

區塊鏈應用於國際貿易之典範轉移——

一個法律經濟分析的視角

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摘要

區塊鏈已對國際貿易之金流與物流產生革命性的影響，特別是在貿易融資 (trade finance)、海關程序 (custom procedure)，及商品來源 (provenance of goods) 之辨識等方面。諸如信用狀、提單等文件，透過區塊鏈技術將之數位化後，不僅縮短了交易時間，降低了交易成本，亦提高了交易安全性，解決了傳統貿易的問題。去中心化乃區塊鏈的核心精神，長久發展將減低廠商對於銀行等金融中介機構的依賴。甚至以區塊鏈開發出來的虛擬貨幣，也會自成支付體系，從而削弱了國家對貨幣的控制。區塊鏈形成一套新的信任機制，不再以國家為中心，勢必會對現行國際貿易法造成衝擊，而形成典範轉移。本文擬就區塊鏈的特質，以法律經濟分析的視角，在 WTO 制度的應用上進行討論。本文認為，過去的法律制度對於區塊鏈已完全無法處理，必須要提出全新的思維架構。

關鍵字：區塊鏈、虛擬貨幣、典範轉移、國家中心論、統合主義、利益團體、集體行動

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Abstract

Blockchain has revolutionized the payment flow and logistics of international trade, especially in trade finance, custom procedures, and the identification of provenance of goods. Documents such as letters of credit and bills of lading are digitized through blockchain technology, which not only shortens the transaction time, reduces transaction costs, but also improves transaction security and solves the problems of traditional trade. Decentralization is the core spirit of blockchain, and its long-term development will reduce manufacturers' reliance on financial intermediaries such as banks. Even the virtual currency developed with the blockchain will become a payment system by itself, thus weakening the state's control over the currency. The blockchain builds a new trust mechanism, which is no longer centered on the state, which is bound to have an impact on the current international trade law and led to paradigm shift. This article intends to discuss the characteristics of blockchain and the application of the WTO system from the perspective of legal and economic analysis. This article believes that the past legal system is completely unable to handle the blockchain, and a new thinking framework must be proposed.

Keywords: blockchain, virtual currency, paradigm shift, state-centered, corporatism, interest groups, collective action