

Research on Online Gambling Crime and its Countermeasures

Yuwei Zhang

People's Public Security University of China, Beijing, 100076, China.

yuwei.zhang.ppsuc@gmail.com

Abstract

Online gambling is a new high-tech crime based on the Internet. It is the extension of traditional gambling in the virtual world built on the Internet. At present, the online gambling crime is becoming more and more serious. For this new type of crime, it is necessary for us to carry out a serious investigation and study, make an accurate definition of it, actively think about the governance methods according to its current situation, and carry out the investigation work pertinently, which is of great practical significance to effectively crack down on and curb the online gambling crime.

Keywords

Online gambling; Gambling crime; Countermeasures.

1. Introduction

In recent years, the rapid development of Internet technology has brought convenience to the society, at the same time, the traditional illegal and criminal activities are constantly extending to the Internet. As a new type of illegal and criminal activity, online gambling refers to the gambling activity which violates the prohibition of gambling by making use of Internet technology and modern financial transaction means for the purpose of profit. As far as the traditional gambling crime is concerned, the online gambling crime relies on the Internet technology, which makes it convenient, hidden, cross-regional, various types, wide range and serious social harmfulness, which increases the difficulty of cracking down on the online gambling crime. Therefore, how to accurately identify the online gambling crime, clarify the investigation difficulties of the online gambling crime and find out the countermeasures to control cases are all new problems to be solved urgently.

2. The meaning and type of online gambling

2.1 The meaning of online gambling

Online gambling is a kind of criminal behavior through Internet devices. It is another kind of criminal behavior which combines the characteristics of traditional gambling crime and Internet crime. Like the traditional gambling crime, the online gambling crime is illegal and should be punished. Because the crime of online gambling is carried out through the computer Internet technology, it can be defined as: for the purpose of obtaining benefits, it is carried out through the Internet and modern economic ways, including gathering gambling, virtual gambling and the illegal criminal behavior of promoting online gambling to take online gambling as a profession.

2.2 Types of online gambling

There are two main types of online gambling:

One is: website gambling, video gambling, agent gambling and so on. Website gambling means that gamblers apply for gambling accounts on the website, and the gambling money is paid through online banking and other means. Video gambling means that gamblers participate in gambling activities in

overseas casinos through the live video streaming. In general, gamblers send instructions by video to instruct foreign employers to place bets on their behalf. Or directly by the gambler himself through the live bet. Agent gambling means that after obtaining the qualification of a gambling agent, criminals continue to attract lower-level clients, forming a "triangle" scheme between upper and lower levels, and even organizing offline gambling activities through the website.

The second is: traditional type, "red packet" type, sports event type online gambling, etc. Traditional online gambling, such as mahjong, poker, slot machines and so on. The "red packet" type carries out gambling activities by randomly setting the money of WeChat red packet. Sports event-based online gambling refers to the form of online gambling based on sports events, which is directly related to sports competitions. For example, there are a variety of ways to gamble, such as betting, betting on the outcome of sporting events, scoring, the number of balls hit, parity, and so on.

3. The main characteristics of online gambling.

3.1 Online gambling crimes usually involve a large number of people and come from different regions.

Internet gambling is an illegal and criminal activity carried out with the help of Internet technology and modern financial means. The location of the suspect, the place where the crime took place, the result of the crime, the network server and the location of the operator are often not in the same region or even in the same country, but are widely distributed in various regions or countries. Online gambling participants generally use virtual identity and anonymous ways to disperse in the network, using electronic money and online payment to transfer funds, showing great concealment and dispersion.

3.2 Regional internationalization of online gambling.

Chinese people carry out a large number of gambling activities in the gambling websites set up by international gambling gangs, so China is regarded as a very large and potential gambling market. Under this background, the gambling industry in China's border areas is flourishing and has even become the most vital industry in some areas. At the same time, some countries around China, because of huge interests, have changed their laws and regulations to promote the legalization of the gambling industry in their territory.

3.3 Pyramid selling of online gambling.

Among the victims of online gambling, they are generally registered "members" of gambling websites. They voluntarily enter the website to carry out gambling activities. However, criminal gangs usually set various traps for these "members" to be tempted by interests or various aspects to carry out "pyramid selling" activities for them. In general, online gambling adopts a hierarchical system of increasing personnel from top to bottom, and layers of agents form a relationship between superior and subordinate levels, and superiors have the ability to give gambling quota and authority to subordinate accounts, that is to say, the higher the level of personnel is exposed to, the higher quota and the rights they have.

3.4 Virtualization and concealment of online gambling platform.

Because online gambling takes place in cyberspace, crimes are accomplished digitally through the use of computers and network technology. Therefore, online gambling does not have the same realistic crime scene and space as traditional gambling. Unlike traditional crime, which occurs in the same place or a close place, the purpose of crime is achieved by crossing virtual borders and regions in a virtual space. Its behavior is often separated from its result. At the same time, online gambling crimes mainly use the Internet to place bets and transfer funds, so that the entire criminal activity does not have traditional gambling tools, and is carried out entirely in virtual online casinos. At the same time, the Internet can connect the country and even every corner of the world. Gambling participants can participate in gambling through any virtual space, without having to go to physical gambling venues for gambling. It can be seen that the crime of online gambling is concealed in time and space.

4 Countermeasures and suggestions to combat online gambling

Combating cyber gambling crimes is not just a matter for the police, we should think from a comprehensive governance perspective. At present, under the background of the rule of law in China, criminal law has achieved good results as a means to prevent and combat online gambling crimes, but relying solely on the power of criminal law is not enough to reduce the crime rate of online gambling crimes. To achieve the desired governance effect, it should also cooperate with other social governance. This requires not only perfect legal support, but also the establishment of a multi-sectoral social supervision mechanism. It also needs to strengthen publicity of the rule of law, enhance citizens' legal awareness, and cultivate positive values. Only when these all play their applications, can the occurrence of cyber gambling crime be minimized.

4.1 Perfect legislation

As one of the most active countries in the fight against gambling, the growing scale and severity of online gambling crimes pose a serious threat to the construction of relevant legislation in our country. Therefore, in order to crack down on online gambling crimes, we must first start with legislation. Relevant laws and regulations must be continuously introduced and adjusted in line with the situation. The Amendment (VI) to the Criminal Law, which came into force on November 6, 2007, raised the maximum sentence for the crime of opening a casino from 3 years to 10 years. It has intensified the efforts of the public security organs to investigate and crack down on gambling crimes and increased the penalties for gambling crimes. However, compared with other serious economic crimes, the penalty of online gambling crime is obviously on the light side, the penalty cost is too low, and the punishment is not strong enough, which causes criminals to take risks in order to obtain exorbitant profits. The revenue obtained by gambling websites is often tens of millions or even hundreds of millions dollars, which has seriously interfered with the social and economic order and caused great losses to our national economy, but the punishment imposed on criminals is not in direct proportion to the social harmfulness caused by the crime. The abnormally light penalty causes criminals to be willing to get huge returns at a smaller price. Short-term punishment and a small fine cannot deal a substantial blow to criminals, and the deterrent effect of penalty is weakened. Therefore, we should strengthen the punishment of online gambling crime, such as extending the sentence and confiscating property, increasing the penalty cost of online gambling crime.

4.2 Give full play to the leading role of public security organs

Public security organs should take a leading role in cracking down on the online gambling system, and need to monitor those involved in and organizing online gambling crimes. Public security organs should be on the front line of combating crime. They can conduct human surveillance, infiltration of intelligence personnel and other means, and then conduct technical surveillance. The traditional and modern methods are combined to increase reliability. Not only that, the voice of the masses should also be valued, and the information provided by the masses should be listened to and tracked as a clue, as an important driving force to combat online gambling crimes.

4.3 Establish a multi-sectoral prevention collaboration mechanism

To completely eliminate online gambling by relying solely on the strength of one or several departments is limited, this kind of crime involves finance, e-commerce and other fields, the lack of efficient coordination and cooperation of relevant departments, the crackdown effect is difficult to show. Therefore, it is necessary to integrate the forces of public security, finance and telecommunications departments and concentrate on cracking down in order to achieve the effect of curbing online gambling crimes in an all-round way. The public security department shall strictly deal with the domestic Internet access service units and Internet data center service units that provide services for gambling websites in accordance with the law, and if the circumstances are serious, their business licenses shall be revoked. It is necessary to actively cooperate with local telecommunications administrations in adopting technical measures in a timely manner, strengthen the management of licensing and filing of Internet websites, resolutely close domestic sub-sites of overseas gambling

websites confirmed by relevant departments in accordance with the law, and resolutely curb the crime of gambling websites set up abroad to use the Internet to attract Chinese citizens to participate in gambling. In addition, we also need to join the strength of the procuratorate and the court to strengthen communication and cooperation among the three departments to jointly crack down on online gambling crimes. Only by giving full play to the role of all functional departments, strengthening close cooperation among all departments, giving full play to the collaborative role of all sectors of the whole society and forming a powerful force to fight against online gambling crime, can we completely crush the living space of online gambling.

4.4 Big data's monitoring and supervision.

Through the huge amount of data on the network, discovering and summarizing rules from the disorganized network data to serve their own purposes is an important advantage of the big data era. Preventing and cracking down on online gambling crimes can also be analyzed and summarized by big data, and finally find out the cyber gambling criminals in cyberspace. In online gambling, gambling accounts are frequently traded in a single day, and they are often transferred out separately, because gamblers are scattered all over the country, and at the same time, there will be some undirected rebates. Public security organs use professional and technical means to supervise abnormal accounts, and extract and analyze the location of online gambling websites to find out the criminal evidence of online gambling platforms and organizers.

4.5 Focus on cracking down on online gambling platforms

In order to evade legal sanctions, many gamblers use online social networking platforms to establish online gambling platforms privately, and gamblers deliberately set up online gambling websites abroad, especially in economically backward countries or regions. In order not to leave any electronic evidence of crime, gamblers will transfer gambling information and information with the help of virtual hosts, and constantly change the network addresses and domain names of the information released. Moreover, gamblers have seized the loopholes in China's relevant laws, and in order to legalize their gambling websites, they specially use foreign servers or brazenly set up gambling websites in areas such as Macao that admit gambling. This will directly lead to the relevant public security organs have nothing to do when tracking down illegal gambling gangs or gambling websites. Different attitudes towards the gambling industry and differences in international laws in different regions of the world make illegal gamblers seize the opportunity. Public security departments should monitor the dynamics of gambling activities on the network platform in real time, especially the peak period when gamblers frequently appear on the network gambling platform. Public security organs should be good at mobilizing the strength of the masses and encourage and reward the masses who provide relevant information. Public security departments should be good at using modern technical means to improve the sensitivity of network scanning and monitoring equipment and quickly lock online gambling websites. In addition, it is also necessary for local telecommunications administrations to strengthen the management of the license record on the website with the help of high-tech network technology. They should be responsible for supervising and helping relevant departments such as Internet data center service units to improve the relevant system and work together with other departments to combat the spread of illegal practices in online gambling. Telecommunications companies should establish legal awareness, consciously resist the provision of any form of Internet services for gambling gangs, and assist public security organs in tracking down online gambling platforms.

References

- [1] Zhang Wei. Online gambling crime and countermeasures [D]. China People's Public Security University, 2010.
- [2] Tian Lin. research on some problems of online gambling crime [D]. Southwest University of political science and law, 2012.

- [3] Zhang Yisheng. Research on prevention and control measures of online gambling crime [D]. Central China Normal University, 2017.
- [4] Ren Yanjun, Zhang Xiaomei. Analysis on the dilemma and Countermeasures of online gambling crime [J]. Journal of Henan Judicial Police Vocational College, 2016,14 (03): 49-53.
- [5] Xu Xiaobing. Analysis of the current situation of online gambling crime and legal discussion [J]. Information network security, 2011 (02): 60-63.
- [6] Cai Yisheng, Zhao Xiaomei. Study on online gambling crime [J]. Journal of Shanghai Public Security College, 2006 (01): 21-26 + 33.
- [7] Yuan zhoubin. On the investigation dilemma and Countermeasures of online gambling crime [J]. Journal of Jiangxi Public Security College, 2008 (06): 92-96.
- [8] Wang Yuye, Hu Yanfei. Rational thinking on the prevention and control of online gambling crime [J]. Jiangxi Social Sciences, 2005 (12): 32-34.
- [9] Wang Zhengyang. Juvenile online gambling crime -- from the perspective of online games [J]. Journal of Chongqing Radio and Television University, 2016,28 (04): 45-51.
- [10] Zhai Jiasheng. Characteristics of online gambling crime and countermeasures [J]. Journal of Anhui Police Vocational College, 2017,16 (05): 55-59.