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### ***Gambling Law as a New Branch in the Field of Business Law***

#### **Abstract**

In modern societal relations within an existing democratic system, based on principles such as freedom of entrepreneurship, there is an evident awareness by states of the existence and practice of gambling. Most nations have managed to release their ideals from any prejudice related to this occurrence, and have taken steps towards the regulation and sufficient control of gambling. It is the aim of this paper to look at the basic, theoretical and practical, aspects of gambling regulation and expansion.

Without a doubt, gambling law is beginning to find its unique place in the field of business law. Macedonia, through the Law on games of chance and entertainment games, has spurred the development of one of the most contemporary and market-oriented systems of gambling regulation in Europe. The authors, without ignoring this new legal field's interdisciplinary nature, analyze the basic premises of gambling regulation, aiming to position it as a contemporary constituent of business law research in the Republic of Macedonia.

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## Introduction

In modern societal relations within an existing democratic system based on principles such as freedom of entrepreneurship, there is an evident awareness by states of the existence and practice of gambling. Most nations have managed to release their ideals from any prejudices related to this occurrence, and have taken steps towards the regulation and sufficient control of gambling. The main motive for the expansion of gambling regulation, through legal norms and newly developed institutions, is a result of the vast growth of games of chance. States aim to have the gambling market adequately regulated, and put in the function of the greater societal interest, through strengthened control over the organization of gambling, and the fiscalization of the great amounts of capital that circulates within this system. This can only be achieved through the development of a legal platform and institutions that have the capability to control the ample functioning of all segments of the gambling system.

The Republic of Macedonia, within the process of the creation of an institutional and legal framework, initially accepted the legal framework created by the previous legal and political system, which after a few years of implementation, with serious complacencies, was replaced with new regulation, created on the basis of the existing practice and solutions provided by many European nations, as well as taking into consideration EU legislation related to the services sector. This period created applicable legislation that managed to build a fundamentally sound system of gambling through defining games of chance, and establishing conditions and procedures for granting the right to organize them, creating formal rules and procedures for active participation, as well as institutions with the authority to follow the implementation of the “rules of the game”, while also establishing responsibility for their inadequate organization. Further on, judicial practice began to be accepted, which without the sufficient experience in this area, and taking into consideration the meager experience and persistent change of legislation, still managed to become an effective element in creating public belief that there is suitable and sufficient objective protection from any illegal organization of games of chance.

The wide dispersion of the activity of organizing games of chance, its new legal infrastructure, new legal institutes, new institutional forms, and sufficient business experience animated legal science to reorient its research, and critical vision and energy, in the service of such new demand. Even though the topic of games of chance is a taboo topic, on which very few can speak of or write about, and is often observed through stigmatization as a decadent and unusual occurrence, we cannot ignore the rapid growth of licensed companies that are bursting into the market as organizers of games of chance, and have created an effect which has resulted in huge market penetration, with an end product of large sums of capital circulating through the system of gambling. As so, legal science must and will give answers to the many, systematically created issues and questions related to this system, in the search for its true place in the legal family. Legal science must give answers to many issues and dilemmas facing state actors as

well as the private sector, limiting itself to the legal and business aspects, whilst overlooking socio-pathological issues related to gambling.

## 1. Defining Gambling Law as a Field Within the Legal System

The interest for gambling within the academic and business community has garnered strength as a result of the rapid rise of the huge sums that are entering business entities, which have been given the right to organize games of chance. This, in turn, has led to the development of instruments through which the state can conduct effective control and supervision over the legality of the organizing within this service, as well as, probably, one of the most important aspects - the process of taxation. In the Republic of Macedonia, during the past decade, we are witnesses to a booming interest in games of chances, their subsequent development, as well as the birth of a large number of companies that organize games of chance, especially betting games, machine clubs, as well as casinos in boarder areas. This occurrence, or as we phrased it “boom”, is not accidental, but rather finds its deep roots within the commercializing of sports, especially football matches, which have a rooted betting tradition in developed market economies and have been spurred on through electronic means, which have essentially brought the “game” (to be more specific, the “betting game”) closer to the citizen (“the user of the game”).

As so, following the request (demand) of the public, the market gave its answer through the birth and growth of companies (supply) that organize games of chance. At the same time, the state was compelled to follow this rising trend and create necessary regulation for games of chance through a series of laws – finalized with the Law on games of chance and entertainment games from 2011, and a series of novelties to it.

Still, games of chance are not a result of (or on an invitation of) the capitalist model, nor do they result directly from it, even though this specific system was ideally placed and ideologized for their development and expansion. *Cabot* and *Miller* argue that “records of gambling are almost as old as recorded human history”<sup>3</sup>. Namely, the roots of games of chance can be found in ancient times that date back to the first written information related to a game of chance called *vei-cei*. This information from, 2300 B.C., found in China, is also correlated with similar practice used in the Egyptian and Indian civilizations from that same period, who also practiced various games of chance. An example of the earliest known form of gambling was “a kind of dice game played with what was known as an astragalus, or knuckle bone...the early ancestor of today’s dice was a squarish, solid and virtually indestructible bone taken from the ankles of sheep or deer”<sup>4</sup>. Archeological evidence has found “Egyptian tomb paintings portray[ing] games played with astragali dating from 3500 BC, and Greek vases show[ing] young men tossing the bones into a circle”<sup>5</sup>.

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<sup>3</sup> Cabot, A and Miller K, “The Law of Gambling and Regulated Gaming”, Carolina Academic Press, 2011, pg. 3.

<sup>4</sup> Ibid

<sup>5</sup> Ibid

As we mentioned, the ancient Greek civilization was also not immune to games of chance, and was a forerunner in their legal regulation, best illustrated through the Solomonian and Draconian laws which, in a certain manner, regulated and sanctioned the practice of games of chance. In the 5<sup>th</sup> century B.C. laws in Ancient Greece foresaw honorable exile as a model of sanction against the “usage of dice”.

It is most likely, as shown through conclusive evidence, that the first recognized form of gambling is the throwing of lots for the division of land between the seven Israeli tribes mentioned in the Bible, yet recent facts show that this practice was also widely developed in ancient Egypt, India, Greece and Persia.

During the Roman Empire legislation allowed the free practice of games of chance, excluding individuals without civil rights, slaves, foreigners, and those that were underage. This legislation even foresaw the possibility of collecting debts incurred during playing. What history shows is that during the Roman Empire gambling was one of the most beloved forms of amusement for roman emperors, who had a true passion for such games. In the period of the Roman Republic a Law on gambling was brought (*Lex talaria*) through which there was an implantation of changes to ban the playing of games of chance, or, in other words, a large number of the permitted games of chance were forbidden from being played, with huge material fines foreseen for those that did not respect the law. In this period only the state was allowed to organize games of chance and the Pretorial Edict foresaw stringent fines for those individuals who organized games of chance, in practice implementing a new incrimination – indication of an individual to gambling. This incrimination was fineable through a material fine as well as prison time. Old Romans believed in the goddess Fortuna, who they viewed as the protector of all games of chance and their participants. She was drawn to hold a wheel of fortune, with a multi-dimensional symbolic meaning, and it was believed that fate was what spun her wheel of chance<sup>6</sup>. It must also be mentioned that the oldest form of lottery finds its roots in the Roman Empire, in the form of a pawn lottery organized by rulers. This form of organized lottery encompassed the public allocation of small tables (*missilia*) to the masses, which were all signified with some form of gift of a lesser value. These tables were granted to the public without any form of compensation. What is known is that sometimes Heron tied these tales to the legs of pigeons, after which the public massively chased them with the hope that they would get the gift<sup>7</sup>.

Over time Christian religion also developed a position towards game of chance that is found within the Bible, which mentions games of throwing dice to bring a decision. This demonstrates that during the Early Christian period individuals significantly practiced some forms of games of chance (including Church officials). With the aim of regulating, in some manner, games of chance, many laws were brought to restrict the access of certain individuals to games of chance. As so, only nobles were allowed to play games of chance, yet only to a certain

<sup>6</sup> Gizycki, J. i Gorny, A. "Covek i hazard", Prosveta, 1973 godina, Zagreb, pg.15

<sup>7</sup> Сулејманов, З. "Хазардни игри", Институт за социолошки и политичко-правни истражувања, 2000 година, pg.97.

amount. Those who did not respect the bans and limitations were fined through a material manner, with all fines going directly to the Church<sup>8</sup>.

In Medieval Firenze the first form of commodity lotteries evidenced foresaw a material deposit with a certain risk – an occurrence that later rapidly spread through Europe. The deposit in the first organized lottery in Firenze, established in 1530, was a piece of gold, for which the entrant received a parchment called a *polizza*. The aim of organizing such a lottery was of a fiscal character i.e. filling up the state budget. 1539 saw the organization of the first French state lottery called the *Blanche*, while the Netherlands soon followed in 1549, Germany in 1610, with England rounding out developed nation states in that period with its first State lottery in 1767<sup>9</sup>. Some of the most famous lotteries in history were established during the colonial period (beginning around the year 1790) in the United States, where known historical figures such as *Benjamin Franklin*, *John Hancock*, and *George Washington* “all prominently sponsored the use of lotteries for public work projects”<sup>10</sup>. Namely, “lotteries were used to...finance county and municipal streets, ensure the water supplies of the cities, and build roads, canals and bridges”<sup>11</sup>.

From today's perspective, it is apparent that only with the intermediary role of the state can the private sector organize games of chance. Through the system of licenses and permits the state relieves from itself, through the fulfilment of specific conditions for conducting the activity of organizing games of chances, part of its imperia, fully aware of market demands, yet still maintaining the right to control legality, and the right to activate instruments of administrative and penal sanction over business entities that conduct their activities contrary to the written rules foreseen for the organization of games of chance.

The existence of rules for organizing games of chance is important and essential, because of the fact that through them a mechanism is established, which has to aim of:

- Establishing conditions for the right to grant licenses for organizing games of chance;
- Control and supervision over an activity which would, if not adequately regulated, be suitable for money laundering;
- Ensuring the existence of legal safety and foreseeability for participants, as well as organizers of games of chance.

The legal regulation of the organization of games of chance has a huge economic effect when considering that public revenues, realized through licenses and other forms of administrative taxation over private entities that organize games of chance, represent a large sum within budget revenues, while at the same time the supervision of the state also has an effect over the potential dropping of crime, through means by

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<sup>8</sup> Janjic, S, Dragan, "Kocka i kriminalitet", doktorska disertacija, 1987 godina, Pravni fakultet, pg.32

<sup>9</sup> Gizycki, J. i Gorny, A. "Covek i hazard", Prosveta, 1973 godina, Zagreb, pg. 130-145.

<sup>10</sup> Cabot, A and Miller K, "The Law of Gambling and Regulated Gaming", Carolina Academic Press, 2011, pg. 3.

<sup>11</sup> Brenner, R, and Brenner, G. "Gambling and Speculation: A Theory, A History, and a Future of Some Human Decisions". Cambridge University Press, 1990, pg. 14.

which games of chance could be manipulated to the loss of both the user of the game, as well as the state.

The Law on games of chance and entertainment games from 2011 developed the legal solutions found within previous, similar, laws while also establishing special legal norms that regulate similar types of societal-economic relations (conducting procedures for granting licenses and the creation of legal conditions, with specific legal characteristics, through which specialized business entities can conduct a specific type of service from a legal, economic as well as, vitally, social character). The specific nature of these legal norms creates many related legal institutes, and all in all, taking into consideration the above-mentioned, created a new specific branch of law – *Gambling law*. Interpreting it from a vertical and horizontal aspect, gambling law finds its roots in the branch of law associated with commercial law, which in-turn finds its roots in the branch of civil law. In accordance with the societal-economic significance and taking into consideration the amount of legal institutes it covers, gambling law deserves to be recognized as a specific branch of law in the Republic of Macedonia, bearing in mind that such is the case in other nations where the development of gambling regulation, as well as the level of scientific inquiry, is considerably inferior.

The developing legal system of Macedonia, which is still in a phase of maturing, represents an ideal place for the occurrence and development of gambling law, which is also in its early phase of legal development. From here, it would be inadequate to go on with the comparison of this legal branch with specific experiences from development nations, as their developed legal framework have created a tradition of business and institutional practices, that cannot be effectively implemented in current surroundings, under those same conditions.

In the last few years, with the growth of many companies that organize games of chance and entertainment games, there has been a necessary, parallel, development of a legal and institutional infrastructure, as well as business and judicial practice, through which the necessary preconditions for the development of this branch of law, as a specific branch within the legal system of Macedonia, have been achieved. It is quite understandable why, but it should be reiterated, that as to this point the most developed aspect of this branch of law is legislation, which is satisfactorily standardized through the Law on games of chance and entertainment games. Yet, what is evident is that the development of legislation is being followed, with weak intensity, by legal practitioners, the experience of institutions that have been developed in this field, as well as legal doctrine. All the necessary preconditions for the development of gambling law in the Republic of Macedonia have been put into place, and on the basis of, necessary, permanent communication of the judiciary, legal practitioners as well as academia, it is expected that this branch of law will continue to develop and sufficiently grow.

## **2. Establishing the Legal Term “Gambling Law”**

The definition of every branch of law, including gambling law, is distinguished, above all, in accordance with the subject it studies,

which must be specific and definite, so as to justify to existence of the specific branch of law being researched.

*Gambling law deals with the study of legal norms that regulate the specifics and ways through which games of chance and entertainment games are realized i.e. the rules through which there is an established relationship between the state and the organizers of games of chance and entertainment games, on one side, and the organizers of games of chances and entertainment games, and the participants within them, on the other side, which are necessary for the creation of legal safety and transparency for the respect of the rules of games of chance.*

Taking a detailed approach within the extensively established subject of study, gambling law, deals with the national and international aspects of the following issues: the basic sources of gambling law; establishing the status of business entities that are organizers of games of chances; conditions that should be fulfilled for a license to be granted; rules of state control and sanction; the legalization of various types of games, through legal acts that foresee various types of games and define these games; establishing conditions and methods for organizing games of chance; rules for the protection of legal interests of parties included within games of chances within administrative procedures; the procedure for establishing a supervisory information system and the registration and rules of fiscalization for entities organizing games of chance; methods of ensuring safety in payment both towards users of games and chances, as well as debts towards the state incurred by organizers of games of chance.

The term *games of chance* is multi-dimensional. Namely, it is composed of two terms: game and chance.

The term *game*, concerns three elements:

- **First**, a game is a free activity, which we accept as fiction and alienated from everyday life. It is conducted in confined space and time, in a manner established by previously recognized rules, stimulating relations between participants;
- **Second**, it is uncertain and its course, end and outcome cannot be foreseen; and,
- **Third**, its organizing is foreseen within legal acts, on one hand, and with rules of every specific game, on the other hand.

The term *chance* has two elements:

- The **first** element of this term expresses a certain internal, subjective, situation of positive feelings that are created by a personal human relationship towards certain situations, circumstances and events;
- The **second** element of this term is related to the external activity created by certain accidental events, or situations, which depend on the course and outcome of a certain game.

Regardless of whether games are realized with the proxy of the state, and can be referred to as legal games of chance, or are realized without the proxy of the state, and are referred to as illegal games of chance, they still carry certain common elements and characteristics, such as:

- The realization of certain previously established rules of the game;



- There is an active participation of two opposed sides (the organizer vs. the participant, or participant vs. participant);
- One or both sides must take part with certain bets in the game;
- The result of the game is profit or loss of money, material things or services.<sup>12</sup>

The justification for legal regulation of games of chance can be found in their century-long existence, tradition, expansion and deep market penetration, on one hand, and the awareness that they represent an instrument that canalizes the compulsions and passions of certain individuals in the population, and as so the establishment of circumstances where the legal and sociological effect on the psyche of such individuals is one where their activities remain on the field of allowed, and legally regulated forms of gambling, on the other hand.

For the state, games of chance represent an important source of revenue that covers expenditures related to government programs, or later covers humanitarian causes and activities of civil society. As the state cannot give up the revenue it produces through the licensing and fiscalization of games of chance, it should work on developing awareness and acceptance of games of chance as “expensive” entertainment, and not as a tool that could be the source of a quick and easy way to get rich, especially taking into context that games of chance are conceptualized so that the larger odds are always on the side of the organizer. What should be understood by the general population is that the concept related to the laws of the theories of big numbers: *the longer you remain in the game as a participant, the more likely it is that your chances for success will get smaller.*

As so, gambling law studies the legal norms that aim to create an equilibrium between the interests of the two sides included in the process: the interest of the state, which by giving up part of its imperium in the interest of organizers of games of chance should valorize that same imperium through the charging of licenses, and other forms of taxation, and the interests of participants in the games who are searching for legal safety in moments when they are satisfying their needs to play, as well as the interests of business entities (organizers) who must achieve some form of profit in the commercial enterprise they are undertaking, in the sector of services known as games of chance and entertainment games.

### **3. The Relationship between Gambling Law and Other Branches of Law**

#### **3.1. Introduction**

Gambling law is an independent branch of law that is part of the wider family of private law. The significance, and the many layers of societal-economic relations, regulated with the norms studied within this young branch of law in our legal system, create and influence where

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<sup>12</sup> Сулејманов, З. Стојаноски, Н. "Социјална патологија", Југореклам, Скопје, 2002 година, стр. 256.

these norms are not enough to adequately define, and establish the rights and relationships that occur as a result of gambling law, both within practice and theory.

Still, something that also has an effect is the fact that the legislative base is still relatively undeveloped because of its immaturity, inexperience and sometimes “ill-usage” in practice.

From here, we can go on to determine that this branch of law, sometimes more than other branches, often borrows regulative from other branches of law to regulate rights and obligations that arise as a result of its subject, especially from private law (contract law, company law), and very often from public law (administrative law, budget law and criminal law).

In these cases, where legal relations intertwine, a question is often posed: which rules of which branch of law should be given an advantage, those that come from private law or those that come from public law? All of these issues show that it is impossible to view any branch of law as an isolated branch. Concomitantly, as relations are regulated with legal norms are intertwined, so are branches of law that study these relations, with their divisions mainly serving in the function of teaching and academic needs.

### **3.2. Gambling law and Contract Law**

Gambling law and contract law represent two separate branches of law, yet they have certain points of interest in establishing business relations with participants in games of chances: the legal nature of the ticket in sports betting, the playing ticket, bingo cards, the legal nature of the coin in casinos, etc... In their legal essence these tools are assets through which one participant takes part in contractual relations on the basis of the principle of offer and acceptance of an offer, while the rules of the games of chance, that is the rulebook of the organizer, are rules that, if the game is played, are accepted by the participants, where there is in-turn a creation of relations of rights and obligations for both sides: the freedom to agree in relation to the bets, equality for both sides, a ban on the encroachment of interests of any of the sides, the reasonability for failure to or improper execution of obligations.

Still, the relationship between these two branches of law cannot be established as a relationship between the general and specific, like the existing relationship between contract law and civil law, taking into consideration that we are referring to two branches of law that have specific subjects of study. As so, gambling law mainly studies the specifics of contract law that occur between the organizer and participant, their rights and obligations in relation to various games of chance, while contract law studies the occurrence of contractual obligations, the ability of contractual sides, the form of the contract, the conditions and terms for ending contracts, representation, the invalidity of contracts, the ending of contracts, damage, rights, obligations and responsibilities of parties, and so forth.

### **3.3. Gambling Law and Company Law**

Company law studies the static aspect of companies (forms of organization of entrepreneurship, the formation, governance and cessation of companies). It is a fact that, as of always, the right to organize games of chance has been held by the state (the Republic of Macedonia). The state uses this right through the formation of a company, or in other words it organize games of chance through the formation of a company, or through a delegation of that right, through a license, to a company or sole proprietor that fulfils the special conditions established within the Law on games of chance and entertainment games, thus establishing the basic connection between gambling law and company law.

For the state it is of vital importance to know the legal-organizational form of the organizer of games of chance to who a license is being granted, because that is where the type of liability for the undertaken responsibilities within the legal market lays. Here we are referring to the members of the bodies of governance and supervision of the company, the individuals authorized to represent and to conduct the everyday activities of the company, the identity of the individuals that are shareholders or owners within the company, as well as the economic-financial conditions of the company. At the same time, the governance and conduct of work of the company, the organization, methods of decision-making within the bodies of the company, the conditions for filing for bankruptcy, the bankruptcy procedure, liquidation, transformation, and status changes to the company that organizes games of chance, is part of the subject of study of company law.

### **3.4. Gambling Law and Administrative Law**

Gambling law and administrative law are highly intertwined, even though the first has a prevalence of private-legal elements, while the other falls within the area of public law. The state realizes important authorizations towards business entities (supervision over the legality of work, licensing, concessions and permits to conduct certain activities, granting the right to issue shares and supervision over the market of shares, customs and international trade authorities, currency authorities, anti-monopoly authorizes, state subsidies, price control, as well as the establishment of the size and regulation of procedures for public procurement).

In these, and other situations, a company or sole proprietor who conducts an activity related to the organization of games of chance or entertainment games must previously receive a license or permit to organize the game. At the same time the organizer is commonly exposed to supervision and control by state bodies, mainly from the Public Revenue Office, who issues a decision, as an administrative act that imposes some sort of action, and if inadequacies that cannot be removed are established, the representative of the Public Revenue Office can conduct a closing of the business premises of the organizer.

As so, through its administrative instruments, the state has an important influence on the implementation of laws in the activity of the company that organizes games of chance and entertainment games, through the removal of irregularities in the exercise of this service by organizers.

### 3.5. Gambling Law and Budget Law

The link between these two branches of law is based on the origins that are the sources of revenue that enter the budget from the system of games of chance. Here we are referring to the revenues that are accumulated on the basis of paid licenses, permits, taxes, and other forms of taxation, that are covered by the area of research of budget law, as public revenue. The amount of realized revenues or the amount charged for issuing a license, as well as the taxation of the profit that is achieved by the organizers of games of chance, have a direct effect on the revenues accumulated in the budget, and their subsequent division to other areas of need for the state, through this same central budget.

Budget acts, unlike administrative acts, cannot have a direct effect on the legal work of the organizer of games of chance or his everyday decisions, but can have an economic effect on his work, which is covered by the regime of gambling law. Namely, the profit of the organizer is highly dependent on the amount he pays for licensing and other taxes, which also as an effect on the final product he offers as a service towards users, such as better conditions for playing the games, and hopefully even higher standards than those foreseen in legal acts.

### 3.6. Gambling Law and Criminal Law

Organizers of gambling law and responsible individuals in these entities can, in the conduct of their responsibilities, cause certain criminal acts, in which the causes of their wrongdoings fall under the jurisdiction of the rules of criminal and administrative law (when referring to misdemeanors), but also the rules of gambling law. The rules of gambling law are rules related to the legal organizing of regulated types of games of chance, who, if not legally implemented, are sanctioned by the rules of criminal and administrative law.

The Criminal Code specifically incriminates certain types of actions connected to the illegal organization of gambling or other forms of games of chance which are forbidden, and foresees a material punishment or imprisonment for up to one year. The same punishment is foreseen for anyone who, for material gain, gives the right of usage to premises for gambling, or, for material gain, allows gambling or tries to attract others to gambling. Whosoever during gambling uses false or marked playing cards or some other defraud, while no other more grave crime is involved, shall be sentenced to imprisonment of one to five years, and shall be fined. The criminal code also explicitly establishes that the objects from the gambling, as well as the money of the offender found during the gambling, shall be seized<sup>13</sup>.

Apart from the many aspects of criminal responsibility foreseen by the Criminal Code, an partially mentioned above, the Law on games of chance and entertainment games also strengthens the criminal protection of gambling, by regulating that the legal entity that organizes

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<sup>13</sup> Article 398 of the Criminal Codex Official Gazettes of the Republic of Macedonia Nos. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011 и 135/2011.

and conducts games of chance in specially designed premises for that purpose, without a license, that is, permit being issued by a competent body shall be imposed a fine in the amount of 20 million Denars. The funds for organizing and conducting the games of chance, as well as the money of the perpetrators found on the spot shall be confiscated<sup>14</sup>.

With the implementation of this model of regulation of criminal responsibility within the system of games of chance it is obvious that criminal law did not fulfil the task in its depth of incriminations, and its level of punishment, and as so the legislator decided to strengthen this regulation through the Law on games of chance and entertainment games, in the area related to ensuring legal work by the organizers of games of chance and entertainment games.

### Conclusion

*Cabot and Miller* argue that there are three reasons as to why the state regulates gambling through specific models of licensing<sup>15</sup>. **First**, the state has the interest to protect the general public, by stopping and/or banning certain individuals from taking part in the organization of gambling. **Second**, the state has the selfish interest of protecting itself, that is it wants to prevent certain individuals from taking part in gambling as to optimize its economic interest from the revenue it generates from the gambling industry. The **third** and final reason is the generation of public opinion that gambling is a safe and opportune industry where games of chance are organized fair and in accordance with rules backed by the power and supervision of the state.

Taking this into consideration, we must conclude that the rise of gambling in current market economies is a given, and the only thing the states can and must do is take adequate steps towards a proper legal regulation of this service. The inexistence of any concrete legal regulation on a supranational level within Europe<sup>16</sup> has left modern European states the independence to create regulative models that should aim to optimize the use of gambling where citizens are sufficiently protected, and the interest of the state i.e. its economic gain is also amply secured. Through the implementation of the Law on games of chance and entertainment games the Republic of Macedonia has managed to create a model that is providing citizens with legal foreseeability, while also garnering sizeable amounts of revenue for the budget, which can, hopefully, later be used towards future capital investments. The aim of the Macedonian legislator must be commended, and what also must be mentioned is that even though to this point we do not have sufficient empirical evidence, as a result of the recent implementation of many provisions of the law, it is our belief that the law itself will fit perfectly

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<sup>14</sup> Article 156 од of the Law on Games of Chance and Entertainment Games, Official Gazettes of the Republic of Macedonia Nos.24/2011, 51/2011, 148/2011, 74/2012

<sup>15</sup> Cabot, A and Miller K, "The Law of Gambling and Regulated Gaming", Carolina Academic Press, 2011, pg. 87, pg. 447.

<sup>16</sup> See Климовски, А и Муцунски, Т, "Право на игрите на среќа", Правен факултет "Јустинијан Први", 2013, pg. 311.

within the Macedonian legal framework, with a created end-product that suits all parties encompassed by the national gambling system.

A new, additional, challenge now lays before academia: it must develop theoretical standards, principles and benchmarks, which should endeavor to aid legal practice, as well as the legislator, in continually enhancing the system of gambling law, taking into consideration global trends as well as social phenomena.

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