

# ***Research on the Application of Criminal Law to Cross-Border Online Gambling in China***

Shousheng Li<sup>1,a,\*</sup>

<sup>1</sup>People's Public Security University of China, No. 9, Jinxing Road, Daxing District, Beijing, China  
a. 15091450877@163.com

\*corresponding author

**Abstract:** With the continuous deepening of globalization and the rapid development of internet technology, cross-border online gambling, as an emerging form of crime, has brought new challenges to social security and international cooperation. Based on the current criminal law in China and relevant research, this paper analyzes in depth the characteristics of cross-border online gambling and the loopholes and deficiencies in the current legal system, and puts forward corresponding improvement suggestions. Drawing on existing academic research results at home and abroad, combined with relevant cases in China and legal practices in other countries and regions, this paper believes that in dealing with cross-border online gambling crimes, it is necessary to adhere to legislation first, clarify relevant charges and sentencing standards, and ensure the completeness and applicability of the legal system. At the same time, law enforcement agencies should strengthen cooperation and information sharing, form a joint force to decisively cut off the interest chain of cross-border online gambling. In addition, international cooperation is also an indispensable part, and all countries should make joint efforts to establish an international law enforcement cooperation mechanism to jointly combat cross-border online gambling crimes. Through comprehensive measures and joint efforts, social harmony and stability can be maintained, and the vital interests of the people can be safeguarded.

**Keywords:** Criminal Law, Online Gambling, Cross-Border Crime, Crime Governance

## **1. Introduction**

The globalization and popularization of internet technology have brought convenience to people while providing technical foundations and operational platforms for cross-border online gambling. Traditional gambling activities are constrained by factors such as geography and time, whereas online gambling breaks these limitations by leveraging advanced technologies such as virtual reality and artificial intelligence, offering diverse and stimulating gambling methods. The anonymity, decentralization, and immediacy of cross-border online gambling pose significant challenges to legal supervision. Currently, the conviction and sentencing of cross-border online gambling crimes under China's Criminal Law still exhibit deficiencies in legal application, thus necessitating further strengthening of research on the application of criminal law.

As a new, complex, and global criminal phenomenon, cross-border online gambling poses severe challenges to existing legal systems and international cooperation mechanisms, presenting new issues to traditional criminal law theories. Through research on its application of criminal law, further

development and improvement of criminal law theory systems, especially regarding cybercrime and cross-border crime, can be achieved. This contributes to the innovation and development of China's criminal law system, providing theoretical support for addressing potential new types of cybercrime in the future, while also guiding subsequent judicial practices. Through in-depth analysis of relevant laws, judicial interpretations, and typical cases, clear legal bases and sentencing standards can be provided for judicial authorities in combating cross-border online gambling crimes. This promotes exchanges and cooperation among countries in legal systems, judicial practices, and other aspects to jointly address the issue of cross-border online gambling.

This paper aims to study the application of criminal law to cross-border online gambling in China, in order to clarify and improve criminal law norms targeting such crimes, providing robust legal weapons for combating cross-border online gambling. By analyzing the current situation and characteristics of cross-border online gambling, discussing the application dilemmas of existing criminal law, and proposing improvement suggestions for criminal law application, this paper aims to guide future judicial practices and policy-making while addressing the legal classification and applicability issues of cross-border online gambling.

## 2. Literature Review

### 2.1. Domestic Research Status

Domestic scholars are increasingly focusing on the emerging form of gambling crime known as cross-border online gambling. Regarding its definition, scholars Wei Zhiyuan and Ma Zhonghong have provided a detailed explanation, defining cross-border online gambling as a criminal act that is “profit-oriented, utilizing computers, intelligent mobile terminals, and internet information technology to organize gambling overseas, maintain equipment, entice others to participate in gambling in cyberspace domestically, develop downlines, and transfer funds” [1].

Regarding the provisions on joint crimes, Liu Yuesong and Luo Gang have identified the main participants involved, including overseas gambling companies, various levels of agents, and individuals in the transmission path. This includes the builders and maintainers of gambling platforms, as well as internet service providers [2]. In judicial practice, careful consideration is needed in deciding how to punish individuals involved in the transmission path. On one hand, punishment should not be reduced or ignored due to low involvement or status. On the other hand, individuals should not be automatically considered accomplices simply because they played a certain role, as this may lead to imbalanced judgments that are either too narrow or too broad.

Regarding the adaptation of punishment to the severity of the crime, Sun Xulei believes that the current law inadequately deters cross-border online gambling, and the punishment does not correspond appropriately to the severity of the offense. In terms of primary punishment, the maximum sentence for gambling offenses is ten years. However, with the increase in disposable income per capita and the continuous expansion of gambling funds, substantial profits are provided to organizers, rendering existing sentences ineffective in deterring such activities. In terms of additional punishment, gambling offenses are only subject to fines, with the law stipulating a minimum fine of 1000 yuan. The specific amount depends on the amount involved in the case. However, it is difficult to fully ascertain the flow of funds in cross-border online gambling crimes, making it challenging to determine the amount involved [3]. Therefore, fines are ineffective in providing sufficient deterrence.

Regarding corresponding measures, based on the grounded theory proposed by Glaser and Strauss [4], He Yihui has constructed a model of cross-border online gambling crimes. He analyzes motivation, organizational structure, and crime implementation, proposing measures such as strengthening publicity, deepening cooperation, and adopting a multi-pronged approach. According to the strategy of “attacking the source, destroying the network, analyzing personnel, and cutting off

the chain” to combat the black and gray industrial chain [5]. Overall, the current Chinese criminal law does not specifically stipulate the crime of cross-border online gambling, leading to related issues in its application.

## 2.2. Foreign Research Status

Studies have shown that the legislation regarding whether gambling constitutes a crime varies in different countries and regions, leading to differences in research directions among scholars. Some countries adopt a relatively open attitude towards cross-border online gambling and regard it as a point of economic growth. Since the 1990s, Antigua’s gambling companies have fully utilized international fiber optic cables and internet technology to provide gambling services. The online gambling industry is the second-largest pillar industry on the island of Antigua, second only to tourism; as of 2001, Antigua had 93 licensed gambling institutions employing 1,900 people, with its annual online gambling revenue reaching a peak of \$90 million in 1999 [6]. China’s neighboring countries such as the Philippines and Myanmar only allow foreigners to participate in cross-border online gambling. In June 2016, the Philippines implemented the Philippine Offshore Gaming Operators (POGO) program, allowing online gambling companies to operate in major cities such as Makati and Pasay and issuing legal certificates. In May 2019, Myanmar’s parliament enacted the Gambling Law, which stipulates that casinos can be opened in hotels rated three stars and above, allowing foreigners to gamble but prohibiting locals from entering the casinos.

Regarding the regulatory models for cross-border online gambling, scholar Sytze Kingma proposed three models: the prohibition model, the absence model, and the risk model [7]. Some countries in the continental legal system exhibit characteristics of the prohibition model. For example, Germany’s Penal Code Articles 284 and 285 regulate unauthorized gambling activities and participation in unauthorized gambling, while Japan’s Penal Code includes offenses such as gambling, habitual gambling, operating gambling establishments for profit, and lottery crimes. Additionally, special laws such as the Central Horse Racing Association Law, Horse Racing Law, and Prize Lottery Law also contain relevant provisions [8]. Finland, a European country, tends towards the absence model, meaning gambling can be legalized but must be severely restricted, and its revenue must be allocated to societal benefits; whereas the Netherlands follows the risk model, acknowledging the economic importance of the gambling industry and adhering to a liberal political consensus [9]. Despite many European countries legalizing online gambling and imposing taxes on it, they still regulate it strictly to prevent gambling addiction and underage gambling. For example, faced with numerous unlicensed foreign online gambling websites, Finland uses the Lottery Law to prevent gamblers from participating in gambling activities with foreign gambling companies. In 2005, the UK passed the Gambling Act, allowing citizens to participate in domestic and overseas online gambling but strictly regulating it, especially concerning minors, and requiring foreign gambling operators to obtain a license from the UK Gambling Commission (GC) [10].

Some scholars have proposed the partial application of the principle of origin country jurisdiction regarding how to address cross-border online gambling internationally. This means that the destination country can apply its laws to certain key aspects in reasonable circumstances. However, if implementing such measures, the level of trust between different countries must be considered. This approach has some effect in organizations like the European Union, where issuing guidelines within a broader regulatory framework instructs member states on how to more effectively enforce gambling laws.

In analyzing the issue of online gambling in the United States, John D. Andrlé believes that online gambling is a global problem affecting almost all countries. He notes that almost all gambling websites and virtual casinos within the United States are located overseas. Therefore, he proposes the establishment of a universal regulatory model based on two factors: regulation and international

cooperation. Andrie references the Queensland Act in Australia and proposes the Queensland model. This model aims to ensure substantial tax revenue for participating countries while also protecting online gambling users from harm, thus achieving a win-win situation [11].

Therefore, it can be seen that although different countries and regions have varying attitudes towards cross-border online gambling, they all aim to control it at its source to prevent further criminalization and adverse societal impacts.

### **2.3. Literature Review**

Currently, domestic research mainly focuses on the singular analysis of cross-border online gambling, with limited correlation to the existing criminal law system, lacking in-depth analysis of legal application issues and reasons. In contrast, regulatory models and international cooperation proposed in foreign academic research have valuable implications for judicial practices in China, providing references for our country's rule of law construction. However, given the differences in national conditions, it is difficult for China to legalize cross-border online gambling and benefit from it.

Building upon existing research, this paper will further explore the sentencing standards for different individuals involved in the grey chain of cross-border online gambling within the current criminal law framework. Considering the potential challenges China may face regarding criminal jurisdiction, this paper will discuss how to address this issue. Additionally, the paper will focus on how China can strengthen legislation to prevent and curb the growing trend of cross-border online gambling. This study aims to provide strong support for China's rule of law construction regarding cross-border online gambling issues.

## **3. Overview of Cross-Border Online Gambling Crimes**

### **3.1. Definition and Characteristics of Cross-Border Online Gambling Crimes**

Regarding its definition, there are currently two perspectives in academia on online gambling. One view is that "online gambling crime is a new form of gambling that grafts traditional gambling behavior onto the internet" [12], while the other is that "criminal behavior relying on internet technology to establish gambling websites to gather gamblers for gambling activities should be subject to criminal punishment" [13]. Based on the "Opinions on Several Issues Concerning the Application of Law in Handling Cases of Internet Gambling Crimes" issued by the Supreme People's Court in 2010, which mentions "organizing gambling activities by using the internet, mobile communication terminals, etc., to transmit gambling videos and data," combined with existing viewpoints, it can be inferred that cross-border online gambling refers to criminal gambling activities conducted for profit, utilizing the internet and communication technology extensively, with the internet virtual space as a medium. The gambling funds involved can be in the form of liquid currency or virtual currency and commodities of equivalent value.

From its definition and judicial practices, it can be inferred that cross-border online gambling primarily exhibits characteristics of concealment, inducement, diversity, simplification, rapidity, and harm.

### **3.2. Legal Elements of Cross-Border Online Gambling Crimes**

The theory of legal elements mainly refers to the criteria in jurisprudence used to determine whether a certain legal action or fact constitutes a violation or crime. These legal elements are prescribed by law and serve as standards for judging whether a behavior is illegal or criminal. Presently, there exist theories such as the "four elements," "three tiers," and "two tiers" regarding legal elements [14]. This

paper analyzes cross-border online gambling using the “three tiers” theory within the criminal systems of German and Japanese law.

The “three tiers” theory includes the elements of conformity, illegality, and culpability. Regarding conformity, firstly, the subject of the cross-border online gambling crime must be a natural person who has reached the statutory age of criminal responsibility and possesses criminal liability. Secondly, there must objectively exist behavior involving gathering people for gambling or engaging in gambling as a profession, and this behavior must have a cross-border nature, meaning it utilizes the internet, mobile communication terminals, etc., to transmit gambling videos and data, organizing Chinese citizens to engage in cross-border gambling activities. Lastly, there must be subjective intentionality, with profit as the objective. Based on this, it is necessary to further determine whether the behavior is illegal. For cross-border online gambling crimes, their illegality mainly manifests in infringing upon social norms, disrupting social order, and harming citizens’ personal and property rights. Additionally, gambling activities often involve other illegal activities such as fraud and money laundering, posing serious social hazards. Therefore, from the perspective of illegality, cross-border online gambling crimes are evidently illegal. Finally, it is necessary to determine whether the subject should bear legal responsibility. For the subjects of cross-border online gambling crimes, if they knowingly engage in illegal behavior, intentionally commit such acts for profit, they should bear corresponding legal responsibilities. Furthermore, according to the principle of proportionality between the crime and punishment, different degrees and circumstances of cross-border online gambling crimes should be punished accordingly.

#### **4. Legal Provisions and Application Dilemmas of Cross-Border Online Gambling Crimes**

##### **4.1. Relevant Provisions of Chinese Criminal Law and Judicial Interpretations**

In the current Chinese Criminal Law, there is no specific provision for the “crime of online gambling.” However, with the issuance of the “Amendment XI to the Criminal Law,” the regulation of cross-border online gambling crimes has gradually evolved from general to specific regulation. The most significant change is the addition of the provision: “Organizing Chinese citizens to participate in gambling overseas (abroad), with a huge amount of money or other serious circumstances, shall be punished in accordance with the provisions of the preceding paragraph,” and the statutory penalty for operating gambling establishments has been increased from “up to three years of imprisonment” to “up to five years of imprisonment,” thereby intensifying the punishment. According to Article 303 of the Criminal Law, the three statutory forms of criminalization currently applicable to online gambling are gathering people for gambling, engaging in gambling as a profession, and operating gambling establishments. These provide the basis for convicting and sentencing individuals involved in cross-border online gambling, with the most severe punishment being imprisonment for up to ten years along with a fine. As cross-border online gambling continues to evolve, related criminal behaviors continue to emerge, involving infringement of citizens’ basic rights, illegal operation, illegal use of information networks, bribery of state officials, etc., with their charges distributed across various chapters of the Criminal Law.

Regarding judicial interpretations, China has issued several opinions. In 2010, the Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministry of Public Security jointly issued the “Opinions on Several Issues Concerning the Application of Law in Handling Cases of Internet Gambling Crimes,” which made provisions on the inconsistent standards for criminal responsibility of operating gambling establishments and their accomplices and the unclear jurisdiction over internet gambling crimes. In 2020, the Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministry of Public Security issued the “Opinions on Several Issues Concerning the Handling of Cross-Border Gambling Crime Cases,” further explaining issues such as

the identification of associated offenders, joint offenders, and jurisdictional attribution. In the same year, the Ministry of Public Security released ten typical cases of cracking down on cross-border gambling crimes, demonstrating the importance attached to the judicial application of such cases.

#### **4.2. Challenges and Controversies in the Application of Criminal Law to Cross-Border Online Gambling Crimes**

Currently, the degree of involvement of China's criminal law system in cross-border online gambling is continuously increasing, providing a certain legal basis, but there are still deficiencies in its application. Regarding the criteria for filing cases, it is difficult to specify the criteria for filing cases of operating gambling establishments. Currently, there are various forms of cross-border online gambling, with online gambling games using "slot machines, pinball machines," and others as carriers emerging endlessly. In 2014, the Supreme People's Procuratorate, the Supreme People's Court, and the Ministry of Public Security issued the "Opinions on Several Issues Concerning the Application of Law in Handling Cases of Opening Gambling Houses Using Gambling Machines," which made provisions on relevant sentencing judgments. However, there is controversy in judicial practice regarding how to refer to the "Opinions" issued in 2014 and how to distinguish the sentencing criteria for online and offline gambling establishments using gambling machines. Regarding the definition of the charges, due to the existence of multi-level agents in current cross-border online gambling, according to the 2010 "Opinions," acting as an agent for gambling websites and accepting bets or participating in profit sharing of gambling websites constitute the crime of operating gambling establishments. However, strictly speaking, such behaviors are not the "operators" or "managers" of online gambling venues, but accomplices in operating gambling establishments. Nonetheless, they are the principal offenders in gathering people for gambling. The "Opinions" elevate the accomplices in operating gambling establishments to principal offenders, refuting the charge of gambling. Therefore, there is controversy in judicial practice over which charge should be imposed on such individuals [15]. However, with the issuance of the "Amendment XI to the Criminal Law," there is debate over whether such individuals can be charged with the "crime of organizing Chinese citizens to participate in gambling overseas (abroad)." Whether past judicial interpretations should identify them as principal offenders in (mass) gambling or operators of gambling establishments remains contentious. Some viewpoints suggest that there is a conflict between general and special legal provisions between Article 303, paragraphs 1, 2, and 3 of the Criminal Law, and when individuals organize Chinese citizens to gamble across borders and the amount is huge or there are other serious circumstances, the charge of gambling and operating gambling establishments (general legal provisions) is excluded, and the "crime of organizing Chinese citizens to participate in gambling overseas (abroad)" (special legal provisions) is chosen [16]. Some scholars propose that the accomplice behavior of operating gambling establishments and the "crime of organizing Chinese citizens to participate in gambling overseas (abroad)" can "constitute imaginary concurrent offenses, and one of the heavier offenses should be chosen for punishment" [17]. At the same time, some scholars believe that the mere act of operating gambling establishments cannot encompass organizing cross-border gambling or intersect with it, and it does not constitute a situation of legal provision competition [18]. There is currently controversy over how to distinguish between legal provision competition and imaginary concurrent offenses in the naming of cross-border online gambling crimes.

In the legalization of gambling amounts, there are loopholes in China's criminal law. Currently, the upstream offenses of money laundering in China do not include cross-border online gambling, so criminals can conceal or legalize gambling funds, making it difficult to effectively apply money laundering charges [19]. Regarding the identification of accomplices, there is a lack of further refined standards. The chain of cross-border online gambling is well-developed, covering website software development, promotion, maintenance, chip conversion, money laundering, and code washing,

among other activities. The division of labor among individuals is also continuously refined, and with technological advancements, the forms of crime will become more diverse. However, the current criminal law system in China is not perfect, and relying solely on judicial interpretations cannot serve as sufficient and effective legal basis.

Regarding the issue of criminal jurisdiction, China currently adopts an expansive criminal jurisdiction policy, meaning that if the behavior or outcome of a crime occurs within the territory of the People's Republic of China, it is considered a crime within the territory of the People's Republic of China. This indicates that China has absolute jurisdiction over cross-border online gambling crimes. However, different countries have different legal classifications. In judicial practice, when China determines criminal convictions based on the principle of protective jurisdiction, the sovereign country where the crime is committed may not necessarily criminalize online gambling. Therefore, different countries' differing determinations of the legality of cross-border online gambling make it difficult for China to achieve legal sanctions, and the conviction and sentencing may also be biased due to the difficulty in evidence collection and examination.

## **5. Recommendations for Advancing the Application of Criminal Law in Cross-Border Online Gambling in China**

### **5.1. Legislative Improvement Suggestions**

The promulgation of the "Amendment XI to the Criminal Law" has introduced specific charges, further providing legal grounds for the governance of cross-border online gambling. However, there are still disputes regarding the issues mentioned above. Therefore, China needs to further improve its criminal law and related resolutions. From the perspective of criminology, the profits that criminals aim to gain from committing crimes are often much higher than the costs incurred. According to the cost-benefit theory, criminals engage in criminal activities when the benefits outweigh the costs. With significant profits involved, cross-border online gambling easily attracts others to engage in illegal activities. For example, in the case of Pi and Li's establishment of gambling dens from April 11, 2021, to May 23, 2022, a total of 805 million yuan flowed into the gambling funds, with 711 million yuan flowing out, resulting in profits ranging from 300,000 to 700,000 yuan [20]. Therefore, China's current criminal law needs to impose more reasonable penalties by specifying the amount of fines based on the proportion of the amount involved in the case, clarifying the boundary between minor and serious offenses, and increasing the cost of crime. Furthermore, specialized laws and opinions need to keep pace with the times. As cross-border online gambling becomes increasingly complex and diversified with technological advancements, China often criminalizes new types of infringements through judicial interpretations before confirming or denying them through criminal legislation. Some judicial interpretations become laws of a provisional nature [21]. Therefore, on one hand, judicial departments should issue guiding opinions based on actual cases, while legislative bodies should actively expedite the amendment of criminal laws. New charges should be added to address the criminal issues arising from the upstream and downstream chains of cross-border online gambling. For instance, regarding the application of the Criminal Law in cases of money laundering, and further refining the determination of charges and sentencing standards for different groups of criminals. Some individuals may be eligible for reduced or exempted penalties, but careful attention should be paid to the potential expansion and excessive addition of charges, which could affect the stability of the existing criminal law system.

### **5.2. Recommendations for Judicial Practice**

Any preventive provisions on criminal liability rely on the theory of criminal jurisdiction to truly be applied in criminal judicial practice [22]. Therefore, in judicial practice, China needs to pay attention

to the determination of criminal jurisdiction. Firstly, it should fully utilize the principle of expansive territorial jurisdiction. According to Article 6, Paragraph 3 of the Criminal Law, “If the behavior or result of a crime occurs within the territory of the People’s Republic of China, it is considered a crime within the territory of the People’s Republic of China.” For example, if preparatory actions, implementation, or assistance related to cross-border online gambling, such as third-party online platforms acting within China as agents, internet data access, server hosting and maintenance, advertising, and promotion, exist within China’s territory, it involves cross-border online gambling crimes, and China should impose penalties based on jurisdictional principles. Secondly, China should consider actively participating in or proactively establishing international conventions to strengthen the application of universal jurisdiction. For example, the “Convention on Cybercrime” advocated and implemented by European countries in 2001. China may consider negotiating with neighboring countries to establish relevant treaty provisions. Based on this, China can further strengthen the crackdown on transnational cross-border online gambling criminals. Additionally, in handling specific cases, China should strengthen international cooperation. Currently, China has fewer extradition treaties with other countries outside its jurisdiction. There are cases where some principal offenders of crimes change nationality or flee abroad seeking local legal protection. Given the different national conditions, China cannot require all countries to criminalize cross-border online gambling. However, it can actively seek police cooperation with other countries, collaborate on telecommunications crime data acquisition, evidence authentication, and overseas asset recovery, and actively seek further expansion of extradition treaties. However, it should be noted that China should not emulate the U.S. “long-arm jurisdiction” and interfere in other countries’ internal affairs. Cooperation should be sought within a limited scope.

### **5.3. Recommendations for Social Governance and Preventive Measures**

The chain of transnational online gambling crimes involves various aspects of society, from personnel to technology to funds, all of which are affected. Therefore, it is necessary not only to make regulations at the legal level but also to make efforts in public security practice and social prevention and control. For the general public, it is necessary to increase publicity and education on the law, raise awareness of the hazards of online gambling, identify common online gambling websites, and reduce the possibility of individuals becoming helpers of criminals for money laundering by luring them with small profits. In dealing with transnational online gambling criminals, a policy of combining leniency with severity should be adopted. In 2021, the Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministry of Public Security jointly issued a “Notice on Urging Suspects of Transnational Gambling-related Crimes to Surrender Themselves,” encouraging suspects to surrender themselves voluntarily and offering reduced penalties as an incentive for them to recognize their mistakes. For example, in 2021, the Guangdong Provincial Public Security Department publicly called on fugitive suspects involved in two major cases hosted in Guangdong, namely “Asia Sports” and “Macao Sands,” to surrender. In 2023, the Huaiyin District Branch of the Jinan Public Security Bureau issued a notice urging suspects of transnational gambling crimes to return to China and surrender themselves. These measures have helped foster a positive atmosphere of “everyone against gambling” in society. Meanwhile, banking regulatory authorities and technology companies should strengthen cooperation with public security agencies to establish a “police-enterprise linkage” and a “police-bank linkage.” By tracking and locating gambling-related funds, grasping the circulation of virtual currencies, timely freezing gambling funds in circulation, using technology to block online gambling websites, and intercepting advertising pushes, further crackdowns can be carried out based on the “Cut-off Card Action” organized by the Ministry of Public Security in 2020. This aims to disrupt the banking and telecommunication cards needed for money laundering, criminal industry connections, and propaganda promotion, thereby further



promoting the governance of black and gray industries. Relevant internet companies should also accept supervision and guidance, promote the establishment of strict internal management systems and self-discipline mechanisms, encourage self-examination and self-correction, and proactively discover and eliminate gambling-related information. The government should establish an industry blacklist system to publicly disclose and sanction companies that provide illegal information.

## 6. Conclusion

The development of information technology and the arrival of the post-pandemic era have made transnational online gambling increasingly a hot topic of international concern. This paper conducts research on the application of criminal law to transnational online gambling, revealing the legal nature of transnational online gambling activities and the criteria for criminal liability through an in-depth understanding and analysis of relevant criminal law provisions at home and abroad. It also exposes the shortcomings and deficiencies of the current criminal justice provisions in China.

Firstly, this paper reviews the background, characteristics, status quo, and hazards of transnational online gambling. Subsequently, the research status of domestic and foreign studies on this issue is summarized, with a focus on analyzing the application of Chinese criminal law in transnational online gambling crimes, including filing standards, designation of charges, penalties, and sentencing. This analysis reveals the challenges faced by current research, which requires gradually discovering solutions based on extensive reading of case literature combined with China's national conditions. Finally, this paper proposes suggestions for improving legislation, strengthening international cooperation, and enhancing law enforcement efficiency to provide useful references for effectively combating transnational online gambling crimes in China and globally.

However, this study also has certain limitations. Further research is needed to explore whether there are other challenges in the application of criminal law and how to specifically address issues such as inconsistent filing and sentencing standards. There are also biases in legal understanding and specific case studies, with a relatively limited number of cases read, making it difficult to fully support theoretical viewpoints. Therefore, future research needs to comprehensively consider factors from different aspects and propose new solutions as the times change and the forms of crime evolve.

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