

Abstract

Legal regulation of gambling with particular focus on legal regulation of online gambling

The thesis deals with legal regulation of gambling industry on the territory of Czech Republic. The main aim of this paper is to analyse the legal provisions of special statutory Act No. 202/1990 Coll., on Lotteries and other similar Games in the light of two particular subject matters. The first one is to examine whether the provisions of “Czech gambling law” that impose restrictions on the freedom to provide services and the freedom of establishment of gambling operators established within the EU are compatible with the European law. The second one is my effort to address new legal issues that arise with the emergence of technologies enabling remote participation in gambling services especially with the boom of Internet gambling. The reason for my research in these particular subject matters is primarily the novelty and topicality of legal issues that are related to these topics.

The thesis is composed of four chapters each of them challenges different aspects of gambling legal regulation. Chapter One offers an introduction to the study of gambling regulation and presents gambling as a unique social phenomenon that gives rise not only to interesting legal issues but also to many social and psychological questions. The aim of this chapter is to emphasise special characteristics of gambling as a service of peculiar nature that must be treated differently from other leisure activities in particular due to the social and health risks inherently connected with games of chance.

Chapter Two deals with legal regulation of games of chance in their traditional form presented by gambling in mortar and brick facilities. The chapter is subdivided into three parts. Part One examines relevant Czech civil law regulation of these games and explains the necessity of limiting legal effect of aleatory treaties establishing contractual relations between players and operators of games of chances which are not licensed by state authority. Part Two discusses Czech public law regulation of games of chance in particular the provisions of Act No. 202/1990 Coll., on Lotteries and other similar Games that determine special features of games of chance and stipulate special conditions for gambling operators with the intention of entering the Czech gambling market. Part Three looks at the same topic from European perspective. This part, in the light of case law of the European Court of Justice, presents valid

requirements that must be met by the national gambling regulatory provisions in order to be considered compatible with the EU law.

Chapter Three is subdivided into four parts and discusses legal regulation of new a phenomenon presented by online gambling. Part One provides a brief look at the Internet from the standpoint of law and part Two describes peculiarity of legal obligations created in Cyberspace. In parts Three and Four the legal regulation of Internet gambling is examined from the point of view of Czech legislation and from the perspective of the EU law.

Chapter Four is place where the conclusions and recommendations are drawn. Part One describes and evaluates discussed amendments to the valid Czech lottery act as well as offers the author's opinions on new legislation prepared within the auspices of Ministry of Finance. In part Two the author subsequently suggests and recommends changes to be made in order to capitalize on new possibilities brought by technological development in preventing or reducing social and health risks created by new forms of gambling activities.