

Legal Systems and Boundaries for the Punishment of International Commercial Crimes

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Abstract. This paper focuses on the definition of international commercial crime, how to punish international commercial crime, what legal systems have been introduced to punish international commercial crime, and how to distinguish international commercial crime from ordinary commercial behavior. With the continuous development of the globalization of the world, the mutual integration and collision of economy, commerce, culture, and politics have become more and more obvious and frequent. The mutual integration of different countries and regions in commerce and economy has led to various manifestations of commercial behavior, which inevitably lead to some commercial activities that go beyond normal commercial behavior under the guise of commercial behavior. These behaviors have a negative impact on the international business environment to make huge profits. Some of these acts have even harmed the interests of other countries to the extent of being illegal and criminal.

Keywords: International Commercial Crime; Punishment; Legal System

1. Introduction

International commercial crime is a concomitant of international business activities, which not only damages the global market order and international trade environment but also affects the political image and diplomatic relations of a country, so it becomes especially important to punish international commercial crime. With the increasing commercial ties between countries in recent years, countries are actively involved in the legal contracting of international commercial crimes, for example, transnational commercial bribery is one of the common crimes in international commercial crimes. According to the World Bank's assessment, the annual amount of commercial bribery worldwide is approximately \$1 trillion, and nearly 40 percent of the more than 3,600 multinational enterprises in 69 countries engage in commercial bribery. As transnational commercial bribery became more prevalent, the United States first enacted the U.S. Foreign Corrupt Practices Act (FCPA) in 1977[1], pioneering legislation to address transnational commercial bribery. The UN has also put in place measures to prosecute the equivalent International Commercial Crimes. For example, the United Nations Convention against Corruption, which entered into force on December 14, 2005, is the first legal document in the history of the United Nations to guide the international fight against corruption, and it provides legal regulation on issues such as corruption prevention, the definition of corruption crimes, international cooperation against corruption, and the recovery of illegal assets, and it is extremely important to countries in strengthening their anti-corruption efforts.[2] It is important for countries to strengthen domestic anti-corruption actions, improve the effectiveness of anti-corruption and promote international cooperation in anti-corruption.[3] At the same time, the International Chamber of Commerce Business Crime Bureau has been established to regulate International Commercial Crimes. The punishment of international commercial crimes has become an important issue in international trade transactions, and countries have adopted legislative acts to protect commercial behaviors between countries. Therefore, it is particularly necessary to study the legal system and boundaries of international commercial crimes. Because of the diversity of international commercial behaviors and their manifestations, there is no single type of international commercial law crime, so this paper will not list all commercial behaviors, but this paper will select the commercial crimes that are more prominent and frequent in the international society nowadays to argue and analyze from specific crimes to explain the legal system and boundaries of punishing

international commercial crimes. Since the author is from China, he will also include the analysis of the legal system and measures to punish International Commercial Crimes between China and the international community, which will eventually lead to how to better maintain the international business environment and better conduct international business. This paper firstly discusses the definition and specific crimes of International Commercial Crimes, secondly analyze the boundaries of International Commercial Crimes, what are the standards and tolerance of business crimes in China and developed countries, and thirdly discusses what legal systems have been introduced in the international community to punish business crimes, and fourthly discusses what deficiencies exist in China and the international community regarding business crimes, and how to The fourth part focuses on what are the shortcomings of commercial crimes in China and the international community today, and how to improve them to promote the development of international business and punish international commercial crimes more effectively.

2. Literature Review

2.1. Background

To explore international commercial crime is inevitable to review the development of international commerce and international commercial law, precisely because criminal activities accompany the development of international commerce, international commercial law also needs to be improved and developed with the emergence of new forms of commercial crime. International commercial law is an ancient jurisprudence discipline, its scope of adjustment from the original range of commercial transactions to expand the scope of trade management norms, from the nature is no longer limited to private law; from the sale of goods to expanding the trade in technology, trade in services. Compared with domestic law, its sources include not only national legislation and international treaties, but also international practices that are not ipso facto binding. With the continuous development of the world economy, international trade between businessmen is increasingly influenced by the norms set by national and even international organizations. Natural persons, legal persons, other economic organizations, states, and international organizations, are the protagonists on the stage of international trade. Whether from the legal source or the analysis of the commercial subject, the performance of international business behavior with the development of the economy and technology presents a variety of forms of expression, precisely because the international business subject is no longer a simple natural person and legal person, but developed into a subject with national characteristics and organizational characteristics, so the commercial behavior is not only behind the simple economic factors, some even mixed with political and diplomatic The legal source of international commercial law is different from national law, and it contains certain international practices, so it needs to test the ability of international commercial subjects to comply with it independently, and also puts forward higher requirements for the improvement of the international system. Therefore, in such a complex and not easy to unify regulatory environment, international commercial crime will breed. Throughout the development of international trade, international commercial crimes have become a concomitant of international commercial development, such as international commercial bribery crimes, international money laundering crimes, etc. Since the end of the 19th century, under the growing development of international commercial transactions, governments have been actively involved in unifying the rules of international commercial transactions, working to build a uniform and comprehensive conflict resolution mechanism, and gradually refining international commercial conduct and seeking measures to address international commercial crimes, making the state the most important force driving the change of traditional international commercial law.

2.2. International Commercial Bribery Crimes

Since the growing development of international business, International Commercial Crimes have become increasingly frequent, the most widespread of which is the act of an operator secretly giving property or other advantages to persons involved in the transaction and other relevant persons capable

of influencing the transaction in order to gain access to the transaction, which in the international community is known as international bribery. prohibit domestic enterprises from bribing foreign officials, and even considered that transnational commercial bribery could facilitate the conduct of their foreign economic activities. With the development of the world political and economic situation, the negative effects of transnational commercial bribery have gradually emerged. In terms of regional international commercial anti-bribery crimes, on July 10, 1975, a regional international agreement, the Resolution on the Conduct of Transnational Corporations, was signed between the Organization of American States (OAS)[4], which established bribery of foreign officials as a criminal act.

As of 2013, the crime of corruption is becoming a global problem, so the development of a global international convention against commercial bribery is urgent. The worlds first global convention against transnational organised crime was adopted by the 55th UN General Assembly on November 15, 2000.[5] It states that States Parties shall adopt the necessary legislative and other measures to make participation in organised criminal groups, money laundering, corruption, and obstructing the administration of justice criminal offences and mandates all States Parties to take these measures. The UN Convention against Corruption was approved on October 31, 2003, during the 51st plenary session of the 58th UN General Assembly. This Convention is the most influential and extensive international criminal law convention that comprehensively regulates and punishes commercial bribery as its central content. The Convention is of great significance to countries in strengthening domestic anti-corruption actions, enhancing anti-corruption effectiveness, and promoting international cooperation against corruption. It sets legal guidelines for the prevention of corruption, the definition of corruption crimes, international cooperation against corruption, and the recovery of illicit assets.[6] In 1977, the International Chamber of Commerce published the Report on Extortion and Bribery in Commercial Matters, calling on governments, international organizations, and the business community to assist and support each other.[7] In 1977, the ICC published its Report on Extortion and Bribery in Commercial Matters, which called on governments, international organizations and the business community to assist and support each other in combating extortion and bribery in international business transactions, and also proposed the development of the ICC Code of Business Conduct (hereinafter referred to as the "Code"). The first global anti-corruption agreement signed by industrialised nations, the Convention on Combating Bribery of Foreign Public Officials in International Business (hereafter referred to as "the Convention"), was adopted by the OECD on November 21, 1997. The international community is generally aware that bribery has increased in prevalence among international business activities, harming both governments reputations and economic growth while also undermining the normal competitive environment of the global marketplace and raising significant moral and political concerns. The international community must improve collaboration and oversight given that it is the duty of every nation to combat bribery in transnational corporate activity. Each State Party is required under Article 1(2) of the Convention to take the necessary steps to guarantee that taking part in a conspiracy,[7] which includes encouraging, assisting, abetting, or enabling the bribery of a foreign public official, is deemed to be illegal. One of the most comprehensive international treaties outlining the crime of international business bribery is this one. According to the Convention, each party must take all necessary steps to guarantee that bribery used to benefit foreign public officials, as well as the unlawful proceeds of bribery or property that is similar to them, are subject to seizure, confiscation, or the imposition of appropriate fines.

2.3. International Money Laundering Crimes

In the new century, as economic globalization continues to grow, international money laundering crimes are emerging and growing. This makes it particularly important to strengthen international cooperation against money laundering. The Financial Action Task Force (FATF), has issued the 40 Recommendations on Money Laundering, which are the most important and fundamental standards in the field of anti-money laundering and are now commonly adhered to by countries around the world.[8] A new revised version was adopted on June 20, 2003. The 40 Recommendations provide

the basic framework for a global anti-money laundering regime and set out the basic principles of anti-money laundering in all areas of anti-money laundering, including the criminal justice system, law enforcement, the financial system, and regulatory authorities. Although not a mandatory document, the 40 Recommendations have been supported by many international organizations, including the United Nations, and many countries have made political commitments to implement the 40 Recommendations to combat money laundering.

Although the international community and countries now have appropriate anti-money laundering laws, in legal practice, no guarantee contracting states and other countries can comply with the regulations, so it is necessary to strengthen the anti-money laundering regulation and punishment of money laundering crimes. It is because of insufficient regulation and punishment that international money laundering activities are becoming more and more rampant.[9] Only by introducing more perfect and severe punishment measures an international money laundering organizations be deterred, national interests can be safeguarded in the complex international trade environment, international business practices can be better regulated, and the legal purpose of preventing crime by punishing crime can be ultimately achieved. In the process of continuous economic development, international commercial crimes are not only manifested in international bribery corruption crimes and international money laundering crimes of bad nature, with the progress of technology and the rapid development of electronic carriers, international fraud crimes are also born accordingly, these international fraud groups are rooted in different countries cross-border telephone fraud as well as credit card fraud, endless fraudulent ways make the global people and The international community should not only hope for the punishment of international commercial fraud in the country where the crime is committed, but also broaden the scope of the punishable jurisdiction from territorial jurisdiction to personal jurisdiction and public interest jurisdiction, not only the place of the crime as the punishable jurisdictional criteria, but also the place where the perpetrator of the crime belongs, the place where the result of the crime occurs, and the place where the victim belongs. The place where the result of the crime occurs and the place where the victim belongs should have jurisdiction to punish international commercial crimes. Since the target of fraud is no longer limited to the country but can be committed across multiple countries through electronic carriers, the scope of victims is global, so the punishment of international commercial fraud is urgent, which requires countries to join together and international organizations to act to establish perfect and effective punitive measures and legal systems to make up for the gap in the international community of international commercial crime. The United Nations and the OECD International Chamber of Commerce should focus on the gaps in international commercial crime, speed up the legislation on international commercial crime, establish a global information network on international commercial crime, strengthen the cooperation among countries on international commercial crime, encourage and urge countries to establish laws on international commercial crime and strengthen the supervision of international commercial behavior, seize the two gates of prevention and punishment, and jointly promote the development of international commerce and maintain the environment of international trade order. development and maintain the environment of international trade order.[10]

3. Analysis and Discussion

3.1. Definition of International Commercial Crime

International commercial crime refers to a commercial subject who, in the course of engaging in commodity production, commodity circulation, or commercial trade services, intentionally commits an act of profit that endangers the international commercial order, violates international commercial and criminal laws, and is liable for legal responsibility.[11] The subjective aspect of an international commercial crime is intentional, i.e., the commercial subject hopes or allows the result of the commercial activity to occur, knowing that the commercial activities will harm the interests of the international community; the subjective aspect is that generally qualified commercial subjects can be the subject of the criminal act, such as companies, natural persons, and state units; the objective aspect

is that the commercial subject commits the criminal act, i.e., the commercial subject in the commercial activity actually. The objective aspect is that the commercial subject has committed the criminal act, that is, the commercial subject has committed the criminal act for profit; the object aspect is that the act has objectively caused damage to the legal interests of the international community.[12] At the same time, the acts that are generally regarded as commercial crimes can cause economic and trade damages to one or more countries or even the whole international community, and some even violate the political rights and sovereignty of other countries, so it is particularly important to define what international commercial crimes are. Only by making a specific definition of international commercial crime can we better distinguish what is normal international commercial trade and what is criminal behavior, and because international commercial crime involves the economic interactions of different countries, therefore, while defining international commercial crime, we should also take into account the situation of different countries and give priority to the legal system of the victim country or the place where the victim belongs, neither "The definition of international commercial crime should also take into account the situation of different countries and give priority to the legal system of the victim country or the victims place of origin.[13]

The term international commercial crime itself does not have a specific definition at the international level, but there are definitions of specific international commercial crimes in the international community, such as international commercial bribery crimes and international money laundering crimes.[14-15] The crime of international commercial bribery is defined as a commercial entity promising, offering or actually giving, directly or indirectly, an improper advantage to a domestic or foreign public official or an official of a public international organization, or to any person who directs or works for a private sector entity in any capacity, in order that the public official act or refrain from acting in the performance of his or her official duties, or that a private sector A staff member who acts or fails to act in the course of his or her economic, financial or commercial activities in violation of his or her duties; or a domestic or foreign public official or an official of a public international organization or any person who in any capacity directs or works for a private sector entity knowingly solicits or accepts, directly or indirectly, an improper advantage for himself or herself or for another person or entity as a condition for his or her acting or failing to act in the performance of his or her official duties.[16]

The subjective aspect of the international commercial bribery offense excludes negligence and embodies only intent. The manifestation of intent is divided into indirect intent and direct intent, and the three types of bribery offenses outlined in articles 15, 16, and 21 of the UNCAC are all expressly provided for offenses committed intentionally. Article 28 of the Convention also specifies that the elements of knowledge, intent, or purpose that are present in the offenses established under this Convention may be presumed based on objective factual circumstances.[17] The objective aspect of the international commercial bribery offense is the violation of the economic interests of the international community and related legal interests, that is, the offense affects the undue advantage of a public official. The international community considers that improper benefits, whether material or of low value, must be criminalized and punished regardless of the value of the material bribe offered.[18-19] This approach also reflects the importance that the international community places on International Commercial Crimes, and the bribery offense includes, to the extent possible, any improper advantage or benefit that may influence the conduct of a public official, regardless of whether the advantage or benefit is measured in terms of monetary or economic value. While it is important to punish International Commercial Crimes, it is more important to prevent them, and the ultimate goal of punishing them is to prevent them and reduce their occurrence so that the international business environment can be better maintained and international business trade can be sustained.

The analysis of the crime of international commercial bribery is not only to better analyze the crime to find a way to punish it, but also to recognize what international commercial crime is through the explanation of the crime, to define the scope of international commercial crime[20-22]. Although the UNCAC is the most comprehensive and influential international criminal law convention that

punishes commercial bribery, its content only covers corruption, money laundering, and obstruction of justice. With the development of the international economy and technology, international commercial crimes have become more modern and faster, and new legal systems are needed to fill the gaps in today's international commercial crimes.[23] Therefore, not only the UN, OECD, ICC, and other international organizations should not only improve the legal system and punishments for international commercial bribery crimes, but also introduce new legal systems for new international commercial crimes, and countries should also comply with the new form, improve their relevant laws, strengthen supervision and cooperation, and make prevention before punishment.[24]

3.2. Definition of international commercial bribery offenses in China

In China, there has also been an increased focus on International Commercial Crimes, starting with the fact that China's punishment for commercial bribery is provided for in the Criminal Law, which provides for the crimes of passive bribery of non-state agents, active bribery of non-state agents, passive bribery, passive bribery of a unit, active bribery, active bribery of a unit, the introduction of bribery, and active bribery of a unit.[25] Although these are the domestic provisions for the punishment of the crime of commercial bribery in China, with the close development of international contacts, China has ratified the entry into force of the UNCAC in China by the Standing Committee of the National Peoples Congress, and Article 9 of China's Criminal Law also provides that for crimes under international treaties concluded by the Peoples Republic of China or to which it is a party, the Peoples Republic of China exercises within the scope of the treaty obligations assumed the exercise of This Law shall apply to the exercise of jurisdiction over the crimes provided for in international treaties to which the Peoples Republic of China is a party within the scope of its treaty obligations.[26] Therefore, improving the legal system for punishing commercial bribery crimes in accordance with the requirements of the UNCAC and effectively exercising China's jurisdiction is both an international obligation and a national power of China; However, establishing a solid international legal foundation for nations to effectively carry out criminal judicial cooperation in the area of anti-corruption is also facilitated by standardising the criteria for defining commercial bribery offences based on international treaties.[27] On the other hand, standardising the standards for classifying commercial bribery in accordance with international agreements also helps to provide a solid international legal framework for nations to better carry out criminal judicial cooperation in the anti-corruption area. At the same time, China should also pay attention to combating international and transnational commercial bribery crimes and should exercise jurisdiction over bribery committed by foreign companies and enterprises occurring in China, as well as bribery committed by Chinese companies and enterprises and their staff outside China, by Chinese criminal law and international conventions ratified by China and other treaties or agreements on international cooperation.[28] Even if the relevant country has already exercised jurisdiction following its laws or international conventions, the Chinese judicial authorities may still exercise jurisdiction.

Although China's legal system for bribery commercial crimes is not perfect, it is because of the shortcomings that there is room for progress, just as the international community's legal system for international commercial crimes still needs to be more perfect and the measures to punish international commercial crimes need to be more stringent.[29] Although the definition of International Commercial Crime in the international community is very general, as the name implies, International Commercial Crime is a criminal act in international business transactions, and the actions that can be recognized as a crime must be the act of endangering the relevant legal interests and be criminally responsible. The process of defining criminal acts is necessarily rigorous and cautious because criminal acts are different from general illegal acts, the punishment standard of criminal acts is more severe, and the infringement on legal interests is also serious.[30] Only by improving the legislative model more, refining the types of crimes, and increasing the scope of legal interest protection, can the authority of the legal system of international commercial crimes be strengthened more, and only then can the occurrence of international commercial crimes be better prevented, and the crimes and crime prevention be better punished through the strict punishment

standard, which is also the legal value that the punishment of international commercial crimes should achieve.

3.3. Borders of International Commercial Crime

The previous section set out the definition of commercial crime, so how do we distinguish between criminal acts and wrongful acts in international commerce? First of all, we should make it clear that criminal acts must be wrongful acts, but wrongful acts are not necessarily criminal acts. Unlawful acts that reach a serious level evolve into criminal acts, and their penalties and performance are more severe. But since the international community only exists to speak of International Commercial Crimes, there are no fixed standards to measure them, only legal documents for specific business crimes have been introduced, but there is no clear definition of business crimes and wrongdoings. Ultimately, this is because international commercial crime belongs to the adjustment field of international law, which involves complex commercial subjects, different from the definition of crime in national law, international commercial crime often involves a country's definition of commercial crime, because different countries have different standards for the definition of commercial crime, so the international community has no way to completely unified definition of what is an international commercial crime, only to the specific The international community can only introduce a legal system to punish the specific commercial crimes.[31] For example, in China, the criteria for commercial crimes must meet the relevant provisions of the Criminal Law of the Peoples Republic of China, while other illegal commercial acts are determined by the Civil and Commercial Law; for example, Chapter 20, Article 2 of the Swedish Penal Code provides that the subject of the bribery crime "employee" includes "a person who is entrusted with a task based on his or her position of trust"[32]. A person who has been given a task based on his or her position of trust. The task is to manage the legal or economic affairs of another person, or to independently perform work requiring qualified technical knowledge, or to supervise the management of the affairs or work". In addition, according to Article 201 of the Criminal Code of the Russian Federation on the crime of abuse of functions by persons performing managerial functions in commercial or other organizations,[33] commercial or other organizations include private sectors such as commercial organizations and non-state enterprises of any form of ownership, and persons working in these sectors can constitute the crime under this article.[34] Although some countries have included international commercial crimes in the field of criminal law, there are still countries in the international community whose criminal legislation does not include commercial crimes, so when international commercial crimes are committed, an international legal system is needed to adjust them, taking into account not only the seriousness of the crime but also the legal environment of different countries.

3.4. International Commercial Crime Jurisdiction

Transnational commercial crime jurisdiction is derived from territorial jurisdiction, personal jurisdiction, and protection jurisdiction. Territorial jurisdiction can be subdivided into subjective territorial jurisdiction, objective territorial jurisdiction, and the principle of effect, that is, the territorial scope, the place where the crime is committed, the place where the crime results, and the place where the crime effect is established as the connection point of jurisdiction. Territorial jurisdiction is one of the oldest and most indisputable jurisdictional principles[35]. Jurisdiction *ratione personae* refer to the right of a state to exercise jurisdiction over its citizens and entities, whether located within or outside its territorial city. Jurisdiction *ratione personae* refer primarily to positive personal jurisdiction, where a sovereign state has the right to bind its citizens and entities by its laws. Protection jurisdiction refers to the protection of national interests, where the violation of the interests of the national state or citizens is subject to the jurisdiction of national law, regardless of whether the perpetrator of the crime is a national or a foreigner, and regardless of whether the place of commission of the crime is within or outside the national territory. Among them, the application of national criminal law because of the violation of the interests of the country's state is called national protectionism; the application of national criminal law because of the violation of the rights and

interests of its citizens is called national protectionism or the principle of negative personal jurisdiction.[36]

The establishment of jurisdiction over international commercial crimes is of great significance, the exercise of jurisdiction, both to ensure that domestic and foreign parties receive equal protection, to protect the political, economic, diplomatic, and social interests of their countries, but also to respect the judicial sovereignty of other countries. With the increasing frequency of transnational commercial activities of offenders, territorial jurisdiction is no longer an absolute principle of international law. From the perspective of legislation and judicial practice, the jurisdictional influencing factors of transnational commercial crimes include relevant international treaty binding, national legal tradition, history and culture, judicial resources, and legal interest protection objectives. It is for this reason that the punishment of international commercial crime must be clear in international commercial crime jurisdiction. The establishment of jurisdiction should uphold the relevant legal principles. First, establish the principle of territorial jurisdiction priority. The priority of territorial jurisdiction is a basic principle of international law recognized internationally, because there is a close connection between the place of crime and the criminal act, and it is more convenient for the country of the place of crime to control the suspect and investigate the criminal act. For example, in transnational commercial bribery, the subsidiaries of multinational enterprises are legally registered and produced, operated in the host country, and are independent legal persons of the host country, and should be subject to the laws of the host country. The former Chairman of the United Nations Commission on International Trade Law (UNCITRAL), Mr. Schmitoff, stated that whenever the interests of the home country of a multinational enterprise and the interests of the host country of its foreign subsidiary conflict, as a matter of principle, the jurisdiction of the host country must prevail.[37] Second, the principle of reasonableness is established. The principle of reasonableness requires courts to weigh the pros and cons, exercise jurisdiction carefully, and achieve a reasonable balance between the home country's interests and foreign interests in exercising jurisdiction, and should not exercise extraterritorial jurisdiction if the foreign interests are judged to be significantly greater than the home country's interests. Third, the principle of international comity is established. The doctrine of international comity was first put forward by Dutch scholar Huber, and the core idea is that the jurisdiction of the court is based on sovereignty, and the application of foreign law should be reciprocal out of the principle of comity, reflecting the goodwill, cooperation and mutual respect between countries.[38] The principle of comity is voluntary cooperation and coordination mechanism, which can avoid jurisdictional conflicts arising from extraterritorial jurisdiction between different countries. Fourthly, the principle of non sequitur is established. The court shall not take up a case in which a valid judgment or ruling has already been made, and the same defendant shall not be tried or criminally punished twice or more for the same fact. According to the principle of one bi in idem, for criminal acts over which both domestic and foreign countries can exercise jurisdiction, if a foreign court has already issued a reasonable verdict of guilt, the domestic court shall enforce the foreign effective verdict if the conditions are available. If the foreign effective verdict for the same act has been executed, or the defendant has been found guilty by the court but exempted from criminal punishment, the local court should not pursue the case. This provision reflects the principle of rational punishment for criminal acts. It is important to punish crimes, but we must not keep increasing the penalties for the sake of punishment, only by reasonable and moderate can we prevent international commercial crimes more effectively.[39] Only a clear jurisdiction for international commercial crime, to better punish international commercial crime, to uphold the principle of reasonable jurisdiction, in the case of non-conflict with international treaties, to maximize the protection of national and international legitimate interests, to effectively combat international commercial crime, neither miss any international commercial crime and never repeat the punishment. Different countries have different national conditions and legal systems, strengthen the coordination of cases of international commercial crimes while respecting their legal systems, use jurisdiction rationally, and create a more effective rule of law environment.

4. Conclusion

4.1. Future Trends of International Commercial Crime

With the continuous development of international economic and trade as well as science and technology, international commercial crimes have also produced more manifestations and new trends in the development of international commercial crimes. First of all, international commercial crimes gradually spread from developed countries to developing countries and even less developed countries. Developed countries have a high level of economic development, a more complete financial regulatory system, and more timely legislation on International Commercial Crimes. As a result, it is increasingly difficult to commit crimes in these countries. So criminals focus their attention on less developed and developing countries where the economic system has been transformed, anti-money laundering legislation is not yet perfect and the level of financial regulation is relatively low. The overall economic level of these countries is not high, and the pursuit of the speed of economic development tends to make the regulatory authorities ignore the hazards of money laundering, thus providing opportunities for criminals to launder money. Secondly, international commercial crimes are gradually highly intelligent and high-tech. With the rapid progress of electronic information technology makes the modernization level of the means of service in the financial field is constantly improving. In recent years, the international financial field has appeared with "automatic trade method" and "automatic payment method". Such methods are particularly easy to be used by criminals to commit crimes on the international Internet. It is becoming increasingly difficult to exercise comprehensive supervision of an unsupervised system with hundreds of thousands or even millions of transactions a day. The "automatic payment method" makes it very difficult to implement anti-money laundering measures such as transaction recording, record keeping, and suspicious transaction reporting, as the customers themselves transfer funds between accounts or make payments to merchants directly via the Internet without the need for a bank intermediary. It is foreseeable that in the future commercial criminal activities perpetrators will increasingly resort to modern electronic information technology, and its technological content will become higher and higher. Third, the degree of specialization, sophistication, and internationalization of crime will continue to deepen. With the continuous progress of international anti-business crime technology and increasingly stringent measures, to avoid the exposure of the perpetrators, the design of International Commercial Crime criminal activities will become more and more sophisticated. And in the context of economic globalization and financial liberalization, the internationalization of international commercial crimes will also gradually deepen. Therefore, in the face of new challenges and new forms, the international community should also introduce new policies and adopt new methods to deal with them.

4.2. Measures to Address International Commercial Crime

First of all, the scope of controlling international commercial crimes is gradually expanding. From the international conventions and national legislation, it can be seen that the contents of the conventions and corresponding laws have gradually become complex over time. Their content covers a range of serious crimes, organized crime, and economic crime proceeds. Therefore, controlling the expansion of international commercial crime becomes an important strategic measure to combat international crime, transnational crime, and organized crime. Secondly, to improve the international commercial crime system, the international community should introduce a new legal system to punish international commercial crime as soon as possible and improve the corresponding regulatory system. The definition of international commercial crime should be more clearly defined and the corresponding principles and requirements should be stipulated. Third, establish a special International Commercial Crime agency, and clarify the corresponding responsibilities and jurisdictional content. Fourth, to clarify the obligation of each country to punish international commercial crimes and improve the legal system of each country on commercial crimes. Fifth, set up a special regulatory body to do prevention in front of punishment, not just through punishment to achieve the purpose of prevention but to do prevention before the crime, to better achieve the purpose

of maintaining international business order. Sixth, strengthen cooperation among countries and between countries and international organizations to jointly maintain the international trade environment and combat International Commercial Crimes. Finally, developed countries should also set their position, not only limited to their interests, but should consider the overall interests of the international community, share their advanced legislative concepts and punishment methods with the international community, and jointly promote the development of the international economy, not because of their international status and bullying the weak, but to work with other developing countries to maintain the order of international business activities, jointly combat international business. We should work together with other developing countries to maintain the order of international business activities, fight against International Commercial Crimes, and contribute to the development of international trade. Developing countries should also improve their legal construction to protect international interests, regional interests, and international interests while developing their economies.

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