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Legal Nature Analysis and Validity Determination of Online Live Streaming Rewards

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ABSTRACT

The legal characterization and validity assessment of tipping practices in live streaming have attracted significant attention in recent years. This paper investigates the legal framework governing tipping behavior through an analysis of three representative disputes. By scrutinizing the legal relationships among platforms, streamers, and users, we argue that tipping should not be simply construed as a conventional gift contract but rather resembles an online service agreement, where emotional responses and psychological gratification constitute the consideration. This study also delves into the validity parameters concerning scenarios such as minors making substantial tips without parental consent, unilateral disposal of marital assets for tipping purposes, and the influx of illicit funds. Our findings suggest that tips made by minors without guardian authorization should be considered void; while the unilateral disposal of marital assets for tipping is generally valid, it may be subject to equitable adjustments in divorce proceedings; in cases where tipping funds are linked to illicit activities but the platform or streamer acts in good faith, the doctrine of bona fide acquisition typically shields them from restitution obligations. These insights serve to elucidate the legal benchmarks in disputes related to live streaming tipping and furnish a theoretical basis for judicial resolution and platform regulatory compliance.

KEYWORDS

Live Streaming Rewards; Live Streaming Platforms; Rewards; Online Live Streaming; Legal Nature; Validity.

1. A PRELIMINARY LEGAL STUDY ON ONLINE TIPPING BEHAVIOR: CONNOTATION, FEATURES, AND CONTROVERSIAL ISSUES

1.1. Definition of Tipping and Live Streaming Tipping

The custom of tipping originated in ancient China as a voluntary practice of material giving, driven by admiration, gratitude, and compassion towards service providers, performers, or the underprivileged. Institutionalized tipping was prevalent in the imperial court and government institutions, where emperors rewarded officials with gold, silver, silk, land, and other tokens to acknowledge merit and assert imperial authority. For example, Tang Dynasty military governors received "iron certificates with vermilion inscriptions," while victorious Song Dynasty generals were granted "military rewards of one hundred thousand taels of silver." A vibrant tipping culture thrived in urban entertainment venues, such as the performance houses of the Northern Song Dynasty, where audiences would symbolically tip performers by tossing copper coins onto the stage during exceptional acts, known as "scattering colorful money." Live streaming, a contemporary model of information dissemination, is defined in Article 2, Paragraph 2 of the *Internet Live Streaming Service Management Regulations* issued by the Cyberspace Administration of China in 2016 as the continuous release of real-time information to the public via the internet in various formats like video, audio, or text[1]. This industry involves three primary participants: internet live streaming platform operators, content creators (streamers), and viewers. The operational process involves internet users creating live streaming content, approved platforms publishing and distributing the content, and general users receiving and interacting with the information in real-time through platform terminals, marking a shift from institution-led information production to mass participation. Live streaming tipping is an interactive consumption behavior on internet platforms where viewers purchase virtual currency, convert it into virtual gifts, and voluntarily present these gifts to streamers during performances or services as a gesture of appreciation or support[2].

1.2. Characteristics of the Live Streaming Reward Era

Online live streaming tipping in the digital era differs significantly from traditional tipping models. It is characterized by the virtual nature of tipping gifts, where users purchase virtual currency to exchange for digital props like "rockets" or "carnivals" to gift streamers. These electronic symbols convey emotional value through animated effects on the platform interface, distinct from physical forms like coins or silk used in traditional tipping. The settlement process for online live streaming tipping is non-instantaneous due to the platform's mechanism, where virtual gifts must be converted into cash before distribution to the platform, streamer, and talent agency according to predetermined ratios, with the platform typically retaining a 30%–50% cut. This process can take several hours to days. Professionalization of streamers is a significant aspect of the live streaming tipping model, with streamers entering tiered agreements with platforms or MCN agencies for training in broadcasting skills and compliance with guidelines such as Article 8 of the *Online Streamer Conduct Guidelines*, which prohibits tipping inducement. This transition from sporadic gifts to regulated professional service under the *E-Commerce Law* establishes streamers as new market entities with defined contractual responsibilities in the digital economy. Online live streaming tipping involves multiple stakeholders beyond the tipper and streamer, including the platform and talent agency. The platform collects technical service fees as the rule-maker, while the talent agency manages operations and shares in tipping revenue. This model maintains parity in rights among stakeholders, contrasting with the hierarchical order of traditional tipping. Live streaming tipping establishes a formally egalitarian contractual relationship between users and streamers through virtual interaction, dissolving the unidirectional power dynamic of traditional tipping. The unique characteristics of online live streaming tipping, such as multiple stakeholders and complex legal relationships, have led to various refund disputes. Legal controversies in these disputes include issues like "tipping involving marital joint property," "tipping by minors," and "tipping related to criminal conduct."

1.3. Types of Reward Refund Disputes

1.3.1. Ointly Owned Property Gifted by Spouses

Marital joint property disputes stemming from live-streaming tipping have revealed a concerning trend of married individuals engaging in substantial and undisclosed tipping, with single transactions reaching amounts as high as 16 million yuan. This behavior is often driven by emotional dependency or the need for psychological solace. Legal interpretation of such tipping behavior varies within judicial practice: while some courts view it as a form of mental consumption under service contracts, others categorize it as gift contracts. Consequently, current adjudication standards demonstrate diverse inclinations. In cases involving inappropriate circumstances like emotional manipulation by streamers or breaches of public order and morality, courts typically utilize the "violation of public order and good morals" clause in the Civil Code to compel the return of tips by the streamer and platform. Conversely, in instances of purely voluntary tipping without extenuating circumstances, courts commonly side with the platform and streamer, citing the completion of "continuous consumption" as grounds for denying restitution.

1.3.2. Minors' Tipping Behavior

In recent years, online live streaming has gained popularity among adolescents due to increased internet access. The cultural influence of live streaming platforms has normalized instances of minors making substantial monetary contributions to support their favorite streamers. Despite platform regulations prohibiting independent account registration for minors, reports frequently detail minors using their guardians' mobile devices to access accounts, make purchases, and send gifts. Platforms struggle to effectively enforce these rules. Interactive bullet-screen games, lacking adequate supervision and anti-addiction measures for minors, fail to impose necessary behavioral restrictions. Consequently, minors are easily influenced by streamers, leading to impulsive spending and excessive gifting. Legal databases contain numerous cases involving disputes over high-value online gifting by minors in the context of live streaming. These cases reveal common characteristics such as large transaction amounts and frequent spending in short periods, underscoring the insufficiency of current platform protections for minors and their heightened susceptibility in the digital realm.

1.3.3. Criminal Behavior-Related Tipping

Live streaming rewards, with their unrestricted monetary value and lack of financial oversight, have become a breeding ground for criminal activities due to their anonymity, large transaction volumes, and absence of regulation. In addition to common fraudulent schemes, money laundering schemes are prevalent in this context. Criminals often utilize virtual accounts to reward specific streamers, disguising illegal funds as legitimate viewer expenditures. They further legitimize these funds through falsified transaction records. This process relies on three layers of protection: user identity anonymity, payment pathway isolation, and the immediate dissemination of live streams. Criminal organizations frequently employ multiple dummy accounts to coordinate rewards, executing money laundering through complex transfer chains. This illicit model has transformed into an interconnected criminal network spanning various ecosystems, involving not only streamers and viewers but also third-party payment platforms and traditional financial institutions, establishing sophisticated money laundering channels. To address the legal implications of these reward scenarios, it is essential to first establish the legal dynamics among live streaming platforms, streamers, and users.

2. ANALYSIS OF LEGAL RELATIONSHIPS AND SOCIAL DYNAMICS IN LIVE STREAMING REWARD SYSTEMS

2.1. There Exists a Conditional Contractual Sales Relationship between Live Streaming Platforms and Streamers.

The relationship models between online streamers and live streaming platforms can be broadly classified into two categories. The first model is the authorized operation model, where platforms authorize streamers to conduct live streaming on their platforms. Platforms offer technical support such as virtual streaming rooms, network equipment, and resources, as well as assistance with online promotion and marketing. Streamers are typically prohibited from live streaming on other third-party platforms. Revenue for streamers is primarily generated through product sales or viewer donations, with platforms collecting a predetermined percentage of revenue or service fees as outlined in the contract. Streamers have autonomy in content creation and working hours, as platforms do not provide fixed salaries or impose specific streaming hours or workload requirements. The second model is the talent agency model, where streamers enter exclusive agreements with talent agencies that outline commission settlement standards. These agencies provide training and branding to elevate streamers to internet celebrities. Agencies have full management rights over streamers, representing them in negotiations for business activities like live streaming services, advertising endorsements, and performance rights. Additionally, agencies collaborate closely with live streaming platforms through partnership agreements.

The legal nature of the relationship between live-streaming platforms and streamers is subject to three academic controversies. The first perspective posits an employment contract relationship, contending that platforms exert control over transactions via virtual gift exchanges, leading to streamers' occupational subordination. However, this perspective overlooks the impracticality of platforms entering into individual employment contracts with numerous streamers. Additionally, the flexible scheduling of live-streaming sessions does not align with the prescribed working hour regulations in Article 17 of the *Labor Contract Law*. The second perspective advances an intermediary contract theory, highlighting platforms' provision of brokerage services for performances and tips, with commissions taken. Nonetheless, this theory does not account for instances where platforms do not receive compensation when users view streams for free, contravening the remuneration requirement for intermediary contracts as per Article 961 of the *Civil Code*. The third perspective suggests a conditional sales contract relationship between the parties. Illustrated by Douyin's user agreement, this model involves the platform acquiring intellectual property rights to live-streaming content by compensating streamers with the cash equivalent of virtual gifts. This transactional framework embodies the fundamental characteristics of a sales contract- the transfer of property rights against compensation- with the conditionality lying in streamers' earnings being contingent on user tipping behavior. Endorsing the third perspective, I assert that a conditional sales contract relationship is established between streamers and live-streaming platforms.

2.2. A Service Contract is Established between the Live Streaming Platform and the User.

Live streaming platforms offer users the opportunity to watch live programs and engage in activities such as payment transactions and virtual gift exchanges. Users access a variety of services on these platforms and compensate for them by purchasing virtual gifts[3]. Notably, these fees are not solely monetary. For instance, the Douyin platform forms a contractual relationship with users through services like live content viewing and virtual gift exchanges, explicitly outlining "live streaming services" as a key component. Within this contractual framework, the platform, as the service provider, assumes legal responsibilities such as verifying streamer qualifications and ensuring content compliance. Users, on the other hand, must adhere to platform agreements while retaining the independent right to reward streamers. The contract pertains not to physical goods but to intangible services focused on psychological consumption-Douyin functions as a conduit for cultural content dissemination, providing users with psychological gratification through viewing. The act of gifting epitomizes the principle of contractual freedom. It is crucial to note that initiating a Douyin live stream constitutes an invitation to offer, and users' entry into a specific live stream signifies acceptance, thereby establishing a legal service contract relationship.

2.3. A Gift Contract Does Not Arise between the Streamer and the User; Instead, a Network Service Contract is Established.

The current focal point of academic discourse centers on the nuanced relationship between users and streamers in the context of tipping. Two predominant theories, namely the "gift contract theory" and the "service contract theory," are at the forefront of scholarly discussions. The gift contract theory posits that user tipping is an act of voluntary, non-reciprocal gifting driven by personal preference, mirroring the unilateral and gratuitous nature of gift contracts. In contrast, live-streaming tipping leans more towards gratuitousness and non-quid pro quo, which resonates better with public perception compared to the service contract theory. Scholars argue that a gift contract is typically assumed between users and streamers unless evidence suggests that the streamer is bound by specific contractual obligations either before or after receiving a "tip." Given that all content on the live-streaming platform is freely accessible to any visitor and users do not impose obligations on streamers when gifting virtual items, this arrangement aligns with the unilateral and gratuitous characteristics of a gift contract, establishing a legal relationship based on gifting[4]. Conversely, the service contract theory posits that tipping represents a reciprocal exchange for services rendered. Within the live-streaming framework, scholars contend that a mutual benefit exists between users and streamers during both the viewing and tipping phases, creating a dual quid pro quo relationship[5]. Each phase corresponds to a distinct online service contract relationship, with tipping being viewed as a service contract rather than a gift contract due to its explicit consideration rather than being a unilateral, gratuitous gift. Furthermore, the nature of virtual gifts and platform regulations does not meet the requirements for the transfer of subject matter under a gift contract. The service contract theory also argues that tipping establishes a "compensated service" relationship, where users provide remuneration in exchange for the streamer's performance, interaction, or other intangible services. These services may encompass tailored performances based on user preferences, special effects triggered by virtual gifts, privileges in managing the live-streaming room, or account-level upgrades with associated benefits. Users derive satisfaction and intangible legal benefits within the virtual environment, and this exchange of services for consideration forms a legally binding online service contract[6].

Article 657 of China's Civil Code delineates a gift contract as a legal arrangement wherein a donor voluntarily transfers property to a recipient without compensation, and the recipient consents to receiving it. However, the practice of live-streaming tipping deviates from the legal essence of a gift contract. The fundamental aspect of a gift contract lies in the transfer of property ownership, yet the virtual gifts and props procured by users do not entail a genuine transfer of property rights to the streamer. Despite these virtual items being credited to the streamer's account, they lack the direct convertibility into currency. Instead, they serve as internal tools for revenue allocation within the platform. Consequently, tipping behavior does not fulfill the requisites for property transfer in a gift contract and is more aptly classified as a settlement mechanism within a commercial cooperation framework. Moreover, there exists no underlying mutual intent to establish a gift agreement between viewers and streamers. Legally, a gift contract necessitates the authentic and mutual intent of both parties to give and receive without compensation. In practice, viewers' tipping conduct is commonly steered by specific psychological motives, such as seeking emotional satisfaction or anticipating the streamer's response. For instance, some viewers may persist in sending substantial quantities of virtual gifts to garner attention or request personalized content, rather than engaging in a pure transfer of property without compensation. Conversely, streamers' content creation endeavors and interactions primarily focus on eliciting continuous tipping to maximize financial gains. Thus, the dynamic between viewers and streamers fundamentally revolves around a reciprocal exchange grounded in emotional engagement services and corresponding economic benefits, diverging from the legal concept of a gratuitous gift relationship. Lastly, although a donor typically retains the right to revoke a gift before the transfer of property rights, live-streaming platforms generally do not facilitate refunds or reverse redemption services following user recharges. The recharging process operates as a closed and unidirectional transaction, serving as a preliminary step for consumption, while the acquisition of virtual gifts and props constitutes the actual consumption act[7].

The gift contract theory is deficient in its failure to consider the attention given by viewers during live streams and the rewards they offer, as well as the efforts made by streamers to attract such attention and rewards. Even if viewers do not provide "gifts," they still contribute their attention while watching live streams. The central tenet of the gift contract theory posits the absence of consideration between viewers and streamers. However, this assertion is increasingly untenable in the current dynamic online environment. Attention has emerged as a valuable and contested commodity in the digital economy. Platforms explicitly price and trade attention. Users aiming to garner attention for their content can either organically attract it through their own endeavors or purchase it directly on the platform. For example, on Douyin, users can purchase attention packages at specified prices through the promotional interface, with the platform subsequently providing exposure based on the payment. The fact that attention is openly commodified in the market underscores that attention can serve as a valid form of consideration. Consequently, the attention contributed by viewers during live streams constitutes a legitimate consideration in exchange for the performance services offered by streamers.

In the context of live stream tipping, the absence of a standardized market benchmark for tipping amounts does not negate the implicit legal relationship constituting an online service contract between users and streamers. The agreement on tipping consideration and method of payment establishes a contractual framework, regardless of the lack of specific pricing terms typical in sales contracts. The provision of a tip by the user, coupled with the streamer's efforts to engage viewers and encourage tipping, signifies a valid consideration in the service contract. This effort encompasses the streamer's investments in time, equipment, and other resources before the live stream, as well as the delivery of expertise, skills, and emotional involvement during the broadcast. Tipping users often receive enhanced attention and exclusive content during live sessions, distinguishing their experience from that of passive viewers. In the service industry context, users value the emotional rather than tangible benefits, leading to a reciprocal exchange of value between tipping users and streamers within a framework of reasonable consideration.

3. LEGAL VALIDITY ASSESSMENT OF GIFTING ENTITIES AND GIFTING BEHAVIOR IN LIVE STREAMING

3.1. Validity Assessment of the Eligibility of Tipping Entities

3.1.1. The Principle of Rewarding by Persons with Limited Capacity for Civil Conduct is Invalid.

Articles 19 and 22 of the Civil Code of China address the legal validity of actions carried out by individuals lacking full civil capacity. The Supreme People's Court, in a forthcoming judicial interpretation concerning the Marriage and Family section of the Civil Code, underscores that if a child under eight years old makes a payment on an online platform and the legal guardian challenges the transaction's validity, the court should uphold the request for a refund[8]. Similarly, for minors between eight and sixteen years old, or those over sixteen with insufficient income for sustenance, engaging in substantial online transactions without guardian consent that do not align with their age, cognitive abilities, or mental health, and subsequently facing a refund request from their guardians, the court should also rule in favor of the refund. This underscores the necessity of a comprehensive assessment considering the minor's cognitive capacity at the time of the transaction and the guardian's stance in determining the validity of minors' online transactions.

The key consideration lies in assessing whether a civil juristic act is in accordance with an individual's age, intellectual capacity, and mental state. Courts typically evaluate the contributor's cognitive ability, discernment, and behavioral intent to determine if they can fully comprehend and willingly accept the legal consequences involved. This evaluation is especially crucial in today's digital landscape, where minors have increased access to online platforms, necessitating a thorough examination of their true intentions and cognitive abilities behind their spending habits. Factors to be considered include the minor's age, daily behavioral competence, social experiences, upbringing, family financial situation, and educational background. Younger minors, due to their limited cognitive abilities and risk awareness, are generally considered incapable of engaging in high-value or frequent tipping behaviors. On the other hand, older minors require a more nuanced assessment based on their intellectual development, financial independence, and capacity for independent judgment. Furthermore, as per the relevant provisions of the Civil Code, acts of individuals with limited capacity for civil conduct are conditionally valid and require prior consent or subsequent ratification by their legal representatives to take effect. The purpose of the ratification system is to safeguard the rights and interests of minors or individuals with limited capacity from potential harm resulting from inadequate understanding or poor judgment. Therefore, whether the legal representative ratifies or rejects the act is a critical factor in determining its validity. In practice, the

Supreme People's Court, in the Guidelines on Several Issues Concerning the Proper Adjudication of Civil Cases Related to the COVID-19 Pandemic (II), explicitly supports guardians' refund requests in cases where minors with limited capacity engage in tipping expenditures that are clearly beyond their intellectual level without guardian ratification. This underscores the significance of the legal representative's ratification status in validating minors' tipping behaviors and underscores the legal system's protective stance towards minors' interests.

3.1.2. The Principle that Unilateral Gifting by One Spouse is Generally Valid.

The Interpretation (II) on the Marriage and Family Section of the Civil Code issued by the Supreme People's Court of the People's Republic of China (Fa Shi (2025) No. 1) addresses the scenario where one spouse utilizes jointly owned marital assets for tipping on live-streaming platforms without the other spouse's consent, resulting in expenditures significantly surpassing normal family consumption levels and detrimentally impacting the shared marital property. Such behavior may constitute 'squandering' as outlined in Articles 1066 and 1092 of the Civil Code. If the non-tipping spouse requests the division of marital assets during the marriage or seeks a reduced share for the tipping spouse in case of divorce, the court is instructed to uphold these claims. This legal interpretation underscores the general validity of tipping activities during live streaming by one spouse. However, if such tipping is deemed 'squandering,' it falls under the Civil Code's regulations concerning one spouse's misuse of shared marital assets. As per current legal frameworks, unauthorized tipping by one spouse is fundamentally permissible, and the non-tipping spouse cannot reclaim the tipped funds on this basis. Notably, both the platform and the streamer offer services during the tipping process, and revoking these services arbitrarily would contravene principles of equity.

3.1.3. Application of the Principle of Bona Fide Acquisition to Tips in Criminal Cases

The central issue regarding the forfeiture of funds derived from tipping, particularly if they involve illegal origins, pertains to the potential liability of live streaming platforms or relevant streamers as third parties. The fundamental question at hand is whether third parties can be compelled to relinquish funds acquired through the provision of live streaming or performance services that are linked to illicit activities. This inquiry hinges on the broader legal principle encapsulated in the maxim "Crime doesn't pay," which underscores the universal notion that criminal gains should not be retained. The primary legislative objective behind confiscating illicit proceeds is to eradicate the financial benefits derived from unlawful conduct. Essentially, the forfeiture of criminal proceeds aims to restore the wrongfully obtained gains to their lawful state prior to the commission of the offense. This process serves a dual purpose: it deprives the wrongdoer of their ill-gotten profits while also providing restitution for the victim's financial losses. Therefore, the forfeiture of criminal proceeds is not punitive in nature but rather a remedial action akin to the concept of unjust enrichment in civil law. Nevertheless, it is crucial to recognize that third parties, such as live streaming platforms or relevant streamers, are not the primary perpetrators or accomplices of the criminal activity in question. This raises the issue of why their assets could be subject to forfeiture without accompanying criminal sanctions, indicating the necessity for imposing certain constraints on such actions. This limitation implies that third parties who have acquired criminal proceeds in good faith should be shielded from forfeiture proceedings.

The principle of bona fide acquisition in criminal recovery was introduced in Article 11 of the 1996 "Interpretation on Several Issues Concerning the Specific Application of Law in the Trial of Fraud Cases" by the Supreme People's Court. This principle dictates that no recovery shall be pursued if the acquisition is genuinely bona fide. The formal establishment of this principle in China's criminal recovery system occurred with the repeal of the relevant telephone reply in the 2019 "Decision of the Supreme People's Court on Abolishing Certain Judicial Interpretations (Thirteenth Batch)." Over the years, China has transitioned from a stance of "absolute recovery" to one of "reasonable recovery," underscoring the importance of balancing legal principles while maintaining consistency in practice[9]. In evaluating specific cases, it is crucial to assess whether platforms and streamers have fulfilled their obligations to determine the applicability of the bona fide acquisition principle dynamically.

3.2. Judgment on the Legal Validity of Tipping Behavior

To provide live streaming services to the public, platforms must first obtain an internet service license. Legal perspectives commonly acknowledge that regulatory bodies granting such licenses indicate compliance with essential regulations, public order, and ethical standards for conducting live streaming activities[10].

3.2.1. The Tipping Behavior Does Not Violate Mandatory Legal Provisions.

For tipping behavior to hold legal validity, it must adhere to mandatory provisions prescribed by law. These provisions can be classified into two categories based on their legal implications: validity-related and administrative. Validity-related provisions directly impact contract enforceability, rendering contracts invalid if they conflict with such provisions. These requirements typically relate to national mandates, public interest protection, and social order maintenance, with violations disrupting legal order significantly. Conversely, administrative mandatory provisions are primarily instituted for regulatory and market governance purposes, serving as state mechanisms for overseeing transactional conduct. Breaching these provisions may lead to administrative penalties like corrective orders or fines but generally does not invalidate contract enforceability. In the context of live-streaming content, dissemination of illegal material such as obscenity or pornography can trigger violations under Articles 68 and 69 of the *Public Security Administration Punishments Law*, prohibiting "dissemination of obscene information" and "organization of obscene performances." In severe instances, such actions may constitute crimes under Articles 363 (profiting from disseminating obscene materials), 364 (disseminating obscene materials), or 365 (organizing obscene performances) of the *Criminal Law*. To effectively fulfill their platform obligations, live-streaming platforms typically employ technological and manual content monitoring measures to regulate streamer-provided content, ensuring compliance with legal requirements and preventing illegal activities like obscenity, pornography, or gambling from violating mandatory provisions. Within this regulatory framework, streamers maintaining adherence to platform content guidelines and legal requirements ensure lawful and compliant live-streaming services. Consequently, when streamers offer legally compliant live-streaming services, user tipping behavior is also legally valid.

3.2.2. Tipping Behavior Does Not Violate the Principle of Public Order and Good Morals.

Articles 8 and 143 of the Civil Code encompass the legal tenet that civil actions must uphold public order and good morals. Serving as a broad prohibition against illegality, the public order and good morals provision complements mandatory legal statutes and remains inherently adaptable[11]. To meet their platform responsibilities effectively, live-streaming services typically utilize a blend of technological tools and manual oversight to supervise and regulate streamers' content, ensuring compliance with legal standards by preventing activities such as pornography, gambling, or other breaches of legal requirements during live broadcasts. Within this regulatory framework, streamers can operate lawfully and in accordance with regulations by adhering strictly to the platform's content policies and ensuring compliance with legal mandates. When streamers offer legal live-streaming services, the tipping actions performed by users hold legal validity. The term "good morals" denotes a universally acknowledged moral code and societal ethical foundation. It functions as a fundamental yardstick for evaluating individual conduct against moral standards and represents a key ethical aspect through which the law evaluates the legality and legitimacy of civil transactions. Both the substance and intent of civil legal actions must align with public order and good morals[12].

The assessment of public order and good morals should primarily adhere to core socialist values while considering the objective standard of social public order. In essence, a civil legal act that embodies core socialist values and fosters positive social customs should be positively evaluated legally. Conversely, actions that significantly contravene social ethics, disrupt family ties, or undermine personal dignity should be deemed morally unacceptable and legally unfavorable. Evaluating the compliance of a civil act with social public order necessitates a comprehensive analysis of the actor's intentions, the transaction's true purpose, the frequency of occurrence, and its societal impact. Acts that jeopardize national political, economic, or military security, disrupt social stability, market order, or public interests are considered breaches of social public order. Consequently, in the realm of online live streaming, if a host's conduct blatantly violates legal regulations, strays far from social ethics and norms, and lacks legal significance, the associated content cannot be legally acknowledged or protected under any contractual relationship.

4. CONCLUSION

Online tipping in the context of live-streaming reflects an evolving legal phenomenon shaped by the dynamics of digital interaction. Rather than constituting a unilateral gift, such behavior involves reciprocal expectations rooted in emotional engagement and platform-mediated services. The analysis of legal relationships among streamers, platforms, and users suggests that tipping should be understood as part of a compensated service arrangement, not a gratuitous transaction under civil law.

Three common scenarios illustrate the complexity of legal classification: tipping by minors, unauthorized use of marital assets, and transactions involving illicit funds. Tipping conducted by minors without guardian consent is generally void. Where one spouse tips without the other's knowledge, the act is not automatically invalid but may be considered during property division. In cases involving unlawful proceeds, if the recipient-streamer or platform-acted in good faith and without awareness of the source, restitution may be denied under the principle of bona fide acquisition. Mandatory norms and the principle of public order and good morals remain critical. Where live-stream content violates statutory prohibitions or offends prevailing standards of decency, the legal foundation of the transaction collapses. Clarifying the contractual nature and enforceability of tipping behavior is essential for both legal certainty and effective dispute resolution. The study offers a framework for understanding rights and obligations in this emerging field. Further legislative development and regulatory refinement will be necessary to guide platform conduct and protect users in a rapidly evolving digital environment.

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