Regulatory criminalization of illegal gambling business in Kazakhstan: Evolution of the criminal law prohibition and law enforcement statistics (2011-2025)

Zhanna Khamzina[1]
Zhetysu University named after I. Zhansugurov
Yermek Buribayev[2,*]
Zhetysu University named after I. Zhansugurov

Summary: 1. Introduction. 1.1. Theoretical framework. 1.2. Research questions. 1.3. Methodology. 1.3.1. Doctrinal analysis: Legal materials and analytical procedure. 1.3.2. Empirical component: Data sources and processing. 1.3.3. Operationalization and boundaries of empirical testing. 2. Literature review. 2.1. Regulatory criminalization and limits of criminalization. 2.2. Models of gambling regulation and zoned legalization. 2.3. Digitalization and cross-border online gambling. 2.4. Enforcement dynamics and public-health responses. 3. Results. 3.1. Registration dynamics under Articles 269-1 and 307 of the CC RK (2011-2025). 3.1.1. Period of Article 269-1 of the CC RK (2011-2014). 3.1.2. Period of Article 307 of the CC RK (2015-2025). 3.1.3. Summary comparison of periods. 3.2. Case outcomes under Articles 269-1 and 307 of the CC RK (by period). 3.3. Socio-demographic profile of persons prosecuted. 3.4. Doctrinal synthesis: Protected interest, social harm, and the ultima ratio principle. 3.4.1. Judicial practice in cases of organizing illegal gambling business. 4. Discussion. 4.1. Normative and institutional events associated with structural breaks (2014, 2015, 2020, 2022-2023, 2024-2025). 4.2. Regulatory architecture and wave-like enforcement dynamics (RQ1). 4.3. Case outcomes and the filtering role of pre-trial stages (RQ2-RQ3). 4.4. Socio-demographic profile and the interests protected in fact (RQ2). 4.5.

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[1] Zhanna Khamzina, Doctor of Law, Professor of the Faculty of Law of Zhetysu University named after I. Zhansugurov. ORCID: 0000-0003-0913-2002; E-mail: 292803@mail.ru.
[2] Yermek Buribayev, Doctor of Law, Professor of the Faculty of Law of Zhetysu University named after I. Zhansugurov. ORCID: 0000-0003-0433-596X; E-mail: yermek-a@mail.ru (corresponding author).

Abstract: The article analyzes the evolution of Kazakhstan's criminal-law prohibition on organizing an illegal gambling business within the territorially zoned, licensing-based legalization model introduced by the 2007 Law on the Gambling Business. It combines doctrinal analysis of Articles 269-1 (2011) and 307 (2015) of the Criminal Code with a secondary analysis of national aggregated enforcement statistics (ERDR; Form No. 1-M) for 2012-2025 and triangulation with first-instance court statistics. Registrations are high in 2012-2019 and decline in 2020-2021. In 2022-2023, Form No. 1-M registrations collapse to near zero while completions and referrals to court persist, indicating a break in the comparability of the registration contour rather than the disappearance of enforcement. Registrations partially resume in 2024-2025 at a substantially lower level. Interpreted through the concept of regulatory criminalization, the prohibition functions primarily to protect the spatial and licensing perimeter of the legal market; objectives related to gambling dependence and property protection are pursued only indirectly. The article argues for a clearer differentiation between criminal and administrative responses, strengthened licensing and payment-infrastructure oversight, and a comprehensive prevention and treatment policy. Methodologically, it proposes a two-contour diagnostic that compares registration and judicial series to detect accounting and qualification effects.

Keywords: Illegal Gambling Business, Regulatory Criminalization, Gambling Zones, Licensing Regime, Ludomania, Enforcement Statistics

1. Introduction

Contemporary legal policy in the gambling sector typically oscillates between two orientations: (1) recognizing gambling as an economically permissible activity under strict control; and (2) treating it as a source of salient social risks, including addiction, household financial losses, and the involvement of vulnerable groups. This tension shapes both the choice of regulatory model and the question of what protected interest criminal law should prioritize.

In Kazakhstan, this dilemma is institutionalized through a territorially zoned legalization model. Casinos and slot machine halls are permitted only within designated gambling zones and only under a licensing regime. Outside these zones, gambling organization is prohibited, and the state relies on a combination of administrative supervision and criminal-law prohibitions to enforce the boundary between legal and illegal market segments.

The criminalization of organizing an illegal gambling business is anchored in this regulatory design. Since 2011, Kazakhstan has used a special criminal-law norm to enforce the territorial and licensing perimeter of the legalized market. The offense was initially codified as Article 269-1 of the Criminal Code (2011-2014) and later recodified as Article 307 (2015-2025). The relevant enforcement series therefore provides a long observation window for examining how a formal, regime-based prohibition operates in practice.

This article examines whether, and to what extent, changes in the criminal-law prohibition of organizing an illegal gambling business are reflected in enforcement practice over 2011-2025. The analysis proceeds in three steps. First, it reconstructs the development of special and criminal legislation governing gambling in the

Republic of Kazakhstan. Second, it describes the dynamics of case registration and processing under Articles 269-1 and 307 of the CC RK using official statistics. Third, it compares the observed patterns with stated policy objectives (counteracting ludomania and protecting property interests). This comparison informs the discussion of the functional orientation of the prohibition within the regulatory design of the legal gambling market.

The contribution is intended to be transferable beyond Kazakhstan in two respects. First, the article links doctrinal analysis of a formal, regime-based offense to longitudinal enforcement data, showing how criminal law is embedded in a territorially zoned and licensing-based market. Second, it proposes a transferable diagnostic approach: comparing a registration contour with an independent judicial contour to detect breaks in accounting practices and qualification-selection effects. Substantively, the Kazakhstani case refines existing accounts of regulatory criminalization by showing how a spatially anchored legalization model turns criminal law into a perimeter-protection mechanism whose recorded intensity is sensitive to institutional design and statistical conventions, not only to shifts in underlying behavior.

1.1. Theoretical framework

This article uses the concept of regulatory criminalization to describe offense constructions in which unlawfulness is primarily constituted by breach of a state-established regime (territorial, licensing, or procedural) rather than by proof of individualized harm. In such settings criminal law operates as an instrument of risk governance and market construction: it stabilizes, through penal threats, the perimeter of permissibility created by administrative regulation. Analytically, the Kazakhstani case refines this concept by foregrounding (1) perimeter protection generated by zoned legalization and (2) measurement sensitivity, i.e., the dependence of observed enforcement on registration, coding, and qualification conventions. This motivates the two-contour diagnostic employed below[3,4,5,6,7,8].

Within this framework, three expectations guide the analysis. First, the operative elements of Articles 269-1 and 307 should be predominantly formal, centered on operating outside gambling zones or without authorization. Second, enforcement intensity should fluctuate with institutional priorities and counting practices, producing wave-like registrations rather than a stable reflection of social harm. Third, the boundary with administrative liability should be practically contingent and sensitive to case selection and evidentiary thresholds.

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1.2. Research questions

Building on the theoretical framework set out in Section 1.1, the study addresses four research questions (RQ1-RQ4): (RQ1) How did the criminal-law prohibition evolve, and how did enforcement dynamics change over 2011-2025? (RQ2) What functional orientation does enforcement display, and which interests are protected in practice? (RQ3) How do pre-trial filtering and judicial pass-through operate over time? (RQ4) What implications does the Kazakhstani case have for the theory and policy of regulatory criminalization.

1.3. Methodology

The study is doctrinal in its primary analytical logic and is supplemented by a secondary analysis of aggregated official enforcement statistics. This design links the formal construction of the prohibition to its observable enforcement profile without reducing the inquiry to a purely empirical description.

1.3.1. Doctrinal analysis: Legal materials and analytical procedure

The doctrinal component reconstructs the elements and sanctioning structure of Articles 269-1 (2011-2014) and 307 (2015-2025) of the Criminal Code of the Republic of Kazakhstan and relates them to the territorially zoned, licensing-based architecture established by the 2007 Law on the Gambling Business. Doctrinal analysis is used to clarify the protected interest, the predominantly formal (regime-based) character of the offense construction, and the practical boundary with administrative liability.

1.3.2. Empirical component: Data sources and processing

The empirical component consists of a secondary analysis of national Form No. 1-M data (Unified Register of Pre-Trial Investigations (ERDR)) on registrations and case movement (in process, completed, sent to court) for 2012-2025. For 2022-2023, when registrations collapse, we triangulate with aggregated first-instance court statistics on cases and sanctions under Article 307 to assess the comparability of the registration series.

Data processing is descriptive and analytic: we periodize enforcement regimes across the observation window and compute year-to-year changes and variation coefficients for selected subintervals. Given the nature of official enforcement data (latency, dependence on recording practices and priorities, and the absence of direct harm measures), the series are interpreted as indicators of criminal-law control and qualification selection rather than as direct measures of the illegal market's scale or the prevalence of gambling dependence.

1.3.3. Operationalization and boundaries of empirical testing

The Form No. 1-M and court statistics used here measure the intensity and procedural movement of cases, not the size of the illegal gambling market or the prevalence of gambling disorder. Inferences about the operation of regulatory criminalization therefore rely on: (1) doctrinal indicators (formal offense structure and its alignment with the zoned/licensing regime); (2) dynamic indicators (sensitivity of registrations to codification and counting changes); and (3) supporting indicators (case outcomes and socio-demographic profiles). Claims about changes in underlying gambling behavior are treated as contextual hypotheses and are not derived directly from the enforcement series.

2. Literature review

Scholarship on the criminalization of gambling-related conduct converges on several themes that are directly relevant for Kazakhstan.

2.1. Regulatory criminalization and limits of criminalization

Debates on the limits of criminalization distinguish offenses that primarily respond to individualized harm from regulatory offenses that enforce licensing, zoning, and other market-order rules. This line of work highlights the risks of overcriminalization, proportionality deficits, and the practical blurring of criminal and administrative enforcement in regime-based prohibitions[9,10,11,12].

2.2. Models of gambling regulation and zoned legalization

Comparative studies of gambling regulation assess prohibition, licensing-based legalization, and territorially zoned models. Zoned legalization is often described as a compromise between public-health rhetoric and fiscal or investment objectives, while simultaneously creating a legally constructed perimeter that criminal law may later police through a formal offense definition[13,14].

2.3. Digitalization and cross-border online gambling

Digitalization and cross-border online gambling challenge territorially anchored statutory concepts. As gambling practices migrate to online formats, enforcement attention shifts toward payment infrastructure, platform intermediation, advertising, and technical facilitation rather than toward territorially localized venues[15,16,17].

2.4. Enforcement dynamics and public-health responses

Empirical work on enforcement dynamics reports high latency, campaign-style fluctuations in registrations, and persistent boundary problems between criminal and administrative liability in regulatory offenses; broader scholarship on regulatory enforcement likewise highlights the discretionary, risk-based, and negotiated character of compliance work in areas where criminal law backs administrative

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regimes[18,19,20,21,22]. Research on gambling dependence, in turn, stresses that criminal-law controls do not substitute for prevention and treatment measures, including self-exclusion, access restrictions, and responsible gambling standards[23,24].

Against this background, longitudinal analyses that jointly reconstruct statutory evolution and enforcement dynamics in post-socialist, territorially zoned regimes remain limited. Kazakhstan therefore provides an analytically valuable case for examining how a formal, regime-based criminal prohibition interacts with the regulatory architecture of the gambling market and with institutional shifts in counting and qualification practices.

3. Results

To avoid conflating doctrinal legal analysis with the descriptive-statistical component, Section 3 is structured as follows. Sections 3.1-3.3 report the findings of the secondary analysis of official statistics (ERDR / Form No. 1-M) and related court data. Section 3.4 then provides a doctrinal synthesis, using these findings to assess the protected interest and the place of criminal-law intervention (ultima ratio) within the territorially zoned and licensing-based model of gambling regulation.

3.1. Registration dynamics under Articles 269-1 and 307 of the CC RK (2011-2025)

The analysis of enforcement dynamics in the domain of illegal gambling business relies on the number of offenses registered in the Unified Register of Pre-Trial Investigations (ERDR) in the reporting period. Tables 1 and 2 present data for the offense Organization of illegal gambling business for the entire period considered. Table 1 shows the dynamics under Article 269-1 of the CC RK (2011-2014), and Table 2 shows the dynamics under Article 307 of the CC RK (2015-2025). The registration series under Articles 269-1 and 307 provides a direct answer to RQ1, which concerns the evolution of criminal law regulation and the associated trajectory of practical application of the relevant offense definitions.

3.1.1. Period of Article 269-1 of the CC RK (2011-2014)

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In the consolidated Form No. 1-M report for 2011, there is no separate line for Article 269-1 of the CC RK. This allows 2011 to be treated as a zero point of observability in reporting, i.e., the year preceding the first separate statistical identification of the offense (which begins in 2012). This fact, by itself, does not indicate that enforcement under this provision was absent in 2011 (see Table 1).

Table 1. Registration dynamics under Article 269-1 of the CC RK, 2011-2014.

Year	In process	Registered
2011	n/a	n/a
2012	488	499
2013	530	469
2014	274	227

Beginning in 2012, Article 269-1 of the CC RK appears in reporting as a separate category. In 2012, 499 offenses were registered with 488 cases in process; in 2013, 469 offenses were registered with 530 cases in process. Thus, in 2012-2013 registrations remain at around 500 offenses per year, which indicates an established and relatively stable enforcement regime.

In 2014, a sharp decline is recorded. Registered offenses drop to 227, with 274 cases in process. This is a reduction of more than twofold relative to 2012 and approximately one-half relative to 2013. Across the three full years of active operation of Article 269-1 (2012-2014), 1,195 offenses were registered, with an average level of about 400 cases per year. By the end of the period, the volume of registrations under the provision decreases noticeably compared with the first full year of its application.

3.1.2. Period of Article 307 of the CC RK (2015-2025)

From January 1, 2015, liability for organizing illegal gambling business was consolidated in Article 307 of the new Criminal Code of the Republic of Kazakhstan. Registration dynamics for this offense in 2015-2025 are presented in Table 2.

Table 2. Registration dynamics under Article 307 of the CC RK, 2015-2025.

Year	Registered in ERDR	In process
2015	556	573
2016	424	529
2017	585	678
2018	328	404
2019	432	528
2020	215	339
2021	230	312
2022	2	1
2023	0	0
2024	70	91
2025	55	65

Note: The indicator in process (Form No. 1-M) reflects the number of offenses whose criminal cases were in process in the reporting period. When counts are small, discrepancies between columns are possible due to requalification, transfer of jurisdiction, and deregistration.

In 2015-2019, registrations under Article 307 remain persistently high. Annual values range from 328 (2018) to 585 (2017). Over five years, 2,325 offenses were registered in total; the mean annual count is 465.

Beginning in 2020, registration intensity under Article 307 declines sharply, from 215-230 cases in 2020-2021 to single-digit counts in 2022-2023 (2 and 0, respectively), followed by a partial restoration in 2024-2025 (70 and 55).

Comparing the registration contour (Form No. 1-M) with procedural completion indicators (completed and sent to court) provides a diagnostic check on whether shifts in registrations are mirrored in case movement (Table 3). This comparison is necessarily interpretive because completed and sent-to-court counts in a given year may include cases registered earlier due to procedural lag, and because the Form No. 1-M columns capture different moments: Registered in the ERDR counts events registered in the current year, whereas Completed and Sent to court refer to cases completed in the reporting year regardless of the registration date[25]. In addition, Form No. 1-M counts registered offenses, whereas judicial statistics count criminal cases; the units of analysis are not identical.

Table 3. Triangulating post-2020 dynamics: registration and procedural contours (Article 307 of the CC RK).

Year	Registered in ERDR (Form No. 1-M)	Completed (Form No. 1-M)	Sent to court (Form No. 1-M)
2020	215	182	140
2021	230	162	160
2022	2	99	75
2023	0	84	79
2024	70	79	71
2025	55	45	37

3.1.3. Summary comparison of periods

For a compact comparison of dynamics under Articles 269-1 and 307 of the CC RK, summary indicators for the key time intervals are presented in Table 4.

Table 4. Summary registration indicators under Articles 269-1 and 307 of the CC RK for selected periods.

Period	Article	Total registered	Mean annual level	Coefficient of variation (CV)
2012-2014	269-1	1,195	approximately 400	0.306
2015-2019	307	2,325	465	0.196
2020-2021	307	445	222.5	0.034
2022-2023	307	2	1	1.000
2024-2025	307	125	62.5	0.120

3.2. Case outcomes under Articles 269-1 and 307 of the CC RK (by period)

The analysis uses Form No. 1-M data for the Republic of Kazakhstan as a whole for the category Organization of illegal gambling business. We use the following indicators: (1) the number of offenses whose cases were completed in the reporting period; (2) the number of offenses whose cases were sent to court; and (3) a derived Terminated indicator, calculated as the difference between (1) and (2). Because terminations are aggregated in Form No. 1-M, a reliable separation between rehabilitating and non-rehabilitating grounds is not possible within this dataset.

For comparison, we use aggregated time intervals corresponding to the periods of Articles 269-1 and 307 of the CC RK. Summary indicators by period are reported in Table 5.

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[25] GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF KAZAKHSTAN. "On approval of report form No. 1-M 'On registered criminal offenses' and the instruction on its formation" (Order No. 29, as amended). Adilet, 2019, April 24. Available at: https://adilet.zan.kz/rus/docs/V1900018595 (accessed on 28 October 2025).

Table 5. Case outcomes under Articles 269-1 and 307 of the CC RK by period (2012-2025)[26].

Period	CC RK article	Completed	Sent to court	Terminated	Share sent to court among completed, %
2012-2014	269-1	1,057	1,005	52	95.1
2015-2019	307	1,684	1,477	207	87.7
2020-2021	307	493	473	20	95.9
2022-2025	307	119	110	9	92.4

Note: The share is calculated as the ratio of cases sent to court to cases completed in the reporting period (percent; rounded to one decimal).

As the case corpus contracts in 2020-2021, the share of completed cases sent to court increases to 95.9%. For 2022-2025, the share sent to court among completed cases is 92.4%. In 2025, this share declines to 82.2%, alongside an increase in terminations.

3.3. Socio-demographic profile of persons prosecuted

Distributions of socio-demographic characteristics are relevant primarily to RQ2 because they allow us to describe the selectivity of the subject composition of criminal prosecution, that is, who enters the statistical corpus, and thereby to refine indirectly the functional profile of the prohibition. Conclusions about the interests protected in fact are formulated only in conjunction with a doctrinal analysis of the offense construction and data on outcomes and sanctions.

The socio-demographic analysis uses Form No. 1-M sections R6-R7 and R9 for the Republic of Kazakhstan for 2015-2025 under Article 307 of the CC RK (Organization of illegal gambling business). Comparable disaggregation is available for Article 307 specifically; for Article 269-1 the profile can be described only at a general level. The 2025 indicators are included from the annual Form No. 1-M report (January-December 2025), which ensures category comparability and eliminates gaps within the period of Article 307. Summary distributions are presented in Table 6.

Table 6. Socio-demographic profile of persons prosecuted under Article 307 of the CC RK (2015-2025; N = 2,006)[27].

Indicator	Category	Number of persons	Share of corpus, %
Citizenship	Citizens of the Republic of Kazakhstan	1,808	90.1
	Citizens of other CIS states	148	7.4
	Other foreign nationals	24	1.2
	Citizenship not established or not specified	26	1.3
Gender	Men	1,701	84.8
	Women	305	15.2
Age*	21-29 years	787	39.2
	30-39 years	782	39.0
	40-49 years	279	13.9
	50-59 years	106	5.3
	60 years and older	15	0.7
	Other or unknown age	37	1.8
Socio-occupational status	Workers	59	2.9
	Public officials	16	0.8
	Private entrepreneurs	131	6.5

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[26] COMMITTEE ON LEGAL STATISTICS AND SPECIAL ACCOUNTS OF THE GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF KAZAKHSTAN. Crime statistics (Form No. 1-M/Unified Register of Pre-Trial Investigations), 2012-2025. Qamqor.gov.kz. Available at: https://qamqor.gov.kz/crimestat/statistics (accessed on 28 October 2025).
[27] Ibid.

Indicator	Category	Number of persons	Share of corpus, %
	Students (school, college, university)	9	0.4
	Unemployed	1,487	74.1
	Other categories	304	15.2
Education	Higher	650	32.4
	Secondary and vocational	1,320	65.8
	Other or unknown	36	1.8
Criminal law status and participation	Participation in a group (total)	264	13.2
	including participation in an organized group / criminal community	41	2.0
	Persons with prior offenses	263	13.1
	Persons with an unexpunged / outstanding conviction	55	2.7
	Persons previously held in correctional institutions	36	1.8
	Formal / dangerous recidivism (recorded cases)	1	0.0

Note: * In the Age block, categories are mutually exclusive and together cover N = 2,006; the category Other or unspecified age includes isolated cases of minors, younger age groups, and records with incomplete data. ⋏ Indicators in the Criminal law status and participation block form overlapping subsets (a person may be counted in multiple rows); therefore, percentages in this block do not sum to 100%.

In descriptive terms, the statistical corpus under Article 307 is dominated by working-age men, with a large share recorded as unemployed and with moderate levels of prior convictions and group participation (Table 6). Interpretive implications for selectivity and for the interests protected in fact are developed in Section 4.4 in conjunction with the offense construction and the judicial outcome structure.

3.4. Doctrinal synthesis: Protected interest, social harm, and the ultima ratio principle

Treating the regulatory order as the primary protected interest under Articles 269-1 and 307 of the CC RK sharpens the question of whether such a construction is consistent with the principles of culpability, harm, and ultima ratio. In the traditional model of criminal law protection, criminalization is justified where the law responds to the infliction, or the real threat, of substantial social harm to fundamental interests, life, health, liberty, family, or significant property interests. By contrast, offenses in which unlawfulness is derived primarily from a breach of an administrative regulatory regime occupy a peripheral position and require enhanced justification.

In Articles 269-1 and 307, the center of gravity shifts to regulatory harm. Unlawfulness is defined by crossing the boundaries of the territorial and licensing regime and by the absence of authorizations, whereas individualized property loss to players, clinically significant ludomania, and other material consequences are not mandatory elements and are typically not reflected in statistics. In terms of the harm principle, this means that prosecution often relies on presumed social harm imputed to a regime violation rather than on harm proven in each concrete case.

From the standpoint of culpability, such a model is acceptable only if the person is attributed not only formal noncompliance with the rules but also awareness of the social significance of the protected regulatory regime. Otherwise, there is a risk of purely formal liability for being on the wrong side of the perimeter of legality, with a weak link between culpability and social consequences.

Finally, within the logic of ultima ratio, regulatory criminalization of illegal gambling business is justified as a reserve, stringent mechanism for protecting the

core of the territorial and licensing regime. It is most defensible in cases of systematic and organized violations, significant monetary turnover, the involvement of vulnerable groups, and the risk of serious property losses. In typical episodic and small-scale cases, administrative and supervisory measures should remain the primary response. The empirically observed alternation between phases of high-volume application of Articles 269-1 and 307 and periods in which registrations fall to near zero indicates an unstable practical boundary between an exceptional measure and a routine tool of regulatory influence. This calls for additional doctrinal and policy reflection.

3.4.1. Judicial practice in cases of organizing illegal gambling business

The aim of judicial verification is to compare the registration and pre-trial contour of Form No. 1-M with stable parameters of the judicial stage, outcomes, imposed penalties, and qualification approaches. Methodologically, this allows us to separate changes in actual enforcement from changes in accounting and statistical technique (Table 7).

Form No. 1-M outcomes indicate that pre-trial filtering is minimal in 2012-2014, rises during the mass phase of 2015-2019, and varies after 2020; across 2020-2025, most completed materials continue to be sent to court (Table 5; Table 3).

The 2022-2023 collapse of registrations in Form No. 1-M is interpreted cautiously. As detailed in Sections 3.1.2 and 4.1, near-zero registrations coexist with a nonzero completion and judicial flow, which points to a break in comparability of the registration contour and/or shifts in recording and qualification practices (including under the updated legal-statistics framework: Orders No. 89, No. 29, and No. 191). Accordingly, this segment is used as a diagnostic marker rather than as a basis for strong claims about the real dynamics of the illegal market.

Aggregated first-instance court statistics show differentiated sanctioning. In cases qualified under Part 1 of Article 307, fines and other noncustodial measures predominate, alongside restriction of liberty and short suspended imprisonment terms. Actual imprisonment and confiscation of property are concentrated in cases under Parts 2-3 and are associated with organized forms and substantial turnover. Consistent with the formal, regime-based construction of the offense, qualification typically centers on operating gambling activity outside gambling zones and without a license (including the acceptance of bets and the payment of winnings), while individualized property harm and clinically expressed ludomania remain peripheral to the legal assessment.

Overall, the core of sanctioning practice consists of noncustodial measures, whereas actual imprisonment and confiscation of property are reserved for a comparatively small set of cases involving large turnover and organized forms of illegal activity. This structure is consistent with understanding the criminal law response as primarily regime-based, protecting the spatial and licensing order and the financial order of the market.

Table 7. Judicial practice in cases of organizing illegal gambling business (verification of Form No. 1-M and stable characteristics of application).

Period/provision	Pre-trial movement (Form No. 1-M)	Judicial contour (verification)	Core sanctioning practice	Qualification focus and trends
2012-2014 (Article 269-1 CC RK)	Registered 1,195; completed 1,057; sent to court 1,005; terminated 52; share sent to court among completed 95.1%	Verification through aggregated first-instance court statistics is used to compare pre-trial dynamics and judicial characteristics.	For base cases (Part 1), fines and community service predominate; actual terms of imprisonment are mainly imposed in cases involving group or organized activity and/or large income, often in conjunction with other offenses.	Qualification logic is formal and regime-based: the key is the fact of organizing and/or conducting games in a prohibited regime (territory and license), not individualized harm (as a rule, outside the analytic focus).
2015-2019 (Article 307 CC RK, mass phase)	Registered 2,325; completed 1,684; sent to court 1,477; terminated 207; share sent 87.7% (terminations 12.3%)	Outcome variability indicates more pronounced pre-trial filtering under high registration volumes.	Part 1 typically results in a fine, restriction of liberty, or suspended imprisonment (usually up to 1 year); Parts 2-3 may involve actual imprisonment (approximately 2-8 years), often with confiscation and bans on entrepreneurial activity in the gambling sector.	Differentiation of penalties increases; cases involving electronic or online casinos may feature complex payment and organizational infrastructure and substantial income (contextual hypothesis; Form No. 1-M does not distinguish online from offline).
2020-2021 (Article 307 CC RK, contraction of the corpus)	Completed 493; sent to court 473; terminated 20; share sent 95.9%	Higher pass-through to court under a smaller corpus of cases (reduced role of the pre-trial buffer).	The baseline configuration of a mild response for routine episodes remains (fine, restriction of liberty, suspended imprisonment), while severe sanctions remain for qualified offenses.	Possible shift of some practices into technologically mediated (online) formats (hypothesis; online and offline are not distinguishable in Form No. 1-M).
2022-2025 (Article 307 CC RK, volatile registration/limited comparability)	Under volatile volumes: completed 119; sent 110; terminated 9; share sent 92.4%. Registrations: 2022: 2, 2023: 0, 2024: 70, 2025: 55.	The judicial series shows a nonzero flow amid a sharp collapse of registrations in 2022-2023 and subsequent restoration in 2024-2025; this supports the hypothesis that accounting and classification reforms and qualification selection, rather than the disappearance of enforcement, drove the observed pattern.	Core sanctions are noncustodial measures; actual imprisonment and confiscation are used for a limited set of cases with large turnover and organized forms of illegal activity.	Courts consistently proceed from the formal character of the offense: the key is proof of gambling activity outside gambling zones and without a license, with organization of bet acceptance and payout of winnings; individualized property harm and clinical ludomania remain peripheral.

Note to Table 7. The table is synthetic. The Judicial contour column draws on aggregated judicial statistics for first-instance courts, and imprisonment ranges are reported within the statutory sanction ranges of the relevant parts of the provision and are not treated as the result of a comprehensive analysis of individual judgments.

4. Discussion

This section interprets the empirical patterns presented in Section 3 through the lens of regulatory criminalization. It first relates the observed structural breaks to key normative and institutional changes (Section 4.1). It then discusses how the territorially zoned and licensing-based architecture shapes enforcement dynamics (Section 4.2), how pre-trial filtering affects case movement and outcomes (Section 4.3), and what the socio-demographic profile suggests about the interests protected in practice (Section 4.4).

4.1. Normative and institutional events associated with structural breaks (2014, 2015, 2020, 2022-2023, 2024-2025)

Registration dynamics for the offense of organizing illegal gambling business in 2012-2025 are characterized by step changes in level rather than gradual fluctuations. Consistent with Section 1.3.3, these breaks are interpreted primarily as reconfigurations of the legal and institutional environment of control. This reflects the high latency and accounting sensitivity of regulatory offenses and avoids treating the breaks as direct reflections of synchronous changes in the illegal market's size.

(1) Break in 2014. The sharp decline in registrations under Article 269-1, from 469 in 2013 to 227 in 2014 (-51.6%), can reasonably be linked to the transition period preceding the new codification and to the accompanying recalibration of procedures and accounting practices. Accordingly, the 2014 drop should be treated as a mixed effect: possible changes in offline activity of the illegal segment are superimposed on institutional changes in the registration contour.

(2) Break in 2015. The move to Article 307 is accompanied by a higher mean level of registrations (mean annual 2012-2014 approximately 398.3 versus 2015-2019 approximately 465.0; +16.7%). This shift is consistent with two factors: (a) the update of the criminal law framework and the expanded scope of prohibited conduct; (b) a first-implementation effect, adaptation of practice and possible campaign-style detection, in the initial years of the new provision.

(3) Break in 2020. The decline in registrations in 2020-2021 (mean annual approximately 222.5 compared with approximately 465.0 in 2015-2019; -52.2%) is plausibly related to pandemic restrictions and the reallocation of enforcement resources, as well as possible partial shifts of practices into formats less transparent to traditional detection procedures, including technologically mediated schemes.

(4) Break in 2022-2023. The near-collapse of new registrations in Form No. 1-M (2 in 2022 and 0 in 2023) coexists with nonzero case movement at the completion stage. In 2022-2023, 99 and 84 cases were completed, respectively, of which 75 and 79 were sent to court (Table 3). This mismatch may reflect (a) completion of a corpus of cases registered in prior years because of backlog and procedural lag and/or (b) changes in initial qualification and coding at the registration stage and in other elements of the registration and accounting contour. A closer examination suggests that these generic explanations can be disaggregated into mechanisms relevant for article-level time series. First, given that 312 cases were reported as 'in process' at the end of 2021 (Table 2), the completion flow in 2022-2023 could plausibly be generated by prior-year registrations even if new intake was temporarily suppressed. Second, shifts in primary qualification at the moment of ERDR entry (including preliminary registration under adjacent economic or cyber-enabled categories with later requalification) can reduce the visibility of Article 307 in the 'registered' column while leaving court-bound cases under Article 307 nonzero. Third, methodological or technical reconfiguration of the ERDR and Form No. 1-M (such as changes in classification directories or mandatory data fields) may

affect whether an incident appears as an Article 307 registration at the time of entry. The normative regulations governing the ERDR and legal statistics were updated in 2022. External monitoring notes that changes to the ERDR rules were introduced in 2022 and that new ERDR data cards were technically introduced in 2023[28,29,30,31]. Available public sources, however, do not allow the observed discrepancy to be attributed unambiguously to a single methodological innovation for Article 307. Therefore, this segment is treated here as an interval of limited comparability of the registration series. The core conclusions about the functional orientation of the prohibition rely on the combination of doctrinal reconstruction and stable enforcement characteristics outside this break (2015-2021; 2024-2025).

(5) 2024-2025. The partial restoration of registrations after the 2022-2023 collapse (70 in 2024 and 55 in 2025) indicates a return of observability of the series, but the level remains substantially below the pre-pandemic period. Causal decomposition here should be cautious. It is more appropriate to speak of a combination of accounting and organizational factors, shifting qualification practices, and current enforcement priorities than to tie the level change to a single normative event.

Overall, the period comparison confirms that registration dynamics for illegal gambling business are highly sensitive to institutional configurations of control, codification transitions, external shocks, and changes in the registration and accounting contour. This reinforces the thesis about the regulatory nature of criminalization and simultaneously requires especially careful inferences for 2022-2023 given the risk of noncomparability of the before and after statistics.

4.2. Regulatory architecture and wave-like enforcement dynamics (RQ1)

As Table 4 shows, the period of comparatively high registration intensity in 2015-2019 (mean annual 465) is followed by a decline in 2020-2021 (222.5, a 52.2% decrease relative to 2015-2019). It is then followed by a break in the registration contour in 2022-2023 (2 registrations over two years; mean annual count of 1; a coefficient of variation of 1.000, indicating extreme instability under small counts). In 2024-2025, observability is partially restored (70 and 55; total 125; mean annual 62.5; CV = 0.120), but the level remains far below the pre-pandemic mass period.

Interpretively, this transition is treated as an indicator of the intensity with which criminal law is used to protect the established regulatory order. In this sense, the structural breaks in the series are more rationally linked to institutional drivers than to presumed synchronous changes in the real size of the illegal market. Relevant drivers include the codification and accounting shift of 2014-2015, restrictive regimes in 2020, normative and methodological updates of registration and legal statistics in 2022, and partial restoration of observability in 2024-2025.

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[28] GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF KAZAKHSTAN. "On approval of the rules for reception and registration of a statement, message or report on criminal offenses, as well as maintaining the Unified Register of Pre-trial Investigations" (Order No. 89). Adilet, 2014, September 19. Available at: https://adilet.zan.kz/rus/docs/V14W0009744 (accessed on 28 October 2025).
[29] GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF KAZAKHSTAN. "On approval of report form No. 1-M 'On registered criminal offenses' and the instruction on its formation" (Order No. 29, as amended). 2019. Ibid.
[30] GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF KAZAKHSTAN. "On introducing amendments and additions to some orders of the General Prosecutor in the field of legal statistics and special accounts" (Order No. 191). Adilet, 2022, September 27. Available at: https://adilet.zan.kz/rus/docs/V2200027383 (accessed on 28 October 2025).
[31] OECD. "Baseline Report of the Fifth Round of Monitoring of Anti-Corruption Reforms in Kazakhstan: The Istanbul Anti-Corruption Action Plan", OECD Publishing, Paris, 2024. https://doi.org/10.1787/c9652173-en

In terms of international debates, the observed sensitivity of criminal law practice to fluctuations in enforcement priorities is consistent with critiques of regulatory criminalization[32]: criminal law serves an administrative regime and has only a mediated relationship with stable material harm. At the same time, the dependence of registration dynamics on the political and institutional context empirically concretizes N. Lacey's (2004) thesis about criminal law as a tool of governance. Under Kazakhstani conditions, Articles 269-1 and 307 function as a campaign-activated resource for managing the illegal market segment rather than as a continuously operating mechanism for protecting players and their families.

The logic of interpreting Form No. 1-M as an indicator of the intensity of criminal law control, rather than of the level of the phenomenon, is built into this study and is further supported by an empirical test of contour consistency. In 2022-2023, the near-zero registrations in Form No. 1-M are not reproduced at the judicial stage: filed cases and convictions remain. This strongly suggests a break in comparability of the registration series and/or changes in recording regimes rather than the disappearance of unlawful practices. In this context, minimal triangulation with independent public indicators reflecting other dimensions of gambling behavior is warranted. Specifically, indicators of problematic gambling, help-seeking, and involvement are used not to reconstruct annual prevalence, but to test the plausibility of competing explanations. The Ministry of Health of the Republic of Kazakhstan reports pronounced latency in self-identification: among persons meeting clinical criteria for ludomania, only 8% identify themselves as dependent. A national modeling exercise estimates that approximately 36,000 persons acknowledge gambling-related problems[33]. At the same time, the regulator reports extensive use of the self-limitation mechanism: as of November 15, 2024, 168,250 applications were submitted through eGov mobile and 2,311 in paper form[34]. Finally, materials of the Ministry of Tourism and Sports of the Republic of Kazakhstan on the prevention of ludomania include results of a nationwide sociological survey (n = 5,998). They also provide estimated regular involvement rates by gambling type, including internet casinos (explicitly designated as prohibited) and unlicensed betting practices (Ministry of Tourism and Sports of the Republic of Kazakhstan, n.d.). Taken together, these external anchors do not support interpreting the sharp decline in registrations as reflecting the disappearance of the social and medical contour of the problem. Instead, they are consistent with treating the criminal statistical series as an indicator of switching control regimes in the protection of the licensing and territorial perimeter of legality.

4.3. Case outcomes and the filtering role of pre-trial stages (RQ2-RQ3)

Aggregated outcome data (Table 5; Section 3.2) clarify the trajectory of a registered offense from the ERDR to court and its temporal changes.

For the period of Article 269-1 (2012-2014), a high share of cases reaches court: about 95% of cases completed in the reporting period are sent to court, and

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[32] ASHWORTH, A.; ZEDNER, L. Preventive justice. 2014. Ibid.

[33] MINISTRY OF HEALTH OF THE REPUBLIC OF KAZAKHSTAN. "Novye podkhody v bor'be s ludomaniey obsuzhdeny v Ministerstve zdravookhraneniya". GOV.KZ, 2023, September 13. Available at: https://www.gov.kz/memleket/entities/dsm/press/news/details/618056?lang=ru (accessed on 28 October 2025).

[34] COMMITTEE FOR REGULATION OF GAMBLING BUSINESS AND LOTTERY, MINISTRY OF TOURISM AND SPORTS OF THE REPUBLIC OF KAZAKHSTAN. "Obnovlennaya informatsiya ob ogranichenii uchastiya v azartnykh igrakh na 15 noyabrya 2024 goda". GOV.KZ, 2024, November 15. Available at: https://www.gov.kz/memleket/entities/olr/press/news/details/885238?lang=ru (accessed on 28 October 2025).

about 5% are terminated. This indicates weak filtering at the pre-trial stage: case initiation in most instances predetermines a judicial trajectory.

In the mass phase of Article 307 (2015-2019), the configuration differs. The share sent to court decreases to approximately 88%, while the share terminated increases to about 12%. Thus, it is precisely at the peak of enforcement that pre-trial stages perform the most noticeable filtering function: a substantial portion of initiated cases is extinguished before court amid high registration volumes.

As the case corpus contracts (2020-2021), the share of completed cases sent to court approaches one (95.9%), which is consistent with the hypothesis of selective selection of the most court-viable cases. In 2022-2025, under volatile registration (2; 0; 70; 55), the share sent to court among completed cases is 92.4%. In 2025, it declines to 82.2% against a backdrop of increased terminations. Taken together, this indicates the re-emergence of the filtering role of pre-trial stages as the registration contour is restored.

From the perspective of RQ2, these data can be interpreted as evidence of selectivity in criminal law control. In periods of low case flow, there is near-complete pass-through to court, which is consistent with a regime of targeted application of the prohibition. By contrast, the rise in terminations in 2015-2019 is consistent with campaign-style enforcement and heterogeneous evidentiary bases under mass case initiation.

The comparison of registration and procedural contours (Table 3) shows that, in 2020-2025, a substantial share of completed materials under Article 307 is sent to court (approximately 75.8-98.8% by year), which indicates relatively limited filtering at the pre-trial stage. According to official judicial statistics, sanctioning policy in the judicial contour is characterized by the predominance of fines and other noncustodial measures; actual terms of imprisonment combined with confiscation of property are concentrated in a comparatively small number of cases involving large-scale and organized illegal gambling business.

Overall, criminal law in this domain can be interpreted as an instrument of selective but comparatively mild impact on a broad set of violations of the territorial and licensing regime, alongside a more stringent lever directed at the most capitalized and organized forms of illegal gambling business. At the same time, the direct interests of victims of ludomania remain outside the primary focus of judicial practice.

4.4. Socio-demographic profile and the interests protected in fact (RQ2)

The socio-demographic characteristics of persons prosecuted under Article 307 of the CC RK (Table 6; Section 3.3) allow a move from the abstract offense construction to the question of what types of cases and what levels of participants are most visible and provable for criminal law control. Methodologically, these data should be treated as indicators of selectivity in detection and qualification. They can be compatible with the thesis about a regulatory orientation of the prohibition, but they do not substitute for a normative conclusion about the protected interest.

The observed distributions can plausibly be explained by at least three non-mutually exclusive selection mechanisms: (1) under high latency and resource constraints, priority is given to situations in which it is easier to prove formal markers of a regime violation (location, license, and equipment) rather than the scale of harm; (2) the criminal corpus shifts toward lower and middle roles, operators, rental intermediaries, and administrators, while organizers of more complex schemes, especially online, are harder to identify; (3) accounting categories, including unemployment, capture formal status and may statistically repackage informal employment into a single large segment.

First, in gender and age terms, the corpus is homogeneous. Approximately four-fifths of prosecuted persons are men aged 21-39; a further sizable share falls

in the 40-49 group, while persons older than 50 are minimally represented. This is a typical profile of an economically active but not necessarily upper stratum of the gambling business. The involvement of minors and persons below the core working-age groups is statistically sporadic and does not form a distinct risk group.

Second, socio-occupational status is characterized by the dominance of the unemployed (approximately three-quarters of the corpus), alongside a comparatively small share formally employed in the entrepreneurial sector and an even smaller share of public officials. This suggests that a substantial portion of persons prosecuted under Article 307 have unstable or informal economic positions for which participation in illegal gambling business serves as a channel of income, but not necessarily one associated with control over large financial flows.

Third, indicators related to recidivism and group participation point to a moderate degree of prior criminalization of the corpus. The share of persons with prior offenses and the share with an unexpunged or outstanding conviction fall in the ranges of 10-15% and 2-5%, respectively; organized forms of participation are recorded for about 2% of persons. Although the share of group forms increases in the second five-year period (2020-2024), even in combination these data do not depict enforcement under Article 307 as primarily targeted at stable organized structures comparable to classical gambling mafias.

In sum, the enforcement profile under Article 307 points more to the selection of lower and middle levels of illegal gambling business, local organizers, landlords, and intermediaries than to a systematic concentration of effort on the most capitalized and dangerous market segments.

From the perspective of RQ2, this allows an interpretation in which the interests protected in fact are, first and foremost, the maintenance of the licensing and territorial order and control over organizational forms of business. Vulnerable players and their families appear only indirectly, through a general orientation toward constraining the illegal segment, without an explicit targeted focus on the formats most destructive for them.

4.5. The Kazakhstani case and the boundaries of regulatory criminalization (a summary answer to RQ3-RQ4)

The results make it possible to assess, in more general terms, the place of Kazakhstan's prohibition on organizing illegal gambling business in the debate on regulatory criminalization. In line with the operationalization (Section 1.3.3), it is important to distinguish indicators with different evidentiary strength. First, the strongest indicator of a regime orientation is the formal legal construction of Articles 269-1 and 307, in which unlawfulness is constituted by breaching the territorial and licensing regime and individualized harm is not a required element (Sections 1 and 3.4). Second, a strong empirical indicator is the high sensitivity of registration dynamics to changes in regulatory architecture and in the accounting contour (2014, 2015, 2022-2023, 2024-2025). This is typical of regulatory offenses and is only weakly compatible with the idea of criminalization as a linear response to stable social harm (Sections 3.1, 4.1, and 4.2). Third, supporting indicators, the outcome structure and the share sent to court, as well as the profile of prosecuted persons, describe selectivity of control and filtering at pre-trial stages but do not allow reconstruction of the scale of social harm (Sections 3.2-3.3 and 4.3-4.4).

Within these inferential boundaries, the material provides grounds to classify the analyzed norms as a case of regulatory criminalization in the sense specified in the theoretical section. The degree and regime of their use are linked primarily to maintaining the established order of gambling market organization. At the same time, the article deliberately does not derive from aggregated criminal statistics any estimates of the prohibition's social effectiveness in terms of reducing ludomania and financial losses, and it does not substitute the analysis of enforcement with

claims about changes in the prevalence of dependence. Such conclusions require different data sources and measurement methodologies.

4.6. Illegal gambling business among other regulatory offenses

The structure of Kazakhstan's prohibition on organizing illegal gambling business typologically brings it close to other regulatory offenses in contemporary criminal law, including in taxation, currency regulation, licensed types of entrepreneurship, and illegal circulation of excisable products. In all such cases, the core protected interest is the state-established order of market functioning, while social harm in the narrow sense (harm to specific persons and the undermining of population health) is mediated. The specificity of the gambling sector lies in its high political and moral salience: the rhetoric of combating ludomania and protecting families overlays the regime protection of the licensing and territorial configuration of the market. This makes especially visible the gap between proclaimed social aims and the practical focus of criminal law protection and allows Articles 269-1 and 307 of the CC RK to be treated as a paradigmatic example of regulatory offenses through which broader theoretical approaches to criminal law as regulation can be empirically probed.

4.7. Broader implications: Criminal law as a tool for governing risky markets

From a theoretical perspective, the Kazakhstani material underscores the need to distinguish situations in which criminalization is oriented to protecting fundamental interests (life, health, the stability of family relations, and significant property interests) from situations in which criminal law effectively serves to maintain regulatory order in risky markets. The case examined here extends the debate on the permissible boundaries of regulatory criminalization by showing that the same offense can be framed as protective or as regime-based depending on which aspects of its application are foregrounded. In this sense, the regulation of illegal gambling business in Kazakhstan makes especially visible structural tensions that are also characteristic of other regulatory offenses but are amplified by the high political and social sensitivity of gambling. The broader normative and policy implications of these observations are developed in the concluding section.

4.8. Two-contour diagnostics as a contribution to comparative analysis

The two-contour design used in this article (Sections 3.1-4.3) has independent significance beyond the Kazakhstani case. For regulatory offenses in which unlawfulness is derived from a regime violation, administrative statistical series are particularly sensitive to changes in accounting, coding, and departmental priorities. Comparing a registration contour (ERDR; Form No. 1-M) with an independent judicial contour (case filings and convictions) makes it possible to detect breaks in comparability, for example, a collapse of registrations alongside a nonzero judicial flow; to distinguish strengthened pre-trial filtering from changes in registration rules; and to calibrate conclusions about the functional orientation of a prohibition and the boundaries between criminal and administrative responses. In this sense, two-contour diagnostics can be transferred to the analysis of other regime-based offenses linked to licensing and the governance of risky markets, provided that legal definitions and the calendar of institutional changes are explicitly recorded.

5. Conclusion

The study reconstructs, in longitudinal perspective, the trajectory of criminal law regulation of illegal gambling business in Kazakhstan and relates it to

enforcement practice. Using a doctrinal analysis of the 2007 Law on the Gambling Business, Articles 269-1 and 307 of the CC RK, national Form No. 1-M statistics for 2012-2025 (with 2011 treated as a zero point of observability in reporting), and aggregated data on judicial outcomes and the socio-demographic profile of persons prosecuted under Article 307, the study answers four research questions concerning the evolution of the offense definition, the dynamics of its application, the interests protected in fact, and the place of the Kazakhstani case within the theory of regulatory criminalization.

The main conclusion is that, over the period examined, criminal law in this domain operated primarily as an element of protecting the territorial and licensing architecture of the legal gambling market. Consistent with the inferential boundaries specified in Section 1.3.3, the aggregated series are interpreted as indicators of control regimes and qualification practices rather than as direct measures of the illegal market's scale or of the prevalence of ludomania. The wave-like dynamics under Articles 269-1 and 307 are therefore more plausibly explained by shifts in regulatory control priorities and accounting practices than by linear change in social harm. The 2022-2023 segment is treated as an interval of limited comparability of the registration contour, calibrated through completion indicators and the judicial series (Sections 3.1.2 and 4.1). Periods of low registration combined with continuing judicial flow are consistent with selective application and qualification filtering rather than with the disappearance of enforcement.

Theoretically, the Kazakhstani material develops debates on regulatory offenses and the boundaries of regulatory criminalization[35,36,37] and proposes a diagnostic framework that is transferable to comparative research: comparing registration and judicial contours as a method for detecting accounting breaks and qualification selection in regime-based offenses. Within the chosen operationalization, doctrinal analysis combined with secondary enforcement statistics shows that Articles 269-1 and 307 of the CC RK primarily protect a state-constructed spatial and licensing regime of the gambling market, with limited anchoring in individualized harm and victim profiles. This refines understandings of how criminal law is incorporated into the governance of risky markets in transition economies. Unlike relatively stable Western regimes where regulatory offenses are often interpreted as mechanisms of gradual expansion of criminal law control, the Kazakhstani case demonstrates a variably activated criminal prohibition used for selective recalibration of the boundaries of the permissible market segment. This implies that, in transition contexts, regulatory criminalization should be analysed together with the statistical and bureaucratic infrastructures through which criminal law becomes observable and actionable.

The practical implications of the results concern the need to match regulatory instruments to the level of social danger and to align control regimes with how the phenomenon operates in enforcement practice. (1) The criminal prohibition should be focused on qualified forms, organization, systematic conduct, large turnover, and mass involvement of vulnerable groups. Under mass application, a noticeable share of materials is terminated at the pre-trial stage (approximately 12.3%), which typologically indicates that borderline and evidentially weak episodes are being pulled into the criminal contour. Shifting typical small-scale violations into the administrative and supervisory domain reduces the risk of overcriminalization and supports the ultima ratio principle. (2) Control should be strengthened in licensing, supervision, and financial infrastructure, including risk-based supervision, monitoring of payment corridors, and interagency data exchange, because a possible shift of some practices into online formats (a contextual hypothesis, since

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[35] DUFF, R. A. Answering for crime: Responsibility and liability in the criminal law. 2007. Ibid.
[36] ASHWORTH, A.; ZEDNER, L. Preventive justice. 2014. Ibid.
[37] LACEY, N. "Criminalization as regulation: the role of criminal law". 2004. Ibid.

Form No. 1-M does not distinguish online from offline) makes the organization of settlements and digital infrastructure more decisive than territorial points. (3) Policy for counteracting ludomania should be institutionally situated in health care and social protection and supported by legally defined duties of licensed operators regarding responsible gambling standards. Judicial qualification typically revolves around the formal regime (zone, license, and the acceptance of bets and payment of winnings), while clinical dependence and individualized harm remain outside the core of criminal law assessment. External public indicators point to a persistent social and medical contour of the problem (see Section 4.2). Evaluating the effectiveness of these measures requires separate research based on payment flows, administrative practice, and independent measurement of problematic gambling behavior.

6. Funding

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