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Gambling in the digital era and criminological challenges of crimes in online gambling

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Abstract: In the context of the active development of the digital economy and the expansion of the Internet space in Kazakhstan, the problem of online gambling and related criminological risks is becoming particularly relevant. The purpose of the study is a comprehensive analysis of the criminological aspects of online gambling, the identification of the main types of crimes in this area, as well as the development of proposals to improve legislation and preventive measures. The scientific novelty of the research lies in the consideration of crimes in the field of Internet gambling through the prism of modern criminological theories and the assessment of the effectiveness of the current legislation of Kazakhstan from the standpoint of international standards. The practical significance is determined by the contribution to the improvement of state policy in the field of gambling regulation and crime prevention. The study revealed the main criminological risks associated with online gambling, such as fraud, money laundering and illegal business activities. It has been established that the existing legislation of the Republic of Kazakhstan in the field of gambling does not sufficiently take into account the specifics of digital platforms and requires improvement taking into account international experience. The conducted research contributes to the development of criminological science, expanding the understanding of modern forms of crime in the digital environment. The results of the work are of practical importance for law enforcement and government agencies in the field of crime prevention and gambling regulation.

Key words: online gambling, criminology, gambling, digital economy, crime.

Introduction

The development of digital technologies has fundamentally transformed society's interaction with various economic sectors, including the gambling industry. The expansion of online gambling, driven by high-speed internet, mobile technology advancements, and digital payment systems, has created a new segment within the industry characterized by high accessibility and anonymity. This transformation not only contributes to the sector's economic growth but also generates significant legal and criminological challenges that require thorough analysis.

At the international level, digital gambling is recognized as a sector with high criminogenic potential. According to the United Nations (UN), the gambling industry is often used for money laundering and financing illegal activities, including transnational criminal organizations. The World Trade Organization (WTO) and the United Nations World Tourism Organization (UNWTO) also emphasize the need for stricter regulation of online gambling, considering its socio-economic implications [1].

One of the key criminological aspects of online gambling is its connection to economic and cybercrime. Reports from the Financial Monitoring Agency, which actively combats money laundering through virtual gambling, indicate a rise in cases of illicit financial flows within this sector, posing additional challenges for financial control systems. In 2024, more than 4,800 online casino websites were shut down, and 41 financial pyramids were dismantled, with 4.6 billion tenge reimbursed to victims [2]. Additionally, in January 2024, the Ministry of Internal Affairs, in cooperation with the National Security Committee and under the coordination of the General Prosecutor's Office, conducted a large-scale special operation that dismantled the largest illegal online casino network operating under the guise of lottery clubs [3].

Given these circumstances, a comprehensive criminological and legal analysis of online gambling is crucial. Examining existing regulations and international practices can help identify potential improvements to Kazakhstan's legislation and develop effective measures to prevent gambling-related crimes in the digital space.

For Kazakhstan, this issue is particularly significant due to the rapid expansion of the digital economy and the growing internet landscape. Digitalization affects all areas of life, including financial technologies and e-commerce. However, alongside the positive aspects of digital transformation, there is an increasing threat posed by the uncontrolled proliferation of online gambling.

Despite legal restrictions, effective control over illegal online gambling remains a challenge, as many internet platforms operate on foreign servers and use cryptocurrency mechanisms for financial transactions, making regulatory enforcement difficult.

The expansion of online gambling brings a range of criminological risks. Foremost among these are economic crimes, including fraud, illegal business operations, and money laundering. Unregistered and illegal online casinos serve as convenient tools for financial manipulations, tax evasion, and concealing financial flows.

Moreover, the high level of anonymity in the digital environment facilitates citizens' involvement in illegal gambling, including underage participation. Despite legal restrictions regulating gambling, the digital nature of online gambling complicates monitoring and law enforcement. Authorities face challenges in identifying criminal schemes and establishing the

identities of participants. As noted by A.V. Serebrennikova, weak cooperation between domestic and foreign law enforcement agencies hinders the detection of internationally organized gambling crimes, as online gambling often operates across borders. This, in turn, makes it difficult to identify offenders and suppress illegal activities [4].

Another significant threat is the rise in property crimes linked to gambling addiction. Financial losses caused by uncontrolled gambling frequently lead to theft, fraud, and other crimes committed to cover debts. Research indicates that gambling addiction destroys families, pushes individuals into permanent financial and personal crises, provokes other addictions (such as alcoholism and drug abuse), and can even result in suicide [5].

A crucial issue in the context of online gambling is its potential link to organized crime. Global institutions such as the UN and FATF have repeatedly emphasized the dangers of its misuse in transnational criminal activities. Addressing these risks requires robust state oversight and the development of effective countermeasures.

In the context of Kazakhstan, Internet betting crime is still a growing area that requires a diverse strategy. Compared to gambling offenses, online platforms pose hurdles that demand creative methods for identifying, examining and stopping them. The uniqueness of this research lies in scrutinizing cyberbetting crimes using crime analysis frameworks while measuring Kazakhstan's systems, against global standards.

The research results are important, for improving government policies related to gambling regulations and preventing crime associated with it. By cracking down on casinos and addressing criminal activities linked to digital gambling in a more structured legal framework can help create a more effective regulatory environment and lower the risk of criminal behavior.

In light of the growth of the economy and the rising popularity of online gambling, Kazakhstan today needs to adopt international standards within its legal system to ensure a smooth integration process. It is crucial to enhance government supervision mechanisms and update law enforcement approaches while also improving collaboration, among agencies to effectively address the challenges posed by crimes linked with gambling industry.

Materials and methods

The research, on the aspects of gambling in Kazakhstan took a thorough approach by examining national laws on gambling and gathering data from the Financial Monitoring Agency and the Bureau of National Statistics along with reports from global bodies like the UN and WTO and academic studies on online gambling concerns. The study employed methodologies such, as analyzing regulations and conducting legal comparisons to understand the system better. This method helped pinpoint threats and suggested ways to enhance the crime prevention system in this region.

Results and Discussion

The progress of technologies has led to changes, in gambling, as it has shifted to online realm and introduced new variations. Online gambling encompasses a range of games of chance

conducted in virtual spaces through digital technologies, including internet platforms, mobile applications, and blockchain systems.

In legal practice and academic literature, the term "gambling" refers to activities in which participants place bets on events with uncertain outcomes, risking financial losses or property forfeiture [6]. This highlights the inherent risk and uncertainty characteristic of gambling. In Kazakhstan, this activity is regulated by the Law of the Republic of Kazakhstan "On Gambling Business" (2007) [7], which defines gambling as an entrepreneurial activity involving the organization and conduct of games of chance and/or betting. However, the law primarily focuses on traditional gambling formats and does not fully address the specific nature of online casinos, poker rooms, and other digital forms of gambling.

From a criminological perspective, online gambling can be classified according to several criteria. Based on its format, it includes:

- Online casinos featuring games with random number generators (e.g., roulette, slot machines);
- Online poker and card games hosted on specialized platforms;
- Betting exchanges that allow wagers on sports and other events;
- Digital lotteries and raffles;
- Crypto casinos utilizing blockchain technology and cryptocurrencies for gaming [8].

Additionally, online gambling can be categorized as either legal, operating under state control, or illegal, functioning outside established regulations. The latter poses the highest criminological risk, as it is frequently associated with money laundering, fraud, and the financing of criminal activities. Despite the ban on online casinos, access remains available through foreign platforms, complicating law enforcement efforts. To block illegal gambling websites, Kazakhstan's legislation provides several mechanisms. The Ministry of Digital Development, Innovation, and Aerospace Industry of the Republic of Kazakhstan, the authority responsible for telecommunications, enforces such blocks based on decisions issued by the Prosecutor's Office [9].

The digitalization of financial and entertainment services has led to a rapid expansion of online gambling, driven by several key factors. First, internet technologies have enabled players to access gambling platforms anytime and from anywhere in the world, significantly broadening the audience. Second, the integration of modern payment systems, including e-wallets and cryptocurrencies, has facilitated financial transactions, making them more anonymous and less susceptible to state control.

The transformation of the gambling industry is also influenced by advancements in artificial intelligence and predictive algorithms, which are utilized in both betting management systems and fraudulent schemes [10]. So-called "bonus traps" and manipulations of winning odds have become common practices among unscrupulous online gambling operators. Additionally, the darknet has attracted significant attention from criminal organizations, as illegal casinos, match-fixing bets, and cryptocurrency platforms are widely used for illicit activities.

At the international level, the regulation of online gambling lacks uniform standards due to differences in legal systems and cultural contexts across countries. However, some international organizations are making efforts to develop common regulatory approaches.

Within the framework of the WTO, gambling-related services fall under the General Agreement on Trade in Services (GATS). This means that member states may commit to liberalizing the gambling market. However, the regulation of online gambling remains at the discretion of national governments, resulting in diverse regulatory approaches and the absence of standardized norms.

A key precedent in this area is the case United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services (DS285). In this dispute, Antigua and Barbuda argued that U.S. laws prohibiting the provision of online gambling services from abroad violated the country's GATS commitments. The WTO Appellate Body ruled that while the U.S. could take measures to protect public morals, such measures must be consistent and non-discriminatory. In this case, it was found that certain forms of remote betting, such as horse race betting, were permitted domestically, raising doubts about the justification for a blanket ban on foreign online gambling services [11].

The UN does not have specialized documents dedicated to online gambling. However, in its efforts to combat transnational organized crime and money laundering, it emphasizes the need to monitor financial flows associated with gambling, including its digital forms. The UN Convention against Transnational Organized Crime (Palermo Convention) and the UN Convention against Corruption contain provisions aimed at preventing the use of the gambling industry for criminal purposes.

In addition to these conventions, the United Nations Office on Drugs and Crime (UNODC) has published a report addressing illegal betting and its links to organized crime and money laundering. The report highlights that criminal groups exploit illegal sports betting not only to launder proceeds from other illicit activities but also due to the high profitability of such operations [12].

In 2014, the European Commission issued Recommendation 2014/478/EU, aimed at protecting consumers and online gambling participants while preventing minors from engaging in gambling. Key provisions of this document include ensuring transparency among operators, implementing measures to safeguard vulnerable groups, and preventing criminal activities related to online gambling. The Recommendation urges EU member states to adopt these measures to create a secure and responsible online gambling environment [13].

As previously noted, gambling activities in the Republic of Kazakhstan are regulated by the Law "On Gambling Business" dated January 12, 2007, No. 219-III [7]. This law establishes the legal framework for organizing and conducting gambling activities, defines the requirements for operators and participants, and provides for state control and supervision measures.

According to Article 11 of the law, gambling establishments, bookmakers, and totalizators (betting offices) are permitted only in designated gambling zones. Currently, Kazakhstan has two such zones: the Shchuchinsk-Burabay resort area in the Akmola region and the Kapshagay zone in the Almaty region. Any gambling activities outside these zones are prohibited and subject to administrative and criminal liability.

Regarding online gambling, Kazakhstan's legislation does not explicitly prohibit citizens from participating in foreign internet casinos. In 2024, amendments were introduced to strengthen control over bookmakers and totalizators. Since February 12, 2024, they have been required

to integrate their hardware and software systems with the information systems of the State Revenue Committee for automated data transmission on bets and winnings [14]. Additionally, as of September 9, 2024, advertising of bookmakers and totalizators has been banned in mass media, on transport, and in outdoor advertising, except in specific cases [15].

As part of the Comprehensive Plan to Combat Illegal Gambling and Gambling Addiction for 2024-2026, measures have been implemented to reduce the number of regular gamblers and increase the number of blocked illegal online casinos [16].

Despite the existing legal framework, the regulation of online gambling in Kazakhstan faces several challenges and gaps. First, the Law of the Republic of Kazakhstan "On Gambling Business" primarily targets traditional forms of gambling, such as casinos and gaming halls, without addressing the specifics of digital platforms.

Second, controlling foreign online casinos operating in Kazakhstan presents significant difficulties. Citizens have unrestricted access to numerous international gambling websites, complicating efforts to monitor and prevent offenses related to money laundering and terrorism financing.

In response, Kazakh authorities are tightening regulatory measures. Specifically, the Ministry of Culture and Sports of the Republic of Kazakhstan has approved regulations for systematically collecting and analyzing online content to identify unlicensed internet casinos and foreign bookmakers. These measures aim to detect and block illegal online gambling platforms [17].

Third, the current state oversight and regulatory mechanisms are not fully adapted to modern digital realities. The lack of effective tools for monitoring online transactions and identifying participants in gambling activities limits law enforcement agencies' ability to prevent and investigate crimes in this sector [18].

To address these challenges, it is essential to improve the regulatory framework, considering international experience and contemporary trends in digital technology development. Efforts must be made to create and enforce measures that control gambling activities to safeguard consumer interests and thwart the potential exploitation of the gambling sector, for illicit activities.

The rise of technologies and easy access, to the internet have resulted in a surge in online betting activities that have subsequently fueled the emergence of fresh criminal behavior patterns within this sphere of virtual gambling exploration and study offer insights into the primary criminal activities rampant, in this domain.

Online betting is often associated with practices, like fraud where dishonest websites exploit users and run away with their money to escape responsibility afterwards. Besides that, online casinos are also used by criminals for money laundering purposes to make their illicit profits seem legitimate. There are also worries about gambling sites and cyberattacks that target casino systems to steal information or demand money. All these issues contribute to a lack of trust in the industry. Emphasize the need, for regulations.

Kazakhstan has recently seen an increase in gambling activities. This growth is especially noticeable in the online realm according to data from the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan for the first nine

months of 2024 shows that gambling and betting services have emerged as a dominant sector within all service industries during this period. This development highlights the swift expansion of online gambling in the nation and its growing availability to the public [19].

There has been an increase, in gambling related crimes; however official data on these specific offenses is limited due to challenges in identifying and categorizing them and the lack of effective monitoring systems, in place.

Individuals, from backgrounds are heavily impacted by crimes associated with online gambling; young people and those with limited financial knowledge are especially, at risk. According to a parliamentary inquiry, approximately 350,000 Kazakhstanis suffer from gambling addiction, with adolescents comprising a significant proportion. The financial burden on gambling addicts is severe, with an average debt reaching 10 million tenge. The social impact is profound, contributing to family breakdowns, criminal activity, and even suicides [20].

Moreover, online gambling participants frequently fall victim to fraudulent schemes involving fake casinos and unauthorized betting platforms. The digital nature of these operations exposes users to cybercrimes such as identity theft and financial fraud. In addition to personal financial losses, gambling addiction often drives individuals to commit offenses like theft and deception in an attempt to settle accumulated debts.

The development of online gambling addiction is driven by a complex interplay of psychological and social factors. Psychologically, factors include emotional dissatisfaction, escapism, the pursuit of thrill and novelty, impaired self-control, and increased impulsivity. Individuals experiencing inner emptiness or dissatisfaction may turn to online gambling as a means of escaping reality and temporarily relieving emotional distress. Internet gambling offers intense emotional experiences and a sense of risk, attracting sensation-seekers. Those with high impulsivity and difficulties in controlling their actions are particularly vulnerable to pathological gambling, especially given the constant accessibility of online platforms [21].

Social factors contributing to gambling addiction include the widespread availability and anonymity of online gambling, aggressive marketing strategies of gambling operators, insufficient public awareness of potential risks, and a lack of effective prevention programs. Internet technologies provide 24/7 access to gambling, enabling users to participate from anywhere in the world, significantly increasing addiction risks. Online casinos and betting companies aggressively target vulnerable populations with tailored advertisements, leading to a rise in gambling participation [22]. The absence of effective educational programs and preventive measures results in many users being unaware of the risks associated with online gambling, further fueling addiction rates [22].

In Kazakhstan, law enforcement agencies play a crucial role in detecting and addressing crimes related to online gambling. Their responsibilities include monitoring cyberspace, identifying illegal platforms, and prosecuting those involved in organizing unlawful gambling activities. The introduction of criminal liability for operating online casinos has enhanced law enforcement capabilities in countering such offenses.

The efficiency of these measures largely depends on interagency collaboration and the exchange of information among relevant state bodies, including those responsible for cybersecurity and financial monitoring. In 2023, more than 1,780 online resources suspected

of facilitating illegal gambling were added to the "Cyber Oversight" information system, underscoring the importance of coordinated efforts in tackling online gambling violations [23].

Regulatory approaches to online gambling differ significantly worldwide, shaped by each country's cultural, economic, and legal contexts. Within the European Union (EU), there is a prevailing trend toward legalization and strict regulation of online gambling. Many Western European countries have established comprehensive legal frameworks governing the online gaming industry, enabling authorities to supervise market operations and safeguard consumer interests.

In the United States, online gambling regulations vary across states, reflecting differing policy choices. While jurisdictions like New Jersey have legalized and strictly regulate online gambling by imposing stringent requirements on operators and ensuring comprehensive oversight, other states maintain prohibitions, leading to a fragmented regulatory landscape. According to Thomas E. Lambert's research, New Jersey became the first state to legalize sports betting outside Nevada in May 2018, following a U.S. Supreme Court ruling that invalidated the federal ban on sports betting in states other than Nevada and the District of Columbia [24].

Singapore has adopted a highly restrictive approach to online gambling, prohibiting most forms of such activities. However, legislative amendments in 2016 introduced limited exemptions, allowing certain state and charitable organizations to offer online gambling services under strict government supervision [25]. This approach aims to mitigate potential social harms while addressing consumer demand for regulated gambling services. To curb unauthorized online betting activities, the Singaporean government enacted the Remote Gambling Act, which imposes financial penalties and imprisonment for both operators and users of unlicensed gambling platforms. In 2016, Singapore Pools and Singapore Turf Club were granted licenses to provide regulated online betting services.

Notably, the Remote Gambling Act includes provisions that distinguish games not based entirely on chance from traditional gambling activities. However, unlike in the United States, where such distinctions have been legally analyzed, Singapore has yet to assess the legal classification of fantasy sports under this framework. Nevertheless, indications suggest that Singaporean legislators consider fantasy sports as games requiring a certain degree of skill. In 2021, a proposal was introduced to consolidate regulatory functions under the newly established Gambling Regulatory Authority (GRA), potentially leading to further legislative clarifications regarding the legal status of fantasy sports [26].

International experience indicates that the legalization and licensing of online gambling, under a well-regulated framework, can contribute to reducing crime in this sector. Establishing formal oversight mechanisms enhances transparency in gambling operations, ensures consumer protection, and helps prevent financial crimes such as money laundering.

The implementation of clear regulatory standards for online gambling operators, combined with robust monitoring and enforcement mechanisms, reduces the risks associated with illegal activities and fosters a safer market environment. By analyzing global regulatory practices and adapting effective measures to Kazakhstan's legal framework, policymakers can improve national online gambling legislation, strengthen regulatory oversight, and mitigate gambling-related criminal activities.

Conclusion

President of the Republic of Kazakhstan, Kassym-Jomart Tokayev, has identified gambling addiction as one of the five major social evils facing the country, underscoring the urgency and significance of this study. The research confirms the high criminological risks associated with online gambling and highlights its role in the rising prevalence of gambling addiction in Kazakhstan. The findings reveal key factors contributing to crime in this sphere: the legal uncertainty surrounding digital platforms, challenges in monitoring illegal online casinos, and the population's insufficient financial literacy. The analysis demonstrates that current legislation, primarily designed for traditional gambling businesses, fails to fully address the specifics of online gambling, creating opportunities for money laundering, fraud, and illicit entrepreneurship.

These results expand existing scientific perspectives on the criminological aspects of online gambling and emphasize the need for a systematic approach to tackling this issue. A comprehensive analysis suggests that effective crime prevention in this area requires coordinated efforts from law enforcement agencies, financial institutions, educational organizations, and the adaptation of international best practices to national conditions. In conclusion, the study of online gambling's criminological aspects in Kazakhstan has identified several key characteristics and challenges associated with this phenomenon:

Firstly, online gambling has been found to have significant criminogenic potential, providing a favorable environment for crimes such as fraud, money laundering, and illegal business activities.

Secondly, the analysis revealed that the current legislation of the Republic of Kazakhstan on the gambling industry does not fully account for the specifics of digital platforms. This creates challenges in regulating online gambling and combating related crimes.

Thirdly, the study identified key factors contributing to the spread of online gambling, including wide accessibility, anonymity, the development of digital payment systems, and insufficiently effective state control.

Lastly, the most vulnerable population groups exposed to the negative effects of online gambling have been determined, particularly young people and individuals with low financial literacy.

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The contribution of the authors:

The authors, **Taubayev B.R., Seriev B.A., Issakhov B.S.**, contributed equally to the writing of the article and the conduct of the study. Each author provided important information that played a significant role in shaping the study.

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Азартные игры в цифровую эпоху и криминологические вызовы преступлений в сфере онлайн-гемблинга

Аннотация: В условиях активного развития цифровой экономики и расширения интернет-пространства в Казахстане, проблема онлайн-гемблинга и связанных с ним криминологических рисков приобретает особую актуальность. Целью исследования является комплексный анализ криминологических аспектов онлайн-гемблинга, выявление основных видов преступлений в данной сфере, а также разработка предложений по совершенствованию законодательства и мер профилактики. Научная новизна исследования заключается в рассмотрении преступлений в сфере интернет-гемблинга через призму современных криминологических теорий и оценке эффективности действующего законодательства Казахстана с позиций международных стандартов. Практическая значимость определяется вкладом в совершенствование государственной политики в сфере регулирования азартных игр и профилактики преступлений. В результате исследования выявлены основные криминологические риски, связанные с онлайн-гемблингом, такие как мошенничество, отмывание денег и незаконная предпринимательская деятельность. Установлено, что существующее законодательство Республики Казахстан в сфере игорного бизнеса в недостаточной степени учитывает специфику цифровых платформ и требует совершенствования с учетом международного опыта. Проведенное исследование вносит вклад в развитие криминологической науки, расширяя представления о современных формах преступности в цифровой среде. Итоги работы имеют практическое значение для правоохранительных органов и органов государственного управления в сфере противодействия преступности и регулирования игорного бизнеса.

Ключевые слова: онлайн-гемблинг, криминология, азартные игры, цифровая экономика, преступность.

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Цифрлық дәуірдегі құмар ойындар және интернеттегі құмар ойындардағы қылмыстардың криминологиялық мәселелері

Андатпа. Қазақстанда цифрлық экономиканың белсенді дамуы және интернет-кеңістіктің кеңеюі жағдайында онлайн-құмар ойындар және онымен байланысты криминологиялық тәуекелдер проблемасы ерекше өзектілікке ие болады. Зерттеудің мақсаты онлайн-құмар ойындардың криминологиялық аспектілерін кешенді талдау, осы саладағы қылмыстардың негізгі түрлерін анықтау, сондай-ақ заңнаманы және алдын алу шараларын жетілдіру бойынша ұсыныстар әзірлеу болып табылады. Зерттеудің ғылыми жаңалығы – интернет-гемблинг саласындағы қылмыстарды қазіргі криминологиялық теориялар тұрғысынан қарастыру

және Қазақстан Республикасының қолданыстағы заңнамасының тиімділігін халықаралық стандарттар негізінде бағалауда көрініс табады. Практикалық маңыздылығы – құмар ойындарды реттеу және қылмыстың алдын алу саласындағы мемлекеттік саясатты жетілдіруге қосқан үлесімен айқындалады. Зерттеу нәтижесінде онлайн-гемблингпен байланысты негізгі криминологиялық қауіптер: алаяқтық, ақша жылыстату және заңсыз кәсіпкерлік қызмет анықталды. Қазақстан Республикасының ойын бизнесі саласындағы қолданыстағы заңнамасы цифрлық платформалардың ерекшеліктерін жеткілікті ескермейтіні және оны халықаралық тәжірибені ескере отырып жетілдіру қажет екені анықталды. Жүргізілген зерттеу криминология ғылымының дамуына үлес қосып, цифрлық ортадағы қазіргі қылмыс түрлері туралы түсініктерді кеңейтеді. Жұмыстың қорытындылары құқық қорғау органдары мен қылмыспен күрес және ойын бизнесін реттеу саласындағы мемлекеттік басқару органдары үшін практикалық маңызға ие.

Түйін сөздер: онлайн құмар ойындар, криминология, құмар ойындар, цифрлық экономика, қылмыс.

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