

A GAP IN CRIMINAL LAW HARMONIZATION: DIFFERENT REACTIONS TO ILLEGAL GAMBLING IN DIFFERENT LEGAL CULTURES

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Abstract

Substantive criminal law regulation of European countries share major similarities. The reason behind this phenomenon is the fact that certain cultural aspects have had their influence on most of the societies of the continent. Discussing the roots of the common European culture, we have to emphasize the role of Christianity, the legacy of Greek philosophers and the reception of Roman law.

Nevertheless, the concept of certain criminal offences may diverge because of the different legal approaches of the same problems. Taking a simple example, the system of public education is probably regulated in detail by the majority of countries. However, the way of regulation highly depends on the values followed by the specific society. Sticking to our example, at what age should a child start to attend elementary school? Obviously, there is no universally acceptable answer to this question. If we imagined a legal system where the failure of making our children attend school is considered a crime, then the rules of compulsory school attendance would be, implicitly, a fundamental part of the definition of this offence.

This absurd experiment of thought clarifies that a comparative analysis in the field of criminal law may reveal considerable differences even between resembling legal systems whenever a criminal offence is based on administrative law regulation. That is why the examination of the concept of illegal gambling is a promising field of research: due to a variety of reasons, it is without a doubt that each country has its own instruments to punish this kind of activity, but legal definitions and applied methods are most likely not alike.

In the present paper, we introduce a Western, a Central and an Eastern European example to demonstrate diverse approaches. After that, we attempt to outline the essential characteristics of a globally significant, serious social problem, the compulsive gambling to see which strategy proves to be the most suitable to treat it.