

**The Element of “Legitimate Reasons”
in the Offense of Delivering Financial Account of Money
Laundering Control Act**

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Abstract

In 2023, the Money Laundering Control Act introduced separate penal provisions, beginning to penalize the act of collecting or delivering accounts without a legitimate reason. The penalization of these two actions depends on whether each act of collecting or delivering financial account falls within the category of lacking legitimate reasons. Unfortunately, the legislative rationale did not provide specific interpretations of the concept of legitimate reasons. With this motivation, this paper attempts to delve into the element of legitimate reasons, seeking to explore its systemic positioning and potential interpretations. To achieve this research goal, this paper first confirms that the criminal nature of delivering accounts of the Money Laundering Control Act belongs to risk crimes, and the task of the legitimate reasons element is precisely to delimit the scope of application of such risk crimes to avoid excessive punishment. Secondly, this paper meticulously examines the systemic positioning and normative nature of the legitimate reasons element, categorizing it as a normative constituent element and playing a crucial role in evaluating the illegality of the overall act of delivering financial account. Thus, drawing on the concept of social proportionality, this paper provides concrete explanations of legitimate reasons from perspectives such as occupational equivalence, compliance with familial financial order, and risk

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tolerance. As for the subjective intent aspect of this offense, this article requires that the actor not only recognizes the relevant facts that their delivery of an account lacks legitimate reasons but also acknowledges the atypical risks of potential abuse by unspecified individuals after the delivery of the account, and possesses intent in this regard. Finally, this article also hopes that the above explanation can effectively narrow the scope of application of this provision, allowing it to be reasonably applied, and urges legislators to refrain from using risk crimes as a basis for constructing new elements of criminalization in the future, to prevent the excessive expansion of punitive powers and the abuse of criminal law.

Keywords: Money laundering, dummy accounts, legitimate reasons, risk crimes, normative constituent elements, social proportionality, neutral assistance