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Gambling Regulation: The Centrality, Future and Ramifications for Inertia

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Abstract

The gambling landscape is characterized by a lot of turbulency and uncertainties, which demand the regulator to be on top of the regulatory game. The regulator should have the right lens hence commit to paying attention to detail and uncontaminated thoroughness. As the technologies and innovations present themselves, the regulator must respond in a manner that is smart, promotes growth and stability of the industry. In this vein, there is a widely acclaimed philosophy which says “when the flood is approaching your home you cannot go to sleep”. The best would be to find ways of dealing with the flood. If allowed to ravage the home the impact might be too severe. To this Lawn *et al* (2020) argue that “as the gambling landscape changes, regulation of gambling also needs to change...”

Keywords: Regulation, gambling, regulator, gambling landscape.

Introduction

If a view is taken through the appropriate lens, one should be in a position to see that the coming and impact of technology and innovation within the gaming industry is unstoppable. This is a reality that does not require debate or any contestation by positively pitched minds. It is a reality carved in stone and the best would be for the regulator or government officials under whose purview gambling is situated to rise to the occasion. This would help to ensure survival of the industry into the future.

While technology has contactable benefits for the industry, it equally has a black side. This is the side that requires regulators to apply themselves and thus come up with interventions that promote longevity of the industry. In the absence of deliberate interventions, the industry would not taste stability, growth and harmony.

The regulation of gaming industry is thus central to the survival of the industry into the future. The future really needs to be given sufficient thought so that appropriate interventions are conceived, developed and deployed which explains why advertising should not be ignored. Advertising has been defined as a paid, mediated form of communication from an identifiable source, designed to persuade the receiver to take some action now or in the future (Richard and Curran, 2002 cited by Hing *et al*, 2013)

Why Regulation is Important

Regulation for the gaming industry is critically important for the survival of all players within the gambling/gaming

ecosystem. Regulation has several benefits that include but not limited to:-

- Create a sustainable industry
- Ensure the suitability of operators and suppliers
- Ensure operator internal controls
- Ensure the integrity of games and products
- Protection of the vulnerable
- Helps increase revenues

Regulation and the Future

There is no institution or industry that does not desire to survive into the future.

The appetite to survive and longevity is sought by all institutions and those within the gaming industry are no exception. The regulators will therefore always look for interventions that they think will be able to usher their industry into the future which explains why Gainsbury (2012) argues that “many policies and regulations currently in place are ineffective”.

In order for this stability and survival to be possible, the regulators will need to keep with technology in order to assess acceptable compliance levels. The future of gambling will undoubtedly have a place for cross boarder collaboration. This interface will entail sharing best practices and harmonizing standards. Issues related to advertising will also have to be closely monitored. According to Binde (2009) gambling advertisements reminded problem gamblers about gambling...urges to gamble and provided inducements to

gamble. Also those who may have suspended their gambling relapsed due to advertisement. So collaborated effort on advertisement is critical.

As the variables within the gambling space metamorphosize, the regulator will have to be responsive and adaptive. They will have to adapt the emerging trends. This is consistent with Charles Darwin, who said “survival in any environment is not about intellect or strength but the ability to adapt” There is thus regenerative power in adaptation (Casey, 2021). Without adaptation the system would stall or stagnate. It thus cannot be contested that adaptation is “illuminating the path of an industry greatness.” This is largely so since today, there are new approaches to understanding and addressing gambling arising from new technologies associated with gambling (Lawn *et al*, 2020).

While cross jurisdictional enforcement in combating illegal gambling remains critical, it needs no contestation that there are barricades to this enforcement. As much as it is desirable to join hands from across borders, the reality is that there are jurisdictional gaps which may need to be harmonized. This is possible with willpower at the highest level. This challenge may also be harnessed or curtailed through adoption of appropriate technologies (Lawn *et al*, 2020)

All regions can achieve more if they choose to harmonize their gambling laws. With the coming of online gambling, the borders are now meaningless which means the need for this harmonization is now so real. This is particularly important in view of the unbalanced power relationship between the consumer and industry. The consumer unshackled and free to consume and the industry is an agent of more (consumption). The consumer has fallen prey to its own consumption while for the industry it is a lucrative market and presents expansion opportunities (Hotker, 2019). The need for human capital is also important if the industry should create harmony and stability in the future in the face of new gambling challenges globally (Lawn *et al*, 2020)

Since borders are now challenged, the need for partnerships is now so critical. There is no jurisdiction which can in this age and time survive in a vacuum. This view is actually consistent with the thinking that “life is too short to learn from your mistakes alone” Partnership are thus functional and a vital cog in sustaining institutions into the future.

According to Lawn *et al* (2020) growth of the online gambling has been implicated in the general growth in gambling, particularly sports betting. Resultantly, there is now a diversity of populations who gamble hence new challenges for regulations and policy makers globally. This situation is however different from the Australian experience where public policy on gambling first and foremost aims to protect the social and economic benefits of gambling and considers problem gambling to be the responsibility of the individual gambler (Australian productivity commission, 2010 cited by Hotker, 2019)

Methodology

The inquiry used unstructured interviews for the 12 respondents who were part of the delegates attending the Africa Gaming Expo 2025 in Lagos, Nigeria. The qualitative approaches used were meant to solicit information at the heart of the respondents. The interviews used simply English language especially for the respondents from the francophone countries. The sample considered for this study was put together through the convenience sampling technique.

Findings and Discussions

There was an overwhelming confirmation from the Francophone and Anglophone respondents that authorities do not respond easily enough with appropriate regulations for any emerging issues. The inertia to undo the traditions is said to be too high. The respondents further agreed that this level of inertia makes enforcement a nightmare. The regulators are at times left exposed

and at the mercies of the operators. In their view the response to attend to gaps in law (lacuna) and / or gaps in interpretation (casus ommissas) must be done early. This helps to promote efficiency. This can be likened to the views by Bill Gates who said “The first rule of any technology used in a business is that automation will magnify the efficiency”

‘The second rule is that automation applied to an inefficient operation will magnify the inefficiency’

The majority of the respondents agreed that the effective regulation on the regulated market had the capacity to improve revenue inflows. Resultantly, as the environment change the regulation should equally align with the realities on the ground.

The respondents equally concurred that the machines and software’s need to be tested for integrity. The machines as presented by the respondents should have an acceptable Return to Player (RTP) ratio, so that the players are not ripped by the operators. The games/software’s the operators use should also be certified by competent experts so that the games do not create unnecessary addiction on the players. This helps to avoid problem gambling, which Livingstone & Woolley (2007) locates outside the locus of control and responsibility of government and gambling industry.

The respondents believed and advised that players needed protection from gambling harm. If the operators are not supervised and monitored they may disregard wantonly the protection of the vulnerable groups or individuals.

The groups and individuals exposed to internet or online gambling will inadvertently find it difficult to untangle or unshackle themselves from excessive gambling (Gainsbury, 2012). Hotker (2019) also adds that people presenting gambling problems often felt debilitating shame and that there was something fundamentally wrong with them because they were unable to control the gambling.

Conclusion

The need for authorities to be responsive to emerging trends within the gaming landscape needs no contestation. Attention should be directed at ensuring that the industry does not wantonly disregard the right of citizens in pursuit of growth and expansion. Progressive institutions should seek to promote long playing careers for the people who consume their games.

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