

Research on local government behavior in the process of optimizing the legalized business environment

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Abstract

In this era, the rapid economic development of countries, the upgrading of various industrial structures, the overall good. For our country, is also experiencing a new normal of economic development, we have to overcome a lot of difficulties to achieve the leap and upgrade of economic structure. Among the various elements of the entire business environment, an excellent and orderly business environment based on the rule of law is crucial. The government should take the interests of market players as the guide, regulations, and policy measures that encourage various market participants to do business, and also strive to create an excellent and orderly, fair and just business environment under the rule of law. In the process of building a business environment under the rule of law, we first need to identify the problems, through study and research to determine where the problems arise and where the government's strength should be.

Keywords

Governance behavior, rule of law, business climate.

1. INTRODUCTION

Our definition of the business environment refers to all the external conditions and factors involved in the whole process from market entry to market exit when market players are engaged in trade activities, which is crucial to the rapid and healthy development of the economy.[1] General Secretary Xi once said , "the rule of law is the best business environment".The effective implementation of the national economic development strategy cannot be achieved without the protection of the legal system, and the creation of a business environment based on the rule of law has become a key and difficult issue for China's economic development.[2] we must pay attention to his rule of law, internationalization, market-oriented construction, to play the role of government, to keep pace with the times.

2. THE LOCAL GOVERNMENT IN THE OPTIMIZATION OF THE RULE OF LAW BUSINESS ENVIRONMENT IN THE REALITY OF OBSTACLES

2.1. There is a lag in legislation or even the lack of legislation

Good laws are the prerequisite for successful social governance, and a good business environment under the rule of law is indispensable for economic and social development and the normal operation of enterprises. China's existing rules and regulations in the field of business environment are seriously lagging behind or even missing, so the speed and breadth of legislation in the field of rule of law business environment is the first problem we have to solve.[3]

2.2. Administrative Decision Making and Judicial Environment Issues Highlighted

The degree and goodness of the legalization of local government administrative decision-making not only reflects the democratic legal consciousness of the government decision-makers themselves, but also reflects the social legal environment of a government management decision-making process, which is not only directly related to the social legal image of the government departments themselves, but also related to the personal interests of each ordinary people. In addition, it is worth warning that the current departments at all levels are actively promoting the reform of the management and service, there is a lack of the rule of law bottom line hidden danger.

2.3. Increased differentiation of market players and frequent conflicts between public and private interests

As we all know, the new industrial upgrading will eliminate some of the original companies in the market, but along with the elimination, there will also be some newborn, more advanced and more adapted to the needs of the market companies will emerge, such as, Internet platform companies, intelligent driving companies, and so on. According to the current point of view, more and more companies have set up a special business department to interface with the government, called "government affairs", the government in the past and the company interface process, often more intervention, but in the face of the new company model, may have to make some changes, how to find a balance between the two government rule of law and corporate interests to avoid conflict as much as possible, is our current problem to solve.

3. LOCAL GOVERNMENTS' RESPONSIBILITY IN IMPROVING THE BUSINESS CLIMATE THROUGH THE RULE OF LAW AND FUNCTIONAL POSITIONING

3.1. The administrative rule of law practitioner in the rule of law business setting

We should be aware that, like other policies and processes, the rule of law business environment does not emerge spontaneously; it requires government support. First, in accordance with the characteristics of the times and the necessities of economic development, the implementation of administrative rule of law necessitates an open and fair, scientific and reasonable legal regulatory framework. Second, the administration of the rule of law necessitates administrative law enforcement operations in order to comply with the law.

3.2. rule of law in the business environment of the leading collaborative governance

When a specific market economic behavior requires the application of collaborative governance methods and means, the government should make a judgment and formally propose collaborative cooperation.[4] Especially in the face of the rule of law, an important element of the business environment, there is a greater need for the government to take standardized measures to ensure that the entire market is fair and efficient.

3.3. In a rule of law corporate context, the organizer of public and private interests.

Because of its distinctive status and political authority, the government will be the only one to coordinate public and private interests in the building of a legalized business environment,

whether for the market economy or the business environment. The government's role as a public intermediary is to identify conflicts and reconcile them. The government, in particular, plays a coordinating role between the two subjects, primarily in the resolution of specific problems, and it must determine the roles and functions that the public and private subjects should play, particularly through administrative legislation that specifies the rights and responsibilities of the private subjects and encourages them to manage their own affairs and participate in social affairs.

4. LOCAL GOVERNMENT'S APPROACH TO IMPROVING THE ECONOMIC ENVIRONMENT THROUGH RULE OF LAW.

4.1. Make the legal environment more conducive to doing business

To begin, enhance the legal framework for conducting business. We should improve the single line of commercial legislation to improve the legal system for doing business. As we all know, our country has experienced a long period of planned economy, and it is only since 1978 that we have slowly begun to learn from the experience of Western countries, introduce foreign capital and technology, and explore a market economy with Chinese characteristics, and it is also in this process that the relevant legal system was created. As the Internet, big data, and various cloud technologies have advanced in recent years, and transaction behavior is constantly changing, the relevant laws should be updated. Second, to improve the legal framework for business. "Seize the key to improve the quality of legislation," our party said emphatically at the 18th Central Committee's Fourth Plenary Session. First of all, we insist on the legislative progress, distinguish the priority of business legislation, and follow the law of observation; secondly, the content of local business legislation should pay attention to grasp the key issues and key provisions; finally, we should pay attention to the evaluation of the legislation after the introduction of a law, whether it is enforceable and whether it has a positive value, all need to be evaluated by a professional team. Third, strengthen the construction of business legislation team. First, improve the use, incentive and restraint system of legislative talents in the process of legalization of business environment. For the excellent talents of business legislation, we should establish and improve the policy of using talents that "can come in, make the best use of them and keep them". Secondly, we should adhere to the business legislation drafting model that combines business theoretical researchers, practical workers and legislative workers.

4.2. Improve the level of business enforcement

First, regulate the business law enforcement behavior according to law. refine the administrative discretion. In the past, in the necessary moment of economic development, we used to have the slogan of "no law is forbidden," but in the process of administrative law enforcement, if used improperly, it will give rise to the wrong behavior of trading in power and money, breeding corruption and destroying the legitimate rights and interests of market subjects. Second, strict adherence to business compliance procedures. Because of the importance of procedural justice, the government and its employees must place a high value on it from an ideological standpoint and put it into practice. First and foremost, to improve the company law enforcement officers' grasp of law enforcement procedures. Second, the Administrative Procedures Act was enacted. Although China's administrative organs frequently carry out application, evidence, hearing, and other administrative law enforcement procedures, which are distributed throughout several laws, there is currently no comprehensive collection of independent legal rules for administrative procedures. Third, increase the ideological and moral integrity of corporate law enforcement officers, as well as their professional knowledge.

Governments at all levels should also organize more ideological and moral training, as well as educate more leading cadres from an ideological standpoint; second, improve the quality of business capacity building by incorporating more case education, dismantling, touring, and simulation of excellent cases.

4.3. enhance the judicial authority of business

First, to ensure that business justice is fair and transparent. First of all, to promote open trials, and improve the system of hearing. Deepen the business judicial trial open, open to promote justice, to create sunshine justice, enhance the business judicial authority; second, improve the people's assessor system. The purpose of the people's assessor system is to effectively defend people's participation in justice, ensuring that judicial fairness and transparency are protected in a more effective system. Second, Open up judicial remedy channels to provide protection for the legitimate and healthy development of enterprises. In a series of processes such as filing, trial and execution, we strive to solve the various problems encountered by enterprises. Insist on justice for the people, justice for enterprises, and strive to enhance the judicial authority of business, to create an excellent business environment for the rule of law. Third, improve the business judicial services to protect the system. In the improvement of business judicial services to protect the system, we can first increase the legal protection of property rights; secondly, improve the multi-channel dispute resolution mechanism. Litigation and non-litigation methods complement each other, with their unique functions and roles each play the value of dispute resolution; finally, improve the judicial protection mechanism for foreign business. In modern society, due to the increasingly frequent exchanges between countries, many of the cases involving intellectual property disputes in China have foreign factors.

4.4. Transform government functions and build a new type of government-business relationship

In the process of changing government functions, First of all, to deepen the decentralization of government, deepen the decentralization of government is mainly reflected in the microeconomic field of specific management matters as far as possible to reduce or even remove the administrative approval matters, vigorously implement the administrative approval notification commitment system. Second, we should explore the "light pre-access, emphasis on post-event supervision" mode of governance. Second, the construction of "pro" "clear" as the core of the new relationship between government and business. General Secretary Xi Jinping has pointed out that the leading cadres, the so-called "pro", is close and good, to be open and sincere contact with private enterprises, to take the initiative to help entrepreneurs in difficulty; the so-called "clear", is the relationship with private entrepreneurs to clean, clean, can not covet their money, can not seek personal gain with power, engage in power and money transactions.[5]

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