



## Content, subjects and preventive measures of the situation of gambling crimes in Vietnam

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### Abstract

In recent years, in Vietnam, the situation of gambling crimes has become complicated with a large number of people and money used for gambling activities. According to statistics from the Supreme People's Court of Vietnam, in 2024, nationwide, 6,138 gambling cases were tried with 28,327 defendants. To effectively prevent gambling crimes, it is necessary to fully study the content, subjects and preventive measures.

**Keywords:** Content of preventing gambling crimes, subjects of preventing gambling crimes, measures to prevent gambling crimes

### Introduction

Pursuant to the provisions of the Vietnamese Penal Code, gambling crimes include gambling crimes (Article 321), organizing gambling and gambling (Article 322) which are crimes in the system of crimes in Vietnam. Therefore, the situation of gambling crimes has all the characteristics of the crime situation. Therefore, the situation of gambling crimes is a negative social phenomenon with criminal legal nature, showing the level, development, structure, and nature of gambling crimes that have occurred in a certain space and time unit associated with certain causes and social conditions that give rise to and exist gambling crimes.

Preventing gambling crimes is essentially the same as preventing crime. Accordingly, preventing gambling crimes must be associated with implementing measures to (i) improve people's lives: from education to raise awareness of gambling evils and gambling crimes to creating jobs and improving people's living standards with the consistent motto of creating more and more positive social phenomena in different areas of social life to change people's thinking, awareness and gambling habits. (ii) In addition, it is necessary to strengthen the detection, administrative handling and criminal handling quickly, promptly, correctly, to the right person, to the right crime, and in accordance with the law of violations of the law on gambling evils and gambling crimes that have occurred in order to prevent society and professional prevention.

Thus, preventing gambling crimes is the work of agencies, organizations and all citizens under the leadership of the Party, using synchronous measures of the State and society to impact all aspects of social life to overcome, limit, gradually eliminate the causes and conditions of gambling crimes, and gradually eliminate this crime from social life. At the same time, through investigation, prosecution, trial and education, reforming criminals to promptly detect the causes and conditions of the crime situation and prevent gambling crimes from continuing to be committed.

### Results and Discussion

#### Content of preventing gambling crimes

Based on the concept of preventing gambling crimes, the content of preventing gambling crimes always includes two contents: (i) limiting, overcoming, gradually eliminating the causes and conditions of gambling crimes; (ii) Detect,

investigate, handle, reform, and educate people who commit gambling crimes. Specifically:

Limit, overcome, and gradually eliminate the causes and conditions of gambling crimes

This is a task in the narrow sense of crime prevention in general and gambling crime prevention in particular. The essence of this task is to determine the causes and conditions that give rise to and exist in gambling crimes and apply preventive measures to eliminate them. To do so, the subjects must carry out the following two activities: (i) Research and accurately assess the situation of gambling crimes; clarify the causes and conditions of gambling crimes. Accordingly, prevention subjects clarify the level of gambling crimes, the development of gambling crimes, the structure and nature of these crimes to fully identify the picture of gambling crimes that have occurred in a locality, in a certain period of time, thereby determining the causes and conditions that give rise to and exist in this crime situation. In particular, it is necessary to determine which factors are the direct causes and have the most decisive nature for the crime situation, which factors are the catalyst causes for the crime situation, which causes are specific to each locality, etc. Researching and accurately assessing the situation of gambling crimes; clarifying the causes and conditions of gambling crimes is of great significance and is crucial for prevention subjects to choose measures to overcome, limit and gradually eliminate the causes and conditions of gambling crimes. (ii) Develop and apply preventive measures to overcome, limit and gradually eliminate the causes and conditions of gambling crimes. This task is decisive to the effectiveness of preventing gambling crimes. Because this is considered the act of "removing the last straw". Therefore, as soon as the causes and conditions of gambling crimes are identified, the subjects need to develop plans, options, forces and measures to overcome shortcomings and laxity in state management in all aspects and areas of social life and plug loopholes that criminals can take advantage of to commit gambling crimes. In addition, focus on using measures to mobilize the masses to protect security and order, mobilize the strength of the entire population in preventing gambling crimes; carry out professional measures in state management of social order and safety to promptly stop gambling crimes.

Detecting, investigating, handling, reforming, and educating people who commit gambling crimes

This is the broad task of preventing crime in general, and preventing gambling crimes in particular. In this narrow cycle, detecting, investigating, handling, reforming, and educating people who commit gambling crimes are interpreted from the perspective: gambling crimes have occurred, the offender must be criminally prosecuted, and must be educated so that the gambling offender does not have the opportunity to continue committing crimes (investigative measures and penalties are applied) and so that they no longer want to commit gambling crimes (they are educated to reform, adjust their perception, and become an honest person). Therefore, in the process of investigating and handling gambling crimes, it is necessary to clearly identify the advantages, shortcomings, and causes of shortcomings in implementing measures to prevent gambling crimes. Thereby, the subjects identify and have a direction to promote the advantages that have been achieved, overcome the limitations that have been pointed out. At the same time, educating and reforming people who commit gambling crimes aims to eliminate negative, "bad" factors in the criminals themselves, so that they realize that their actions are dangerous to society, harmful to themselves and their relatives, and if they continue to commit crimes, they will have to pay the price. From there, both punish, educate and deter criminals, guide them to perceive and perform behaviors that are in accordance with the standards of the law, in accordance with the requirements of the state and society.

Thus, each content of preventing gambling crimes has a certain role and meaning, forming the overall nature of preventing this crime situation, which is to prevent gambling crimes from occurring, threatening to violate human rights, ensuring fairness and progress in a socialist society. There is a dialectical relationship between the two contents of preventing gambling crimes, influencing each other, restraining each other and supporting each other.

**Subjects of preventing gambling crimes**

Preventing gambling crimes is a social activity, requiring the joint participation of many forces, organizations as well as citizens. However, each force, each organization, each citizen when participating in crime prevention has different functions, tasks, and positions in the crime prevention system, so it is necessary to clearly define the role of each subject in preventing gambling crimes. Accordingly, there are leading subjects, subjects conducting and implementing prevention; specialized subjects; semi-specialized subjects and participating in preventing gambling crimes. Specifically:

Leading entity, implementing entity and implementing the prevention of gambling crimes

**Leading entity:** As the leading force of the State and society, the Communist Party of Vietnam leads the work of preventing gambling crimes by stating guiding viewpoints, outlining guidelines and policies on preventing gambling crimes; through its Party organization and Party members to lead this prevention work. Party organizations and Party members are responsible for inspecting and supervising the activities of preventing gambling crimes of other entities, promptly correcting and overcoming shortcomings in the implementation of prevention tasks of other entities.

**Subject of implementing the law:** Based on the guiding viewpoints and policies of the Party, the National Assembly promulgates legal documents to be implemented nationwide; The People's Councils at each level shall, based

on that, issue local normative documents (Resolutions), decide on measures to ensure social order and safety, and partially or completely abolish illegal documents of the People's Committees at the same level or lower levels in the case of documents of the People's Committees on the prevention of illegal gambling crimes. Through legal documents issued by the National Assembly and the People's Councils and through their delegates, the National Assembly and the People's Councils shall closely monitor compliance with the law in preventing gambling crimes by state management agencies on social order and safety. Thereby, shortcomings in the issuance of legal documents; in the implementation of the tasks of agencies implementing the prevention of gambling crimes are detected in order to take measures to overcome shortcomings, cover up weaknesses, and prevent them from becoming the cause of gambling crimes. - **Implementing entity:** As state management agencies, the Government and People's Committees at all levels are the entities implementing the prevention of gambling crimes. The main functions and tasks of these agencies in preventing gambling crimes are to manage, organize and operate, coordinate and ensure necessary conditions for prevention activities. Specifically: Issue legal documents guiding and organizing forces to implement activities to prevent gambling crimes; use specialized agencies under their management to conduct activities to prevent gambling crimes; coordinate and operate synchronously among the entities under their management in preventing gambling crimes; ensure material facilities for preventing gambling crimes; inspect, examine, and monitor the activities of these crime prevention entities, promptly amend, supplement, and perfect the organization and legal documents to meet the requirements of preventing gambling crimes.

### **Subjects in charge of preventing gambling crimes**

Subjects in charge of preventing gambling crimes include: People's Public Security, People's Procuracy, and People's Court, with the task of analyzing the situation of gambling crimes, determining the causes and conditions of this crime situation; using measures (prevention, detection, investigation, prosecution, trial, reform, and education of criminals) according to their functions to directly carry out measures to prevent gambling crimes. In addition, these entities act as the core force in organizing and guiding other forces to participate in preventing gambling crimes, in which the People's Public Security entity plays the key, most direct and broadest role in preventing this crime. Because the People's Public Security is authorized by the State to use forces and professional means to prevent gambling crimes.

Semi-professional subjects and participants in preventing gambling crimes

**Semi-professional subjects:** This subject is a force participating in protecting security and order at the grassroots level, established by local authorities on the basis of people's voluntary participation; arranged in villages and residential groups, acting as the core to support the Commune-level Police to help the People's Committees at the same level in preventing gambling crimes and building a movement for the whole people to protect national security. In addition, there is also the responsibility to support the grasp of the situation of illegal gambling, when detecting violations or gambling crimes, immediately report to the

Commune-level Police, be present at the scene of the incident to perform tasks under the guidance of the Commune-level Police...; support the building of a movement for the whole people to protect national security; support the mobilization and education of people who have violated the law related to gambling and are residing at the grassroots level; support patrols to ensure security and order in the area; perform the task of protecting security and order when mobilized.

**Participants:** Including economic, cultural, educational, service and tourism management agencies; Vietnam Fatherland Front and its member organizations; citizens.

Economic, cultural, educational, service and tourism management agencies: in addition to performing the functions of production, product distribution, improving material life, and enhancing spiritual life for people, these entities are responsible for detecting the causes and conditions of gambling crimes in their fields; proposing appropriate regulations (in accordance with the law, in accordance with their practical conditions), recommending and proposing to competent authorities appropriate directions, measures and policies to prevent gambling crimes; managing people in their units and developing plans to prevent gambling crimes.

Vietnam Fatherland Front and its member organizations: This entity is responsible for coordinating and supporting local government agencies and specialized agencies of sectors to draft and participate in developing plans to prevent gambling crimes; directly participate in activities to prevent gambling crimes in the area.

Citizens: In preventing gambling crimes, citizens are responsible for: complying with the provisions of the law, not engaging in illegal gambling; assisting authorities in preventing gambling crimes by managing and educating family members not to engage in illegal gambling, actively educating violators of gambling laws or gambling offenders to serve non-custodial reform or educational punishments in communes, wards, and towns...

### Measures to prevent gambling crimes

A measure is a way of doing or solving a specific problem<sup>[1]</sup>. Accordingly, measures to prevent gambling crimes are the methods and means that the subjects choose and use to impact the affected subjects in order to eliminate the causes and conditions for committing crimes. The development and implementation of measures to prevent gambling crimes depends on the classification criteria for the content that this measure affects. Accordingly, preventive measures are developed and implemented according to the content of the impact of prevention; according to the scope of the impact of prevention; according to the scope of the impact of prevention; according to the subject of prevention activities. However, with gambling crimes, the research object is clearly defined as the situation of gambling crimes, in which the impact objects are negative social phenomena of society in all social fields such as politics - ideology, organization - management, economy - society, culture - education. Therefore, the measures to prevent gambling crimes are chosen by the researcher to study and clarify based on the scope of the objects affected by the measures to prevent crime, including: social measures and professional measures. Specifically:

### Social prevention measures

Social prevention is a synthesis of all political, economic, legal, cultural, educational measures... implemented in the process of building and developing all aspects of social life. In essence, it is the process of resolving social conflicts, difficult and complicated problems, overcoming weaknesses and shortcomings in State and social management. This process creates material, ideological and spiritual premises to eliminate the causes and conditions that give rise to crime<sup>[2]</sup>. Thus, social prevention measures are to create positive premises, basic conditions for eliminating crime, forming self-awareness for citizens, improving cultural, political and social levels in public opinion, and improving the material life of the people<sup>[3]</sup>. Accordingly, these measures include:

**Socio-economic measures:** These are economic measures, mainly affecting the economic sector, limiting the possibility of crime<sup>[4]</sup>. One of the most fundamental causes of gambling crimes comes from economic needs (wanting money, having goods without having to work), while unemployment, low income, etc. make many people want to seek luck, "change their fate". Therefore, using this measure is to have financial resources to implement measures to prevent gambling crimes such as: sustainable economic development, workers having jobs, good social security, improving or hitting the economic interests of individuals who gamble.

**The content of the measure:** (i) economic development, associated with job creation for workers; (ii) rewarding collectives and individuals with achievements in preventing gambling crimes; (iii) impose fines on individuals who violate the law by engaging in gambling. - Organizational and management measures: These are measures to establish a mechanism to inspect and monitor people in society to promptly detect and handle errors and violations. This type of measure limits the possibility of crime. To do so, organizational and management measures must identify loopholes and shortcomings that are favorable conditions for the formation of motives, purposes, and plans to commit gambling crimes by criminals. This reason comes from the prevention subjects themselves, which are functional agencies responsible for replacing the State in managing society, maintaining social order, and developing the country. The limitations and shortcomings in organizational and management work that serve as "excuses" and opportunities for gambling crimes may be inappropriate legal provisions; It may be due to the lack of political will of the managers, making it easy to be bribed and ignore gambling acts that have been committed; it may be due to the weak capacity of the management entities, so they do not detect gambling acts or detect them but do not know how to handle them effectively... even the leadership, direction, and attention of leaders and commanders at all levels in the management agency are not regular and not close, which is also the cause and condition of the situation of gambling crimes.

**Measures content:** (i) building a mechanism for the role of leaders in directing the prevention of gambling crimes; (ii) proposing programs and plans suitable to the characteristics of each agency, unit, and locality, promoting the combined strength of the entire political system and the entire population to participate in social prevention; (iii) managing, reforming, and educating criminals and people who have completed their prison sentences.



**Cultural and educational measures:** These are measures that affect the spiritual life of society, aiming to raise awareness, form personality, correct mistakes, appropriate habits, and healthy entertainment. This type of measure limits the possibility of crime <sup>[5]</sup>. Culture and education play an important role in forming thinking and shaping the personality of each individual in society. Because cultural measures are preventive measures that provide individuals with knowledge; educational measures equip individuals with the right understanding and direction of action, in accordance with the laws of the State, good customs, and cultural beauty of the nation. In fact, most people who commit gambling crimes are people who lack attention and orientation (before they commit gambling or when they know they have committed gambling) from relatives and society to form good personalities, behave properly, know how to appreciate labor, do not have a mentality of dependence or enjoyment, so their awareness is still vague and limited when they have the mentality of being able to change their fate, improve their economy, and get rich from participating in games of chance. In addition, the low level of education of many people who commit gambling crimes leads to a lack of understanding (understanding of the law, understanding of the laws of motion and development of things and phenomena), which easily leads to being lured into participating in gambling crimes. Therefore, to prevent gambling crimes, it is necessary to focus on raising people's knowledge, improving people's spiritual life, and directing them to healthy and beneficial recreational activities. Measures include: (i) raising people's education level and awareness of the harmful effects of gambling and legal responsibilities if they commit administrative violations when gambling or committing gambling crimes; (ii) building a legal culture and respecting the law. (iii) organizing competitions and learning about the law on gambling crimes.

### Professional prevention measures

Professional prevention is the application of measures that are specific to each sector and force to focus on crime prevention. The characteristic of this measure is that the scale of use is narrower than that of social prevention measures but is practical, clearly specialized, and aimed at specific subjects. These measures are carried out by specialized agencies such as the People's Public Security, the People's Procuracy, and the People's Court to directly impact specific gambling criminals to prevent and handle criminal activities of gambling criminals. These measures include:

**Legal measures:** This is a measure to perfect the law, promulgate laws promptly and strictly, organize law enforcement and handle law violations. Clearly define the rights and responsibilities of agencies, organizations and citizens in the fight against and prevention of crime. Originating from the State managing society by law, all subjects in the State exercise their rights and obligations by law. Therefore, the law is the corridor, the basis, the measure for human actions. The law plays an important role, deciding whether a person is considered a criminal or not. Accordingly, a legal system suitable for the development of society has the value of guiding and illuminating social development, receiving consensus, compliance and thorough implementation by the people. The provisions of the Penal Code regulating gambling crimes, the Decree on

administrative sanctions for gambling violations, which specifically and clearly define and anticipate practical situations that occur when resolving cases and incidents of violations of the law on gambling, will help the law come into practice, limit the situation of missing criminals, and strictly and consistently handle violations of the law on gambling. Thereby, it has the effect of preventing gambling crimes.

**Measures content:** (i) Issuing legal documents on preventing and combating gambling crimes and gambling acts; (ii) applying legal measures (enforcing the law) in preventing gambling crimes.

**Mass mobilization measures:** This is a way to mobilize the collective strength of the masses in the work of preventing gambling crimes. Mobilizing the strength of the masses in preventing gambling crimes means that each citizen strictly complies with the provisions of the law - prohibiting illegal gambling - not engaging in illegal gambling in any form. In addition, each citizen is an extension of the state agency in preventing gambling crimes when participating in denouncing, providing information, testifying... gambling acts; violations of agencies and organizations in handling legal responsibilities for gambling.

**Measure content:** (i) organizing direct propaganda sessions on the law on preventing gambling crimes (organized in schools, residential areas, industrial parks.); (ii) implementing other forms of propaganda and mobilizing the masses such as posting news, articles, banners, slogans, etc. on the content of the law, how to recognize gambling behavior, and how to prevent gambling crimes.

### State management measures on security and order

This is the main professional preventive measure and has great power in preventing gambling crimes. By having state agencies and individuals exercise state management authority on security and order, a mechanism will be created, making security and order under the protection of the law and enforcement agencies. From there, it will affect the psychology of society to restrain gambling crimes.

Content of the measure: (i) basic investigation, grasping the situation of aspects related to gambling crimes; (ii) investigation, verification of suspicions, establishment of special projects; (iii) receiving and handling complaints and petitions about gambling evils/crimes.

### Measures to investigate, prosecute and try gambling crimes

These are activities to serve the fight against crime. The subjects implementing these measures are the People's Police, the People's Procuracy, and the People's Court, using their professional expertise to promptly detect, investigate, suppress, try and execute sentences for gambling crimes, thereby contributing to the prevention of gambling crimes.

**Measures:** (1) handling denunciations and reports of gambling crimes; (2) investigating, prosecuting, trying and executing sentences for gambling crimes.

### Measures to handle administrative violations of gambling behavior

This is a measure identified as "early prevention" of the prevention of gambling crimes. Through the inspection

process (periodic, sudden), investigating the cause of the fire, determining the violation to impose administrative sanctions to stop the gambling behavior that is taking place while preventing and preventing gambling behaviors at a more dangerous level that will occur in the future, causing gambling crimes.

### **Conclude**

Determining the prevention of gambling crimes is an inevitable requirement of society to contribute to the stability and development of the country. Therefore, it is necessary to improve the material and spiritual life of people in society; improve social security, develop the economy, build healthy communities, have civilized rules and regulations, have culture, ethics, and have strong public opinion as a basis for controlling and reducing the causes and conditions of gambling crimes. Correctly understanding the content, subjects and measures to prevent gambling crimes will contribute to the effective fight against and prevention of this type of crime, ensuring social order and safety.

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