新加坡（六）：執法、破產及爭議解決

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前五個新加坡部分講述數碼資產如何被擁有、發牌、課稅及保持乾淨。本部分講述出了問題時會發生甚麼事。創辦人錯報庫存、託管人的熱錢包被盜空、交易所暫停提款、楚格的交易對手拒絕履約，或者監管機構認定一個它容忍了三年的業務模式已變得不可容忍。在上述每種情況下，讀者都必須知道哪個機構會找上門、哪個法院會審理案件、有哪些臨時濟助，以及新加坡的命令如何在瑞士執行，或瑞士的命令如何在新加坡執行。

新加坡的執法制度有三項特點，大陸法系讀者應從一開始便牢記。第一是集中。單一的檢控機關，即總檢察署，掌控所有刑事檢控；單一的綜合監管機構，即新加坡金融管理局（MAS），則掌控所有金融業制裁。第二是速度。高等法院普通庭可在數天內，往往憑書面並在無須通知對方的情況下，批出專有權禁制令、全球凍結令及針對交易所的披露令，速度是任何瑞士法院都無法比擬的。第三是普通法的衡平法工具：推定信託、追蹤（tracing）、Bankers Trust及Norwich Pharmacal濟助。這些工具為受騙的代幣持有人提供的補救，在瑞士律師眼中顯得新奇，在新加坡卻屬常規。

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破產一章具有特殊地位。在2022年7月至2023年11月期間，新加坡法院接連處理了Vauld及Zipmex的暫止令申請，以及Hodlnaut的臨時司法管理及其後的清盤。同期，法院承認了Three Arrows Capital在英屬維爾京群島的清盤，並向Babel Finance批出暫止令。在美國以外，沒有其他法院體系在這麼短的時間內產生如此多的數碼資產破產法。本書把這些判決彙集於此，因為安排託管或向平台借出資產的讀者，必須明白這些案件對客戶而言如何收場。

各章依照爭議通常展開的次序編排：罪行、調查、臨時濟助及追蹤、破產、民事審訊、仲裁，最後是監管機構本身的制裁。比較表把新加坡的狀況與第H部分所述的瑞士狀況並列。交叉引用指向第J部分（基礎財產法及信託法）、第K部分（發牌範圍）及第L部分（打擊洗錢責任）；後者在此只會在刑事罪行有賴於這些責任的範圍內概述。

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