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Policing Online Gambling

Like many countries, Turkey is unsure whether to categorize gambling as a commercial activity which creates taxable income or as a dangerous addiction which should be banned. Due to pressures from the general public, the government is wary of legalizing gambling and thus misses out on large amounts of tax revenue.

Under the Criminal Code, the facilitation of gambling is a crime and supplying equipment for the purposes of gambling is punishable by imprisonment. However, since there is no direct provision in the code covering online gambling, this is more difficult for the authorities to police. In particular, gambling websites which are hosted by foreign service providers are considered to be outside the Turkish jurisdiction.

With the entry into force of the Regulation on the Prohibition of Organizing and Marketing Online Gambling in 2006, online games of chance are prohibited. This regulation was enacted within the framework of the decree-law pertaining to the National Lottery Administration. According to the decree-law, games of chance are subject to the authority of the National Lottery Administration and the administration is the only authority permitted to organize draws with cash prizes. By relying on these provisions, the National Lottery Administration prevents gambling through websites based in Turkey.

However, gambling websites which are hosted by foreign service providers are still a cause for concern. In order to overcome this problem the National Lottery Administration has classified websites which are directed at Turkish users as falling within the jurisdiction of Turkey, thus making them subject to the administration's authority. Websites which use Turkish language are deemed as being directed at Turkish users.

The enactment of Law 5651 on the Regulation of Online Publications and the Combat of Crimes Committed by Online Publications gave the Turkish authorities sufficient power to prevent gambling on websites hosted by foreign service providers. However, this is not a definitive solution. In practice, it is possible to circumvent such a ban by using various programs or providing access via different internet addresses. This may not be an effective way of running a successful online gambling business, but it shows that a total ban may never solve the problem, since when one way is blocked, another is easily created. Thus, perhaps instead of a widespread ban on gambling, a 'middle way' solution (eg, imposing a monetary limit or age restriction) may better serve the interests of society.