



Exploring Criminal Jurisdictional Conflicts in Cross-Border Online Gambling

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Abstract. Cross-border online gambling crimes occur frequently and have broken through the boundaries of traditional crimes in the context of globalization and the increasing development of Internet technology. For instance, a crime committed in one country can have adverse consequences for citizens from other countries, which makes the sovereign countries conflicts when claiming criminal jurisdiction. At present, there are limitations of traditional jurisdiction theories. In addition, the existing regulations fail to solve the dilemma of cross-border online gambling criminal jurisdiction. Therefore, based on the new characteristics of cross-border online gambling crimes, this paper explores the resolution of the jurisdiction conflicts from three dimensions. Firstly, the basic principles are followed including criticizing and inheriting the traditional criminal jurisdiction, the principle of actual harm correlation, and the principle of first acceptance and convenience of litigation. Secondly, the international assistance system should be improved. Finally, consultation and communication should be strengthened and the extradition system should be improved.

Keywords: Online gambling crime · Conflict of criminal jurisdiction · Cross-border crime

1 Introduction

With the popularity of the Internet, online gambling developed on the basis of traditional gambling. In recent years, cross-border online gambling crimes have been cracked, ranging from millions to hundreds of millions of dollars per month. The International Cooperation Bureau of the Ministry of Public Security of China has pointed out that “more than one trillion yuan of gambling-related funds flowed out of the country every year.” Cross-border online gambling poses great risks to national financial security and social stability.

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G. Ali et al. (Eds.): ISEMSS 2022, ASSEHR 687, pp. 2980–2992, 2022.

https://doi.org/10.2991/978-2-494069-31-2_351

China's current law stipulates that gathering crowds to gamble and opening casinos are crimes, but some countries around China regard gambling as legal. Casinos open to foreigners have become an important source of tax revenue for these governments. The nature of the Internet allows gambling to transcend the boundaries of countries and jurisdictions, the seriousness of which is obvious.

Affected by the laws and policies of different countries, the extent of law enforcement and other factors, how to effectively resolve the jurisdictional conflict of cross-border online gambling crimes needs to be emphasized.

2 Current Situation and Shortcomings of Cross-Border Gambling Crime

Cross-border online gambling crimes currently occur frequently and are difficult to punish. According to the statistics of the Supreme People's Procurator (SPP), since 2020, fraud and gambling crimes committed through the Internet have accounted for 64.4% of the total number of online crimes. Online gambling has become the main type of online crime. The number of cross-border online gambling crimes is still increasing because criminals have brought great challenges to criminal jurisdiction in order to evade legal sanctions and their transnational and non-regional characteristics [1]. In practice, it is bound to show a trend of continuous growth because of the common conflict of jurisdiction which is difficult to overcome.

Criminal Law of the People's Republic of China stipulates three types of gambling crimes including gambling crimes, the crime of opening casinos, and the crime of organizing gambling outside the participating country (abroad) [2]. Online gambling is an extension version of gambling in cyberspace. Compared with traditional gambling crimes, online gambling has no substantial difference in the form of the three elements of gambling (gambler, gambling tool, and lottery). In online gambling, many participating netizens are the main gambling subjects. Besides, they use specific network gambling softwares and programs which are considered as gambling tools. The electronic money with a certain exchange value is the gambling lottery.

At present, online gambling in China is mainly based on the infiltration of overseas networks, so the online gambling crimes mentioned in this article are mainly cross-border types. Cross-border online gambling refers to a new type of gambling activity carried out at home and abroad to make profits, using modern communication network technology and financial payment methods. The form of this crime is in a variety of ways such as soccer and baccarat. Gamblers only need to register online and participate in gambling anywhere and anytime. Compared with traditional gambling, online gambling has the following outstanding characteristics.

Firstly, the modus operandi is highly concealed, and the risk of committing the crime and the implementation cost is low. Gambling in the physical world requires certain space and manpower. However, online gambling is virtual. Specifically, it only needs to use Internet technology to design some gambling programs or softwares. Further, it will disguise itself on the Internet through some web advertisements. It is immersive, not easy to be tracked, and difficult to be detected by users with less caution. Gamblers can hide their identity and locations, and register the virtual account they have applied

to bet on. Meanwhile, another point is that the current gambling transaction has the characteristics of electronic. Not only is the wagering data stored on the bookmaker's computer, but the money is usually made by bank transfer. Agents often open temporary accounts for settlement and make withdrawals in different places. This makes evidence extremely vulnerable to destruction and concealment.

Secondly, online gambling crimes are mainly committed by groups and have a strict organizational structure. Generally, overseas gambling houses take advantage of the legal environment of overseas online gambling to set up gambling websites. Later, cross-border online gambling organizations has been established with strict management, clear hierarchies and pyramids through multi-level agency operation modes such as "prime minister", "agent" and "member" in China. Because they can communicate through the network, and there is no need to meet each other. Meanwhile, the transaction relies on the internal convention of the code language, just pay the deposit to get the account number and password and log in to the banker's website to participate in the gambling.

Last but not least, cross-border online gambling crimes has transcended time and space, and it is difficult to investigate and deal with it. Judging from the online gambling cases that have been investigated and handled in recent years, the location of online gambling suspects, online gambling website servers, and network service providers are often not in the same region, with a strong leap in time and space.

Cross-border online gambling crimes have the characteristics of concealed operation mode, tight organizational structure and transcending time and space. Therefore, it is easy to cause other upstream and downstream crimes. In addition, it is seriously causing a threat to public order, market economic order, and damages of property security of Internet users.

3 Causes of Conflict in Criminal Jurisdiction of Cross-Border Online Gambling

3.1 Manifestation of Jurisdictional Conflict

The forms of cross-border online gambling are complex, and attitudes to gambling vary from country to country.

Firstly, some countries and regions have a more tolerant attitude to online gambling. For example, Antigua and Barbuda were the first to legalize online gambling in the world. Australia allows online betting and lotteries. Norway's state-affiliated gambling company operates a monopoly on online gambling. Britain will issue licences for certain online gambling industries [3]. Additionally, licensing regimes have been introduced in France, Italy and Denmark.

Three states in the U.S. allow certain forms of domestic Internet gambling, but only for residents of those states [4].

Secondly, some countries and regions hold a negative attitude towards online gambling. For example, Russia completely bans online gambling and even prohibits the provision of various technical support and services for online gambling [3]. Germany prohibits any gambling conducted through the network, participating in online gambling outside Germany is also considered illegal.

Thirdly, some countries and regions take vague attitudes to online gambling, which take gambling as a mainstay industry such as Burma, Vietnam, Cambodia, Singapore and other southeast Asian countries. They allow foreigners to invest in their casinos, to gamble in each country, but take strict age and income limits on its residents.

Based on the above reasons, the types of criminal jurisdiction conflicts of cross-border online gambling can be roughly divided into two categories. Firstly, cross-border online gambling cases involve countries with different attitudes toward gambling, thus resulting in conflicts of international assistance. Secondly, different countries have conflicts based on different jurisdictional principles.

In the first type, the leaders of criminal groups are usually abroad where gambling is legal. This paper takes the online casinos opened by Chinese nationals in the Philippines as an example. The Philippines has a different attitude towards online gambling. The Philippines has banned its citizens from gambling, but the Philippines Overseas Gambling Operation (POGO) program allows the domestic gambling industry to develop. The Philippine ambassador to China said that China cannot force the Philippines to ban online gambling [5]. Therefore, in the Philippines, it is legal for capital with Chinese background to flood into opening casinos or attracting Chinese citizens to gamble online. Failing to reach a consensus on its illegality between the two countries results in a conflict of jurisdiction. While countries often don't execute permissions abroad a country can only exercise jurisdiction, which is based on a specific allocation of authority under international law or valid consent by a foreign government to exercise jurisdiction on its territory [6]. To crack down on Online gambling crime thoroughly, we should recognize the harm of online gambling reasonably. We can formulate the corresponding international convention and reach international police cooperation.

In the second type, each country claims different jurisdictional principles according to the case. Taking our national opening online casinos in the Philippines as an example, our country exercises jurisdiction based on personal principles. The Philippines can also claim jurisdiction based on the principle of territory. There is quite a basis for both countries to exercise jurisdiction. Therefore, when more than two countries claim jurisdiction over the same case, the jurisdiction conflict exists.

At present, China has signed a total of 36 bilateral criminal judicial assisting treaties, which have been in effect. It is difficult to request assistance through the criminal judicial assisting channel. For example, Myanmar and Cambodia are two countries with prominent cross-border online gambling problems. However, China has not signed bilateral criminal judicial assisting treaties with Myanmar and Cambodia, China-Myanmar and China-Cambodia cannot carry out criminal judicial assistance of electronic forensics according to bilateral treaties.

In treaties on bilateral mutual judicial assistance between China and foreign countries, there are generally restrictions on judicial assistance provided by parties to "money laundering gangs" using third-party payment platforms to provide top-up and cash withdrawal services for gambling. That means that under certain circumstances, the requested party can refuse to provide judicial assistance. For example, it may refuse to provide criminal judicial assistance since the treaty generally states that "the action involved in the request does not constitute a crime under the law of the requested Contracting Party". Gambling or establishing casinos is not criminal in many countries. Especially

the establishment of gambling companies, which are licensed by the government, is a legitimate business. It does not constitute a crime. For example, on May 7, 2019, Myanmar officially introduced the Gaming Law, allowing foreigners to open casinos and gamble in Myanmar. In this case, when we request the relevant country to provide related evidence of gambling crimes or to investigate it as a substitution, the other country may refuse to do so. Additionally, there are also restrictions on the use of evidence. The bilateral treaty on criminal judicial assistance also states that “documents, records or articles transferred to the requesting party can only be used for the purposes limited in the request for judicial assistance”. This means that if we ask for judicial assistance for money laundering or some other crime, the evidence we provide can't be used as evidence for gambling conviction.

3.2 Causes of Jurisdictional Conflicts

3.2.1 The Limitation of Traditional Jurisdiction Theory

At present, China has signed and entered into force a total of 36 bilateral criminal judicial assistance treaties.

When the criminal act has a relationship with the place, person and matter of the country, and infringes the legitimate interests of the country. It is entitled to claim the application of the criminal law of the country. In international criminal justice disputes, the justification for exercising the criminal justice power advocated by a country is mainly based on the principle of jurisdiction theory, which is also the substantial basis for sovereign states to put forward control and punishment for cross-border criminal cases.

National sovereignty refers to the supreme power of a country to independently manage its internal and external affairs. While cyberspace has its particularity. Cyber sovereignty applies the concept of national sovereignty to cyberspace. It protects the infrastructure of cyberspace from infringement through relevant legislation and policies [7]. One of the main rights of cyber sovereignty, jurisdiction is the power of a sovereign state to regulate its network. The traditional principle of criminal jurisdiction is mainly established by national boundaries and nationality. The criminal jurisdiction rules, which are dominated by the principle of territorial jurisdiction, supplemented by the principle of personal jurisdiction, the principle of protection jurisdiction and the principle of universal jurisdiction, are generally recognized in the world. While cross-border online gambling crime is different from general criminal crime, the traditional criminal jurisdiction principle has limitations in dealing with cross-border online crime.

Firstly, the transnational and non-territorial nature of cross-border cybercrime challenges the traditional principle of territorial jurisdiction. As cybercrimes draw on the virtual Internet space while physical territoriality loses its meaning. Gamblers can hide their identity and address, use the usernames and accounts they have applied for and bet with a virtual identity. Any online gambling company or gambling platform that settles betting results, as well as gambling funds, are settled by online bank transfer, with the flow of funds hidden and fast. The organizational structure of online gambling mostly adopts a pyramid selling business model, which makes profits layer by layer. Finally, gambling capital settlement is carried out in reality based on gambling website statements. If gambling activities are monitored, gambling companies usually avoid detection

by changing their account numbers. The transaction method of online gambling funds is generally networked and electronic. Gamblers transfer the funds to the third-party payment platform by credit cards. The third-party payment platform transfers the accumulated gambling funds to the company's accounts according to the requirements of the gambling company, while these third-party payment platform accounts end up turning out to be empty shell companies.

Therefore, in practice, it is often difficult to determine the location of the crime if there are multiple locations of the crime. According to the principle of territorial jurisdiction, it's prone to non-state jurisdiction and multinational jurisdiction. At the same time, as cross-border online gambling crimes often cross several countries, the perpetrator or criminal behaviour is not located in the particular country. It's unclear whether the country being crossed has jurisdiction. The non-territoriality of cyberspace promotes the rapid development of cross-border cybercrimes.

Secondly, the concealment of transnational cybercrimes and the younger criminal subjects [8] challenge the traditional principle of personal jurisdiction. The principle of personal jurisdiction is based on the nationality of the perpetrator. Cyberspace operates based on digital codes, allowing gamblers to communicate with other codes by hiding their real identities. Due to the concealment of cross-border online gambling crimes, it's difficult to determine the nationality of the suspects, and the principle of personal jurisdiction isn't applicable in this situation. Besides, the subjects of online crimes include some minors, who have not even reached the age of criminal responsibility. Many national laws stipulate that the subjects of cybercrimes are natural persons and can only be punished if they have reached the age of criminal responsibility. Even if the nationality of the suspect can be determined, due to the law, these minors can't be punished, which leads to minor helpers of cross-border online gambling crimes.

Thirdly, the differences in legislation and the diversity of crime forms of cross-border online gambling have brought challenges to the traditional principles of protection jurisdiction and universal jurisdiction. For example, gambling companies often make use of legal loopholes to locate their web servers in countries that do not prohibit gambling and establish their website domain names on the worldwide Internet. Gambling companies established develop agents in China and provide accounts on gambling websites. The agents then develop agents and members below and gamble through these websites in China. In terms of international practice, the principle of protective jurisdiction requires that the criminal act should be punished according to the law of the *locus criminis*. However, due to the differences in the legislation of different countries, the behaviors that may be considered cybercrimes in Country A may not be considered *actus reus* in Country B. The protection jurisdictional principle is difficult to apply. Meanwhile, the actor in the implementation of online gambling behavior is possible to be criticized due to the difference in legislation. Besides, the universal jurisdictional principle mainly deals with war crimes, crimes against peace and crimes against humanity. However, cross-border online gambling crime belongs to economic crime, which cannot be governed by it.

3.2.2 The Existing Regulation Can't Prevent the Colliding Claims of Cross-Border Online Gambling Criminal Jurisdiction

Based on the Criminal Procedure Law of the People's Republic of China, China has limited space to exercise the competences of transnational jurisdiction. The Supreme People's Court of China, the Supreme People's Procuratorate, and the Ministry of Public Security issued the *Opinions on Several Issues in Handling Cross-Border Gambling Crime Cases* in 2020. In this document, the criminal location of cross-border online gambling is regulated by complex means of "qualitative + list". The document stipulates that the place of a crime consists of two locations, the location of the commission of the offence and the location of the criminal result. The place of cross-border online gambling crime includes the location of the server used by the network services which is aimed to implement the gambling crime, the location of the suppliers of online gambling services, the location of the network used by the criminal suspect and gambling participants, and the location of assistance provided by the criminal suspect for the online gambling crime etc. [9]. By exemplifying the substance of territorial jurisdiction, China has gained the right to regulate more cross-border online gambling behaviours and strengthened the ability to crack down on cross-border online gambling crimes. However, other countries can also extend territorial jurisdiction accordingly. Conflicts between countries on territorial jurisdiction are still inevitable. In the book *Principles of Cybercrime*, Jonathan Clough divided jurisdiction into three categories, the legislative jurisdiction, executive jurisdiction and judicial jurisdiction. Pei Wei divided international jurisdiction into two categories, in which the last two were combined into one category while legislative jurisdiction was still independent. The purpose of classification is to distinguish the last two categories from legislative jurisdiction. The essence of the above extension of "criminal place" is still the interpretation of legislative jurisdiction in cyberspace. The extension of "criminal place" cannot directly correspond to the transnational extension of the law enforcement authority of criminal law enforcement agencies, which still needs to be strictly restricted to the jurisdiction of territorial law enforcement. The jurisdiction of law enforcement to regulate specific acts of state power is subject to strict territorial restrictions. Therefore, it is inadequate to regulate by domestic law merely. Even if China's legislation can bring some extraterritorial acts under the control of jurisdiction of the national criminal justice system, it is difficult to legislate to empower law enforcement agencies to prevent the colliding claims of transnational evidence collection by law enforcement in judicial activities. It is challenging to get cooperation and support for the investigation of overseas gambling crimes. As a result, achieving the extraterritorial influence of cracking down on online gambling crimes is unpromising [10].

Although China has established a criminal judicial assistance relationship with many countries, it is challenging to apply the existing judicial assistance to gambling because of different attitudes taken by countries towards gambling. Besides, the casinos opened by some Southeast Asian countries have strict restraints on their citizens. Most of them are aimed to open for Chinese people in particular. Thus, it is difficult for China to get cooperation and support from abroad during the investigative period.

Meanwhile, From the perspective of international law, *the Cybercrime Convention* does not apply to the criminal jurisdiction of cross-border online gambling in China.

The Cybercrime Convention, proposed by the EU in 2001, has attracted many non-EU countries to join. By February 2020, 65 countries were parties to the Convention [11]. The Convention had largely promoted the development of domestic laws of its contracting states and had also made a positive impact on cybercriminal legislation of non-contracting states including China. However, the Cybercrime Convention has limitations in time and space. With the development of the Times, it is difficult to keep up with the pace of the rapid development of cybercrime. At the spatial level, its jurisdiction is quite simple, which defines the principle of territoriality and personality. The parties should negotiate to solve the conflict in the case of jurisdiction. In the case of criminal jurisdiction, it remains a dilemma to solve complex problems.

The Internet is borderless while sovereignty has national boundaries. China is concerned about foreign interference in domestic affairs under the guise of “Online freedom” [12]. China did not plan to join the “convention on cybercrime”. The convention has incurred controversy on fairness since the birth. The truth is that the convention is mainly dominated by western countries. It lacks broad participation from developing countries, which makes its sovereign position skewed, and deviated from the principle of mutual benefit in sovereign cooperation between countries. Western countries hope that the Convention will become a set of international rules on cyber crimes with “global standards”. They oppose the international model while advocating the regional model and the transfer of sovereignty to achieve consistency in fighting against cybercrimes. They hide their ambition to dominate the international cybercrime governance [13]. Furthermore, crimes specified in the Substantive Criminal Law of the Convention can be mainly divided into two categories. Pure computer crimes and computer crimes in the broad sense. The former includes five specific charges such as illegal intrusion, illegal interception while the latter is the traditional crime that can be implemented by using computer technology [14]. Although online gambling crime belongs to the latter category, the specific pertinence of regulation is insufficient. The many Contracting States exercise the rights reserved in the Convention to achieve the purpose of adaptation to local conditions. This practice has diluted the unity to a large extent, and then may affect the effectiveness of the rules’ application. As a result, it is likely to become an empty shell in the practice of cross-border gambling crime, which is difficult to be effectively applied.

4 Resolution of Conflicts of Jurisdiction

There are three types of Cross-border online gambling offences. They are inter-country, inter-regional, and integrated offences. No matter which type of conflict, it is necessary to establish the basic principles at first. Then it improves the international judicial helping system on this basis and strengthens bilateral and multilateral cooperation.

4.1 Principles for Solving Cross-Border Online Gambling Crimes

4.1.1 Criticize and Inherit the Traditional Criminal Jurisdiction Principle

Criminal law takes space validity as its main principle. At present, the criminal jurisdiction of most countries is based on the principle of territoriality, supplemented by other

principles [15]. Therefore, for cybercrimes, the principle of territorial jurisdiction should also be adhered to. However, unlike traditional crimes, the spatial and geographic nature of online gambling crimes is difficult to identify. Specifically, cyberspace is abstract, international and virtual, and it transcends the sovereign territorial boundaries at the so-called geographic level. At the same time, there are also multiple criminal locations for online gambling crimes. Therefore, we should criticize the principle of inheriting territorial jurisdiction. On the one hand, we need to clarify that cross-border online gambling crimes should give priority to sovereignty in reality over the sovereignty of cyberspace, and should also follow the territorial principle. On the other hand, we need to limit and clarify the location of the crime.

4.1.2 Principle of Correlativity of Soil Damage

The principle of correlativity of soil damage refers to the fact that a sovereign state is not sufficient to have jurisdiction if it is merely connected. A country should judge whether it has jurisdiction according to the specific actual harm standard [13]. This principle includes objective actual infringement and subjective direct intention. From the point of view of objective actual infringement, if a country has jurisdiction, the criminal law of that country should provide for the crime of gambling. Moreover, the criminal act caused concrete damage to the country. Therefore, if the case takes place in a country that has a negative attitude towards gambling crimes, that country tends to have jurisdiction. It is a good way to find a balance between national sovereignty and freedom. Then move on to a subjective point of view, simply taking objective damage as the basis for determining national jurisdiction is one-sided. We should insist on the consistency of subjective and objective, that is, to prove that the perpetrator has direct intention subjectively. That also means that the country with jurisdiction should be the country in which the offender wants the outcome of the crime to occur.

4.1.3 The Principle of First Acceptance and Convenience of Litigation

The principle of first acceptance and convenience of litigation is beneficial in cases where neither of the first two principles can resolve a dispute. It means that the country that accepts the case first or the country that has the conditions to facilitate litigation enjoys priority jurisdiction. In judicial practice, it is very important to guarantee the convenient conditions for the victimized country to participate in the lawsuit. This is conducive to cracking down on criminal groups in a timely manner and safeguarding the legitimate rights and interests of victimized countries and their citizens. The first country to accept the case usually has more evidence related to the case, which is more conducive to controlling the people involved. This is conducive to putting forward the process of judicial trials, while also helping to reduce litigation costs for parties and judicial organs. At the same time, conditions that facilitate litigation should be considered in favor of the parties and the jurisdiction. For the parties, it includes the convenience of participating in litigation, the convenience of obtaining evidence and the possibility of witnesses participating in the procedure. For the jurisdiction, it includes the convenience of controlling criminals in the first place and the simplicity of investigating the scene [16].

4.2 Improve the International Assistance System

In cross-border online gambling crimes, as different countries have different attitudes towards the gambling industry, we need to strengthen international criminal justice cooperation starting from interregional collaboration. Based on the characteristics of cross-border online gambling crimes, we need to make it clear that online gambling cannot be fully equated with offline gambling. The Internet is borderless and infinitely malleable. Many suspects using differentiation between national laws and regulations to commit cybercrimes in different countries and avoid the legal responsibility themselves. The above practices make the online gambling crime cannot be completely attacked. Therefore, even if different countries have different attitudes towards the gambling, special provisions should be made for online gambling. Online gambling crimes should be punished on a global scale, so that international collaboration would be strengthened. Due to mutual respect for national sovereignty, multilateral dialogue and joint negotiation of conflict resolution mechanisms should be carried out. We can start with interregional cooperation and gradually achieve global cooperation step by step. Extradition, foreign judgments mutually recognized by the judiciary, and informal dismissal of the police and the police are forms of international judicial cooperation [17]. In the future, we should continue to improve this system. It is beneficial to promote the judicial assistance in cross-border online gambling crimes such as extradition, assistance in the collection of relevant electronic evidence, and recognition and enforcement of effective foreign criminal judgments.

4.3 Strengthen Consultation and Communication and Improve the Extradition System

Criminal groups typically open physical casinos or set up servers abroad to attract domestic citizens to gamble and bet through online live broadcasts and online casinos, according to cross-border cybercrime cases discovered by the police. The criminal team follows a strict organizational structure, with multi-level agents developing throughout the territory, and agents at all levels attracting and luring gamblers to play. China's jurisdiction and crackdown on domestic criminal teams is relatively clear. There are provisions on the criminal jurisdiction of offenders in China such as the Opinions on Several Issues Concerning the Handling of Cross-border Gambling Crime Cases and the Opinions of the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security on Several Issues Concerning the Application of Law in Handling Cases of Online Gambling Crimes. However, what is less clear is how foreigners who conduct crimes against Chinese nationals while overseas should be dealt with, as well as Chinese citizens who have escaped or committed crimes while abroad.

Firstly, foreigners who commit crimes against Chinese nationals abroad are usually in countries where gambling is legalized or less restrictive. According to the principle of protective jurisdiction stipulated in Chinese criminal law, this case does not comply with the double crime principle, and China cannot obtain jurisdiction. There may be a positive conflict of jurisdiction in the event of citizens of regions and nations where gambling is prohibited. Communication and consultation should be based on the fundamental concepts above.

Secondly, extradition should be applied to Chinese citizens who flee or commit crimes abroad. There are four ways to achieve extradition. Firstly, extradition is affected by concluded treaties. When two countries have concluded an extradition agreement and the conditions for extradition set out in the agreement are met, one party must cooperate with the extradition request made by the other party. Secondly, extradition is achieved through international conventions. There is no international convention on gambling crimes. Thirdly, extradition is achieved through consultation. Finally, extradition through repatriation. The general form of repatriation is deportation. Repatriation is an alternative way for countries to extradite fugitives. The country to which the offender has fled may use the offender's suspected illegal entry, illegal stay or offence to return the offender to China. China should actively sign bilateral agreements with other countries to improve the extradition system.

There are many problems in online gambling offences including the lack of international conventions, the limitations of the double criminality standard, the difficulties of consultation in practice, etc. The reason for these problems is the difference in the current attitude of countries towards gambling offences. However, we should be clear that perpetrators purposefully exploit the willingness of victims of online gambling to take risks in order to make a profit. This is not a legitimate freedom and should be regulated by law. Moreover, in today's globalized and networked world, online gambling crime brings people from different countries and regions together. We should pursue a unified rule as soon as possible in putting aside differences as much as possible, and online gambling crime is one of the problems that we need to consider as unified rules.

5 Conclusion

With the continuous development and innovation of network technology, numerous types of network crimes emerge in an endless stream. The integrated development of the world has led to the gradual occurrence of cross-border cybercrime. Cross-border online gambling crimes are an important part of it. However, at present, from the perspective of legislation, judiciary and law enforcement, there are huge difficulties in combating cross-border online gambling crimes. This paper focuses on the jurisdiction conflict of cross-border online gambling crimes. It plays a key role in the crackdown on illegal gambling and other downstream crimes in China.

Based on the current situation of cross-border online gambling crimes, this article analyses the reasons for jurisdictional conflicts in online gambling crimes. In general, this article focuses on exploring solutions to combat cross-border online gambling crimes from three points of view. It involves establishing the basic principles of conflict resolution, improving the international judicial assistance system, and promoting the process of inter-contracting treaties. The purpose is to establish and improve the preventable, practical, systematic and national institutional system.

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