

Legal analysis under public welfare crowdfunding platform ----- Take "shuidi Funding" as an example

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Abstract

With the advent of the "Internet plus" era, third-party payment represented by Alipay and wechat has gradually become an indispensable part of people's life and work. With the progress and improvement of people's living standards, aging and mortality rate of major diseases are increasing, online public welfare crowdfunding platforms have begun to rise. Although online fundraising platforms are convenient and convenient, a series of problems arise due to the immature development of public welfare crowdfunding industry in China. Some people have bad intentions and use public welfare crowdfunding platforms to set up fraud and violate the legal system. This paper will take "Shuidichou" as an example for analysis.

Keywords

"Internet +"; Public welfare crowdfunding; The rule of law; Water droplets to raise.

1. One Question raising:

According to relevant data released by the Poverty Alleviation Office of The State Council, by the end of 2021, a total of 12.56 million families in China had fallen into poverty due to disease, accounting for 42.4% of the total number of poor families. Some families have become a true reflection of "striving for a moderately prosperous society in ten years, but a serious illness has gone to nothing". How to reduce the cost of disease treatment for ordinary families has become an urgent problem to be solved by the Party and the government. The emergence of public welfare crowdfunding platforms such as Shuidicou.com has solved this urgent problem. In the recent period, with the continuous improvement of the Development level of the Internet, all fields have undergone great changes due to the Internet. In terms of charity and public welfare, Shuidicou.com covers the whole country with the help of the Internet, making it possible for everyone to quickly and conveniently browse the information for help, breaking the geographical barrier and making it possible for people who used to seek help due to lack of contacts, resources and ability to get help through Shuidicou.com.

However, as the public welfare crowdfunding platform is still not perfect, some people have evil thoughts and crossed the red line of laws and regulations, forming a very bad negative impact and making people lose confidence.

2. Two Problem analysis

2.1. Analysis of problems existing in public welfare crowdfunding platforms

2.1.1. There are often criminal cases

According to the relevant data released by Shuitouchou, the number of serious disease applications received by Shuitouchou exceeded 600,000 in 2020, among which 19,052 were

suspected of violating relevant regulations. After repeated checks, it was finally determined that 1,884 fundraising applications were malicious fundraising and forced refunds were made. Malicious fundraising applications accounted for 0.3 per cent of total applications. Relevant information shows that on the premise of improving the five guarantee mechanisms, Shuidi makes targeted improvements to the deficiencies of the existing risk control system, and is named "Shuidi Walker". Through big data, artificial intelligence and other new generation of information technology, a set of control, early warning model is constructed, trying to improve the automation level of risk management. Since 2019, 85 malicious fund-raisers have been identified and placed on a blacklist for dishonesty, either deliberately creating false medical records, hiding information about their assets, or deliberately exaggerating information about requests for help. Eleven of them were suspected of breaking the law and taking advantage of people's sympathy to seek personal gains. They were taken measures by the public security organs and even sentenced to imprisonment. Shuidichou hopes to purify the Internet environment in this way, so that those who really need help can obtain funds.

2.1.2. Public welfare crowdfunding platforms lack regulatory systems

From a certain point of view, the public welfare crowdfunding platform is also a type of intermediary. Although it claims that all the projects for help are strictly reviewed, in fact, it is obviously impossible to review one by one because of the limited number of employees and the large number of applications for help. If the platform carries out comprehensive and three-dimensional verification on the application for help from serious diseases, it is possible that the phenomenon of inflated fundraising and false information will occur, and the risk level of the platform will also increase accordingly. Regulators repeatedly require crowdfunding platforms not to set up independent pools of funds, so all platforms need to release the flow of donations to the public. However, some platforms do not release donations, and donations may be misused for other purposes. Public interest and the raise in the part of the model and may involve the illegal fund raising, such as a well-known platform to launch a serious illness and mutual assistance program, users need to in healthy state money prepaid phone to platform account, then after the sick can get help, essentially, this model has very high similarity with insurance, sponsors only have insurance qualification to engage in the business.

A patient from Wuhan was found to have stomach cancer during physical examination, and his circle of friends made us feel sorry and sad. Whenever we saw these news, we were filled with infinite feeling: only when we face death can we realize the significance of healthy rest and rest. In people's sympathy, the use of the raised platform for their contributions, is produced very big change, relevant personal home more than tens of millions of the disease according to the survey, and owns many assets can be converted into cash, but still in the raise, for help the information in the article basically are fictional, and there is a real situation. This kind of unconscionable fundraising case makes many broad masses of people cold heart, go on for a long time, what will this society become?

2.1.3. Public welfare crowdfunding platforms lack relevant legal systems

China has formulated many laws and regulations in the field of public welfare and charity, promoting the development of traditional public welfare and charity. However, the participants of online public welfare crowdfunding include not only officially registered charities, but also ordinary people.

At present, there is a lack of mandatory legal constraints on fundraising projects initiated by social individuals, whether it is the examination of the initiation channels and application materials, or the disclosure of the use of funds, which makes it difficult to solve the problem of trust in online public welfare.

2.1.4. Public welfare crowdfunding platforms lack standardized management

The public welfare platform builds a bridge between sponsors and donors. It not only provides a platform for sponsors but also provides a channel for donors, which has a positive impact on solving problems for low-income groups. However, there are some loopholes in the operation of public welfare platforms. Simple initiation procedures, loose audit strength and symbolic spot-check review provide opportunities for criminals to exploit the loopholes. On the one hand, the rules of public welfare crowdfunding platforms are controversial. One person can crowdfund through multiple crowdfunding platforms, which reflects the loopholes of superior funding platforms. On the other hand, there are risks in the supervision system of the platform. It is not clear where the money will go after the crowdfunding is successful, and there are a series of potential problems, such as whether the sponsors are really rescued and whether someone takes a commission from the crowdfunding.

The original intention of online crowd-funding is to allow donations from all walks of life to flow into patients who really need help. However, with the frequent occurrence of various problems such as "fraudulent donation", the loopholes of some platforms are gradually exposed, encroachment on this channel that could solve the treatment problems of the poor. In 2016, Luo Er, the father of the famous writer Luo Yixiao, who was seriously ill, published many sympathetic articles and raised more than 2.7 million yuan in total. He owns a lot of real estate and is more than enough to cover the medical expenses of his daughter. As soon as the incident came to light.

3. Countermeasures and Suggestions

3.1. Formulate corresponding legal systems.

Through the formulation of specific laws and regulations, the rights, obligations and responsibilities of promoters are clearly stipulated, and it is clearly pointed out that the donations obtained through crowdfunding must be used for proper purposes, and at the same time, the situation of unclear property ownership is completely excluded. In addition, the burden of proof inversion system needs to be implemented, so that the sponsors bear the burden of proof, and the sponsors must provide corresponding materials to prove. If the sponsors cannot prove due to the loss of evidence, the donors should provide corresponding certificates.

3.2. Establish a sound regulatory system Crowdfunding platforms should set up corresponding regulatory systems.

First of all, media supervision should be strengthened. For some fundraising cases that are harmful to social morality, media should step up reporting efforts to let more people know, so as to make the cases more transparent and true. Second, a monitoring committee should be set up, involving the civil affairs department, the community administration department and the village committee, each with its own role, to scrutinize each case strictly. Finally, corresponding reward and punishment mechanisms should be set up. For some cases that violate the law and morality and are spread on crowdfunding platforms, relevant staff should be punished and their dereliction of duty should be punished.

3.3. Improve the platform audit system.

The supervision system of public welfare crowdfunding platforms must be improved. We can establish an automatic detection system for screening, and disclose the specific amount of donations to the public, which is conducive to the accuracy, authenticity and rationality of fundraising information. In addition, we can establish an evaluation system. For cases that

have reached the donation amount or the money received can solve the urgent need, the system should automatically stop people from making donations for them. In short, supervision should be conducted from multi-level and multi-angle.

3.4. All sectors of society form synergy.

Supervisory departments should intensify supervision, carry out in-depth investigation and demonstration, and carry out the deficiencies of the supervisory system.

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