

RELEVANT THOUGHTS ON THE ISSUES OF DEVELOPMENT OF COMMERCIAL LAW IN THE REPUBLIC OF BELARUS

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Commercial law is an important branch of the Belarusian legal system, and this article focuses on the concept and role of commercial law in the Republic of Belarus, the characteristics of Belarusian commercial law and its understanding. In connection with the commercial law of the Republic of Belarus, this article presents a unique perspective from two aspects. One is the principle of competition in business activity, and the other is what should be done in business activity at the current time when the new crown epidemic is raging.

For the Republic of Belarus, the general principles of commercial law are the objective requirements of the market economy, reflected in the law. Modern commercial law has four main roles. First, to strengthen the organization of enterprises. This includes improving the quality of enterprises and improving their structure. Second, to improve economic efficiency. That is, to reduce transaction costs and improve business returns. This role of commercial law is mainly reflected in three aspects: protecting property rights, maintaining credit, and promoting convenient transactions. Third, to maintain the fairness of transactions is to maintain the normal order of the market, mainly embodied in the principle of equality and the principle of good faith. Fourth, to ensure the safety of transactions.

The development of commercial law in the Republic of Belarus is a process of moving from a single to a perfect one. From the current commercial law of the Republic of Belarus, it is very much focused on the protection of competition. Due to the role of competition as a factor in the continuous development of production, improvement of the quality of goods, expansion of the range of renewal, establishment of economically reasonable prices. Therefore, the creation of a competitive environment in the economic sphere is indispensable and requires legal regulation. This includes, first, the mechanism of forming competitive relations. This includes increasing the number of homogeneous enterprises, supporting small and medium-sized enterprises, ensuring comparability of quality characteristics and prices of goods, creating a system of promoting and encouraging better results and innovations. Opportunities for business organizations to develop and maintain competition. Secondly, the legal technique of creating a competitive situation

in the commodity market. Legislation prohibiting restrictions on competition and violations of competition rules. Thirdly, legal ways of protection from unfair competition. State monopoly of production and sale of certain types of goods, granting of exclusive rights to enterprises to sell certain goods, creation of special legal capacity to engage in certain types of trade activities.

Unlike what was mentioned earlier, based on the current epidemic-ridden international situation, entrepreneurial activity must comply with epidemic prevention requirements. According to Article 3, paragraph 5 of the Belarusian Commercial Code that enables the regulation of entrepreneurship: “ In the course of carrying out economic activity, economic entities are obliged to comply with the general fire safety requirements, sanitary and epidemiological requirements, requirements in the field of environmental protection, requirements in the field of veterinary medicine for the maintenance and operation of capital construction (buildings)” (Belarus, 2017). One is that epidemics have a greater impact on entrepreneurial activities, especially in labor-intensive industries, where the spread of epidemics can become more rampant if prevention and control are not strengthened. The second is that good sanitary and epidemiological control is necessary in the public interest and must be observed in entrepreneurial activity. Therefore, in order to better protect people’s lives and public health safety, the prevention and control of diseases on the line is a guideline that must be observed in entrepreneurial activities. The same is true in business activities. The aim is to preserve the public interest and to create a business climate conducive to it.

SOURCE LIST

1. Ministry of Justice of the Republic of Belarus. (2017). General economic activity issues of the Commercial Code of the Republic of Belarus. On development of entrepreneurship, [online]. Volume 3 (5) p 1. Available at: <http://www.law.by/document/?guid=3871&p0=Pd1700007e>.