

The Rule of Law for Business and the Construction of a High-Quality Business Environment

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Abstract: The rule of law is the best business environment, and the rule of law in the business environment plays a pivotal role in the modernization of the national governance system and governance capabilities, and its realization must balance the relationship between business practice evaluation and the shaping of institutional mechanisms. To implement the new concept, new thought and new strategy of comprehensively governing the country according to law to shape the business environment under the rule of law, it is necessary to formally link the national laws in the construction of a legal business environment with internal party regulations, drive the process of business legalization with the spirit of reform in value, shape the business market with the rule of law in operation, and finally realize the full-cycle real economy revitalization and supply-side structural reform goals with the practice of operating under the rule of law in the business environment.

1. Introduction

Since the beginning of the new century, the World Bank's annual "Doing Business Report" has greatly promoted the scope of the development and transformation of business evaluation of business evaluation from "all elements → institutional elements → rule of law elements" under the guidance of the issue and discourse of optimizing the business environment [1]. The development and transformation of the elements of the rule of law. The business report focuses on the refined and technical evaluation of the legal environment related to the business of small and medium-sized enterprises, which makes the "rule of business law" leap to the "vortex center" of topics in theory and practice. The legalization of the business environment plays a pivotal role in the modernization of the national governance system and governance capabilities; a high-quality business environment requires that the system and mechanism have the basic characteristics of stability, fairness, transparency, and predictability, and it is also inseparable from the guidance, promotion, regulation and guarantee of the "biggest common factor" in the construction and operation of the rule of law, the two are highly compatible with each other in the pursuit of value and the path of realization, and they promote mutual progress. While various economies are competing to optimize the business environment with the rule of law (thinking and methods), the effectiveness of Gein rule of law reform can be confirmed in the dynamic changes in the ranking of business environment convenience. It is said that the ranking changes caused by the thousands of "establishment, reform, and abolition" of the rule of law practice not only reflect the correlation between the "effective and easy to follow and understand" legal system and the rapid and high-quality economic development, but also added a powerful footnote of legal positivism to the major thesis that "the rule of law is the best business environment" put forward by General Secretary Xi Jinping. In the meantime, China's overall ranking in the 2020 Business Report has risen to 31st in the world whcih is benefited from the gradual implementation of the major deployment for comprehensively advancing the rule of law, and the rule of law has undoubtedly played a key role in strengthening the foundation, stabilizing expectations, and benefiting the long-term in the construction of the business environment.

2. The Thinking and Practice Path of Business Rule of Law

Building a business environment under the rule of law is not simply mixing the rule of law into the business environment. Rather, it is to promote the communication and integration of rule of law theory, rule of law practice, and business environment optimization goals through the legislation, doctrine, and precedent experience accumulated since the reform and opening up, and implement the construction goal of building a “business environment under the rule of law” into the actual state of the “business environment” operating mode, embed the system purpose of “business rule of law” in the linkage process of rule of law and business optimization, use the rule of law to limit institutional changes related to business optimization in the basis of Legal Interpretation Technology of Limited Interpretation. Under the background that the scope of business evaluation is gradually shrinking, the “rule of business law” should take the empirical and data-based “inspection” and “verification” results of legal norms as the content fulcrum for constructing a legalized business environment [2], let our eyes go back and forth between the “(rule of law practice) survey data” and the current business law texts, and distinguish the “laws as they should” and the “laws of reality” exist in the system “gaps”, adapt the systematic legal system and the rule of law practice to provide a method for the construction of a high-quality business environment guided by freedom, fairness, safety and order in the basis of the construction methodology of the two phases of “nuclear” and “reform”.

In order to achieve this, the construction of a legalized business environment with “China’s contribution” is the first priority: the first is the evaluation of business practices in advance, and the second is the formation of the system after the construction, and the two finally penetrate the scientific guidelines for the construction of the rule of law behind the evaluation and shaping-- Xi Jinping’s new ideas, new thoughts, and new strategies for comprehensively governing the country according to law. According to this, it is necessary to formally communicate the legal system in the construction of a legalized business environment with internal party regulations, drive the process of business legalization with the spirit of reform in value, shape the business market with the rule of law in operation, and promote full-cycle real economy revitalization and supply-side structural reforms with the practice of the rule of law in the business environment in the result. The macro-business shaped by the evaluation of micro-practical problems and the top-level, makes specific issues gain new meanings in the grand context, and grand themes have also been confirmed and new reflections in the meticulous context.

3. Evaluation-Experience Interpretation of “Inspection” and “Inspection” in Business Practice

The data collections accumulated in the World Bank’s business environment reports over the years have at least two functions: First, through “questioning” and “checking” the business laws and regulations involved, comparable data can be used to evaluate which regulatory measures are effective and under what circumstances. And why it is effective; secondly, the comparison, communication and interaction of the regulatory measures behind the data comparison can guide the late-developing countries to realize the “effective and easy to follow and understand” commercial laws and regulations through the rule of law practice of “legislation, reform, abolition, and interpretation” [3]. The business environment assessment data collection focuses on examining the “complexity and cost of the regulatory process” and the “implementation of the legal system” to promote the development of regulatory rules in the direction of “effective and easy to follow and understand”; the (institutional) information exchange forum constructed based on evaluation is conducive to improving the quality of legal norms and the protection of the rule of law in a targeted manner. In an enterprise-centric context, the business practice evaluation report benefits from the “brand effect” and displays a lot of useful empirical information: distinguishing the degree of difficulty in doing business in a region; promoting economic reforms to carry out business operations; explaining how business reform can optimize business operations (reasons and quality of reform measures), etc. For example, the analysis of empirical information on regions and reform

measures in the “Global Business Environment Report” clarifies the relationship between a high-quality business environment and greater development space; that is, under a better business system environment, entrepreneurs will spend longer time in economic activities, and the proportion of time spent on productive daily operation and management will be higher, and the proportion of time spent on non-productive affairs will correspondingly decrease; in the environment of a high-quality business system, property rights protection, judicial justice, contract fulfillment and other aspects are usually more effective, and the efforts of entrepreneurs will be more allocated to productive areas.

In this regard, General Secretary Xi Jinping’s major thesis that “the rule of law is the best business environment” objectively clarifies and intuitively points out the direction of the optimization of the business environment; it also highlights the significance and advantages of the “rule of law” for the business environment: the rule of law is the only way to achieve a stable, fair, transparent and predictable business environment. In fact, many reforms (such as the separation of licenses) are all existing rules, the World Bank continues to iterate and update the convenience of business environment rankings, which aims to promote the reform of the rule of law in various economies to optimize the business environment. Through the practice of the rule of law of “establishment, reform, abolition”, business evaluation has successfully promoted more than 3,500 reforms in 10 business regulatory fields, institutional reform under the rule of law has improved the overall level of the global business environment; especially in the evaluation index of starting a business, 178 economies have implemented 722 reforms since 2003-2004 [4], these legal practices which reduce or eliminate barriers to business access have reduced the time for registered enterprises (global average) from 47 days in 2006 to In the 20 days in 2018, China strives to further reduce the time from 8.9 days in 2018 to 4 days or less by the end of 2020. The construction of a legalized business environment greatly liberates and improves the productivity and competitiveness of enterprises, intuitively demonstrates the simple and abstract relationship between good law and good governance and good economic performance, and presents the factual materials that the construction of the rule of law and the optimization of business practices promote each other’s mutual advancement for the proposition of “system is essential”.

4. Shaping-China’s Approach to the Construction of a Legalized Business Environment

The World Bank’s business report has been changing year by year, during which there have been many changes and improvements in evaluation methods and evaluation indicators; however, the “initial intention” of its rule of law evaluation methodology has remained unchanged: the legal system that concerns (promotes or hinders) business activities has always been improved “inquire” and “inspect”, based on empirical data to evaluate what kind of business regulatory legal reforms are effective, under what circumstances, and why [5]. However, the legal provisions that should be expected are not the same as actual regulatory effects, the separation of central and local powers makes central policies not necessarily effective at local levels, different actions in the institutional space such as administrative coordination, judicial discretion, and pilot innovation, make the business environment a new field for local governments to compete. The business competition of different governments actually echoes the shortcomings of the World Bank’s business evaluation system mentioned in the previous article-it cannot meet the needs of the overall evaluation of the rule of business with a vast territory and differences. Therefore, how to use the “rule of law expertise” methodology of business evaluation to correct the current situation of the “big rule of law” evaluation with mixed elements in the domain is an extremely test of the wisdom of methodology [6]. More importantly, “legal norms are not only a legally effective regulation, but also specific social relations, social processes, and behavior patterns; however, regulated by the law, it is only the multiple presented by the latter-ears.”

“Law is the most important tool for governing the country, and good law is the prerequisite for good governance,” it is necessary to “use good laws to promote development and ensure good governance”, and “put the core values of socialism throughout the legislative, law enforcement, judicial, and law-abiding links to make the socialist rule of law and good governance”. The shaping

of the business environment under the rule of law should always be guided by the scientific connotation of Xi Jinping's new ideas, new ideas, and new strategies for comprehensively governing the country according to law, recognize the experience of business practice evaluation, lay the foundation for legal methodological thinking, and promote the practice of business rule of law and the rule of law. The inspection, introspection and construction of the system provide complete and proper protection for the entire life cycle of business activities of the enterprise, which will lead to the establishment of a macroscopic rule of law in China.

First of all, "party leadership" is the core path to the construction of a legalized business environment [7]. We must pay attention to the relationship between internal party regulations and the legal system, based on the reduction and coordination of the rule of law, grasp the dialectical unity of internal party regulations and national laws in the legalization of the business environment, and realize the actual implementation of the "party leadership rule of law".

Secondly, "major reforms are based on law" is the guiding path for the construction of a legalized business environment [7]. Balance the game between the "change and innovation" of reform and the value pursuit of "stability and safety" of the rule of law, to ensure that the rule of law participates in the optimization of the business environment throughout the process; carry out business environment governance and regulatory reforms in a way of thinking about the rule of law, and establish a sound reference Enterprise business system environmental evaluation and optimization system, and promote the optimization and reform of business environment on the track of the rule of law.

Thirdly, "the decisive role of the market [8]" is the corrective path for the construction of a legalized business environment. The logical starting point for the legalization of the business environment is the market economy, and the key is to establish the concept of legal governance in the market economy; the traditional "national coordination" idea should be changed to make it clear that the government's regulation of the market is legal governance rather than power governance; government It is only the implementer of legal norms rather than the direct parties to economic legal relations; the government only needs to adjust the economic structure and interest relations, and the market plays a leading role in resource allocation.

Finally, the improvement of "systematic life cycle [9]" is the development direction of the rule of law business environment. To construct a legalized business environment, systemic system optimization must be based on the "life cycle" of the enterprise: "multiple integration" in a single business, collaborative management to improve efficiency; information sharing in the process, reducing the "system cost" of enterprise operation; realize the optimization of the rule of law system based on the concept of business environment optimization.

The rule of law and the business environment are intrinsically connected and internally compatible. The governance rules that companies follow are the basic material for the construction of the rule of law, and the framework of the rule of law provides institutional guarantees for business operations. On the basis of the major thesis that "the rule of law is the best business environment", only a deep understanding of Xi Jinping's new ideas, new thoughts, and new strategies for comprehensively governing the country according to law, and stronger legal measures to optimize the business environment, can continue to release new economic growth in China System dividend. To implement the "new ideas, new thoughts, and new strategies", we must adhere to the rule of law under the leadership of the party, and fundamentally deal with the dialectical relationship between the party and the construction of the rule of law; the system "protection net" established by the rule of law should equally protect the property rights and legitimate rights and interests of various market entities in accordance with the law; regulate the boundary between the government and the market under the rule of law, respect the laws of market economy, let the market play a decisive role in the allocation of resources [10], adjust the interest relationships of various market entities; improve the system, strengthen supervision, and establish a unified, open, and orderly competitive market system within the framework of the rule of law, and provide a "full coverage" system guarantee for business operations with a fair and just competitive environment.

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