

Abstract

There remain little doubts that the major trends with respect to gambling over the past several decades have been towards its increased acceptance and legalization in various forms in different parts of the world. The increase in casino legalization over the past several decades might be closely associated with the economic development of a country or a region. However, gambling is not always only an economic panacea; there are many social problems arising from gambling related activities. The social costs of gambling include at least increases in crimes, prostitution, alcohol and drug use and other deviant or undesirable consequences. One of the most common arguments against the introduction of casino gambling might be the fear of the advent of pathological (compulsive) gambling, which can become a serious problem if not effectively dealt with. Despite the fact that pathological gambling is recognized as a mental disorder in the United States, its legal implications are increasingly recognized by governments and the gaming industry. Legal issues of gambling are becoming a growing concern for the public. It has gradually become one of the most urgent public policy challenges in the world. There are a large number of publications which deal in detail with this issue from the medical and sociological point of view. However, knowledge of this problem from the perspective of regulations and law is still in its infancy. In this context, it will be of much theoretical and practical significance to find out how to understand this issue correctly and find a rational legal system to regulate it. This paper tries to deal with many important legal issues with regards to one of the most important problems which are highly controversial – pathological gambling, in the hope of giving certain inspiration to help people confronted with this problem from law and regulations' point of view throughout the world. At the same time, the paper serves as a reference to a sound development of Macau's gambling industry. The investigation attempts to touch upon the latest developments of some western jurisdictions addressing these legal issues regarding pathological gambling by paying more attention to the current problems encountered by the judges and the courts in these jurisdictions and it is expected to

provide some valuable suggestions for the MSAR government in exploring and developing effective regulations on the foreseeable questions induced from pathological gambling.

The paper is organized as follows. Besides the introduction and conclusions, this thesis consists of five chapters. Chapter I deals with a general introduction to gambling and pathological gambling. Chapter II analyzes legal considerations of Self-Exclusion Program. Chapter III discusses the important question as to whether or not gaming operators owe a duty of care to pathological gamblers. Chapter IV focuses on the relationship between pathological gambling disorder and criminal law. Chapter V explains responsible gambling programs.

Key words: gambling; pathological (compulsive) gambling (gamblers); self-exclusion; a duty of care; criminal defense; sentencing mitigation; responsible gambling.