



# LEGAL NATURE AND ESSENTIAL FEATURES OF LOTTERIES

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## ARTICLE INFO

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### Article History:

Received 19.10.2024  
Accepted 30.11.2024  
Published 30.12.2024

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### Keywords:

Lottery, Law, Social,  
Gambling, Welfare

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## ABSTRACT

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The paper targets the legal framework, signing features of lotteries, their development and regulation across various jurisdictions. It underlines the defining characteristics of lotteries, such as voluntary participation, public engagement, random determination of the results, and prize distribution, which set them apart from other gaming activities, such as gambling. While many legal contexts include lotteries within the broader term of gambling, they reflect a singular social purpose and bring considerable benefits. By studying some of the subtleties of regulation that make lotteries different from gambling, this research can also speak to the general public's hazy concept of truth regarding what lottery perception is. Additional examination in this study of the legal environment within Georgia and elsewhere for weaknesses in that regulatory framework is done, and recommendations are made on how it can be improved. Ultimately, the paper extends the understanding of the lotteries' role in society and provides a background for their legal classification and regulation improvement.

## INTRODUCTION

The gambling industry has attracted huge interest in recent years. This very profitable market of gaming is constantly growing and developing rapidly; thus, the interests and participation of players grow proportionally.<sup>1</sup>

Among these lucrative games, an important place is occupied by lotteries since they significantly differ in their nature from gambling and other games. Lotteries do not develop harmful addictions in people and, according to historical and traditional practices, fulfil quite different social functions.

This research is also towards the study of legal regulation of lotteries within a social perspective and interpreting their implication in divining social equity. The method of comparing the laws gives this paper the lottery regulatory norms of the United States, England, and several European countries. In general, the main goal of comparison analysis is to provide some understanding of the defining elements, concepts, and key characteristics of lotteries.

Countries that have had a long development of the lottery were chosen for this research; therefore, the analysis of international practice has a special meaning. The legislators of most countries classify lotteries and gambling as belonging to the wider category of profitable games. This is evident from the UK Gambling Act 2005, in which the collected regulatory norms of the gaming industry were brought together and viewed as one document where the lotteries are looked at as a form of prizewinning games alongside gambling.<sup>2</sup> The case is similar in Georgia, which has the gaming industry ruled by one combined legal act: The Law of Georgia – “On organizing lotteries, games of chance and other prize games”.

Whereas lotteries within the gaming business, for most countries’ legislators, are presented as such; partially, there is a part of the public that still perceives it as gambling, but lotteries, per se, are

non-gambling and harmless social games bringing considerable benefits within society.

The objective of this paper will be the attempt to describe the distinguishing features of the lottery, to create a general concept of the lottery, and to indicate its main characteristics in accordance with its legal definition. This research is theoretically and practically meaningful. Based on the comparative analysis of relevant countries, it will provide a detailed understanding of the regulatory norms in Georgia, identify the challenges and help further study and development in this field.

## 1. HISTORY OF LOTTERIES

Lotteries have a rich history. Early historical evidence points out that the first public lottery with corresponding tickets and prizes was instituted during the reign of Emperor Augustus Caesar in the Roman Empire and was intended to raise funds for the municipal repairs of the city. The prizes were not monetary, other than in goods, and the proceeds were used for a large part of civil projects, one of the priorities of Rome at that time being road construction.<sup>3</sup>

In Europe, they first appeared in the 15<sup>th</sup> century, mostly to provide a source of increased revenue for states.<sup>4</sup> Certainly, one of the earliest lotteries with a declared prize fund took place in Bruges, Belgium, for the relief of the poor.<sup>5</sup>

Italy was another center of many early large-scale lotteries in the 15<sup>th</sup> century. The first Italian lottery, known as “*Bianca Carta*”, which translates to “blank paper”, received such a name from the appearance of the lottery tickets.<sup>6</sup>

In France, the first lottery, called “*blanque*” echoing the Italian name, took place in May 1539 during the reign of Francis I.<sup>7</sup> This is indicative that

1 Towfigh, E. V., Glockener, A., & Reid, R. M. (2012). Dangerous games: The psychological case for regulating gambling. USA, New York university school of law. p.1.

2 Egerer, M., Marionneau, V., & Nikkinen, J. (2018). Gambling policies in European welfare states. Current challenges and future perspectives. Palgrave Macmillan publishing. p.135.

3 Historical figures who used the lottery to their advantage. (2016). <<https://www.forres-gazette.co.uk/news/historical-figures-who-used-the-lottery-to-their-advantage-152090/>> [Last access: 05.11.2024].

4 Willmann, G. (1999). The history of lotteries. Department of economics, Stanford university, p.1.

5 National gambling impact study. Lotteries. <<https://gov-info.library.unt.edu/ngisc/research/lotteries.html>> [Last access: 05.11.2024].

6 Willmann, G. (1999). The history of lotteries. USA. Department of economics, Stanford university, p.6.

7 From Francis I to online betting: The history of gambling

Italy became a model for France on how to operate large-scale lotteries.<sup>8</sup>

The first city lottery was held in Augsburg, Germany, in the 15<sup>th</sup> century. A large number of prizes was subjected to goods later replaced by cash, and from 1610, cities like Frankfurt and Hamburg actively conducted lotteries.<sup>9</sup>

Queen Elizabeth I set up the first lottery in England in the year 1567. At the time, England was trying to increase its presence in export markets located around the world. Funds collected through this lottery were meant for building ships and ports.<sup>10</sup>

In Spain, the lottery has also existed and has been running since 1763.<sup>11</sup> Spanish citizens were allowed to participate in one of the biggest lotteries in the world at that time, with pretty big prizes.<sup>12</sup> The first royal lottery was founded by King Charles III in Madrid, and it had the aim of bringing social benefits through this lottery.<sup>13</sup>

The Dutch lottery was established on a nationwide basis in 1726; the proceeds were to flow to the state treasury. In 1848 it received the formal name of Dutch National Lottery, and thereby became one of the oldest operating lotteries in the world.<sup>14</sup>

The modern lottery in the United States began on March 12, 1964, in New Hampshire, under the official name of “New Hampshire Sweepstakes” – nowadays more popular as “New Hampshire Lottery”.<sup>15</sup> Based on the results of horse racing, which included some element of a sports betting pool, it became nevertheless a lottery because gross proceeds from its ticket sales went to public edu-

cation,<sup>16</sup> which attained once again the social purpose of the lottery.

The first lottery in Georgia was also a welfare one and was titled the National Lottery. All its proceeds went to Tbilisi University and the Georgian theater.<sup>17</sup> The council of the lottery was chaired by Ivane Javakhishvili. Holding a lottery was a thing which first came into his mind back in 1917 when the idea of gathering money to found the first Georgian University appeared.

Due to the important goal, the tickets were sold in all the cities and towns of Georgia. The lottery was promoted by such famous Georgian writers as Giorgi Leonidze, Sargey Mdivani, and other famous actors and public figures of that time. Lottery tickets with a nominal value of 25 “Maneti”<sup>18</sup> were issued in that period. The random selection of the lucky tickets took place on November 1, 1919, in the Tbilisi State Theater (now Shota Rustaveli State Academic Theater). On account of the proceeds from the lottery, 1,077,677 “Maneti” were assigned to Tbilisi University.<sup>19</sup>

The development of lotteries from a historical perspective has revealed that they have always been designed to serve the public and social interests, as opposed to gambling, which contains quite a number of high risks to society. In other words, the major purpose of lotteries is supposed to be fundraising for varied public or welfare projects.

## 2. THE LEGAL DEFINITION OF A LOTTERY

In modern life, there does not exist a single, universally recognized definition of “lottery” since every country defines it according to its legal system. This is so for the Georgian law too-it has its own, special definition. Namely, Article 3, Paragraph “T” of the Law of Georgia “On organizing lotteries,

in France (2012). [https://shs.cairn.info/article/E-POUV\\_139\\_0005?lang=en](https://shs.cairn.info/article/E-POUV_139_0005?lang=en) [Last access: 05.11.2024].

8 Ibid.

9 Willmann, G. (1999). The history of lotteries. USA. Department of Economics, Stanford university, p.17.

10 It Could Be Ye: England’s first lottery. (2017). <https://the-historypress.co.uk/article/it-could-be-ye-englands-first-lottery/> [Last access: 05.11.2024].

11 Spain la primitiva. <https://www.thelotter.com/spanish-lotteries-guide/> [Last access: 05.11.2024].

12 Ibid.

13 History. <https://www.selae.es/en/web-corporativa/quienes-somos/la-empresa/historia> [Last access: 05.11.2024].

14 Lottery in Netherlands – Overview. <http://www.global-lottery-review.com/staatsloterij.html> [Last access: 05.11.2024].

15 National gambling impact study commission. Lotteries. <https://govinfo.library.unt.edu/ngisc/research/lotteries.html> [Last access: 05.11.2024].

16 State of new Hampshire 1st sweepstakes race, 1964 September (2016). <https://www.nhhistory.org/object/351096/state-of-new-hampshire-1st-sweepstakes-race-1964-september> [Last access: 05.11.2024].

17 1918: Lottery to support the Georgian university and theater. <https://civil.ge/ka/archives/250425> [Last access: 05.11.2024].

18 Maneti – The currency of the democratic republic of Georgia till 1921.

19 Javakhishvili, N. (2002). The First Georgian Lottery, Encyclopedia, Tbilisi. P.1.

games of chance and other prize games” states: “A Lottery is a voluntary group or mass game in which the organizer of the lottery, in accordance with publicly announced rules and terms, carries out a draw of a prize fund. The result of winning on a lottery ticket depends exclusively upon case, and it cannot be subject to the will or action of the organizer or any other subject and to falsification”.

While this legal definition gave a possibility not only to identify the key characteristics of a lottery but also to open one more discussion concerning additional traits which should be included in its definition according to the nature of lotteries, at the same time, Georgian law cannot define the notion of a lottery relying exclusively on the definition provided, which is why it is also necessary to understand the international practice and characteristics provided in the legislation of other countries. Comparison in how other countries define a lottery is interesting. The definition of a lottery can then be synthesized through comparison to devise a more rational common definition.

In England, a lottery is classified as gaming and possesses three key components,<sup>20</sup> which are further explained in the following paragraph. These involve monetary participation, which essentially means paying money to receive a ticket, there has to be a certain minimum prize awarded as well as the element of chance in prize distribution.<sup>21</sup>

According to the UK Gambling Act 2005, even though the act classifies lottery as a form of gambling, nevertheless, lotteries that come under national lottery are excluded from classification and are considered to be something entirely different from the rest of gambling.<sup>22</sup>

There are also other lotteries allowed in England apart from the national lottery. These are lotteries organized by private members, community or workplace lotteries for employees, one-time event lotteries, and consumer lotteries that try to promote products or services, whereby there is no extra cost necessary from those who participate in

the lotteries. Most importantly, consumer lotteries must not be run to raise more money or provide an extra profit to the people conducting it.<sup>23</sup>

Another strange feature of Italian legislation on gaming is the fact that there is no single legislative document regulating both lotteries and gambling. Thereby, the norms and official definitions regulating the sphere can be found in different sources. In Italy, lotteries are a kind of gaming, and the general definition of lotteries is given in the criminal code. Namely, according to Article 721, any game which yields profit shall be regarded as gaming if winning or losing in it depends exclusively on luck. Italian gambling organization is based upon the territorial principle, with every type of game corresponding to a separate legal act.

In France, gambling gains an inclusive definition that includes lotteries within a single category. According to the law, profitable games are any operation devised for large-scale participation by the public, regardless of the name under which the game is organized.<sup>24</sup>

The focus, therefore, is to offer the hope of winning to participants, which through the principle of chance is attained and involves financial participation on behalf of players.<sup>25</sup> Still, the law draws a line between profitable games in which the players’ knowledge or skills come into play. A game, therefore, in which victory depends on the participant’s skills shall not be regarded as a lottery.<sup>26</sup>

Lottery in Germany is regarded as a certain form of gaming directed towards the majority of the population. The public game scheme provides that, to take part in such a game, players must pay for it, and prizes can either be monetary or non-monetary.<sup>27</sup> However, the German legislation provides exemptions on issues concerning

20 Lotteries, prize competitions and free draws. <<https://www.fundraisingregulator.org.uk/code/specific-fundraising-methods/lotteries-prize-competitions-and-free-draws>> [Last access: 05.11.2024].

21 Ibid.

22 Gambling Act (2005), Part I, UK. Public General Acts, c. 19, § 15(1). <<https://www.legislation.gov.uk/ukpga/2005/19/contents>> [Last access: 05.11.2024].

23 Lotteries, prize competitions and free draws. <<https://www.fundraisingregulator.org.uk/code/specific-fundraising-methods/lotteries-prize-competitions-and-free-draws>> [Last access: 05.11.2024].

24 Code of Internal Security, France, (2005), c. 19, Article L320-1 (repealed), August 26, 2021. <[https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000025505692/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025505692/)> [Last access: 05.11.2024].

25 Ibid.

26 Ibid.

27 General Introduction of gambling law in Germany. (2023). <<https://www.lexology.com/library/detail.aspx?g=a-586d86a-41bc-443a-af92-099351ffd1af>> [Last access: 05.11.2024].

organized lotteries in accordance with territorial principles, covering those large countries characterized by huge populations.<sup>28</sup> That is, if a lottery is organized on the national scale with one prize fund, then that's a national lottery. Besides that, it is allowed to organize local lotteries in every separate city, provided a proper license has been given out, including only the participation of residents.<sup>29</sup>

In the country of Belgium, like in many other countries, lotteries are regarded as gambling. Article 301 of the Belgian Criminal Code was engaged in a separate definition of a lottery as a game offered to the public in which the participant may win, with a risk of losing, dependent entirely on chance.

However, in Spain, the similarity to the Georgian model of regulation can be distinguished due to the availability of one legal act, the Gambling Law, in which the bases for the organization of gambling and profitable games are enshrined. Lotteries and gambling are defined independently: Articles 3(a) and (b) of this very law are similar to the Georgian law. The definition states that a lottery is an instant and raffled game, the tickets might be tangible or in electronic form, and the award depends on just luck.<sup>30</sup> Gambling, on the other hand, is closely related to the involvement of a bet and increasing risk during the game.<sup>31</sup>

In the Netherlands, the legislative framework concerning gambling is set out in the "Betting and Gaming" Act. Article 1.1(a) explains what gambling and profitable games, within which lotteries are classified, are.<sup>32</sup> Gambling shall be understood to mean a contest for prizes and winnings, whereby winners are determined on grounds of chance, and wherein participants are unable to exert any influ-

ence whatsoever on the outcome.<sup>33</sup> Furthermore, it is interesting to notice that the definition covers social games, for the participation in which no bets are placed.<sup>34</sup>

In the United States – as in Germany – lotteries are organized based on territorial principles. In each of the states, its own kind of profitable and gambling games are hosted. These games are regulated either under the federal or under the state laws. In the U.S. model, lotteries have not been regarded as gambling but an independent type of games.<sup>35</sup>

The lottery, according to federal law, is defined as an open game in which participation is possible by paying a certain amount, whereas prizes can equally be in money and material and their winners are selected purely per hap.<sup>36</sup>

Federal law also demands that for a game to qualify as a lottery, there must be three essential elements: monetary entry, chance of winning, and prize payout.<sup>37</sup> This can be comprehended to mean that the operator running the lottery will definitely do the declared distribution of the prize to the ticket holder in case there is a random win.<sup>38</sup> While the organization of lotteries dictates that states follow federal law, they also create internal regulatory norms. Specially created entities manage that the model of lottery chosen by them is within the purview of the set regulations right from the licensing stage to its distribution and retailing.<sup>39</sup>

The research done with the use of the methods of comparative law allows the formulating of the unified concept of a lottery in the following way: A lottery is a public game designated for a wide circle of people. The participants take part in it by

28 The WLA global lottery data compendium. (2023). <https://publications.world-lotteries.org/blog-posts/wla-publishes-10th-edition-of-the-global-lottery-data-compendium> [Last access: 05.11.2024].

29 State Treaty on Gambling (2021) of 29 October 2020 Germany (SächsGVBl. 2021 p. 367).12 § 12 (3)1. <https://www.gesetze-bayern.de/Content/Document/StV-GlueStV2021> [Last access: 05.11.2024].

30 Law of Spain on Gambling Regulation. 13/2011, of May 27, Article (B) BOE Num 127, (2013). <https://www.boe.es/buscar/act.php?id=BOE-A-2011-9280> [Last access: 05.11.2024].

31 Ibid.

32 Gambling Act, Netherlands, Article 1, Section 1 (a) (2021). <https://wetten.overheid.nl/BWBR0002469/2021-10-01> [Last access: 05.11.2024].

33 Litter, A. (2020). The gambling law review – Netherlands. Law Business Research Ltd. UK. London. Chapter 23. p. 290.

34 Ibid.

35 Dayanim, B., Flynn, H., & Harris, K. (2020). The gambling law review – Overview of US federal gaming Law. Law Business Research Ltd. UK. London. Chapter 3. p. 30.

36 Lotteries Law and Legal Definition. <https://definitions.uslegal.com/lotteries/> [Last access: 05.11.2024].

37 12 U.S. Code § 25a (2018). Participation by national banks in lotteries and related activities <https://uscode.house.gov/view.xhtml?req=granuleid:USC-2010-title12-section-25a&num=0&edition=2010> [Last access: 05.11.2024].

38 Ibid.

39 Federal lottery laws explained. (2020). <http://www.mardenkane.com/articles/federal-lottery-laws-explained.html> [Last access: 05.11.2024].

buying a ticket, and the organizer holds a draw for receiving a prize fund preliminarily declared. The winning depends on chance and is not subject to the will and abilities of the participants. This definition underlines those very basic attributes setting the tangible nature of lotteries.

### 3. FUNDAMENTAL CHARACTERISTICS OF A LOTTERY

#### 3.1. Voluntary Participation

As one of the defining characteristics of lotteries, voluntary participation is the sole entity with which the game takes off. Nobody has the right to oblige an individual to take part in a lottery against their free will.

The principle of voluntariness is expressed in the free choice of the participant who decides whether to take part in such a draw or not, and in case of a positive decision, to realize it by purchasing a ticket. This protects the voluntary and independent nature of the lottery, free of any pressure or mandatory factors from outside.

As described above, English law defines lottery underlining the key attribute describing it, one of which is the player's monetary involvement in the form of the payment for the ticket.<sup>40</sup>

In its turn, U.S. federal law also requires some features to be present for a game to be a lottery, and these features include voluntary monetary participation expressed as the purchase of a ticket.<sup>41</sup>

German law also conditions the paying of money by participants as one of the requirements for granting cash and non-cash prizes, by which this tradition was also aligned with voluntary participation as one of the fundamental characteristics of any lottery.<sup>42</sup>

40 Lotteries, prize competitions and free draws. <https://www.fundraisingregulator.org.uk/code/specific-fundraising-methods/lotteries-prize-competitions-and-free-draws> [Last access: 05.11.2024].

41 12 U.S. Code § 25a (2018). Participation by national banks in lotteries and related activities <https://uscode.house.gov/view.xhtml?req=granuleid:USC-2010-title12-section-25a&num=0&edition=2010> [Last access: 05.11.2024].

42 General Introduction of gambling law in Germany. (2023). <https://www.lexology.com/library/detail.aspx?g=a-586d86a-41bc-443a-af92-099351ffd1af> [Last access: 05.11.2024].

## 3.2. Public Engagement

Therein, this feature was based on the definitions of lotteries and profitable games discussed by various countries. In German law, for example, the objective of lotteries is directed at a large number of people.<sup>43</sup> Of the many elements that comprise that definition is Germany's Territorial Principle whereby local lotteries are organized by each city with licenses such that only the residents in that area may participate in it.<sup>44</sup>

Likewise, the U.S. model functions in territorial words, yet even there, the component of mass cooperation doesn't disappear.<sup>45</sup>

Similarly, French law characterizes lucrative games and lotteries as those which accrue huge participation from the public.<sup>46</sup>

## 3.3. Random Determination of the Results

An attempt to shed light on this aspect of organizing lotteries is to underline that a lottery is, in fact, a game dependent on pure chance. This is about winning or losing, which none-third party organizer can influence.<sup>47</sup> This is absolutely randomized, and therefore nothing can be predicted or influenced by anyone. It is categorical from the examples of the countries discussed that lotteries can never exist devoid of the element of chance. The organization of the game is done to enhance the hope of participation since

43 General Introduction of gambling law in Germany. (2023). <https://www.lexology.com/library/detail.aspx?g=a-586d86a-41bc-443a-af92-099351ffd1af> [Last access: 05.11.2024].

44 State Treaty on Gambling (2021) of 29 October 2020 Germany (SächsGVBl. 2021 p. 367).12 § 12 (3)1. <https://www.gesetze-bayern.de/Content/Document/StV-GlueStV2021> [Last access: 05.11.2024].

45 12 U.S. Code § 25a (2018). Participation by national banks in lotteries and related activities <https://uscode.house.gov/view.xhtml?req=granuleid:USC-2010-title12-section-25a&num=0&edition=2010> [Last access: 05.11.2024].

46 Code of Internal Security, France, (2005), c. 19, Article L320-1 (repealed), August 26, 2021. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000025505692/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025505692/) [Last access: 05.11.2024].

47 Law of Georgia – “On organizing lotteries, games of chance and other prize games”. (2005). <https://matsne.gov.ge/ka/document/view/30988?publication=45> [Last access: 05.11.2024].

randomness increases that hope.<sup>48</sup>

It is useful to underscore that French legislation distinguishes between profitable games in which results depend on players' knowledge or skills and lotteries.<sup>49</sup>

Regulatory norms in English classify a lottery by three elements, one of which implies randomness.<sup>50</sup> Also, U.S. federal legislation enumerates three constituents of a lottery, randomness of outcomes among them.<sup>51</sup> As mentioned above Italian criminal code defines chance as the constitutive element of a lottery both in winning or losing, whereas Spanish law determines that the winnings in profitable games are obtained through chance.<sup>52</sup>

Finally, Art. 301 of the Belgian criminal code stipulates that a lottery should tend only to the distribution of prizes by the principle of chance.<sup>53</sup>

Since no causal linkage between any internal or external action with the outcome of the draw exists in the above discussion, it goes without saying that one of the defining features is the randomness in a lottery. Following this, then, randomness perhaps defines it as one of the most important features of a lottery.

### 3.4. Prize Distribution

The collection of money for raising funds and financing the prize pool is organized through lotteries and profitable games. So, there cannot be a lottery without a result because a ticket bought may be either winning or losing. Prize distribution

is included in several countries as core in the working circles of the above-mentioned definitions. If a lottery does not include prize distribution, then it is not a game in the eyes of the law.

England lists three elements that are necessary to operate a lottery, one of which is the prize.<sup>54</sup>

The same structure is in place in the U.S., where federal law lists three elements necessary for something to be considered a lottery, one of which is the prize. This prize is given out by the promoter based on the rules to the winner of the game. Any type of lottery without this element is forbidden by U.S. federal law and hence illegal and prohibited.<sup>55</sup>

## CONCLUSION

The purpose of the study was to try and arrive at a unified definition of a lottery and find its accompanying characteristics. The paper analyzed the differing definitions of a lottery against the backdrop of regulatory laws determined by countries with wide experience on the subject matter using a comparative legal methodology. In fact, the present study revealed that there exists no single and unified definition of what exactly a lottery is. A definition of a lottery was identified, based on the official definitions of the word provided by the legislation of various countries; as well as key common features that represent the essential elements of organizing a lottery.

According to the sources, though in some countries, lotteries are put in the category of gambling, they should not be considered to cause damage to society, just like gambling, which directly involves high risks.

The examples given in the corresponding part of the current paper proved that most of the countries try to enhance the social destination of lotteries through legislative control.

It found that a lottery differs from other forms of wagering in that lotteries may be characterized

48 Code of Internal Security, France, (2005). c. 19, Article L320-1 (repealed), August 26, 2021. <[https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000025505692/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025505692/)> [Last access: 05.11.2024].

49 Ibid.

50 Lotteries, prize competitions and free draws. <<https://www.fundraisingregulator.org.uk/code/specific-fundraising-methods/lotteries-prize-competitions-and-free-draws>> [Last access: 05.11.2024].

51 12 U.S. Code § 25a (2018). Participation by national banks in lotteries and related activities <<https://uscode.house.gov/view.xhtml?req=granuleid:USC-2010-title12-section-25a&num=0&edition=2010>> [Last access: 05.11.2024].

52 Law of Spain on Gambling Regulation. 13/2011, of May 27, Article (B) BOE Num 127, (2013). <<https://www.boe.es/buscar/act.php?id=BOE-A-2011-9280>> [Last access: 05.11.2024].

53 Code of Criminal Procedure Belgium, Art. 301. (2020). <<https://www.ejustice.just.fgov.be/cgi/welcome.pl>> [Last access: 05.11.2024].

54 Lotteries, prize competitions and free draws. <<https://www.fundraisingregulator.org.uk/code/specific-fundraising-methods/lotteries-prize-competitions-and-free-draws>> [Last access: 05.11.2024].

55 12 U.S. Code § 25a (2018). Participation by national banks in lotteries and related activities <<https://uscode.house.gov/view.xhtml?req=granuleid:USC-2010-title12-section-25a&num=0&edition=2010>> [Last access: 05.11.2024].

as games of chance in which a very small loss by a player offers the possibility of winning a very large prize; the net revenues are used for the public good.<sup>56</sup> Lotteries have had, and continue to have a social function. No one loses in a lottery because the only “loss” is the value of the ticket play.

The state should try to enlighten its citizens

56 Buchstein, H. (2019). Democracy and lottery: Revisited. *Constellations*. p. 361–377.

regarding the nature of lotteries and their social aspects. This fact that money paid for tickets by players has been used for beneficial causes and helping others, will further encourage people to participate. That is why the social nature of lotteries should be considered one of the defining features. The extension of social tolerance is a prerogative of the state.

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### Normative Materials:

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