

Моделирование Smart-законодательства «Правовые режимы экономической деятельности»

О соотношении терминов «государственное регулирование», «саморегулирование», «правовой режим»



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Аннотация. В фокусе настоящей статьи — анализ соотношения смежных категорий: «государственное регулирование», «саморегулирование», «правовой режим» применительно к экономической, в том числе предпринимательской, деятельности. Авторы выявляют содержание данных понятий, преломляя его через доктрину и право. При этом отмечаются конститутивные признаки категории «правовой режим» и ее разновидностей; раскрываются модели саморегулирования, их модификации, а также тенденции и перспективы развития института саморегулирования. Анализируя указанные вопросы, авторы приходят к выводу о том, что саморегулирование и правовой режим экономической деятельности неразрывно связаны с государственным регулированием и являются его продолжением с разными векторами реализации. Саморегулирование вводится там, где государство принимает решение о возможности передачи своих полномочий саморегулируемым организациям либо об осуществлении регулирования совместно с саморегулируемыми организациями. Правовой режим экономической деятельности реализуется государством в тех случаях, когда необходимо усилить регулирующее воздействие на определенную область экономических отношений.

Ключевые слова: государственное регулирование, саморегулирование, добровольное саморегулирование, сорегулирование, правовой режим, экстраординарный правовой режим, ординарный правовой режим.

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