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Joseph Alois Schumpeter

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Economic Law Promoting the Development of Digital Economy

ZHANG Shouwen

Abstract: The development of digital economy can not be separated from the support and guarantee of various legal systems, especially the promotion of economic law. Based on the necessity and feasibility of economic law to promote the development of digital economy, it is necessary to consolidate its institutional foundation and reveal multiple “dual structures” through the analysis of multi-level economic law legislation. According to the “promotion-oriented norm” and “restriction-oriented norm”, which exist universally in the economic legislation, the promotion of economic law can be divided into direct promotion and indirect promotion. Meanwhile, efforts shall be made to combine direct and indirect promotion methods, such as the planning, taxation, finance and industry promotion, and focus on the use of “restriction-oriented norm” to regulate data behavior, so as to promote and safeguard the healthy development of the digital economy. Responding to the problem of economic law in digital economy from the perspective of comprehensive regulation will help to refine the theory of “digital economic law”, promote the systematization of “digital economic law”, and promote the high-quality development of digital economy and lay the foundation of “new economy” for national modernization.

Keywords: Digital Economy; Economic Law Promotion; Digital Economic Law; Promotion Methods; Dual Structures