



Dr. *Jing Lin* holds a master's degree (LL.M.) from the China University of Political Science and Law, Beijing, and a master's degree (LL.M.) from the University of Freiburg, Germany. As a doctoral student she was a member of the International Max Planck Research School on Retaliation, Mediation and Punishment (REMEP). She has been working as a researcher at the Max Planck Institute for Foreign and International Law (MPI) and K&L Gates (Frankfurt office). Currently, she is a senior researcher at the MPI and member of the "Center for Chinese Legal Studies", based at the MPI in Freiburg.

Is criminal law an effective instrument to control corporate crime? Do alternative control instruments exist? Is it possible to conduct corporate compliance programs in developing economies? Are Western-developed control theories applicable in other regions? Using money laundering control in Chinese banking institutions as an example, this book provides answers to these questions.

Three severity escalated control systems, i.e., self-control, administrative control, and penal control, are introduced by the author, and the legal framework of each of these approaches – as well as their practical advantages and limitations – are observed. The author concludes that none of the individual control instruments are, on their own, capable of successfully controlling corporate crime and promoting compliance. Control instruments are interdependent, meaning that each is incomplete without the other. Therefore, a comprehensive control approach that includes persuasive strategies and deterrence strategies is essential for sound compliance. In addition to the involvement of various control instruments, a comprehensive approach also requires proper linkage between these instruments.

To answer the critical question of when to take a persuasive strategy and when to take a deterrence strategy, the author proposes a "distinction approach". This would abandon the model of "one size fits all" and underline various distinctions that should be given special attention in choosing control instruments.

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Self Control, Administrative Control,  
and Penal Control

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The Max Planck Institute for Foreign and International Criminal Law in Freiburg is part of the Max Planck Society, an organization dedicated to the advancement of basic research. The Institute is composed of a Department of Criminal Law, led by Prof. Dr. Dr. h.c. mult. Ulrich Sieber, and a Department of Criminology, headed by Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht.

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