

数字经济背景下拒收现金的法律规制

摘 要:

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关键词:

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引言

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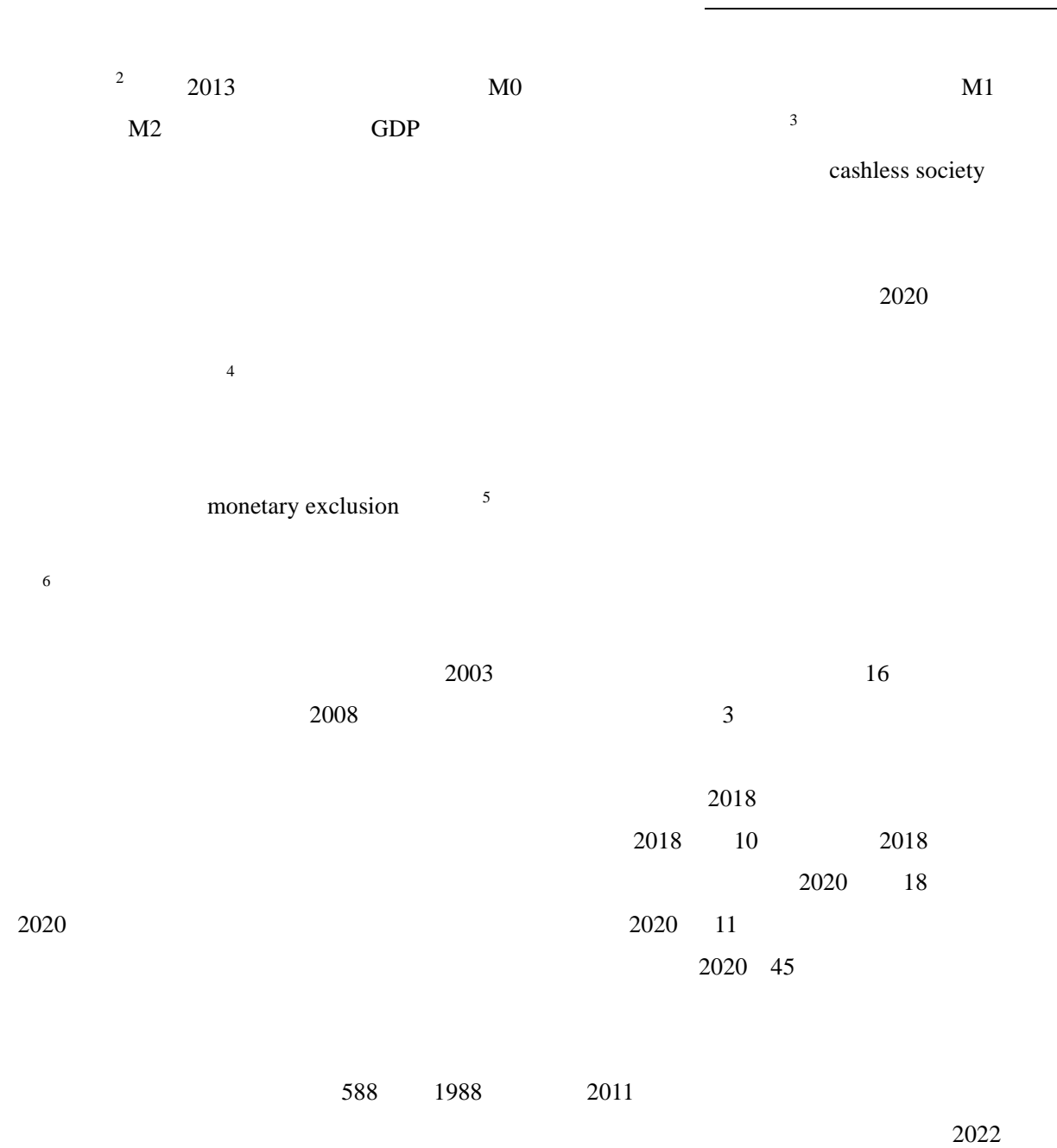
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一、拒收现金的产生与规制逻辑

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三、拒收现金法律规制完善的起点：重构货币法律地位

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表 2 主要发达经济体的法偿货币制度概况

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四、拒收现金法律规制完善的核心：“现金权”的保障及例外

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Legal Regulation of Rejecting Cash Under the Background of Digital Economy

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groups to obtain and use cash. Therefore, it is necessary to regulate the cash rejection by law. The People's Bank of China determines the legality of the refusal of cash based on the non-refusal clause in the monetary law and the option clause in the consumer protection law. However, due to factors such as the difference in legislative purposes and the limitations of the new use of the old law, it is difficult for these two provisions to regulate diversified behaviors of cash rejection. With the deepening of digital economy and the wide circulation of E-CNY, the fiat status of Renminbi should be strengthened through legal tender status with debt repayment effect, so as to respect the option of payment instrument after equal consultation by the parties. On this premise, the right to obtain and use cash should be included into the basic rights under the Constitution to clarify the national protection obligation. Meanwhile, it is necessary to establish the legitimate standards for rejecting cash based on the cost-benefit principle in market transactions as well as the proportionality principle in the field of public law respectively.

Cash Rejection; Legal Tender; Consumer Protection; Autonomy of Will; Digital Economy