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Improving the System of Mandatory Requirements to Business under the Digital Transformation of Economy

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Keywords

Business activity,
business,
deregulation,
digital technologies,
economy,
law,
legal regulation,
legislation,
mandatory requirements,
regulatory guillotine

Abstract

Objective: to elaborate scientifically substantiated proposals for improving the system of mandatory requirements in the sphere of business and other economic activity under formation of digital economy, taking into account the foreign experience of eliminating barriers for business and the available practice of legislation optimization in this sphere.

Methods: the research methodological basis consists of traditional general and specific methods of scientific cognition: dialectical, formal-logical, historical-comparative, systematic, terminological, general logic methods (analysis, synthesis, generalization, induction, deduction, etc.), as well as special methods: historical-legal, formal-legal, and method of comparative jurisprudence.

Results: the author investigated and systematized theoretical approaches and experience of improving the system of mandatory requirements in foreign countries and the Russian Federation; the possibilities of introducing the most successful innovative legal instruments and practices to improve the regulation of economic relations were considered. The role of a retrospective assessment of the regulatory impact of existing regulatory legal acts containing mandatory requirements in addressing issues of reducing burdensome rules and ensuring legal stability in the context of digital transformation of the economy was determined. The international experience of implementing the regulatory guillotine

mechanism was considered; its essence, purpose, tasks, basic principles, and algorithm of operation were revealed. The issues of establishing and evaluating the application of the requirements for business contained in regulatory legal acts were analyzed.

Scientific novelty: the author's comprehensive analysis of existing scientific developments on improving the system of mandatory requirements for business; systematization of scientific and theoretical approaches to the selection of innovative legal instruments to eliminate excessive legal regulation of economic relations; generalization of successful foreign practices in the implementation of "regulatory guillotine" measures.

Practical significance: recommendations were developed for effective reduction of burdensome requirements that negatively affect the development of business in the context of digital transformation of the economy. Conditions were determined for the implementation of a full-fledged regulatory impact assessment procedure and the successful implementation of regulatory reforms. The results of the study can be used in standard-setting activities and in the educational process when elaborating educational programs in Economics and Law.

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Contents

Introduction

Under transition to a new technological and innovative reality, global digital transformations, the process of maintaining the current regulatory framework in an up-to-date state is a rather difficult task. Many norms and rules are becoming outdated, formal and redundant. The habitual legislative mechanisms cannot always quickly cope with the increasing volume of burdensome requirements for business in a certain area, which blocks the entrepreneurial activity development and facilitating the search for effective deregulation tools in order to streamline and optimize legislation.

Today, creating an effective system of mandatory requirements is a serious problem in many countries, the solutions to which often lead to the introduction of a full-fledged assessment of the regulatory impact of legislative acts containing mandatory requirements (including retrospective assessment), and to the use of some of the latest regulatory technologies, among which the regulatory guillotine is gaining the utmost popularity.

The advanced experience of some countries in improving the mandatory requirements system makes it possible to consider the introduction of the most successful innovative legal instruments and practices to improve the legislation regulation system in the economic sphere. The analysis of the implemented reforms also demonstrated that the "regulatory guillotine" is not used everywhere in the world in its pure form; some countries are developing their own mechanisms of deregulation (legislation with a self-expiring regulatory period, the principle of regularity of legislative revision, etc.). But their essence is the same – reducing excessive regulation when doing business in order to ensure sustainable economic growth and social well-being in the country by artificially restraining or terminating legal regulations as opposed to their arbitrary exclusion (Rowthorn et al., 2017). In addition, it should be borne in mind that any reform program is a multifaceted strategy that must be adapted to the priorities, institutions and public expectations of a particular country.

1. Directions for improving the system of mandatory requirements under the digital transformation of economy

1.1. Problems of legal regulation of economic relations caused by digitalization processes

The economic sphere has always been one of the most important in the life of society. The introduction of advanced digital technologies is transforming the traditional economy, opening up new market niches, improving the quality, availability and speed of services, changing market conditions, ways of doing business and making a profit, adjusting production to the individual tastes of consumers. The formation of a digital economy that meets the requirements of modern reality is achieved through an active dialogue between the law, business, society and government, through concentrating the state efforts on the effective regulation development using the latest regulatory technologies (RegTech), aimed,

among other things, at eliminating the bureaucratic burden, maximizing the reduction of unnecessary, burdensome rules and procedures that create certain obstacles to business development (Chao et al., 2022).

Under the changing regulatory paradigm, many countries are searching for and implementing the most successful innovative legal instruments and practices to improve the national regulatory system, striving to make it more flexible, consistent, responsive to market and technological changes and enjoying great confidence from the part of business. Despite the steps already taken by a number of states in the direction of updating, streamlining the legislative array and harmonious development of public relations in the economic sphere, the issues of creating a favorable regulatory environment are still on the agenda today.

Speaking about the improvement of legal regulation in the field under study, it is necessary to disclose the content of this concept in order to clearly identify its problem field and, through the adoption of innovative regulatory solutions, to seamlessly adapt it to the new technological reality. The analysis of the definitions established in legal science and available in legislation has shown that within the framework of the general theory of law, legal regulation is the impact of law on various groups of public relations[1]. S. S. Alekseev interpreted legal regulation as effective regulatory-organizational impact on public relations carried out with the help of a system of legal means (Alekseev, 1966).

The object of legal regulation per se may also be some of the most significant public relations. In particular, the legal regulation of economic relations associated with entrepreneurial activity is understood as a set of measures taken and applied by the state in relation to the recipients of regulation, including, first of all, the establishment of mandatory requirements for business entities, as well as permissive, notification and controlling (supervisory) procedures and measures of influence on persons who have violated mandatory requirements[2]. Based on the content of the concept of legal regulation in the field under study, it is possible to determine the sequence of its elements: the establishment of mandatory requirements (rules, standards); monitoring their compliance; the application of liability measures in case of their violation. The set of mandatory requirements acts as the foundation for regulating economic relations, the violation of which can lead to liability of a controlled entity or to other adverse consequences for business, as well as affect security in the regulated sphere of public relations.

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1 Kudryavtsev, Yu. A. (2020). Legal deregulation of business activity (assessment and risks of the use of the "regulatory guillotine" in modern Russia). In: *Novellas of Law, Economics and Management 2019: collection of scientific works based on the materials of the 5th International scientific and practical conference, Gatchina, November 22, 2020* (pp. 97–102). Gatchina: State Institute of Economics, Finance, Law and Technologies.

2 On adopting the Rules for regulating services trade, institutions and activities: Decision of the Supreme Eurasian Economic Council No. 24 [adopted in St. Petersburg on December 26, 2016]. (2022). *ETALON*. Legislation of the Republic of Belarus. Minsk.

The above allows concluding that the qualitative and rational construction of a system of mandatory requirements, understandable both for business and for regulatory and supervisory authorities, is the foundation for effective legal regulation of economic activity in the digital reality. The effective, without incurring disproportionate costs, fulfillment of the established mandatory requirements by their addressees contributes to the formation of favorable and stimulating conditions for the development of all economic sectors and positively affects the overall business climate. Therefore, these requirements must be relevant, feasible, clear, and reasonable; they must correspond to the level of development of digital technologies, meet the needs and principles of a market economy (Polemis & Stengos, 2020).

However, despite all efforts on the part of the majority of states to ensure legal stability in the regulatory space, the transition to digital economy, the active introduction of innovative technologies has been a serious factor in the emergence of certain difficulties in business regulation (Purnomo et al., 2022). According to Yu . I . Gribanov, in the course of the digital transformation of the economy, it is business activity that was affected by the instability of legal regulation to a greater extent, since the fullest disclosure of the digital technologies potential is provided primarily through their active use in all aspects of business: processes, products and services, and approaches to decision-making[3].

In particular, the responsiveness of the legislator to changes has decreased, a significant number of legal norms have appeared, which are largely formal, redundant and not meeting the requirements of the existing digital reality; this, undoubtedly, leads to excessive regulation of economic behavior and bureaucratic red tape, slows down economic growth, negatively affects the overall business climate, rights and interests of economic entities (Youssef et al., 2021). In addition, the presence of a sufficiently large number of spheres of public relations, within which mandatory requirements and their corresponding types of control (supervision) are grouped, is the reason that many requirements, due to the contiguity of their spheres, are redundant, contradict or completely duplicate each other and are often “scattered” along various regulatory legal acts. This does not allow creating an exhaustive list of them, as a result of which the controlled persons do not have a clear understanding of what exactly can be checked. The situation is further complicated by the fact that traditional approaches to regulation, for objective reasons, have already significantly exhausted their reserve, and the latest regulatory technologies have insufficient description, methodological basis and are poorly adapted to existing institutions and real legal relations. The situation is further complicated by the fact that traditional approaches to regulation, for objective reasons, have already significantly exhausted their reserve, and the latest regulatory technologies have insufficient description, methodological basis and are poorly adapted to existing institutions and real legal relations (Grassi & Lanfranchi, 2022).

[3] Gribanov, Yu. I. (2019). *Digital transformation of socio-economic systems based on the development of the institute of service integration*: abstract of doctoral (Economic Sciences) thesis: 08.00.05. Saint Petersburg.

Thus, in the sphere of control and supervisory activities, a situation has been formed that is disadvantageous for all the interested parties (controlled persons, regulatory authorities, society). This required, besides optimizing the types of state control and unifying implementation of all forms of control, also improving the system of mandatory requirements as part of the introduction of new approaches to regulating economic relations, including the use of the latest regulatory technologies, in order to effectively update regulatory requirements, to analyze the regulatory content of regulatory legal acts establishing mandatory requirements, to comprehensively review and systematize all requirements, and maximally reduce inefficient requirements imposed on business and adjust the existing ones, etc.

1.2. Introduction of the latest regulatory technologies to improve legislation and eliminate barriers for business

A steady attempt to change the nature of regulation of economic relations was the adoption of verified and consistent approaches to the process of norm-making through the use of such economic policy instruments as consulting mechanisms, measurement and reduction of the administrative burden, open access to the legislative framework, etc. In addition, in the formation of clear guidelines, rules and techniques for establishing mandatory requirements aimed at improving the quality of regulatory decisions, alongside with the legal technologies and analytical tools already used, a special role was played by the introduction and development of such legal institutions as the assessment of regulating (regulatory) impact (hereinafter – ARI), regulatory impact analysis (hereinafter – RIA) and assessment of the actual impact (hereinafter – AAI). The use of these legal instruments allowed bringing to a new level the processes of designing normative legal acts and forecasting the legal consequences of their adoption (Shaulova, 2017). The experience of using, for example, ARI (RIA) to improve state regulation of the economy is typical for most countries of the Commonwealth of Independent States, due to the high degree of their economic integration (a number of countries are members of the Eurasian Economic Union). However, the traditional regulatory technologies and analytical tools used to optimize and inventory the current legislation are often slow, expensive and time-consuming. This hinders keeping up with acceleration and timely solving the emerging problems in the economic sphere, controlling the risks associated with them and protecting the opportunities offered by technological development. Besides, a comparative analysis of the practices of the said innovative verification institutions in the areas of law-making and law enforcement showed the following.

A preliminary (forecast, ex-ante) assessment of regulatory impact is carried out in absolutely all countries of the Commonwealth of Independent States.

An ex post assessment, which determines the regulatory potential of the existing regulatory legal acts, is carried out only in the Russian Federation, the Republic of Kyrgyzstan and the Republic of Uzbekistan. In the Republic of Kazakhstan, the RIA is implemented only

with respect to those existing regulatory instruments and/or requirements that previously had not been subject to the RIA. However, the assessment of the actual impact of legislative acts, which replaced the expertise, is carried out only in the Russian Federation, in compliance with the rules of its implementation approved by the Government of the Russian Federation (see Table 1).

Table 1. Assessment of existing regulatory legal acts in the Commonwealth of Independent States

Country	Type of assessment	Legislation
Russian Federation	Assessment of the actual impact of regulatory legal acts regulating legal relations in the field of business and other economic activities	Decree of the Government of the Russian Federation No. 83 of January 30, 2015 "On the assessment of the actual impact of regulatory legal acts and on amendments to certain acts of the Government of the Russian Federation"
Republic of Kyrgyzstan	Assessment of the current regulatory legal acts regulating business activity	Law of the Republic of Kyrgyzstan No. 55 of April 5, 2008 "On optimization of the regulatory legal framework for regulating business activity"
Republic of Uzbekistan	Assessment of regulatory legal acts affecting business activity, rights, freedoms and legitimate interests of citizens, as well as the environment	Law of the Republic of Uzbekistan of April 20, 2021 No. ZRU-682 "On regulatory legal acts"
Republic of Kazakhstan	Assessment of compliance of existing regulatory instruments and/or requirements with the established conditions for their formation (Article 81-1 of the Business Code of the Republic of Kazakhstan)	Code of the Republic of Kazakhstan of October 29, 2015 No. 375-V "Business Code of the Republic of Kazakhstan"; Order of the Minister of National Economy of the Republic of Kazakhstan of November 30, 2015 No. 748 "On approval of the rules for conducting and using regulatory impact analysis of regulatory instruments and/or requirements"

In addition, most countries of the Commonwealth of Independent States stipulate an accompanying (monitoring, on-going) assessment of the regulatory impact of regulatory legal acts, which rapidly provides information on whether regulation really reaches the target groups to which it was directed, whether there are side effects, how fair and effective this regulation is from the viewpoint of such groups; this allows making the necessary adjustments in the act implementation process. The Institute of Legal Monitoring (monitoring of law enforcement) is actively developed in the Russian Federation, the Republic of Kazakhstan, the Republic of Armenia, the Republic of Uzbekistan, etc. The legal bases of this type of monitoring are also being formed in the Republic of Belarus.

As the analysis of the use of the said legal technologies shows, in most of the countries of the Commonwealth of Independent States there is no comprehensive assessment of regulatory impact formed as a single procedure; first of all, insufficient attention is paid to the retrospective assessment of already adopted regulatory legal acts. This is not fully justified, since at the stage of evaluation of draft legislative acts it is impossible

to comprehensively take into account changes in the internal and external environment, as well as to predict all the consequences of regulation in the process of implementing legal norms. Besides, under the rapid development of digital technologies and the legislator's desire to respond as quickly as possible to the emergence of new public relations in the economic sphere, mistakes often arise as early as at the stage of project development due to their poor and hasty preparation; undoubtedly, this negatively affects the quality of law enforcement, reducing the effectiveness of legislation implementation, and creates serious obstacles to doing business (Jakupec & Kelly, 2016). For example, Scott Jacobs, speaking about the problems associated with the poor quality of the laws adopted, noted that the laws adopted in a hurry are one of the main causes of the global financial crisis. According to the expert, such ill-conceived laws are a direct source of corruption and losses of the largest economies. If it is impossible to predict what the laws will be, then it is impossible to build a high-quality business plan[4].

In order to avoid all possible risks caused, among other things, by the poor quality of the laws adoption process, it is necessary to carry out a comprehensive and transparent review of all existing regulations on a cyclical, permanent basis. This is due to the fact that this process is a closed continuous regulatory cycle (development of mandatory requirements – evaluation of their action – correction based on the evaluation results). Thus, it is the transition to the full ARI cycle, providing for the consistent passage of all stages of assessment and revision of the established rules, including a qualitative retrospective assessment, that can become the key to high-quality legal regulation, without which it is impossible to avoid certain difficulties in solving issues related to business activity. Unfortunately, against the background of accelerating digitalization processes and technological progress in general, the machinery of government is intensively developing more and more new requirements for business. Over time, some of these requirements lose their relevance, which leads to certain conflicts in law, creates legislative blockages, prerequisites for unjustified expenses on the part of business, leads to serious overregulation of certain sectors of the economy (Haidar, 2012). Despite the huge potential of the already tested legal technologies (ARI, AAI and legal monitoring), these tools, even in their entirety, taking into account digital transformations, cannot provide an effective revision of all mandatory requirements, especially in terms of analyzing all outdated regulations. Such difficulties in regulation create prerequisites for the introduction of new innovative legal mechanisms for evaluating and optimizing the current legislation while maintaining and improving the work of existing ones. The approach providing for the implementation of a single comprehensive ARI procedure makes it possible to effectively prevent the unjustified expansion of the regulatory field. In addition, the widespread use of a whole range of analytical tools to optimize legislation in the context of the constant expansion of digital

[4] *Regulatory Impact Analysis: Best Practices in OECD Countries*. OECD PUBLICATIONS, 2, rue Andre-Pascal, 75775 PARIS.

opportunities in the economic sphere has become a trend, an actual practice of reforming legislation in many countries (Degtyarev, 2022a). This vector in improving the system of mandatory requirements and achieving stability in the regulation of economic relations is chosen because many countries wish to form an integrated regulatory policy combining various regulatory mechanisms and technologies into a single whole.

Under the digital development and globalization, the introduction of effective deregulation mechanisms contributed to the rapid reduction of burdensome regulations and ensured legal stability; one of such deregulation mechanisms is the regulatory guillotine, which is a flexible and simple legal tool for undifferentiated reduction of the regulatory array. The regulatory guillotine can be used to carry out narrow and large-scale reforms of a one-time or systemic nature (Nosova & Norkina, 2021).

The regulatory guillotine allows quickly revising a large number of rules governing economic relations in a short time. The key idea of the regulatory guillotine is to point out the systemic nature of the problem of business activity overregulation, as well as to demonstrate the possibility of eliminating excessive requirements in the shortest possible time, to correct the current situation in an easy, reasonable and gentle way, to prevent another crisis in the economic sphere, to open wider opportunities for the introduction and development of new digital technologies and the implementation of innovative projects.

There are quite a lot of definitions of the "regulatory guillotine" concept in the legal literature. In a broad sense, this is a transparent and accessible means for calculating and quickly revising a large number of rules through the prism of developed scientific criteria for proper regulation, according to which those regulations that are no longer needed are evaluated and eliminated.

D. B. Tsygankov interprets the regulatory guillotine as a legal means for quickly revising a large number of regulations (Lyubimov et al., 2019).

I. V. Sekhin characterizes the regulatory guillotine as a tool for regulating public relations, based on a criteria-based assessment of the array of legal norms and the subsequent termination of excessive mandatory requirements (Didikin, 2021).

D. V. Novak considers that a key principle of the regulatory guillotine is the possibility of reviewing all mandatory requirements for their effectiveness in the system of current legal regulation (Lyubimov et al., 2019).

If one adheres to the position of M. V. Degtyarev, the regulatory guillotine is a scalable and operational integral tool for simplifying and/or transforming packaged "thinning" of arrays of regulatory legal acts, the continuation of regulatory existence and action of which no longer has (or did not initially have) good reasons and justifications from the point of view of legality, reasonable rationality, economic strategy development, or socio-economic necessity" (Degtyarev, 2022a).

Based on the above definitions, one can conclude that the essence of the regulatory guillotine is quite clear and simple. The regulatory technology under consideration consists in a large-scale revision of the current requirements contained in regulatory legal acts, as a result of which one of three decisions is made: remaining in force, making changes or liquidation.

At the same time, speaking in support of the tools for improving regulation that have already been verified and implemented in many countries, D. B. Tsygankov rightly notes that where ARI works normally and fully, the guillotine is not particularly needed, since excessive acts are canceled in a timely manner, which does not allow them to grow uncontrollably[5]. However, in the presence of clutter of the regulatory-legal array, a comprehensive and large-scale reform of legislation is needed. This problem becomes particularly acute in the most regulated economic sectors. Accordingly, such an instrument of rapid reforms as the regulatory guillotine is a definite step towards ensuring the regulation stability and legal security of business (Degtyarev, 2022b).

Thus, when solving the issues of reducing burdensome rules and ensuring legal stability, it is important to use an integrated approach, including the introduction of a comprehensive full-fledged ARI along with the use of the latest regulatory technologies, among which legal deregulation mechanisms are gaining the most popularity.

2. International experience of implementing the regulatory guillotine mechanism

2.1. Practice of using legal regulation instruments and their elements in foreign countries

For the first time, the mechanism of the regulatory guillotine was used in Europe. Its first manifestations were reflected in early attempts at deregulation in the 1980s, during which a central microeconomic strategy was developed for countries facing an economic crisis and seeking rapid reforms.

In 1984, the Regulatory Guillotine program was initiated in the Kingdom of Sweden. The Government of this country found that it was unable to compile a list of existing regulatory legal acts, and therefore decided to create a clear comprehensive unified legislative database and instructed all subordinate bodies to compile registers of their acts within a year. When preparing the lists, unnecessary and outdated regulations were selected and then automatically canceled, and all new rules and changes to existing regulatory legal acts began to be entered into the unified register within a day from the moment of adoption. This approach was considered a great success. Its use enabled to quickly comprehensively revise the regulatory framework and cancel everything that did not pass filtering, i.e. was recognized as outdated, retarding, inappropriate, excessive, entailing unreasonable costs associated with significant risks. For example, in the field of education, 90% of all rules were abolished.

[5] Golodnikova, A. E., Efremov, A. A., Sobol D. V., et al.; Tsygankov, D. B. (head of the team) (2018). *Regulatory policy in Russia: the main trends and architecture of the future*. Moscow: National Research University "Higher School of Economics".

As a result of a successful reform in the Kingdom of Sweden, the principle of the regulatory guillotine was borrowed by Hungary, and in the early 1990s this country got rid of all norms that did not meet the requirements of a market economy. The first stage involved working with the regulatory framework adopted before June 30, 1990, and the second – with the one adopted after that date.

Then the successful experience of optimizing legislation caused interest in the Republic of Korea, which faced the Asian financial crisis in 1997. Taking into account previous unsuccessful approaches to regulatory reform based on the "bottom-up" principle, this time the "top-down" approach was chosen. The reform program included two key initiatives: the first – deregulation, the second – a sustainable institutional reform. Thus, the Korean guillotine was introduced into a broader reform strategy. As a result, in 11 months of 1998 the pre-established Regulatory Reform Committee (RRC) abolished 5,430 (48.8%) and simplified 2,411 (21.7%) of the 11,125 regulations it revised, which contributed to an increase in the inflow of foreign direct investment (FDI), reducing administrative costs, almost halving the regulatory burden on business, creating new jobs, expanding access to foreign exchange markets and ensuring the country's long-term economic growth (Artemenko, 2020).

During the implementation of regulatory reform in the Republic of Korea, it was particularly important that, at the initial stage of the regulatory guillotine, the historical Basic Act on Administrative Regulations (BAAR) was adopted, which included the procedure for the RRC creation and operation (Articles 23-33 of BAAR), norms for the development of a Comprehensive Plan to improve regulation (Article 20 of BAAR), and for the first time stipulated the concept of regulations impact analysis (RIA) and its criteria (Articles 2, 7 of BAAR)[6].

However, it should be noted that the elements of deregulation, which contributed to the formation of the modern mechanism of the regulatory guillotine, were used in some countries even before 1980. This was due to the transition to the welfare state concept, implemented in most economically developed countries of the world since 1970. For example, during this period, the economy of the United States of America faced excessive regulation in the social sphere. The overregulation of economic relations burdened business and demonstrated the inefficiency of business regulation. In order to effectively solve the problem of removing barriers to doing business and reduce social costs, the United States of America, among other measures, introduced additional labor protection requirements for enterprises with hazardous production (Yuzhakov et al., 2021). The need to introduce new standards was due to the dismissal of occupational safety specialists. However, the rules tightening had a negative effect and became one of the reasons for mass layoffs of employees from such enterprises.

[6] Basic Act on Administrative Regulations (Act No. 5368, Aug. 22, 1997).

There are quite a lot of similar examples of excessive regulation in one area or another. The actual situation required a rapid revision and elimination of excessive, destructive regulations. As a result, in the late 1970s and early 1980s, elements of deregulation (less regulation) began to be introduced in the United States of America, the United Kingdom of Great Britain and Northern Ireland and a number of other countries (Contractor et al., 2020).

It should also be noted that the introduction of the regulatory guillotine and its elements was preceded by programs: 1) reduction of administrative barriers (red tape cutting, simplification); 2) temporary regulation (legislation with a self-expiring regulatory period), called "self-completing" norms, "sunset legislation", or "sunsetting", applied in Australia, for example ("Gesetzgebung auf Zeit" – in the Federal Republic of Germany, "tijdelijke wetgeving" – in the Kingdom of the Netherlands) (Degtyarev, 2021).

For example, in Australia, according to the Legislative Instruments Act 2003 (LIA), any regulations regarding businesses or non-profit organizations were automatically canceled after 10 years if measures were not taken to preserve them. To extend the validity of certain norms, a special procedure was stipulated related to the assessment of their regulatory impact. The said law ensured the updating of the regulatory array and keeping it up to date.

An example of a country where "sunset legislation" is used quite often is also Israel. For example, from 2000 to 2015 the country's legislative body Knesset adopted 281 temporary laws. In the United States of America, the use of the sunset legislation procedure was associated with the state congresses' activities. According to M. V. Degtyarev, the system of such acts can be qualified as temporary legislation (Degtyarev, 2022a).

The practice of applying certain elements of deregulation in Australia, the United Kingdom of Great Britain and Northern Ireland, the Netherlands, the United States of America and other countries, as well as the high results obtained during the use of the regulatory guillotine principle in Sweden and Korea, formed the basis of the modern regulatory guillotine. Being an innovator in issues related to the assessment of sources of regulatory problems since 2004, the company Jacobs, Cordova & Associates (JC&A) has been actively involved in the development and implementation of regulatory reform programs in the Republic of Croatia, the Socialist Republic of Vietnam, the Republic of Kenya, the Arab Republic of Egypt, the Republic of Moldova, Bosnia and Herzegovina, the Republic of Serbia and other countries, which demonstrated the effectiveness of the regulatory guillotine mechanism, including in developing countries.

The conducted research also allows identifying one of the reasons for such a quick decision by a number of countries to introduce a regulatory guillotine mechanism and to conduct an inventory of legislation in the shortest possible time. In most cases, this was due to their desire to join the European Union, which, in turn, required harmonization and coordination of the national regulatory framework with the European legislation. The process of optimizing legislation using the mechanism of the regulatory guillotine, according to D. B. Tsygankov, served as a kind of "window of opportunity" to combat excessive norms (Lyubimov et al., 2019).

2.2. Examples of effective large-scale regulatory reforms using the modern "regulatory guillotine" mechanism

The most classic example of the use of the regulatory guillotine is the experience of the Republic of Croatia (which applied for EU membership in 2003). The regulatory guillotine project was launched by the country's authorities in January 2006. The entire process of the reform implementation took nine months. The project is known as HITROREZ ("Rapid reduction").

The procedure for optimizing Croatian legislation included collection, analysis and streamlining of business rules. The developed project provided for a triple revision of all requirements: by the public administration bodies that issued them; by a special division of HITROREZ; and by companies and businesspersons[7].

The reform involved two stages.

The first stage implied the executive authorities' preparing a complete list of requirements related to business and submitting it to a special division of HITROREZ.

At the second stage, the requirements were subject to review by the departments in interaction with business stakeholders and in compliance with the established criteria. In the course of the analysis of the regulations contained in legislative acts, one of the following conclusions was adopted: cancel, change, or leave as it is.

The action plan for the implementation of the guillotine strategy in the Republic of Croatia consisted of 17 mandatory sequential steps and a clear schedule, where the first step was a decision by the authorities to launch the guillotine.

As a result of the HITROREZ project implementation, specific recommendations were developed for each regulatory act containing business requirements and submitted to the Government of the Republic of Croatia. This allowed canceling about 27% and simplifying more than 30% of all rules concerning business. According to the World Bank data, during the reform carried out on the basis of the regulatory guillotine, the country's economy managed to save $65.6 million annually (0.13% of GDP).

The HITROREZ project also served as the first step to start implementing further system-wide reforms in the country. For example, from 2006 to 2020, Croatia significantly improved its performance in the Doing Business global ranking of countries, rising from the 118th to the 51st position.

The success of the guillotine in the Republic of Croatia was ensured by the following factors:

– the systematic approach to the legislative framework revision and the allocation of funding for regulatory expenditures;

– the establishment of clear project standards, active participation of the business community in the project implementation;

– the desire to join the European Union;

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7 Jacobs, S., & Astrakhan, I. (2005). Effective and Sustainable Regulatory Reform: The Regulatory Guillotine in Three Transition and Developing Countries. *World Bank Conference Reforming the Business Environment: From Assessing Problems to Measuring Results. 29 Nov. – 1 Dec. 2005, Cairo*.

– the introduction of new software to improve the efficiency and transparency of regulation (Aleksandrov, 2019).

Besides, an important element of the effective application of the regulatory guillotine in Croatia was the official establishment of the relevant structures and institutions. In particular, the Decree of the Government of the Republic of Croatia of June 28, 2007 "On the establishment of the Office for the coordination of the regulatory impact assessment system" stipulated the establishment of the Office for the Coordination of the Regulatory Impact Assessment System. It includes the Department of Analysis and Control over the implementation of the HITROREZ project.

Following the Republic of Croatia, the regulatory framework for entrepreneurs in the Republic of Moldova was optimized according to the same principle of regulation simplification in 2005-2007. It is noteworthy that the launch of a radical reform in Moldova was preceded by the adoption in 2004 of the Law on optimization of the regulatory framework for business regulation (the Guillotine Law), which implied a transition to bolder and more systematic reforms (Moldova had already had experience in implementing nationwide regulatory reforms before 2005). The said law established new standards for the quality of regulation and contained a list of principles for creating relevant, feasible, clear, reasonable rules corresponding to the level of digital technologies development:

– transparency and stability in business regulation;

– zero interference with business activity and/or suspension of business activity, except in cases expressly stipulated in the law;

– differentiation of controlling-supervisory and regulatory functions of executive authorities;

– administrative authorities may not demand and charge any additional fees for the issuance of licenses, permits and other certificates for doing business, except those that are explicitly stipulated in laws and regulations of the Government or Parliament, which determine the type of services and the fee charged for such services;

– it is prohibited to demand and request any documents for the issuance of licenses, permits and other certificates for doing business that are not expressly stipulated in the laws and regulations of the Government or Parliament.

The drawback of the above principles was their focus mainly on improving the legal regulation of business activity (legal security of business) without paying due attention to the economic side of the issue. Nevertheless, the reform in the Republic of Moldova was successful, allowing for the first time in many years to compile a comprehensive transparent list of legal acts regulating business issues. Created in order to implement the "regulatory guillotine", the National Working Group revised 1,130 regulatory legal acts regulating business activity in six months. During the reform, it was revealed that only 426 acts meet all the established criteria (they were included in the electronic register); 285 acts (35%) required amendments and additions; 99 regulatory legal acts (12%) were canceled (most of them were declared illegal). The use of the regulatory guillotine mechanism

in the country also significantly strengthened the central institutions responsible for carrying out reforms, increased confidence in the reform and increased the potential for more ambitious reforms in the future.

In general, the supporting structure of the regulatory guillotine had a universal character, which allowed it to be used in carrying out both large-scale reforms (for example, the Republic of Croatia, the Republic of Moldova), and sectoral ones, aimed at simplifying regulation in certain sectors of the economy or spheres, for example, improving investment processes, licensing systems, etc. Among the countries that successfully implemented the sector reform are the Republic of Kenya, the Arab Republic of Egypt, and others.

For example, in 2005, the Kenyan Government initiated a reform aimed at reducing the growing number of business licenses and fees and reducing the level of corruption, which had acquired serious proportions due to the redundancy of such licenses. The reform took 18 months. Under the leadership of the Ministry of Finance, the central committee for regulatory reform was established and the implementation of the nationwide deregulation program "Regulatory Behavior and Capacity Building of the Republic of Kenya" began[8].

A comprehensive inventory conducted as part of this reform showed that the private sector was faced with more than 1,300 business licenses and related fees charged by more than 60 government agencies and 175 local authorities, and regulators were constantly introducing more and more new licenses. The result was that the private sector was overwhelmed with licenses, fees and expenses. During the reform, many licenses were found unnecessary, illegal or unreasonably expensive. As of October 2007, 315 licenses were cancelled and 379 simplified. A total of 294 licenses were retained. Of the remaining licenses, approximately 300 were postponed due to new draft laws being developed or already adopted legislative acts, and 25 were reclassified and not counted as licenses[9].

Notably, the Kenyan Government, in the course of the reform, went beyond the previous projects based on the "one at a time" (one in – one out) licensing reform, and adopted a broader "guillotine approach", which provides for the rapid identification, revision and streamlining of all business licenses and related fees. The results of the licensing reform significantly contributed to improving the status of Kenya as a leading reformer in the World Bank's Doing Business ranking for 2008. According to the results of the "Monitoring and evaluation of the business licensing reform of the Government of the Republic of Kenya" within the program "Regulatory behavior and capacity building of the Republic of Kenya", certain types of licensing were canceled and simplified, which significantly reduced the costs of control and supervisory activities, reduced risks for entrepreneurs and investors. Experts estimated the reduction of business expenses at $146 million per year.

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8 Jacobs, S., Ladegaard, P., & Musau, B. (2007, October). *Kenya's Radical Licensing Reform*.

9 Jacobs, S. (2005, December). *The Regulatory Guillotine Strategy. Preparing the Business Environment in Croatia for Competitiveness in Europe*.

An important and fundamentally new result of the licensing reform carried out in the Republic of Kenya was the decision to create an appropriate institutional framework to support the sustainability of reforms. In particular, the country's Government approved institutional initiatives: the formation of a permanent regulatory body under the Ministry of Finance, whose tasks included checking new business rules, as well as the development and implementation of larger regulatory reform programs in the future; creation of an electronic register of regulatory legal acts and a register of regulatory bodies.

A review of the implementation of the licensing reform in Kenya allows highlighting its main principles:

– introduction of an orderly and transparent process for calculating licenses in all state bodies with the authority to issue licenses;

– quick review and verification of licenses for compliance with the established criteria: legality, validity, necessity, convenience for business;

– the burden of proof for the preservation of certain licenses does not lie with the reformers;

– full transparency and broad participation of stakeholders in the reform process;

– creation of an institutional framework for carrying out regulatory reforms on a systematic basis.

Regulatory reform in the Arab Republic of Egypt also had a sectoral nature and was aimed at simplifying investment processes (2014). The result of the reform was the creation of a special structure "Egyptian Regulatory Reform and Development Activities" (ERRADA). Within its competence, the audit and improvement of legislation in the field of investments were carried out, burdensome administrative procedures were minimized. In 2015, in order to strengthen investor confidence, weaken bureaucracy and attract foreign investment, the Law of the Arab Republic of Egypt No. 17/2015 was adopted, which amended the Law of the Arab Republic of Egypt No. 8/1997 "On investments". This law provided for the standardization of investment initiatives, simplification of various bureaucratic procedures for investors and other measures, which enabled to reduce a large number of inefficient and inappropriate rules in this area.

The project using the regulatory guillotine was also implemented in the Socialist Republic of Vietnam. In 2007, this country adopted the "Plan to simplify administrative procedures in the field of public governance for the period of 2007–2010" (further – the Plan), which consisted of four main stages:

– inventory, including the preparation by state executive authorities of lists of administrative procedures and information about them, based on standardized forms, followed by the creation of registers;

– self-check, in which the executive authorities analyzed and evaluated procedures based on the criteria of legality, necessity, acceptability and reasonableness;

– collection of the specified information by a special working group and discussion with representatives of public authorities with the subsequent development of the administrative reforms concept;

– development of recommendations for each verified administrative procedure (Degtyarev, 2022a).

The economic benefits of the regulatory reform carried out in the Socialist Republic of Vietnam were substantial. The reduction of business costs related to regulation was estimated at $1.4 billion per year. 5,421 procedures at all levels were subject to revision, of which 8.8% were canceled, 77% were simplified.

The modern regulatory guillotine, in turn, has covered a large number of developed countries of the world. The introduction of "regulatory guillotines" in these countries was due not only to the processes of digitalization and the expansion of the legislative array, but also to a number of other reasons:

1. Exit from international agreements and unions (for example, the United Kingdom of Great Britain and Northern Ireland – cancellation of regulations due to the adoption of the Law on the country's exit from the European Union, 2018).

2. Simplification of labor relations regulation in order to increase labor productivity (France, 2017).

3. Introduction of effective legal regulatory institutions and practices (Australia, New Zealand, 2017).

4. Creation of simplified conditions for doing certain businesses where it was previously impossible to do, with a view of the economic development of regions and attracting direct investment in them (Japan, 2003).

5. Participation in the work of international organizations (for example, the Organization for Economic Cooperation and Development – OECD, which includes 38 states and plays a leading role in the international community in promoting regulatory reform and introducing sound regulatory practices based on a nationwide approach).

Japan's experience deserves special attention in carrying out regulatory reform among developed countries, as it is a unique example of a territorial approach to regulatory reform. Due to the program of special zones, based on legislation approved in 2002 (the Law "On special zones related to structural reforms"), some rules could be relaxed or abolished in geographically limited areas acting as the testing ground and the first step for reforms at the national level. In Japan, a territorial approach combining regulatory reform with elements of decentralization led to initiatives that could have take much longer otherwise[10].

The multifaceted international experience has shown that most of the implemented regulatory reforms are of a large-scale nature and are not limited to the use of the regulatory guillotine mechanism; this is absolutely justified. Digitalization processes create the basis for the latest regulatory technologies development, making them more flexible, highly efficient and low-cost (Beach et al., 2020). While initially the goal of the regulatory policy of many countries was to reduce the number of regulatory legal acts (deregulation) that hinder business development (the policy of "reducing regulation" – less regulation),

[10] *OECD Reviews of regulatory reform: Japan*. (1999).

regulatory reforms have acquired a comprehensive, balanced and systematic character over time. Their main goal was not to reduce the number of regulations, but to improve their quality and effectiveness (the concept of "quality regulation" – better regulation). Later, with the advent of new regulatory instruments (regulatory impact assessment; measuring and reducing the administrative burden; simplification of the existing legislation, including consolidation and codification; consultations with stakeholders; assessment of the actual impact; open access to the legislative framework, etc.), a certain modernization of regulation took place, which led to the change of the "quality regulation" concept to a more modern "smart regulation" concept. However, despite the evolution of regulatory concepts, the mechanism of the regulatory guillotine, even taking into account the digital transformations of the economy, remains relevant and acts as one of the key elements in implementing both sectoral and larger-scale reforms (Davydova, 2020).

The regulatory guillotine is just one example of reforms that can simultaneously produce short-term results and lay the foundation for sustainable changes in the field of business regulation. The regulatory guillotine implies a sort of cyclical inventory of legislation and almost never serves as a completion of reforms. Foreign experience has shown that regulatory reforms carried out from the bottom up, as well as haphazard, one-time reforms, do not lead to the expected success, since the achievements of improved regulation may again decline as a result of the adoption of a large number of new ones and loss of relevance of the existing requirements. Such cases occur especially when rather strong traditions of legal regulation are formed and rooted in the country for many years, which encourages the repetition of the same mistakes. A number of conditions are necessary for the successful implementation of the guillotine strategy; political, administrative and legal support for the reform is of primary importance. Also, any reform is based on guidelines containing the necessary characteristics of proper regulation. The "regulatory guillotine" principles are: the universality of the legislative framework revision; the speed and finality of making a decision on the preservation, simplification or abolition of legal norms; abolition in favor of reforming the burden of proving regarding the need to preserve legal norms (presumption of overregulation of public relations in business sphere); universality of criteria for evaluating legal acts.

The analysis of the reforms also showed that not everywhere in the world the "regulatory guillotine" is used in its pure form; a number of countries are developing their own mechanisms of deregulation. But their essence is the same – reducing excessive regulation when doing business in order to ensure sustainable economic growth and social well-being of the country.

2.3. Formation of a new legal institution of mandatory requirement in the Russian Federation

The economic policy of most countries, including the Russian Federation, is aimed at ensuring that legislation and regulation are friends, not foes of technological progress. However, regulation sometimes becomes excessive, imposing too many regulatory requirements that their addressees must comply with.

The analysis of the existing problems in the regulation of economic relations allowed identifying significant guidelines and priority areas for improving the legal regulation of business in Russia. Serious attention was paid to the issues of creating clear guidelines, general rules and techniques for establishing mandatory requirements, building an effective system of requirements for business using promising regulatory technologies, including a tool of legal deregulation – the regulatory guillotine.

The Government of the Russian Federation has repeatedly marked that consistency in legislation is becoming problematic. The redundancy of the requirements imposed on business prevents the adoption of more effective decisions, leads to the need to revise the regulatory array. In addition, legislation that becomes obsolete over time puts at stake the trust of citizens and society in the ability of the established rules to solve the issues for which they were adopted. This problem has become most obvious in the course of high achievements of technological progress, including the economic sphere. A huge number of mandatory requirements no longer corresponded to the modern needs of economic entities, the level of technological progress, and the changes caused by digitalization.

The concept of effective regulation consists in the continuous and systematic improvement of its quality. The need to restructure the regulatory framework for the purposes of successful business was marked as early as in 2014 in a number of policy and strategic documents of the Russian Federation. Prerequisites for making cardinal decisions to eliminate excessive regulation were the following:

– the adoption of a large number of legislative acts that are not provided for by a previously formed plan, but are related to the reaction of the state to various events;

– the autonomy of the existing procedures for assessing legislation, the weak interrelationship of the legal diagnostic tools used;

– the overregulation of many sectors of the economy;

– the mechanical cancellation of mandatory requirements without conducting a proper comprehensive analysis based on clear criteria;

– the lack of an accessible, comprehensive database (register) of mandatory requirements for all areas of regulation of business and other economic activities;

– the lack of planning and cyclicity in revaluation and revision of mandatory requirements for business, etc.

The launch of the regulatory guillotine was facilitated by the adoption of the Federal Law "On mandatory requirements in the Russian Federation" (further – Law No. 247-FZ)[11]. This law laid the foundation for the formation of a new legal institution of mandatory requirement.

[11] On mandatory requirements in the Russian Federation. Federal Law No. 247-FZ of 31.07.2020. (2020). *KonsultantPlyus*.

Law No. 247-FZ enabled to define uniform conditions for establishing all rules imposed on business, namely: it outlined the scope of application of its norms, defined the object, subjects and area of regulation; the sources in which these norms should be contained and their validity period; and forms of assessment of the mandatory requirements application. It was stated that the necessary conditions for establishing mandatory requirements are: analysis of socially significant risks in the relevant sphere of public relations; consideration of compliance with mandatory requirements of modern digital reality.

In addition, Law No. 247-FZ fixed the fundamental principles – general criteria, a kind of restrictions (requirements to requirements), on which the entire system of mandatory requirements should be based and strictly comply with them. In total, five principles were identified: legality, legal certainty and consistency, validity, openness and predictability, enforceability of mandatory requirements.

The activation of the regulatory guillotine mechanism made it possible to quickly and effectively revise a significant amount of existing regulatory legal acts containing mandatory requirements, in order to update them and cancel all outdated and redundant rules. This contributed to a significant reduction in financial costs for business both in all areas of business activity and at the level of individual sectors of the economy. The regulatory guillotine became a valuable tool for eliminating uncertainty and risks; rationalizing the law-making process; improving the legislation quality and the regulation effectiveness in the context of the development of innovations and new digital opportunities.

However, attention should be paid to a number of problematic aspects found during the implementation of the new legal regulator.

First, the regulatory guillotine is not a panacea that can eliminate numerous regulatory difficulties associated with the expansion of the regulatory field and the widening gap between law and reality.

Second, excessive use of the regulatory guillotine mechanism often does not allow for a qualitative and meaningful assessment of regulatory requirements and may lead to a thoughtless mass reduction of mandatory requirements, creating a situation of legal vacuum. In this connection, it should be assumed that the regulatory guillotine is just one of the effective mechanisms of legal deregulation, the wide potential of which must be used in conjunction with other regulatory technologies.

Despite the identified risks, Law No. 247-FZ acted as a structure-forming factor in the construction of a new legal institution of mandatory requirement for the Russian Federation, demonstrating the unity and complexity of the norms governing economic relations, allowed to form an integral system of legal regulation based on a risk-oriented approach, which is a standard matrix for each sphere of business activity. The introduction of the regulatory guillotine significantly reduced the regulatory burden on business and the number of control functions of government agencies.

Summing up the above, it should be noted that in the era of digital transformations of the economy and other spheres of life, the desire to combat overregulation caused by outdated and excessive legislation, which no longer corresponds to the pace of development

of modern society, by undifferentiated reduction of the regulatory array is increasing. The regulation of any social and technological phenomenon implies an understanding of its characteristics and a quick response to emerging difficulties. The law must keep pace with the "acceleration" and protect the opportunities offered by technological development. The expediency of using the mechanism of legal deregulation, based on the simultaneous revision and cutting off of a large number of outdated and inefficient regulations, in the context of global digital transformations and turbulence, is obvious and serves as a vivid example when regulatory measures become not only easy, but also reasonable, serve the interests of society and contribute to the timely introduction of innovations, opening up new digital opportunities. This regulatory technology makes it possible to adapt regulation to the changing digital reality and transformational processes in the economy, to revise the entire "life cycle" of the requirements for doing business, thus avoiding excessive regulation in a certain area of economic relations.

Conclusion

1. The processes of digitalization in the economic sphere have led, along with the opening of new business opportunities, to the problem associated with the emergence of a significant number of irrelevant, outdated, formal regulatory rules that do not meet the requirements and principles of a market economy. This state of affairs caused insurmountable barriers to doing business and increased the administrative burden on business entities, serving as the basis for the search for new effective legislative mechanisms to eliminate excessive legal regulation.

2. An essential role in solving the issues of reducing ineffective rules and ensuring legal stability is played by the active implementation of a comprehensive full-fledged ARI of legislative acts containing mandatory requirements (including retrospective assessment), along with the use of the latest regulatory technologies, among which the most popular are the mechanisms of legal deregulation, such as the regulatory guillotine; it can be used not only for one-time and sectoral adjustment of legislation (by individual sectors (sub-sectors) of the economy), but also for carrying out large-scale reforms that imply a systemic nature.

3. The legal science interprets the modern regulatory guillotine as a mechanism for a comprehensive analysis and revision of the current regulatory array and a necessary element for improving the system of mandatory requirements. This regulatory technology successfully performs the function of a filter, eliminating precisely those rules which become burdensome for business entities from the viewpoint of economic necessity, rationality and legality.

4. The principles of the "regulatory guillotine" are: the universal revision of the legislative framework; the speed and finality of making a decision on the preservation, simplification or abolition of legal norms; the abolition, in favor of reform, of the burden to prove the need to preserve legal norms (presumption of overregulation of economic relations); the universality of criteria for evaluating legal acts.

5. Successful implementation of a single full-fledged procedure for assessing the regulating (regulatory) impact together with other regulatory technologies, including the guillotine, requires a number of conditions:

– state and legal support for a full-scale review of all mandatory requirements for business;

– formation of special structures and institutions responsible for carrying out regulatory reforms;

– a top-down approach to reform, when decisions are made at the highest level;

– measuring the existing regulatory problem, determining its scope and the reform goal;

– transition to a full ARI cycle, which provides for strengthening the current ARI mechanism, combining all existing analytical regulatory tools into a single procedure;

– precise definition of the area (areas) of regulation for the legislation inventory;

– development of unified general scientific criteria for effective regulation and elimination of those norms that have lost their usefulness;

– transparency and broad participation of stakeholders in the process of reviewing the current legislative framework;

– availability of technical capabilities to support and implement reforms;

– creation of a universal unified register of requirements in order to systematize them and inform interested persons, etc.

6. Foreign experience has shown that the problem of overregulation of economic behavior is systemic, requiring repeated regulatory reforms. This is due to the fact that at the stage of intensive digital transformations of the economy, the state is constantly introducing new rules for doing business, which over time may lose their relevance, contradict each other, creating legislative blockages, leading to excessive regulation and unjustified costs for business entities.

7. The legal experience of the Russian Federation in improving the efficiency of regulation in the economic sphere has demonstrated a comprehensive approach to improving the system of mandatory requirements imposed on business. The introduction of a new independent legal institution of mandatory requirements, which included the regulatory guillotine – a promising tool for undifferentiated reduction of excessive requirements, enabled to form a clear unified procedure for developing and evaluating compliance with mandatory requirements, to carry out a cardinal regulatory reform of legislation, which allowed to untangle the complex regulatory knots and to revise the existing rules in all spheres of economic activity on a large scale basis.

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Совершенствование системы обязательных требований, предъявляемых к бизнесу в условиях цифрового преобразования экономики

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Ключевые слова

Бизнес,
дерегулирование,
законодательство,
обязательные требования,
право,
правовое регулирование,
предпринимательская деятельность,
регуляторная гильотина,
цифровые технологии,
экономика

Аннотация

Цель: подготовка научно обоснованных предложений по совершенствованию системы обязательных требований в сфере предпринимательской и иной экономической деятельности в условиях формирования цифровой экономики, с учетом зарубежного опыта по устранению препятствий для ведения бизнеса и имеющейся практики оптимизации законодательства в данной сфере.

Методы: методологическую основу исследования составляют традиционные общенаучные и частнонаучные методы научного познания: диалектический, формально-логический, историко-сравнительный, системный, терминологический, общелогические методы (анализ, синтез, обобщение, индукция, дедукция и др.), а также специальные методы: историко-правовой, формально-юридический, метод сравнительного правоведения.

Результаты: исследованы и систематизированы теоретические подходы и опыт совершенствования системы обязательных требований в зарубежных странах и Российской Федерации, рассмотрены возможности внедрения наиболее успешных инновационных правовых инструментов и практик для улучшения регулирования экономических отношений. Определена роль ретроспективной оценки регулирующего воздействия действующих нормативных правовых актов, содержащих обязательные требования, в решении вопросов по сокращению

обременительных правил и обеспечению правовой устойчивости в условиях цифровой трансформации экономики. Рассмотрен международный опыт реализации механизма регуляторной гильотины; раскрыты его суть, цель, задачи, основные принципы, алгоритм работы. Проанализированы вопросы установления и оценки применения содержащихся в нормативных правовых актах требований, предъявляемых к бизнесу.

Научная новизна: авторский всесторонний анализ имеющихся научных разработок по вопросам совершенствования системы обязательных требований, предъявляемых к бизнесу; систематизация научно-теоретических подходов к выбору инновационных правовых инструментов для устранения избыточного правового регулирования экономических отношений; обобщение успешных зарубежных практик реализации мероприятий «регуляторной гильотины».

Практическая значимость: выработка рекомендаций по эффективному сокращению обременительных требований, негативно влияющих на развитие предпринимательской деятельности в условиях цифровой трансформации экономики. Определение условий, необходимых для осуществления полноценной процедуры оценки регулирующего воздействия и успешной реализации регуляторных реформ. Результаты исследования могут быть использованы в нормотворческой деятельности, в образовательном процессе при освоении образовательных программ по экономическим и юридическим специальностям.

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