the organization as illegal, and the legal organization and holding of gambling games speak for themselves – the fact that demand, creates a suggestion. Along with the development of information and communication technologies and the associated increase in the number of individuals participating in gambling, it is possible to identify independent determinant of committing the crimes in question;

b) the possibility of obtaining super profits at low costs and low probability of prosecution for illegal gambling. The main economic reason for the crimes committed in the IOCG sphere, in our opinion, is the possibility of obtaining uncontrolled profits in significant amounts.

Such cases are not isolated manifestations of the «humanism» of the law enforcement officer – it is a well-established practice. In this regard, the dominant component of the consciousness of IOCG subjects is impunity, which is also due to the conspiracy and isolation of the world of gambling, thus perverting the principle of irreversibility and fairness of punishment;

c) disproportionate degree of responsibility determined by law enforcement officers and the level of public danger of criminal acts of persons violating the provisions of the law on state regulation of gambling.

It is easy to notice that in the above case the income extracted by the condemned tenfold exceeded monetary expression of the appointed criminal punishment. Is it any wonder that the owners of illegal gambling establishments consciously commit a crime, being convinced of receiving income from the IOCG is much higher than the fines imposed by the court in case of prosecution.

d) the possibility of creating an implementation of IOCG without significant primary costs (low costs due to the low «entry threshold» to the criminal market).

In particular, this applies to remote gambling business. There is no need for equipment, premises, personnel, licensing and other costs for the possibility of remote gambling. After all, to open such an information resource / portal it is enough to have a game server and electronic accounts. With the further development of this activity, there is a steady decrease in the costs of gambling, which contributes to increasing the volume and scale of services provided;

d) there are numerous gaps in the legislation regulating the analyzed area of entrepreneurial activity. The imperfection of the existing positive legislation in the field of organization and conduct of gambling allows IOCG organizers to carry out illegal actions in terms of relative comfort. There are frequent violations of the established requirements for the implementation of IOCG and restrictions binding on the organizers of gambling, gambling establishments. There are multiple cases of gambling not in specialized areas. Moreover, having a license to carry out such activities, the organizers prefer to create in parallel an illegal «avatar» of a legal institution, placing it outside the permitted gambling zones. There are numerous cases when the organization and conduct of gambling in the gambling zone carried out based on a permit obtained illegally [5].

4. Research Methods

Terminology and norms of the legislation of a number of European countries in the field of IOCG do not meet modern requirements. Often leads to problems that arise both in the assessment of illegal acts of unscrupulous organizers of gambling, and in the formation of techniques and training profile orientation, which in the future causes the complexity of the qualification of these crimes.

Should recognize that the practice of application of the Russian legislation on countering gambling in information and communication networks is incomparably less effective compared to similar legislation in foreign countries. Indicative in this respect the experience of the UK that allow gambling, set over him by state regulation to have full control of IOCG activities, including network «Internet», carried out within the jurisdiction of the United Kingdom. In 2007, new legislation on gambling on the territory of the Kingdom came into force, one of which is devoted to the regulation of gambling on the Internet.

This law introduces the concept of «playing with the use of means of communication», according to which the conduct of remote gambling (the author's interpretation of the term «playing with the use of means of communication») is subject to licensing. Advertising foreign (for the UK) gambling in the country prohibited. With the exception of the representatives of the «remote» illegal organization and conduct of gambling, which regulated by law countries of the European Union, Iceland, Liechtenstein and Norway, respect the requirements are quite rigid British standards in the field of illegal organization and conduct of gambling. Thus, the UK fully regulates the gambling business conducted on its territory. In Hong Kong, gambling prohibited, with some exceptions - the monopolist of IOCG is the jockey club of Hong Kong. It forbid-den both to make and to accept bets, namely the responsibility imposed on the organizers-operators and on the participants-players [6, 7]. At the same time, in 2002, amendments were made to the law, which determined that the prohibition applies to the case, bets on the game from Hong Kong, and the acceptance of bets is made outside Hong Kong, including using information and communication networks. This measure is protective of the Jockey Club, which regulated by the state. Note that Hong Kong residents not for-bidden to play «away» in Macau or Las Vegas.

The Russian Federation has yet to make efforts to counter the proliferation of illegal gambling, including on the Internet. Such measures should have implemented in a set of measures to protect against information;

e) absence of effective mechanisms of prevention and suppression of illegal gambling with use of information and communication technologies.

It would seem that it is enough to trace the movement of funds when paying game bets in the «online casino» through electronic money in order to document illegal activities – you need to follow the established procedure:

- request information from the operator of the payment system and from the credit institution that maintains the system.
- obtain information on transactions with electronic invoices (from which and to which settlement / transfer accounts the money is received, the information is stored and, if necessary, provided to the competent authorities);
- obtain data on the identification of the person in the network, including when, where and under what addresses the client of this account entered the system;
- to monitor transactions to detect criminal activity.

However, such a clear and simple procedure is likely to lead nowhere, because money converted most often in foreign electronic systems. Then you need to interact with Interpol, the Federal financial monitoring service or other competent authorities.

In addition, here it is necessary to recognize that the mechanism of detection of malicious gaming resources (portals) and payment procedures for financial provision of illegal gambling is practically absent, which is undoubtedly the determinant of crimes in the field of IOCG;

Corruption, which allows the organizers of illegal gambling to avoid liability, increasing the fusion of crime in the area under consideration with the representatives of the authorities.

The existence of IOCG in our country is impossible without significant support of corrupt officials – from law enforcement officers who do not stop the crimes identified in the course of inspections for a single «reward» to the heads of state structures that contribute to the activities of illegal gambling institutions.

Formed links between corrupt officials and organized crime pose a significant threat. Due to the widespread corruption is the protection of organized criminal groups (OCG) from the public, and OPG supplied to such uncontrolled multi-billion dollar profits from IOCG provides an opportunity to establish new connections with government officials of the highest echelon. Thus, it is difficult to detect and suppress crimes, through the intervention of these persons, who by virtue of their powers are able to protect the perpetrators from responsibility.

I would like to note that IOCG is a fertile ground on which a «violent color» grows a significant part of crimes committed in mercenary interests and having signs of corruption: fraud with the use of their official powers. Embezzlement or embezzlement; obstruction of legitimate business activity, legalization (laundering) of money or other property acquired by other persons by criminal means.

Abuse of official powers; abuse of official powers; illegal participation in entrepreneurial activity.; taking a bribe; bribery; official forgery and entering knowingly false information; provocation of a bribe, etc.

From the point of view of structuring content corruption in the field of IOCG can attributed to economic crime, where high profitability of gambling determines the connection of crime with institutions of social control.

The phenomenon of «connection of crime with institutions of social control» arose in the Wake of abuses by law enforcement officials of their functions in order to illicit enrichment at the expense of the object of control. Wide opportunities for obtaining illegal income determine delinquent behavior not only of organizers of illegal gambling business, but also representatives of law enforcement system [8]. Hiding the implementation of the criminal intentions of all participants in the illegal gambling relations is the rapid integration of corrupt relations at all levels of the control devices and management.

The most socially dangerous activity in the field of IOCG is the activity of law enforcement officers, who are not just recipients, but persons engaged in the «creative» function of the crime.

5. Conclusions

We can say with confidence, that the multi-factor deductive approach to the analysis of IOCG determinants, which includes profile determinants identical to the determinants of organized and economic crime, as well as specific causes and conditions characteristic of the criminal gambling market, allow identify the factors that form the proposal of the criminal gambling market.

The sustained demand for gambling in the development of information and communication technologies and the associated increase in the number of persons participating in gambling; the possibility of obtaining super profits at low costs and low probability of prosecution for illegal gambling.

Disproportionate degree of responsibility determined by the law enforcement officer, and the level of public danger of criminal acts of persons violating the legislation on state regulation of gambling; numerous gaps in the legislation regulating IOCG; corruption, allowing the organizers of illegal gambling to avoid responsibility. The absence of effective mechanisms to prevent and suppress illegal gambling using information and communication technologies reflects the insufficient level of development of programs to train highly qualified specialists in the fight against crimes of this kind.

Today more than ever integration and assimilation of positive foreign experience in process of training of specialists of the direction of economic security is actual. The methodology of foreign countries, both in matters of training and confrontation with illegal gambling, is useful in studying the practice.

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