

Business Environment Based on the Rule of Law

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Abstract: After China's accession to the WTO, the concept of business environment has gradually emerged and been recognized, which is of great significance to the sustainable and healthy development of market entities. Under the background of in-depth development of market-oriented reform, the only way to optimize the business environment and provide legal guarantee is to further improve the competitiveness of enterprises and their ability to resist risks. At present, there are still shortcomings and weaknesses in the legal guarantee of the business environment in China, which should be improved from different paths of legislation, law enforcement and justice. Firstly, adhere to the establishment, reform, abolition and interpretation to provide perfect system guarantee for optimizing the business environment; second, standardize law enforcement and shape a service-oriented government; third, play the guarantee role of impartial justice and properly handle all kinds of cases.

1. The Basic Theory of the Business Environment

1.1. Concept Interpretation of the Business Environment

The term "business environment" was first used and used in China after China's accession to the World Trade Organization. In 2003, the report of the World Bank has objectively measured and evaluated national business laws and regulations and their implementation. Business environment is a dynamic and comprehensive external environment, which has a significant impact on the sustainable and healthy development of market players and investors' decision-making. Business environment refers to the sum of various external factors affecting market entities, including the legal system, political environment, regulatory procedures, etc.

As a special public good. Public goods are a kind of goods and services directly or indirectly provided by public institutions, which do not exclude the participation of others to meet the public needs of the society. In essence, the government continuously optimizes the business environment by reducing the time and cost generated by the external system in order to better meet the needs of the society. It is because of the public attribute, business environment includes system form is not only for a certain or a few market main body, but open to all access market main body, and enjoy the business environment of efficiency and convenience at the same time does not hinder other market main body also benefit, there is no competition in this element.

As a collection of institutions. The systematic project of business environment contains many economic and social rules, which restricts and manages various market entities equally. At present, China has established a multi-level and all-round market laws and regulations system, and has also

established a complete set of rules supply framework, including both the various policies officially issued by the government and the natural regulations of trading habits and commercial practices. This will greatly reduce the uncertainty in the transaction, so that the legitimate benefits of all parties and the market order can be effectively guaranteed. In order to achieve a healthier and more sustainable development, the business environment requires not only institutional constraints but also development space. Incentive regulations such as financial innovation and government reforms such as "running once at most" not only reduce transaction costs but also accelerate the optimal allocation of resources.

As a product of public governance activities. The business environment is a process of joint and continuous cooperative management of public affairs. The political, social and market factors integrate the differentiated functions of the three parties. The business environment is the result of the concerted cooperation between the government, society and the market, and the continuous filling of weaknesses and gaps under the equal cooperation of all parties.

1.2. The Proposal and Connotation of the Rule of Law and the Business Environment

In recent years, the economy has faced considerable downward pressure, and creating a friendly and harmonious business environment is the only way to solve the difficult problems in the development of the private economy. "The rule of law is the best business environment". Putting the business environment into the track of the rule of law is the only way to continuously optimize and enrich it. To build a sound and stable business environment, we must upgrade the concept of the rule of law to institutional design.

The legal business environment has the connotation and requirements of the following four aspects. First, equal protection. In a legal business environment, we should first implement the concept of equality among all market entities, establish the principle that access is not prohibited by the law, provide equal status for different market players, and correct the double standards between different regions or different ownships. Secondly, fair competition should be protected and equal opportunities and equal rules should be upheld. Market entities should not distinguish between forms of ownership and regions, and they should be able to participate in market competition equally and enjoy supporting and encouraging policies equally. At the level of rights protection and relief, we should also make good use of the equal rule of law thinking to safeguard the legitimate rights and interests of market subjects, and equally protect their property acquired through legal channels. Second, fair and just treatment. Fair and just treatment is a basic requirement for enhancing the sense of security of market entities. We should promote "sunshine law enforcement" and correct and prevent market entities from suffering unfair and unreasonable discriminatory treatment in law enforcement. At the same time, we should also pay attention to strictly follow the principle of legal punishment, ensure that market entities enjoy normal trust and stability of behavior expectations, and prohibit the arbitrary expansion of application or different sentences in the same case, so as to achieve fair ruling and treatment. Third, openness and transparency. Through the comprehensive implementation of open and transparent measures such as publicity of government affairs and whole-process recording, it can not only provide clearer and more comprehensive information for market entities, but also strengthen the supervision of the government by all parties, create a sound political and economic ecology, and enhance the credibility of the government. Fourth, obey the law and keep faith. This not only requires market entities to keep clean and follow the principle of honesty and credit in daily production and operation activities, but also to abide by relevant laws and regulations in operating difficulties, and reflect and solve them through normal channels. It also requires administrative subjects to change the concept of supervision, justice and law enforcement, attach importance to the implementation of new management means such as administrative promises and administrative agreements in the

relationship between government and business, avoid increasing the burden of market subjects, and take the initiative to create a predictable and reliable investment environment. At the same time, we should maintain a pure and clean relationship between government and business, and we should not use our power for personal gain.

2. Improving the Rule of Law to Ensure the Business Environment

2.1. A Number of Innovative Initiatives Need Legal Support

The construction of the rule of law in the market cannot be separated from scientific and complete legal rules. At present, with the deepening of the reform of the business environment, it is necessary to carry out corresponding "legislation, reform, abolition and interpretation" of relevant laws and regulations. Based from the actual national conditions and main tasks, we should accelerate the deepening of the law-based development of the business environment. Around the present in the process of optimizing business environment reform to explore the rich mature experience, in practice also some repeatedly proved effective reform measures, however, "policy instability" the long troubled investors huge risk of market resources circulation and market order stability caused great obstacles. In order to normalize the implementation of these empirical measures, the legislative response is needed, and the existing reform results are fixed in the form of laws and regulations. However, the relevant legislation at the present stage is relatively lagging behind, and the decisions mainly based on trial measures and "red documents" lack standardization, and there is also the instability of people to change. On the other hand, the demands of some subjects have not been well responded to, and the relevant system construction needs to be strengthened.

2.2. Administrative Law Enforcement is Not Standardized

Most market entities believe that there is a direct and close relationship between the level of government administration according to law and the development of market entities [1]. Standardizing law enforcement behavior plays an important role in cracking down on industry monopoly and local protection, eliminating "invisible barriers" and maintaining a business environment of fair competition. Optimizing the business environment puts forward higher requirements for administrative law enforcement. However, when correctly dealing with the relationship between market regulation and government regulation, it is often subject to the lazy thinking and fear of administrative personnel, which makes the reform less effective and difficult to promote. In the irregularities in the process of law enforcement, long regulation reduce efficiency, excessive discretion lead to abnormal weight, "movement" rectification, does not conform to the public reasonable expectation and proportion principle, added unnecessary cost for market main body and loss, social public opinion also to a certain extent, reduce the government credibility.

2.3. Judicial Justice and Inefficiency

At the judicial level, there are still problems such as administrative intervention in judicial trials to be solved. These problems will not only reduce the credibility, but also make the personal safety, property safety and other legitimate rights and interests of relevant enterprises and their staff cannot be reasonably protected. Judicial justice is the last line of defense to create an orderly competitive, honest and trustworthy business environment. The problems of difficult implementation and low efficiency are easy to cause a long time and high cost for enterprises to protect their rights. Some inappropriate application and expansion of criminal law and the ensuing coercive measures are more likely to lead to difficulties in business operation. Judicial justice should be centered on the trial,

maintain its neutrality, treat the commercial subjects of various forms of ownership impartially, and in reality, the problems such as shielding the dishonesty of local governments by not filing cases and other means should be corrected, otherwise it will become a stumbling block to help the development of enterprises.

3. The Concept of Improving the Business Environment with People First

Both promoting common prosperity and optimizing the business environment advocated in recent years are behind the concept of people-oriented development, taking people as the purpose of economic development and social development, and improving the people's happiness.

3.1. We Will Uphold the Principal Position of the People

Comprehensively advancing the rule of law is a fundamental requirement for liberating and enhancing social vitality, promoting social fairness and justice, and maintaining social harmony and stability. At a time when the task of reform, development and stability in China is arduous, to improve the business environment and maintain the market economic order and orderly competition, we must effectively play the role of the rule of law in strengthening the foundation, stabilizing expectations and promoting long-term benefits, and promote the law-based business environment. Its purpose is to improve people's well-being and ensure that people live and work in peace and contentment. Therefore, upholding the principal position of the people in the process of legalized the business environment is the due meaning of responding to the new expectations of the people in the new era. This requires a need to provide a stable and predictable market environment for market entities, and administrative organs must strictly abide by the principles of good faith and trust protection to ensure that the relevant information published is comprehensive, true and accurate, and that administrative decisions shall not be arbitrarily changed except for legal reasons and through legal procedures. In the regulatory work abide by the principle of proportion, not for necessary, appropriate shall not abuse of administrative discretion, improve the information sharing mechanism between departments, strengthen market supervision, trade supervision informatization, intelligent construction, improve the information sharing mechanism of between departments, strengthen market supervision, trade regulation informatization, intelligent construction, in the realization of administrative purposes shall affect the market main body rights and interests. When formulating and revising relevant rules and regulations, we should fully listen to the opinions of market entities, reflect the wishes of market entities, extensively investigate the people, solicit public opinions, and ensure that all laws and policies are called support for economic development. Transformation government functions, consolidate the business environment foundation, improve the convenience of private investment, autonomy and around the current market environment reasonably upgrade the approval procedures, further refine the boundary of government rights, such as promoting information sharing credit information data, compression enterprise start time, deepen the reform of "unity", improve the government accrual list, compression market access negative list, clean up enterprises charge. Maintaining the principal position of the people requires deepening the building of a law-based government, and creating a relaxed and fair market environment for market entities that is conducive to innovation and entrepreneurship. On the basis of the rule of law, we should make full use of emerging technologies and management theories, standardize in innovation, and promote the construction of a law-based government.

3.2. We will Continue to Protect the People's Rights and Interests in Accordance with the Law

The best criterion for judging a regional business environment is the satisfaction of market players

and the public [2]. Continuously building a healthy and high-quality business environment is related to the basic human rights and legitimate rights and interests of market entities. In the process of their continuous progress towards the rule of law, a series of laws should highlight the protection of basic rights. We will continue to liberate and develop the productive forces, fully protect the personal and property rights of market entities, and ensure that enterprises have sufficient autonomy in operation. Innovation is the first driving force, and only by further improving the intellectual property protection system can we stimulate the driving force of innovation. In the face of the prominent intellectual disputes under the new situation, we should strictly implement the relevant provisions of the Regulations on Intellectual Property Protection, and more actively explore and improve the intellectual property trial mechanism and litigation procedures, as well as the diversified settlement mechanism of intellectual property disputes, so as to transform the strictest intellectual property protection from documents and regulations into reality. In the formulation of enterprise-related policies, obtain the opinions of entrepreneurs, grasp the state of market development, so that various market activities can be protected by law and promote the security of market development. At the same time, we will protect the people's right to know, to participate, to express and to supervise, so that power is exercised in a transparent government and transparent justice. We will ensure that power is responsibility, constantly improve constraints and oversight channels, ensure the independent exercise of audit supervision in accordance with the law, solve anti-corruption problems that have long plagued market entities, and build a new type of "close" and "clean" relationship between government and business. In practical work, we should effectively reduce the disturbance to enterprises, use big data, the Internet and other new regulatory means, and accelerate the information interconnection and sharing among various government departments, so as to avoid "multiple" supervision.

3.3. We will Take Safeguarding Social Equity and Justice as Our Lifeline

Fairness and justice are the lifeline of the rule of law. Only by creating a law-based business environment on the track of fairness and justice can "black box operation", "gray transaction" and "power rent-seeking" lose existence space, and promote the sustainable, healthy and high-quality development of China's economy. In order to ensure the fairness of the development of the whole economic market, protect the legitimate rights and interests of all industries and regional subjects and fair competition, it is necessary to constantly strengthen the equal protection of market subjects and adhere to the legal principle of equality before the law. In practice, it is necessary to improve the property rights protection system with fairness as the core principle, strengthen the protection of the property rights of economic organizations under various ownership and natural persons, clean up the laws and regulations that violate fairness, and provide judicial relief on an equal basis. Whether large enterprises or small and medium-sized enterprises, whether domestic enterprises or foreign investment enterprises to use legal means to protect the legitimate rights and interests of the market subject, only in this way can more attract capital and technology, to obtain more abundant economic interests, driving good economic development in our country.

4. Optimize the Path Choice of Legal Guarantee for the Business Environment

Stable expectations translate into orderly economic behavior [3]. At present, the main problems facing the legal guarantee of the business environment are that relevant policies have not become unstable legal norms, which to some extent makes investors lose confidence in the market due to policy risks. Law enforcement issues such as excessive discretion and judicial issues such as judicial intervention have also attracted much attention. In view of these problems, our country should be based on the reality, according to the objective conditions, all from the reality to formulate

corresponding measures.

4.1. We will continue to Promote Legislation, Reform, Abolition and Interpretation, and Provide Sound Institutional Guarantees

Improving the systematic and institutionalized laws and regulations on the business environment is the basic criterion for regulating the order of the market economy and building a business environment that emphasizes business and protects business. First of all, should give full play to the leading role of legislation, under the background of the implementation of the optimized business environment regulations timely promote effective measures in the form of law, to do not adapt to the reform, operability is not strong, and affect the provisions of the market main body of fair competition to modify or explain, make up for the company law and other relevant laws lag, play a role of the law in optimizing the business environment. Secondly, it is necessary to timely clean up and abolish the provisions that hinder the circulation of market factors, such as cleaning up the provisions inconsistent with the Anti-Unfair Competition Law, establishing a credit system, and actively promoting the anti-money laundering law. We will highlight the norms and safeguard functions of laws, revise normative documents that hinder equality of rights, break through interest barriers and hidden restrictions, ensure equal opportunities for foreign-funded enterprises and other market players in accordance with the law, and create a fair business environment in which there are laws to follow and good laws and good governance.

4.2. Standardize Law Enforcement and Change the Role of the Government

The reform practice of optimizing the business environment is also a profound change in the concept and system of administrative rule of law in China [4]. The best way to clarify the boundary between the market and the government is to build a transparent, service-oriented and law-abiding government role in streamlining administration and delegating power, and to create a streamlined and efficient government environment that has unified power and responsibility. This will encourage the participation of market entities and stimulate market innovation and vitality. A clean and upright business environment is inseparable from the respect and protection of enterprises by administrative organs at all levels. The government must strictly abide by the rule of law principles of legal authority, legal subject, legal procedure and sufficient evidence, so as to prevent moral hazard and corruption from the system [5]. This requires that the law enforcement should not only adhere to the concept of administration by law that is not authorized by law to prevent the expansion of power, but also adhere to the discretionary standards in accordance with the principle of proportion. At the same time, we should pay attention to optimizing the way of administrative law enforcement, sorting out the list of powers, pay attention to the information protection of market entities and broaden communication channels, and understand the market demands. Innovate supervision methods by promoting QR code evaluation services and forming a business service supervision and advisory team [6]. Avoid power rent-seeking, unavailability in accordance with the law, standardize unavailability, civilization to enhance the level of administrative role, the construction of law government and integrity city, optimize the business environment is of great significance, therefore should clear responsibility, establish a scientific honest law-abiding law enforcement system, the concept of administration according to law into every law enforcement personnel, to every law enforcement decision, defend in the implementation of the authority of the law. We must earnestly adhere to the principle of procedural fairness, refrain from arbitrarily formulating benchmarks for administrative discretion, increase the burden on market entities, avoid unreasonable expropriation and fines of market entities, and do not increase or increase licensing conditions in a disguised way.

4.3. Judicial Justice, Do a Solid Line of Defense

The credibility of the rule of law depends on whether the law has enough power to act in its own logic [7]. Judicial trial directly affects the legitimate rights and interests of market subjects, and is related to whether entrepreneurs can operate and innovate at ease. It is an important part of optimizing the business environment. Unfair trial will bring bad impact to the market and reduce entrepreneurs' expectation and sense of security for market stability. The prerequisite for optimizing the judicial environment lies in the fact that the judicial organs themselves should form the concept of judicial rule of law [8]. Therefore, we should give full play to the role of upholding a fair trial in maintaining a good business environment, maintain the market value of freedom of contract, properly handle creditor's rights disputes, and strengthen the awareness of market rules. We will fully protect property rights, improve the quality and efficiency of adjudication of intellectual property infringement cases, and promote scientific and technological development and innovation of enterprises. At the same time, we should strengthen judicial supervision, put an end to judicial interference and judicial abuse that cause great damage and blow to the business environment, so as to provide effective judicial support for optimizing the business environment. In accordance with the law, stop monopoly agreements, abuse of dominant market position and destroy the competition order, give full play to the role of the judiciary in improving personal safety and property safety, and protect legal transactions and innovation. Finally, we should vigorously promote smart justice, and use the Internet + judicial forms such as "mobile micro court" to continuously promote the reform of the judicial system, so as to make it more efficient and convenient.

5. We will Work Hard to Create A Law-Based Business Environment in the "Double Cycle" Pattern

In the process of promoting the rule of law in the business environment, we should be able to combine the general trend and current situation of international economic and legal development, strive to be at the forefront of the development of a high-quality business environment, constantly attract foreign investment and outstanding overseas students to work and start businesses, and incubate and grow more foreign enterprises and multinational corporations. An international business environment can enhance the level and level of the business environment [9].

After completing the building of a moderately prosperous society in all respects and achieving the first centenary goal, we must build on the momentum, overcome the "middle-income trap" in the new stage of development, maintain long-term and sustained economic growth, and strive to address structural imbalances on the supply side, especially in the financial sector and the real economy. In the initial stage of economic opening and development, China adopts the economic mode of "external circulation" development. "Through the implementation of policies such as attracting investment, China has attracted a large amount of foreign investment, alleviating the shortage of domestic capital factors and technological backwardness" [10]. To build a new development pattern with domestic circulation as the main body and domestic and international circulation mutually reinforcing is an economic modernization strategy and path with overall consciousness proposed under the unprecedented international and domestic changes in the world in a century. At the present stage, with the rising costs of domestic labor factors and land factors, the former development model of "external circulation" is suppressed. The core connotation of building a new development pattern is to realize the transformation from cost-driven, export-oriented, high-speed industrialization to innovation-driven, domestic demand-oriented and high-quality industrialization, and to drive the unimpeded flow of economic cycle through high-level self-reliance and self-improvement innovation. As the "world factory", the domestic upstream intermediate investment enterprises can improve the level of technological innovation, which can better reduce the dependence on foreign technology, play the

role of unimpeded domestic and international circulation, and give play to the advantage of domestic unified market gathering domestic and foreign resources.

The "double-cycle" development pattern also puts forward higher requirements for all aspects of the construction of the rule of law, such as legislative norms, dispute resolution mechanism, talent training and so on. A modern business environment requires China to actively align its international trade rules in management and law. We can carry out pilot legislative norms in pilot cities such as Shenzhen and Hangzhou. We should also accelerate the promotion of laws and regulations on innovation incentives and intellectual property protection in high-tech industries such as e-commerce, Internet finance, electronic information, biomedicine, new energy, and new materials. At the same time, it pays attention to drawing on the experience of extraterritorial law, pays attention to the connection with international commercial practices and international treaties, and promotes effective norms to the whole country after gaining practical experience. So as to create a legal environment suitable for the growth of new formats, new models and new industries, and encourage the flow of innovation factors to the new economy. The Chinese government should also actively participate in international affairs and rule-making, actively integrate into the international trade pattern and play an important role. Secondly, we should improve the diversified dispute resolution system backed by the judiciary to ensure the economic and social order. On the basis of deepening judicial reform, it should not only be limited to guarantee fairness and justice, but also give full play to the role of arbitration in resolving commercial disputes, and promote the Shenzhen International Court of Arbitration and other institutions to become a "square array" of the "China solution" for resolving international commercial disputes. Due to the huge cost of litigation, transnational litigation execution practical problems such as difficult, improve the coverage of mediation work and specialization level, play a professional mediation agencies in the basic role of dispute resolution system is more important, we should speed up the construction of unified dispute resolving information and data management platform, promote all kinds of dispute resolution mechanism, improve the function of diversified dispute resolution mechanism. The construction of a law-based business environment cannot be separated from legal workers. Therefore, in order to promote the professional development of the legal service industry and meet the needs of transnational high-end legal services, the lawyer industry should actively explore new professional legal service models, strengthen the innovation of legal service content and the improvement of service ability. At the same time, the state should also strengthen the training and introduction of legal service personnel, especially the training and introduction of lawyers who can provide foreign-related intellectual property rights and foreign-related mergers and acquisitions, to meet the needs of high-end legal services under the background of the national "One Belt And One Road" initiative and the construction of the Guangdong-Hong Kong-Macao Greater Bay Area.

6. Conclusions

Under the condition of market economy, the business environment is the soil for the survival and development of enterprises. In the face of new development tasks, China has proposed to create a market-oriented, law-based and international business environment to promote high-quality economic development. Continuously improving the business environment has been given greater priority, and comprehensively deepening reform with delegating power, delegating power, improving regulation and providing services as the core has been advancing. By significantly easing market access, optimizing government services and coordinating various reforms, China has achieved positive results in improving the urban business environment and promoting its overall competitiveness.

Without a sound legal guarantee, it is impossible to create a fair market environment for

competition, nor to achieve the goal of stimulating the market vitality to a greater extent. To build and improve the law-based business environment, we need to further protect small and medium investors with weak anti-risk ability and weak self-protection ability, and further promote civilized market law enforcement and judicial supervision. In the face of the legal guarantee, efforts should strengthen the institutional and implementation levels, so as to continuously optimize the business environment and improve the overall competitiveness. With the effective connection between the substantive law and the procedural law, we will promote the implementation of the work in the government affairs and market fields, so as to mobilize people's enthusiasm and social creativity, and achieve high-quality economic prosperity and development.

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