

# **Establishment of Legalized Business Environment Based on the Context of Cooperative Rule of Law**

## **-- Based on The Practice of Fair Competition Review in Shenyang**

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### **Abstract**

**The further optimization of the business environment and the integration of the construction of the rule of law require the construction of the legal business environment. Based on the relationship between the government, the market and society, we can formulate relevant creation plans, and realize the establishment and continuous improvement of the legal business environment on the basis of cooperation with the context of the rule of law, so as to provide a realistic context for the construction of the business environment. The change of governance environment and resource integration in the context of cooperative rule of law governance promote the exertion of market function, coordinate multi interests, and meet the logical evolution law of business environment construction in the context of cooperative rule of law. Combined with the practice of fair competition review in Shenyang, this paper promotes the realization of the goal of building a legal business environment.**

### **Keywords**

**The context of cooperative rule of law; Legalized business environment; Establish; Fair competition review.**

## **1. Introduction**

The business environment is the main carrier of business and investment activities, which needs to be continuously optimized and improved in combination with market conditions and socio-economic development trend. Functional departments should also be able to solidly promote administration according to law as a whole, fully formulate scientific regulations on the management of market order, and promote the standardization and rationalization of business entities to participate in market competition. The construction of legal business environment should be realized on the basis of adapting to the functional division and development objectives of the government, market and society. At present, it is an urgent requirement for the orderly development of the legal business environment to provide a value guidance and dynamic mechanism for the negotiation, interaction and interest coordination of multiple subjects, and to coordinate the differentiated social structure and the interest relationship of public-private integration. Therefore, based on the scene and process of the transformation of business environment governance in Shenyang, this paper will explore the basic orientation of the construction of legal business environment, explore the logical evolution of the construction of legal business environment, systematically sort out the legal needs of business environment optimization, and then put forward the specific approach of the construction of legal business environment.

## **2. Establish the Focus of Optimizing the Business Environment**

### **2.1. Building A Healthy Political Ecology**

In essence, the optimization of business environment is also an important issue to be dealt with in administrative work, and the optimization of political ecology is needed. Local governments should also be able to combine the characteristics of regional economic development and relevant resource advantages, establish a relatively scientific administrative management model, promote the legitimate operation of enterprises, and also have a positive impact on the expansion of enterprise production scale. The political ecology can not reflect the health and innovation, so it can not effectively optimize the business environment. Even if the business environment is divorced from the positive and effective political ecology, the business environment cannot be relieved. The analysis of the long-term mechanism of legal supervision to optimize the business environment must focus on optimizing the political ecology, pay attention to the innovation and improvement of the system, and generate an administrative supervision system with high practical adaptability and operability.

### **2.2. Handle the Relationship Between Functional Departments and Enterprises**

As the main constituent element of the development of market economy, enterprises will not be able to build a high-quality business environment if they can not participate in business and investment activities in an orderly and standardized manner. In the process of supervising the business activities of enterprises, functional departments must deal with the complex relationship between management and service. Government staff should pay attention to their own image. They should not be guided by personal emotion and will when dealing with official work. Only when law enforcement personnel have a healthy social image and good professionalism can they provide more possibilities for optimizing the business environment, Enable functional departments and enterprises to form a harmonious relationship of mutual trust. Dealing with the relationship between functional departments and enterprises plays an important role in optimizing the business environment. Under the constraints of relevant laws and regulations, scientifically and effectively improving the business environment, dealing with the relationship between functional departments and enterprises, and giving full play to the role of the business environment can scientifically and effectively promote the rapid development of China's economy.

### **2.3. Form A Long-term Mechanism of Legalization**

To promote the optimization of the business environment based on the established laws and regulations, the relevant staff should have a certain dynamic and modern thinking and should not be limited and constrained by the established common working procedures and regulations. We should ensure the long-term development of the institutional system to optimize the business environment according to the development characteristics and needs of the market economy. Effectively improve the institutional system, form a long-term mechanism of legalization, and gradually optimize the business environment with basis and theoretical guidance. It is scientific to optimize the business environment under the supervision of the legal system, which is in line with the guidance of the modern market economy, give full play to the role of the market and create a business environment under the legal system, which is an effective way to promote the rapid development of China's commerce and stimulate the development of commercial economy.

### **3. Measures to Create A Legal Business Environment Based on the Practice of Fair Competition Review and the Context of Cooperative Rule of Law in Shenyang**

The evolution of the relationship between government, market and society and the adjustment of power / right system have exposed the lack of current business institutional arrangements. The construction of legalized business environment should constantly excavate and follow the logical evolution law corresponding to governance transformation, so as to alleviate the contradiction between the change of governance pattern and the absence of order construction and insufficient service supply, and reshape the overall idea and structural form of business environment optimization and rule of law construction.

#### **3.1. Promote the Government to Actively Act Within the Scope Permitted By Law**

We will continue to innovate methods in standardizing the review business, unblocking appeal channels, introducing third-party evaluation and other aspects, deeply investigate and clean up all kinds of explicit and implicit barriers affecting the healthy development of market subjects, vigorously promote the implementation of the fair competition review system, safeguard fair competition with fair supervision, gradually improve the fair competition review system, and continue to create a market-oriented, legalized and international business environment. On the one hand, the government should be allowed to get rid of the restriction of the strict principle of "no law, no administration", continuously optimize its functions based on market demand, highlight the concern for legitimacy and Optimization in addition to emphasizing legitimacy, such as actively exploring the construction of integrated online government service platform, and strengthening the application of information technology such as artificial intelligence, big data and blockchain; It is strictly prohibited to use administrative measures such as legal restrictions and compulsory measures to avoid the scope of administrative licensing. As an important measure to maintain market order, market supervision is based on the strict implementation of supervision responsibilities in accordance with laws and regulations, while taking the completion of supervision tasks as the goal, and paying attention to the proportionality of supervision means. Therefore, flexible means such as persuasion and education, administrative interview and administrative guidance should be adopted as far as possible. If flexible means can achieve the purpose of supervision and law enforcement, the application of compulsory means should be avoided to reduce the impact on the normal production and business activities of market subjects.

#### **3.2. Fair Review**

Shenyang introduced third-party evaluation to improve the policy environment of fair competition review. Shenyang municipal and county governments and their subordinate departments shall strictly conduct fair competition review before issuing regulations, normative documents and other policies and measures related to the economic activities of market entities, and make them public to the public as required after the introduction of relevant policies and measures. During the epidemic period, Shenyang market supervision and administration bureau established a fair competition review expert database to provide expert consultation for policy-making organs to issue policies and measures. At the same time, third-party evaluation institutions such as colleges and universities and scientific research institutes were introduced to conduct a fair competition review on the normative documents related to the economic activities of market subjects issued in the name of the municipal government.

### 3.3. Establish Systematic Normative Process

Shenyang market supervision and Administration Bureau has prepared the "guidance manual for fair competition review", which systematically standardizes various businesses of fair competition review from four aspects: work template, question answer, case analysis and system documents. At the same time, Shenyang market supervision and Administration Bureau also went deep into various departments to publicize, carried out training and publicity on fair competition review at different levels and industries, and improved the fair competition review system from standardizing the process.

### 3.4. Unobstructed Appeal Channels

During the epidemic period, Shenyang market supervision and administration took the lead in setting up fair competition review consultation and complaint reporting services in Liaoning Province Based on 12315 complaint reporting platform, timely accepting complaints and reports related to fair competition review, so as to better serve the epidemic prevention and control and resumption of work and production. Up to now, Shenyang market supervision and Administration Bureau has accepted more than 10 consultations from various enterprises, timely helped enterprises solve problems such as fair participation in market competition in the process of production and operation, effectively solved problems for enterprises and protected the vital interests of market subjects.

### 3.5. Clean up and Review

Shenyang market supervision and Administration Bureau also cleaned up and examined the policies and measures that hinder the unified market environment and fair competition. In the process of sorting out 600 policies and measures, suggestions were put forward for the modification or repeal of 10 market competition documents that have the effect of excluding and restricting competition in terms of violating the "preferential policies for specific operators" in the standards affecting production and operation costs and "unreasonable discriminatory access and exit standards" in the standards of market access and exit, Solved the problem of breaking the administrative monopoly from the source.

During the fair competition review of the draft "Shenyang Elevator Safety Management Regulations", it was found that Article 25 of the draft "elevator inspection shall be undertaken by the comprehensive inspection organization of special equipment in the nature of public welfare institutions" limited the comprehensive inspection organization of special equipment in the nature of public welfare institutions to engage in elevator inspection, which violated the market access and exit standards of fair competition review and was corrected in time. This correction has played a good role in promoting the cultivation of competition advocacy awareness of government departments and effectively maintained the competition order environment of elevator inspection market.

## 4. Conclusion

At present, the rise of the context of cooperative rule of law in the reform of the public domain has gradually shaken the interest basis of the traditional separation of public and private, brought the construction of the legal business environment into a new development context, and opened up the internal relationship between cooperative governance, the rule of law and the construction of the business environment. In fact, the process of governance transformation is also a synchronous process for the rule of law system to continuously consolidate the power structure, integrate governance resources, improve governance rules and promote governance innovation, so as to fully respond to governance demands, improve the market environment, optimize government services and improve the level of supervision and law enforcement.

Return to the realistic context and track of cooperative governance, establish an innovative modern governance pattern, and realize the legalization of business environment construction.

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