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篇名 論金融科技發展的監理難題與法制策略——以我國的規範與實踐為核心

並列篇名 Regulatory Conundrums and Legal/Regulatory Strategies for FinTech Developments: Focusing on the Regulations and Practices in Taiwan

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中文摘要

金融科技的浪潮重塑了金融服務的疆界，同時也為金融監理機關迎來前所未見的艱鉅挑戰。本文嘗試提出有助釐清最為核心之金融科技監理實務難題的分析框架，希冀幫助監理機關在面對「作業」、「業務」及「市場」三個層次之金融科技創新時，思考並制定因應之策。透過此一分析框架，本文梳理出三大核心監理難題：「監理資源匱乏」、「監理協作困難」以及「監理實證不足」，並透過三個與上述難題息息相關的法制挑戰：「委外監理」、「產金分離」及「市場開放」來具體分析這些難題的內涵，並以我國的規範現況與實踐為論述核心，提出可以有效回應前開監理難題的三大法制策略芻議：「監理實驗及行為洞察機制」、「消費者賦權的基礎法制設施」以及「數位監理申報及產業沙盒」。

英文摘要

The rapid development of FinTech has transcended and reframed both the industrial and geographical boundaries of the delivery of financial services. It presents not only enormous opportunities for the industry and economic developments but also poses unprecedented challenges to financial regulatory authorities. This article proposes an analytical framework that aims to help the authorities better answer the question of whether to give permissions to different FinTech activities and how to effectively regulate them based on three different levels the FinTech activities involve—Operation Level, Business Level, and Market Level. Under the Analytical Framework, this article identifies three key regulatory conundrums: the lack of regulatory resources, the difficulty of regulatory collaboration and the undersupply of regulatory empiricism, and their corresponding challenges in three regards—regulatory outsourcing, separation of banking and commerce, and market open-up. This article then proposes feasible legal and regulatory strategies that can effectively tackle the three conundrums, and demonstrate how these strategies can be practically applied based on analyses of the current market and regulatory developments in Taiwan. The said strategies are: Utilizing Regulatory Experiments and Behavior Insights Mechanisms, Establishing Legal Infrastructures for Consumer Empowerment, and Pushing for Digital Regulatory Reporting and the creation of Industry Sandboxes.

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關鍵詞

金融科技、金融科技監理、普惠金融、委外作業監理、產金分離、監理科技、消費者賦權、開放銀行、監理沙盒、行為洞察、數位監理申報、產業沙盒、FinTech、FinTech Regulation、Financial Inclusion、Regulatory Outsourcing、Separation of Banking and Commerce、Separation of Banking and Commerce、SupTech、RegTech、Consumer Empowerment、Open Banking、Regulatory Sandbox、Behavior Insight、Digital Regulatory Reporting、Industry Sandbox

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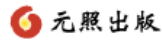
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