

**Between the State and the Market:
The Role of Criminal Law in the Regulation of P2P Platforms in China**

**by Assistant Professor Michelle Miao
The Chinese University of Hong Kong**

**Chairperson: Assistant Professor Lin Lin
NUS Law**

Friday, 12 April 2019

12pm to 1pm

**Lee Sheridan Conference Room, Eu Tong Sen Building
NUS Law (Bukit Timah Campus)**

ABSTRACT

China's digital platforms have become the engine of economic development and technological innovation. Among these emerging economic institutions are P2P financial platforms. After a decade of exponential rise, P2P platforms have experienced a systematic meltdown during the past three years. To date, there has been a dearth of research, empirical or theoretical, on the state's responses to digitalized fund-raising in China. This proposed research fills this gap by focusing on the role of criminal law as a regulatory tool to govern P2P platforms. Three interrelated issues are subject to its critical examination: 1) the interface between non-criminal regulation and the criminal process and the proper role of criminal law in the regulation of P2P platforms; 2) the discretion exercised by criminal authorities in prosecution, conviction and sentencing; and 3) the social and political logic underpinning using criminal law as an instrument to regulate P2P platforms.

The main contributions of the project are threefold. First, the proposed pioneering empirical research will present first-hand data and provide a comprehensive overview of the criminalisation of China's P2P platforms. Second, the research will explore the interface between and the boundary of non-criminal regulation and criminalisation in the governance of P2P platforms. Finally, it develops theoretical perceptions concerning a critical question: whether criminal law is an instrument employed by the state to manage regulatory deficiency and control financial (and indirectly, political) risk.

ABOUT THE SPEAKER



Michelle Miao is an Assistant Professor of law, the Chinese University of Hong Kong and the deputy director of Centre of Rights and Justice in CUHK Law. Professor Miao teaches in the areas of criminal law and Chinese legal system. Among Professor Miao's research interests are the intersections between the domains of criminology, human rights, socio-legal studies and international law. Michelle's recent scholarship focused on the administration of criminal law and policies in China and the United States. Professor Miao conducted research in the capacity of New York University's Global Fellow, University of Oxford's Howard League Fellowship and British Academy's prestigious Postdoc Research Fellow. Professor Miao has authored book chapters and peer-reviewed journal articles published in American Journal of Comparative Law, Hastings International & Comparative Law Review, Cardozo Journal of International & Comparative Law and Cardozo Public Law, British Journal of Criminology, Theoretical Criminology, International & Comparative Law Quarterly and International Journal of Law, Crime & Justice. Her scholarship and commentaries have been featured in various international media outlets, including The Guardian, Financial Times, Wall Street Journal and The Globe and Mail.

REGISTRATION

There is no registration fee for this seminar, but seats are limited.
There is selected light lunch provided upon registration.

Closing Date: **Friday, 5 April 2019**

For enquiries, please contact Chris Chan at asli@nus.edu.sg

To register, go to <https://goo.gl/KaXDcj>

Or scan the QR code

