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The Social Necessity to Combat Gambling and Risk-Based Gaming

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Abstract:

The scientific article is devoted to the problems of the social need for criminal liability for the illegal organization and conduct of gambling, and in general the role of the gambling business in the lives of citizens. At the same time, the issues of legal regulation of the organization and conduct of gambling and risk-based games, the negative social consequences of gambling addiction are examined in detail, and a description of minors as the main victims of participation in gambling is given. Based on a critical assessment of existing research on this issue, recommendations have been developed for improving the criminal legal tools for combating the organization and conduct of gambling.

Keywords: gambling, organization of gambling, gambling, underage gamblers, gambling addiction.

Introduction

It is known that gambling has a very long history in the whole world, including in Uzbekistan. In particular, in our holy religion of Islam, which has become an integral part of our national faith for a long time, gambling is condemned as a harm to human morals, manners and health.

Since time immemorial, gambling has been widespread among people. At the same time, they were always considered a sin. For example, those who intend to increase their wealth by gambling, and who unjustly eat people's wealth, are among the first sinners. In the Holy Quran, drinking vodka, gambling, worshiping idols, telling fortunes, doing business based on fortunes, and earning a living in these ways are impurity caused by Satan. Allah Almighty commanded people to turn back from this path. Such people forget Allah and do not pray. Our Prophet, may God's prayers and peace be

upon him, not only discouraged people from gambling and making a living in this way, but also jokingly said that they are gambling.

The Arabic word "qimor" (the term "maysir" is also used in this sense) has several definitions. Abu Ubaid said: "In this dangerous game, it will not be known which group will take the property (money) of others." And Al-Bali says: "Any game in which the winner takes the property of the loser is called that." Abu Bakr ibn al-Arabi says: "Any act or word competition in which one person is offered to another to receive the property won as a result of a game".

Thus, "gambling" is a competition and competition between participants, a relationship based on risk, in which the prize of the winner appears in exchange for the property of the loser.

Harms of gambling are known in:

- the formation of the habit of earning money due to random luck without honest work;
- getting used to laziness;
- ➤ addiction, i.e., like drugs or drugs, gambling takes hold of a person and slowly begins to take its toll. Sometimes this tendency leads to over-learning, that is, indulgence this happens only in those who are devoted to their idols.

It is for these reasons that gambling is mentioned by Allah in the Qur'an along with gambling, idols and fortune telling.

"O you who believe! Indeed, drinking, gambling, idols and (divining) sticks are impure. It is the work of Satan. So stay away from it. You may be saved.

Indeed, Satan wants to create enmity and hatred between you and prevent you from the remembrance of Allah and the prayer because of drinking and gambling. Will you stop now?!" (Surah Ma'ida, verses 90-91)[1].

Even in modern times, it is fully recognized that this evil is negative.

Formulation of the problem

Gambling is more common in developed, wealthy countries. True, even in the socialist era, gambling was carried out, because the state, using its monopoly right, did not allow any private players to gamble, then it received a good profit from such activity.

Today, you can find quite a lot of gambling games - these are interactive television games, games that are conducted with the aim of "transmitting" a product or service to the audience through various media.

For example, in the UK, 2/3 of the population buy lottery tickets every week. The income of lottery organizers is 5 bln. over a pound, which is more than Britons spend on bread or books. All this leads to a slowdown in economic development, because, as we mentioned above, gambling is a non-value-added activity.

US residents spend 500 billion on various gambling games, while spending dollars. Most countries try to open large casinos in their territories, to attract tourists and earn income from the sale of lottery tickets.

Therefore, even in modern times, there are some people who risk their lives, their families and their wealth, participate in gambling games, lose everything, get into a difficult situation, and get out of humanity. It is natural that such people harm not only themselves, but also their family members and our society. Issues of prevention of illegal organization and conduct of gambling games with the participation of minors are increasingly becoming the subject of intense discussions in the scientific community.

Analyzing the state of this problem requires considering it in the general dynamics of crimes and offenses related to the organization and conduct of gambling games. According to some data, the number of administrative offenses related to gambling was 1,454 in 2019, this indicator was 2,864 in 2020, 3,372 in 2021, and 2,325 in 6 months of 2022. Crimes related to the organization of these games amounted to 55 in 2019, 86 in 2020, 103 in 2021, and 90 in 6 months of 2022[2].

In particular, a rapid event was held by the employees of the Ministry of Internal Affairs of the Fergana region, the Regional Security Service, and the National Guard. It revealed that a resident of Margilon city organized a gambling and risk-based lotto game with five acquaintances on the second floor of a house located on Sanoat Street, Fergana city. They attracted 42 citizens and held gambling games. A total of 12 million 247 thousand soums and 17 different items were taken from them as physical evidence.

On the same day, during the events, it was found that a citizen living in this city organized a lottery gambling game with 3 acquaintances on the second floor of the restaurant building on Mustaqillik Street, "Ordatagi" quarter, Margilon city. They were arrested by the participants of the event with evidentiary items while gambling involving 49 citizens.

In connection with both cases, a criminal case was initiated with the relevant parts of Article 278 of the Criminal Code (organization and conduct of gambling and other games based on risk)[3].

At the same time, despite the contribution of the gambling business to the economy, the issue of combating gambling and risk-based games in various ways throughout the world has always remained relevant.

In particular, taking into account the negative consequences of gambling in our country, decision of the President of the Republic of Uzbekistan No. PQ-608 dated March 28, 2007 "On measures to prevent illegal activities related to the organization and conduct of gambling games" [4] and Resolution No. 176 of the Cabinet of Ministers of the Republic of Uzbekistan dated August 16, 2007 "On measures to further regulate the organization and conduct of gambling games" [5] was adopted, which established strict prohibitions on the organization and conduct of gambling games.

However, despite legal prohibitions, citizens continued to participate in online gambling organized outside the territory of Uzbekistan, which led to the emergence of an unlimited number of unregulated gambling. In this regard, by the Law of the Republic of Uzbekistan dated September 14, 2007 No. O'RQ-109 "On Amendments and Additions to Certain Legislations of the Republic of Uzbekistan Regarding the Organization and Regulation of the Organization and Conduct of Gambling and Other Risk-Based Games"[6] criminal responsibility for the establishment or transmission of services in telecommunication networks, including the provision of services by providers of the Internet global information network, copying, reproduction, distribution of relevant software, reflected in the third part of Article 278 of the Criminal Code.

In addition, in recent years, citizens participating in gambling and other games based on risk have committed suicide, fraud, looting of budget funds and other negative situations.

When considering Article 278 of the Criminal Code, in various research studies, the authors examine the issue related to the object of this crime. In our opinion, this issue is very relevant, but it has not yet been fully revealed, all the factors affecting crime have not been taken into account.

Article 278 of the Criminal Code was placed by the legislator in Chapter XX of the Criminal Code entitled "Crimes against public order", which naturally excludes the consideration of health as the main object of the crime, as well as the rights and legal interests of citizens, public morality, although above In the aforementioned decision of the Head of State, the word refers to "educating a spiritually mature and physically healthy young generation." This opinion is that before the ban on the organization and holding of gambling games was introduced, gambling games were conducted

in a free form, gambling activities were organized in various public institutions, in particular, in restaurants, catering establishments, markets or clubs. These situations have led to an increase in crime in gambling venues.

In addition, there is no control over gambling sites, in particular, totalizator equipment, and all gambling sites are not properly registered. In institutions, organizers often used gambling equipment that resulted in guaranteed losses for players. In connection with these circumstances, it was necessary to introduce state control over gambling. At the same time, the issue of creating separate gambling zones controlled by the state was considered inappropriate for the time being. Accordingly, the direct object of the type of crime under consideration today is recognized as social relations associated with the organization and conduct of gambling and other games based on risk.

At the same time, today the location of this crime is causing a lot of criticism. In particular, legal researchers G.F. Lukyanitsa[7] and R.A. Sevostyanov[8] show that it is necessary to consider the norm of liability for the organization and conduct of gambling and other games based on risk as a crime against health and public morals.

In our opinion, this criticism is justified. In particular, in accordance with the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 176 dated August 16, 2007 "On measures to further regulate the organization and conduct of gambling games", from September 1, 2007 gambling games and other games based on risk (including totalizers) is aimed at protecting the morale of the population, especially teenagers and young people, and raising a physically healthy young generation. This indicates that the actions of persons involved in the illegal organization and conduct of gambling have a negative impact on society, which has already been confirmed in the history of our national statehood and in the experience of various countries of the world.

The problem of Ludmania

Totalizator games can easily turn into mental illness. When a person starts playing online gambling games, he becomes addicted to gambling and loses his will. A person reaches such a point that he becomes a slave to gambling, he cannot control himself. This pain is one of the diseases that are very difficult to treat. The family of the victims of the totalizator, if necessary, bet the money of their relatives and friends on online games. If that is not enough, he starts taking debts and loans and does not know that he has thrown himself into a bottomless pit. It is human nature to want easy access to success and wealth. The owner of a mind that is not enriched with enough knowledge will be at the point of getting rich easily without hard work. It's no wonder that people in today's society, surrounded by advertisements and displays of easy-to-find wealth, feel the same way.

In such societies, people live looking for their happiness from the lid of a drink or from some food product.

If not treated in the heat of ludomania, the patient becomes a criminal. Because his mind is on the game early and late, productivity decreases. The income will decrease accordingly. When he has spent all his money, he is about to earn money by stealing, hooliganism, looting. He immediately bet what he won. So, for him, the game is as necessary as water and air, and it becomes a matter of life and death[9].

Many studies have shown that gambling is dangerous for the whole society, because the habit of gambling leads to a psychological dependence - ludomania, which causes both social and medical problems[10]. N.I. Bumajenko also states that gambling is a pathology and emphasizes that people who suffer from such a "favorite" activity are mostly "spiritual addicts". In addition, the author notes that gambling belongs to the group of activities that are not approved by society[11].

Ludoman completely loses control, his mind is always in the game. He feels free while playing, but when he returns to real life, for example, he stops playing and sits down to eat. He has a headache,

his sleep is disturbed, his appetite is suppressed, his mood drops, he cannot concentrate. Auction is a tricky process for gambling addicts. As the contestants say what they've got in their mouths, the person with this disease gets inspired and keeps raising the price. Especially young people tend to play more as they become fans of it. They only talk about this in conversation with their friends. If their parents restrict them from playing, put restrictions, they become stubborn and nervous. Both over-indulgence in games and sudden withdrawal from them can have a tragic effect on the child's nervous system. Therefore, it is necessary to gradually and effectively separate him from those games without leaving him alone.

In this case, the recommendations of a psychotherapist are needed. Of course, it is more difficult for a specialist to work with a client of this category. Because his patient tells a lot of lies, he does not want to reveal the disturbances in his psyche. He does not consider himself to be in need of psychological help and treatment, but instead prefers to live a carefree life.

According to Psychologist I.G.Malkina-Pix, "in males, gambling addiction begins in adolescence, and in females - in the second half of life, while in a beginner, this addiction may appear after the first game that brought a big win. Subsequent periodic gains and losses serve to reinforce the addiction."[12]. This author also focuses on the negative nature of gambling, where gambling addiction becomes chronic and progressive.

In addition, according to the International Classification of Diseases (10th redaction)[13], in the classification of mental and behavioral disorders, section B 63.0 is separately allocated pathological addiction to gambling, according to which the essence of the mental disorder is embodied in frequently repeated episodes of gambling, which are a daily occurrence of the patient. occupies a dominant place in his life contrary to his social, professional, material and family values and obligations.

Gambling is the way of becoming a criminal

The formation of antisocial behavior is caused by poor living conditions, improper education, lack of knowledge, and so on. These social conditions of participation in the illegal organization and conduct of gambling are largely dependent on economic and material conditions. A gambler sacrifices money, work, family, friends, interests, and social status for gambling. The number of people drowning in debt is increasing.

For example, in 6 months of 2022, 6 citizens who lost online gambling committed suicide. This was announced during the discussion of the draft law on determining responsibility for gambling and risk-based games on the Internet, held in the Legislative Chamber of the Oliy Majlis. In particular, it was reported that 6 people committed suicide in 2021 and 6 more in 2022 due to online gambling losses. Sadly, they were all young people under the age of 25[14].

It should be noted that the gambling business is a favorable environment for committing other crimes. Cash is required for betting, and since the available money is sooner or later lost, players decide to commit violent crimes: extortion, robbery and robbery, even murder.

As an example, an 18-year-old boy living in Urgut district stole money from someone else's car and used it for internet games. He stole 1,700 US dollars from one of the abandoned cars, and 2.5 million soums from the other.

A criminal case was initiated against him under Article 169, Part 3, Clause "A" of the Criminal Code of the Republic of Uzbekistan, and a precautionary measure of imprisonment was applied.

As a result of the investigation, citizen N. Suffering from a pathological gambling addiction, he committed theft in order to earn money[15].

Taking into account that such cases are occurring more and more, it can be seen that there is a need to make changes to the legal documents. A number of proposals in this regard have already been put forward in scientific circles. In particular, O.A. Ivanova emphasizes the need to classify gambling as a threat to public morality[16].

Taking these circumstances into account, it is necessary to establish strict requirements for health care in order to protect society from the negative effects of gambling on the human psyche, material and family conditions. For example, in the United States of America, the legal age for participation in gambling games is set at 21 years old[17], the Law of the Republic of Kazakhstan "On Gambling Business" dated January 12, 2007 prohibits participation in gambling games for citizens of the Republic of Kazakhstan under the age of 21[18]. In addition, in countries such as Latvia, Lithuania and Belgium, the age limit is set at 21 years. In most cases, this is due to the fact that a person who has reached the age of 21 is considered an adult, and it is precisely from the age of 21 that it is allowed to drink alcohol.

Due to the fact that people of different ages, financial and psychological conditions participate in gambling games in many cases, nowadays the player is almost defenseless and can not only spend all his savings, but also become pathologically addicted. Taking into account the tasks of the criminal law aimed at protecting the rights and freedoms of a person and a citizen, we believe that it is necessary to amend the norms of the criminal law and establish additional liability for a criminal act that has led to socially dangerous consequences in the form of a pathological disorder related to mental dependence.

Minors and young people are gambling victims

In our opinion, the regulation of this important issue in this area through criminal-legal means will contribute to the health and morals of the population, including the youth in our country, as well as the moral maturity and education.

According to various estimates, thousands of youths and minors in our country today suffer from gambling addiction, but the risk of gambling addiction in society seems to be relatively less than that of other social problems.

A large part of the customers involved in the orbit of illegal gambling business are young children and minors. In particular, according to the results of research conducted by some authors, for example, about 9.9% of all players in the Russian Federation are persons under the age of 18[19].

Similar results were found in the course of sociological research within the scope of this work. A total of 250 students of higher educational institutions of the Republic of Uzbekistan, as well as students of secondary vocational education institutions, high school students (grades 9-11) were asked in the surveys, of which more than 100 are university students, 90 are students of secondary vocational education, 50 some of them are high school students. Only 12% of the students surveyed said they had experience participating in gambling, but 25% of this contingent admitted to regularly placing bets at bookmakers during football matches.

Vocational education students were the most affected by gambling, with 27% having experience participating in gambling and approximately 15% betting on games. Schoolchildren were the least involved in gambling, they accounted for only 7%. However, taking into account the small contingent of secondary educational institutions, gambling occurs in 9-10% of all respondents.

Despite the measures taken, cases of illegal organization of gambling games, which are foreign to our national traditions and the mentality of the population, continue to occur. The facts of the organization of secret casinos that attract teenagers and young people are revealed by law enforcement agencies[19].

Of course, according to the available data, the percentage of minors addicted to gambling has more than doubled. At the same time, the structural indicators of minors who are prone to gambling by age groups continue to be of serious concern, it can be said that the situation is not so good in the age group of teenagers from 15 to 16 years old, whose numerical indicators are somewhat high all over the world, including in Uzbekistan. it continues to be observed to have a stable character.

In particular, according to researcher I.N. Mosechkin, 23.3% of minors between the ages of 15 and 16 have experience gambling for money or other property, and individuals belonging to this age group are known to participate in gambling games most often over the Internet[21].

One of the main determinants of the involvement of teenagers in the field of illegal gambling business is their age. The formation of various addictions, including serious interest in gambling, is characteristic of minors. From the point of view of psychologists, this is often due to difficulties during the physiological and mental development of the adolescent personality. It is during adolescence that many have difficulties in social adaptation, cannot find a common language with adults, face the problem of famous "fathers" and "children", as a result, they do not find an opportunity to solve their problems and leave real life for the virtual world of the game. The reason for this is "uncomfortable situation in the family, unhealthy relationship between parents, their irresponsibility to fulfill their parental duty"[22].

Of particular concern is the tendency of many teenagers to maintain a state of euphoria with alcohol or psychoactive substances during gambling.

It is impossible not to mention the effect of gambling on the delicate psyche of minors and the destructive effect on their ideas about morality. On the one hand, adolescent gambling clients are harmed, harming their normal physiological and psychological development. They lose their direction in life, the level of leisure culture decreases, and gambling gives them an illusory opportunity to feel like successful people. In addition, destructive feelings in the psyche of adolescents, feelings of the meaninglessness of existence are increasing, spending free time in criminal ways is becoming a tradition, which is bound to lead to an increase in delinquency, alcoholism and drug addiction among minors.

On the other hand, minors who suffer from gambling addiction are more likely to commit criminal acts, they are constantly looking for money to continue gambling, including through criminal means.

Today, cases involving minors as customers of gambling businesses to gamble on the Internet are of particular concern. In modern reality, provision of computers to young people is increasing, almost all educational institutions are connected to the Internet, and the number of users among schoolchildren is correspondingly increasing. In particular, according to data, 5.7 million young people under the age of 14 actively use the Internet, which makes up about 40% of the Internet audience in our country. The mobile market continues to grow rapidly, with more than 22 million young people already using mobile phones. On average, 75% of children between the ages of 12 and 19 and 40% of children between the ages of 9 and 12 use permission to access the Internet, about half of them browse sites with gambling content, and about 15% of minors are addicted to gambling using mobile communication.

Online games play an important role in the lives of modern children and teenagers. Often, for minors, games become an important part of everyday life, they determine the style and scope of their communication, affect life values (and become a value and a superior value for them).

Sites for organizing and conducting gambling games in the form of "roulette" and "poker" games placed on the Internet are often free and do not require additional registration. Bets in the online casino are made without cash using bank cards[20]. At the same time, it is impossible to determine

the identity and place of residence (location) of the persons who prepared and distributed these materials, because the organizers of these games, as a rule, operate outside the territory of Uzbekistan.

CONCLUSION

The above points clearly indicate the need to further improve the prevention of the involvement of minors in gambling. Accordingly,

Firstly, taking into account the need to make appropriate changes to Article 278 of the Criminal Code based on the above circumstances, we believe that it is necessary to add clause "c" of the following content to the second part of this article:

"c) the occurrence of a permanent mental disorder in the form of pathological dependence in a person."

Secondly, we propose to establish a new content in the Criminal Code entitled "Illegal organization and conduct of gambling involving minors".

The disposition of this article can be stated in the following version:

"Illegal organization and (or) conduct of gambling with the participation of minors by a person over the age of eighteen, as well as creating an opportunity for minors to participate in gambling."

Assuming a competition of norms with Article 278, Part 3 of the Criminal Code, we believe that Part 3 of Article 278 of the Criminal Code should be removed in order to eliminate the collision.

Thirdly:

- ➤ the state of the problem of organizing and holding gambling games with the participation of minors requires its solution at the legislative level. The absence of special regulations dedicated to the prevention of the issues in question helps the "survival" of the illegal gambling business and complicates the fight against this negative phenomenon.
- there is a need to provide for special provisions on criminal liability for organizing and conducting gambling games with the participation of minors. At the same time, the term "participation" should mean the involvement of minors in illegal gambling, as well as the direct participation of minors as "players" of gambling.

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