新加坡之二：私法与判例法

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

新加坡没有任何成文法告诉法院加密资产是什么。《2019年支付服务法》仅为发牌目的定义了数字支付代币。《2021年法院规则》（Rules of Court 2021）将加密货币列为判决债权人可以扣押的动产之一。《1947年所得税法》在加密资产收益属于收入性质时对其征税。但这些条文都没有回答决定争议结果的问题：代币能否被拥有、能否以信托方式持有、能否追踪至窃贼手中、离婚时能否分割、能否向清盘人主张返还。这些答案来自法院。自2019年新加坡国际商业法庭审理第一宗加密货币案件以来，法院逐案给出了答案。

本部分阐述截至2026年6月30日的这一私法体系。它从财产问题以及构成其框架的四项判决开始，随后依次讨论信托、合同、错误转账和欺诈转账的救济以及平台破产，最后论及侵权、家事法、冲突法和数据保护。新加坡法院在短时间内建起了这座大厦，而且多是在被告缺席的中间申请中完成的。希望依赖这些规则的读者应当知道：哪些论断是经过充分辩论后作出的裁决，哪些仍只是初步看法（prima facie views）。因此，我会在每一处加以说明。

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

与瑞士的比较贯穿每一章，因为瑞士法通过2021年的《DLT法》以成文法方式取得了许多相同的实际效果。其中两项核心条文是：《瑞士债务执行与破产法》（SchKG/DEBA）第242a条规定破产时托管加密资产的分离；《瑞士债务法》（OR/CO）第973d条及以下各条规定基于账本的证券（ledger-based security）。新加坡取得同样的效果（如果它已经取得的话），靠的是将19世纪英国财产法的范畴适用于21世纪的事实。其余部分则由要求持牌托管机构以信托方式持有客户资产的监管规则完成。在两个中心之间搭建集团架构的读者应当明白：瑞士客户所受的保护建立在成文法之上，而新加坡客户所受的保护则建立在服务条款的起草和一般衡平法之上。第D部分详细论述瑞士方面的情况，并在两种制度交汇之处相互援引。

在讨论案例之前，有必要就方法作一说明。新加坡判决以中性引注（neutral citation）和段落编号引用，新加坡执业者正是借此在最高法院的eLitigation门户上查找判决。英国、香港、新西兰和澳大利亚的判决也会出现，因为根据《1993年英国法适用法》，新加坡法院将其视为具有说服力的判例，而且其中若干判决在新加坡案件中被明确援引。成文法以2020年修订版之后Singapore Statutes Online所用的简称引用，该修订版以颁布年份取代了章号。

Disclaimer

This article is provided for general information only. It is based on publicly available sources as at its date of publication. These sources have not been independently verified against licences, regulatory registers or the records of the entities concerned. It is not legal, tax, financial or investment advice. Nor is it a recommendation to invest in, transact with or use the services of any entity mentioned. Law and regulation change frequently, so the content may be incomplete or outdated. To the fullest extent permitted by law, Dr Alexander Ressos and the publisher of SingaporeIQ exclude all liability for loss or damage arising from the use of or reliance on this article. Readers should obtain advice on their specific circumstances before acting or refraining from action.

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

Names and trademarks of the entities discussed belong to their owners and are used for identification only. Their mention implies no endorsement, affiliation or allegation of wrongdoing. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. Corrections and updates: contact@ressos.com.

© 2026 Dr Alexander Ressos. This article may be quoted with attribution to SingaporeIQ (SingaporeIQ.com). Reproduction in full and any commercial use require prior written consent. The Legal Terms at https://singaporeiq.com/legal-terms apply.

Author contact: Dr Alexander Ressos, TEP · contact@ressos.com

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.