

## ინოვაციური ეკონომიკა და მართვა

### INNOVATIVE ECONOMICS AND MANAGEMENT

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## ადმინისტრაციული ბარიერები მენარმეობის განვითარებაში და მათი პროგნოზირების პრობლემა

### ADMINISTRATIVE BARRIERS TO THE DEVELOPMENT OF ENTREPRENEURSHIP AND THE PROBLEM OF THEIR FORECASTING

**ABSTRACT.** The purpose of the article is to discuss those conceptual aspects of the issue of administrative barriers to the development of entrepreneurship (including small), which, according to the authors, deserve priority consideration. Objectives of the article: 1) to characterize the essence of administrative barriers; 2) discuss approaches to their classification; 3) to reveal the possibility of predicting the occurrence of these barriers.

The article contains generalizations that are of certain importance from deepening the scientific development of the problem of administrative barriers in the field of entrepreneurship. In the process of its preparation, systemic and integrated approaches, methods of analysis and synthesis were used.

The main points of view on the essence of administrative barriers in the field of entrepreneurial activity are discussed. The choice of the most acceptable interpretation is made. A three-level classification of these barriers, proposed by R. Malikov and K. Grishin. Indicated on its advantages and disadvantages.

The main methodological materials are described, in which the key methodological provisions are formulated regarding the implementation in Ukraine of the examination of normative legal acts and their projects.

The following conclusions were drawn: 1) administrative barriers in the field of entrepreneurial activity should be considered as formal and informal actions (or lack thereof) of the administrative bodies of state (municipal) authorities using the regulatory framework, as well as bypassing it, hindering the legal activities of business entities on various stages of the business life cycle; 2) the classification of these barriers should take into account the regional aspect; 3) their forecasting should primarily be carried out in the framework of examinations of normative legal acts and their projects; 4) the main tool for predicting administrative barriers is the method of expert assessments; 5) in addition to this method, the sociological method, approbation method, comparative legal method, experiment, as well as extrapolation of trends and factorial mathematical models can be used in forecasting administrative barriers.

**Keywords:** administrative barriers, classification, entrepreneurial activity, expertise, forecasting methods.

**ანოტაცია.** სტატიის მიზანია მენარმეობის განვითარებისთვის ადმინისტრაციული ბარიერების საკითხის იმ კონცეპტუალური ასპექტების განხილვა (მათ შორის მცირე), რომლებიც, ავტორების აზრით, პრიორიტეტულ განხილვას იმსახურებს. სტატიის მიზნები: 1) ადმინისტრაციული ბარიერების არსის დახასიათება; 2) მათი კლასიფიკაცია და მიდგომები; 3) გამოავლინოს ამ ბარიერების არსებობის პროგნოზირების შესაძლებლობა.

სტატიაში მოცემულია განზოგადებები, რომელსაც გარკვეული მნიშვნელობა აქვს მენარმეობის სფეროში ადმინისტრაციული ბარიერების პრობლემის მეცნიერული განვითარების თვალსაზრისით. მისი მომზადების პროცესში გამოყენებული იქნა სისტემური და ინტეგრირებული მიდგომები, ანალიზისა და სინთეზის მეთოდები.

Entrepreneurship has a special role in the economic life of the country. Therefore, ensuring the removal of barriers to its development is one of the priority tasks of the administrative and legal regulation of the national economy. The key to a successful solution to this problem is its theoretical understanding, which determines the relevance of the topic of this article.

Among the scientific papers published after 2010 related to the chosen topic, we would first single out the following: [1; 2; 3; 4; 5; 6; 7; 8].

The author of [1], G. Filyuk characterizes administrative barriers as «legal restrictions on certain types of economic activity, as well as the establishment by state bodies of mandatory rules for its conduct, the implementation of which is associated with significant costs for entrepreneurs» [1, p. 23]. However, he states:

**«All types of administrative barriers may be divided into the following groups:**

- barriers regulating access to resources and property rights to them (registration of a business entity, changing its status, etc.);
- barriers to acquiring rights to conduct business (licensing, certification, licensing system, trademark registration, regulatory requirements);
- barriers providing control over the economic activities of the enterprise (checks, sanctions for violations, state support, coordination)» [1, p. 23].

This statement contradicts another provision of the work [1], namely the statement that «there are two main groups of market barriers: barriers to entry to the market and barriers to exit the market» [1, p. 21], since, as we see, barriers to exit the market cannot be attributed to any of the three groups of administrative barriers identified by G. Filyuk.

According to G. Filyuk, among the institutional factors hindering the development of entrepreneurship in Ukraine, the largest share falls on administrative barriers. He believes that the presence of administrative barriers in the Ukrainian economy is due to the action of such specific factors:

- 1) the desire of state and municipal authorities to maximize the regulation of economic activity, and this is primarily due to the desire to create a demand for corruption services of officials;
- 2) the existence of the problem of access to potential competitors to limited resources;
- 3) the widespread use by government officials of their power to create administrative barriers that allow them to receive bribes;
- 4) a clan-oligarchic model of government and the Ukrainian economy, as a result of which competition is developing not for the consumer, but around the normative legal acts adopted, and the authorities are forcibly distributing market niches, giving the most profitable segments to «their» firms, which, in their, in turn, they transfer in favor of these bodies or individual officials part of the excess profits;
- 5) a high rate of return on investments in the creation of administrative barriers, which is distributed between the official and the lobbyist company;
- 6) a high level of corruption, which has become the main real source of remuneration for the vast majority of officials, and therefore the purpose of their tenure. At the same time, corruption is the biggest problem for small and medium-sized businesses, since the amount of bribes may exceed the starting capital;
- 7) the significant role of administrative barriers in ensuring the filling of state and local budgets;
- 8) the lack of clear «rules of the game» that every market participant must adhere to (this situation gives rise to the problem of a lack of ethics and a culture of doing business, legal culture, which, in turn, entails raiding);
- 9) the absence in Ukraine of a real arbiter who can ensure the implementation of the formally declared principle of the rule of law in Ukraine, such a state of affairs when the judicial and law enforcement systems are tools to support public anomalies that block the development of Ukraine];

10) a low level of competition culture, a lack of proper attention to competition policy, and a lack of understanding of the need to assign an active role to it in state economic policy [1, p. 26–28].

In [2], an analysis of the dynamics of the level of indicators of administrative barriers in Ukraine in 2003 – 2017 draws attention in the first place. This analysis, in particular, showed:

- 1) for the period from 2000 to 2016, the level of administrative barriers to entry into the domestic market significantly decreased. At the same time, in 2017, it increased slightly in two indicators compared to the previous year, and in one it exceeded the level of 2015;
- 2) the barriers to exit the Ukrainian domestic market were stably high;
- 3) trends in the dynamics of indicators characterizing property registration were encouraging;
- 4) there were positive changes in the dynamics of indicators characterizing administrative barriers related to the Ukrainian tax system;
- 5) an institution for enforcing contracts in the courts was the only administrative barrier, the characteristics of which in 2003 – 2017 had a tendency to deteriorate, [2, p. 16–17].

**According to the author of [2], the main measures to reduce the level of administrative barriers in Ukraine may be:**

- 1) reduction of state regulation of economic activity through its deregulation;
- 2) improving the quality and accessibility of public services, ensuring openness of data, optimization of administrative and managerial processes through the introduction of electronic governance in Ukraine;
- 3) prevention and counteraction of corruption in state bodies and local authorities;
- 4) the development of economic activity and the strengthening of the competitive environment through advocacy of competition;
- 5) ensuring stable, accessible for understanding and law enforcement legislation of Ukraine;
- 6) reducing the number of procedures, the list of documents, improving and unifying the requirements that are necessary for the state registration of an enterprise, for obtaining a license or other authorization document for a certain type of business activity;
- 7) counteraction to raider seizures of business and private property;
- 8) reduction of the fiscal burden on enterprises;
- 9) ensuring the operation of the principle of the rule of law and its implementation by judicial and law enforcement agencies in Ukraine;
- 10) providing equal opportunities for access to financial resources to all business entities;
- 11) simplification of the formation and reporting to state authorities;
- 12) providing access to international systems of Internet payments [2, p. 18]. As you can see, these proposals are mainly aimed at eliminating or minimizing the role of those factors that, according to G. Filyuk is favored by the administrative barriers present in the Ukrainian economy.

In the article Z. Kvasnia noted that along with «systemic» reasons, the development of small business is also limited by existing administrative barriers, namely, obstacles associated with the implementation by business entities of the mandatory rules and procedures provided for by legal and regulatory acts, as well as the arbitrariness of public authorities at various levels, which interferes the creation and development of small enterprises [3, p. 257]. To these barriers Z. Kvasnii relates registration problems; imperfection of the licensing system; a significant number of regulatory bodies and their duplication of functions; bureaucratic actions of state executive authorities [3, p. 258].

The work of A. Tolmacheva proposes a conceptual approach, which involves the rejection of the «barrier» nature of state regulation of entrepreneurial activity and its replacement with a set of rules supported by both the state and

other economic entities. According to this approach, the following are necessary: 1) transition to the maximum possible simplification of the access of economic entities to the market while increasing the responsibility (primarily economic) of all market participants, including the state, for the real result of activities; 2) shifting emphasis from control of availability and correctness paperwork on the current economic activities of business entities to monitor the activity itself (products, services provided) and the actual behavior of entrepreneurs in the market; 3) the creation of mechanisms for the responsibility of economic agents not only to the state, but, above all, to each other. At the same time, the main emphasis should be on simple and radical measures, the maximum reduction of contacts between businessmen and officials, strict regulation without double-digit interpretations of the law, and ensuring complete transparency of all procedures [4]. Novelty of the paper [5] is the rationale for new approaches to the definition of the concept «administrative barriers» and the development of expanded classification of administrative barriers.

Among the recent works, which address issues related to the methodology of forecasting administrative barriers, the most noteworthy, in our opinion, doctoral dissertations of L. Chistokletova [6] and I. Onishchuk [7], as well as article [8].

In the dissertation, L. Chistokletova proposed and justified the concept of increasing the scientific level of forecasting administrative and legal threats to the security of business entities, and (which is important for us) the negative consequences of administrative and legal regulation for it are also attributed to these threats.

In the framework of this concept: a) it is argued that the scientific principles of forecasting administrative and legal threats to the security of business entities are the principles of systemic, comprehensive, scientific, phasing, continuity, cost-effectiveness; b) it is shown that the stages of forecasting administrative and legal threats to the security of business entities are: 1) the pre-prognosis orientation; 2) collection and system analysis of data about the object of forecasting and the forecast background; 3) building a forecast; 4) its verification; 5) forecast correction; 6) registration of forecasting results and their acceptance by the customer; c) it was found that the main role in the development of forecasts of administrative and legal threats to the security of business entities belongs to the method of expert assessments:

- method of comparative legal studies;
- sociological method;
- method of testing which consists in the consideration of the draft legal act for potential actors in the implementation of its provisions with the aim of identifying shortcomings of the project, analysis of possible problems that could cause the application of its provisions, and to develop recommendations for addressing these issues;
- experiment. Using this method, an organ that takes (makes) the normative act limits its effect in time, territory or to persons;
- extrapolation of trends and factorial mathematical model [6, p. 13, 278].

In our view, it does not require special proof that the reasons L. Chistokletova have a direct relationship to the prediction of administrative barriers in the sphere of entrepreneurial activities.

In the dissertation research I. Onishchuk much attention is paid to the methodological aspects of the anti-corruption examination of legal acts. It also summarizes the foreign experience in the examination of these acts.

In the article [8] the stages of the procedure of legal examination of normative legal acts with the allocation of tasks, participants, the contents of each stage are disclosed, and the issue of withdrawal is considered legal expertise of a normative legal act.

The aim of our article is to discuss those conceptual aspects of the issue of administrative barriers to the development of entrepreneurship (including small), which, according to the authors, deserve a priority consideration. This predetermined the choice of such tasks of the article: 1) to characterize the essence of administrative barriers; 2) to discuss approaches to their classification; 3) to find out the possibility of predicting the occurrence of these barriers.

The issue of the nature of administrative barriers continues to be a contentious issue. For V. Volchik, they represent part of the institutional barriers to the development of entrepreneurial activity consisting of two groups. One of them

is formed by formal institutional barriers, which are direct consequences of the interventionist state economic policy, the other by informal ones, i.e., those associated with corruption factors that impede the creation and functioning of entrepreneurial structures, and introduce serious distortions to market coordination mechanisms. Barriers belonging to the first of these groups are called administrative [9, p. 56-57]<sup>1</sup>. At the same time, there is a point of view according to which administrative barriers are those related to corruption factors. In accordance with this point of view, administrative barriers are obstacles to the organization and implementation of entrepreneurial activity of entrepreneurship created by individual officials of the executive authorities. [12, p. 40-41].

In our opinion, both points of view are too restrictive. We believe that those authors who adhere to such interpretations are right: 1) administrative barriers «can be defined as mandatory rules for conducting certain activities in the market established by decisions of government bodies that introduce payments for passing bureaucratic procedures, and in many cases these payments do not go to the budget [13, p. 3]; 2) «the concept of» administrative barriers «is the behavior of power structures that impede the formation of an institutional competitive environment» [14, p. 9]; 3) «in terms of their economic content, administrative barriers restricting the behavior and economic initiative of entrepreneurship are a set of institutions, formal and informal rules and norms for organizing and carrying out entrepreneurial activity, and also a mechanism for enforcing these rules, which provides for the use of stimulating or discouraging sanctions « [15, c. 8]; 4) «administrative barriers in the field of entrepreneurial activity is a combination of formal and informal actions (inaction) of administrative bodies of state (municipal) government using the existing or enacted regulatory framework, as well as bypassing it, limiting and inhibiting the legitimate activities of entrepreneurial structures at various stages of the business life cycle» [5, c. 58]. Moreover, we believe that the latter is the most complete.

Turning to the issue of classifying administrative barriers, we note first of all that R. Malikov and K. Grishin. They proposed a three-level classification. This distinguishes their approach from the simplified approach to the classification of administrative barriers, which involves the formulation of simple lists of groups of these barriers<sup>2</sup>.

The first level of the three-level classification is based on the following criterion: the sphere of relations between government and business, where an administrative barrier arises. In accordance with this criterion, seven groups are distinguished, namely: 1) administrative barriers in accessing and dealing with state (municipal) property and land; 2) administrative barriers in accessing state (municipal) financing (state support, state order); 3) administrative barriers in access to engineering and transport infrastructure; 4) administrative barriers in obtaining state (municipal) services; 5) administrative barriers in the exercise by the state (municipal) bodies of permissive, regulatory and control and supervision functions; 6) administrative barriers caused by the activities of state judicial and law enforcement agencies; 7) administrative barriers in the form of illegal seizure of assets (raider seizures).

<sup>1</sup> There is a more thorough interpretation of administrative barriers as formal institutions. So, according to D. Makushina, «The administrative barrier should be understood as barriers established by the State for organization which impede their activities and do not lead to improvements in the State operating» [10, p. 52]. More inclusive interpretation of such type was suggested by Z. Saidov, who substantiated, that administrative barriers «it is regulatory prohibitions, constraints, discretionary powers of officers, unreasonably hindering or impeding the implementation of economic activities, expressed in unduly collected payments and (or) artificially complicate the bureaucratic process, disproportionate to the intended purpose (outcome) of economic activities» [11, p. 19].

<sup>2</sup> As we saw above, a simplified approach was followed by G. Filiuk. Here is another example of this approach: «Administrative barriers can be grouped as follows:  
- in obtaining access to resources and rights of ownership (business registration, registration of changes in the status of the enterprise, its founding documents, the right to lease land or premises, access to loans, equipment leasing, etc.)  
- if you obtain the right to carry out economic activities (licensing activities, registration of products, certification of products and services, etc.)  
- the current implementation of economic activities (sanctions for violations of the rules, the coordination of decisions with regulatory organizations, to obtain various benefits, etc.)» [13, p. 3].

At the second level of classification, the criterion «form of relations between government and business in which an administrative barrier arises» is used. According to this criterion, group «1» of the first level corresponds to two forms of relations between government and business, in which an administrative barrier arises: 1) registration of property (property, land) (including privatization, re-registration of property rights and the right to pre-emptive redemption of leased property); 2) rent (property, land) (including extension of the lease and the right to preemptive lease); group «2» - also two forms: 1) state support; 2) state order; group «3» - one form: connection of facilities to the engineering and communal infrastructure; group «4» - two forms: 1) state registration; 2) the provision of information, the preparation and issuance of certificates, other documents, etc.; group «5» - six forms: 1) issuance of building permits; 2) licensing; 3) state standards; 4) fiscal load; 5) mandatory reporting; 6) inspections of regulatory authorities; group «6» two forms: 1) law enforcement; 2) judicial activity; «7» group - one: assistance of state bodies to raider seizure of business [5, c. 58–60].

At the third level of the classification under consideration, specific types of administrative barriers appear that correspond to each of the above forms of relations between government and business. The «registration of ownership» form covers six types of administrative barriers: 1) refusal to register ownership with reference to the current regulatory framework; 2) unmotivated refusal to register ownership; 3) the provision of administrative pressure (explicit, hidden) in order to force refusal of the transaction; 4) violation of the competitive bidding procedure; 5) the presentation of additional requirements (documents, certificates); 6) delaying the time for resolving issues, misleading information, administrative red tape; The «lease (property, land)» form - seven types: 1) refusal to conclude (extend) a lease agreement with reference to the current regulatory framework; 2) unmotivated refusal to conclude (extend) the contract; 3) the provision of administrative pressure (explicit, hidden) in order to force refusal of the transaction; 4) violation of the competitive bidding procedure; 5) the presentation of additional requirements; 6) delaying the time for resolving issues, misleading information, administrative red tape; 7) overpriced rent; The «state support» form - five types: 1) refusal to provide state support with reference to the current regulatory framework; 2) unmotivated refusal to provide such support; 3) violation of the bidding procedure (including in favor of certain individuals); 4) the presentation of additional requirements (documents, certificates); 5) delaying the deadlines for resolving issues, misleading information, administrative red tape; «state order» form - six types: 1) refusal to gain access to state orders with reference to the current regulatory framework; 2) unmotivated refusal to gain access to state orders; 3) violation of the competitive bidding procedure (including in favor of certain persons); 4) the presentation of additional requirements (documents, certificates); 5) misrepresentation, administrative red tape; 6) delaying the terms (or refusal) of payment for work performed under the state contract; The form «connecting facilities to the engineering and communal infrastructure» - five types: 1) denial of access to the engineering and transport infrastructure with reference to the current regulatory framework or lack of additional capacity; 2) unmotivated denial of access to engineering and transport infrastructure; 3) unreasonably high cost of connection and excessive operating tariffs; 4) the presentation of additional requirements (projects, documents, certificates); 5) delaying the connection time, misrepresentation, administrative red tape; «state registration» form - four types: 1) refusal of state registration with reference to the current regulatory framework; 2) unmotivated refusal of state registration; 3) the presentation of additional requirements (documents, certificates); 4) prolongation of the terms of state registration, misrepresentation, administrative red tape; The form «providing information, preparing and issuing certificates, other documents, etc.» also includes four types: 1) refusal to provide information (certificates, other documents) with reference to the current regulatory framework; 2) unmotivated refusal to provide information; 3) presentation of additional requirements; 4) delaying the time for the provision of information (certificates, other documents), misrepresentation, administrative red tape; The form «issuance of a building permit» - five types: 1) refusal of a building permit with reference to the current regulatory framework; 2) unmotivated refusal of a building permission; 3) the provision of administrative pressure (explicit, hidden) in order to force the abandonment of construction; 4) the presentation of additional requirements (documents, certificates); 5) delaying the issuance of building permits, misrepresentation, administrative red tape; «licensing» form - four types: 1) refusal to

obtain a license with reference to the current regulatory framework; 2) unmotivated refusal to obtain a license; 3) the presentation of additional requirements (documents, certificates); 4) prolongation of the terms for issuing a license, misrepresentation, administrative red tape [5, p. 58 - 60].

Forms of «state standards»; «Fiscal load»; «Mandatory reporting» corresponds to one type of administrative barriers. These are redundancy and inconsistency of the requirements of state standards, the lack of connection between the requirements of state standards and ensuring security; excess fiscal load; redundancy of mandatory reporting. Two types of administrative barriers are covered by the form of «verification of control and oversight bodies», namely: 1) violation of the law during inspections; 2) «custom» checks. Five types of these barriers correspond to the form of «law enforcement activity»: 1) the refusal of law enforcement agencies to respond to illegal actions against an appealing entrepreneur, with reference to the current regulatory framework; 2) unmotivated refusal of law enforcement agencies to respond to unlawful actions against the applying entrepreneur; 3) delays in the timing of the provision of information, misrepresentation, administrative red tape in the investigation of offenses; 4) unlawful interference by law enforcement agencies in the business activities of a business entity, formal and informal pressure on the business; 5) «ordered» criminal or administrative prosecution. The form «judicial activity» covers two types of administrative barriers: 1) the illegality of judicial decisions; 2) delaying the execution of court decisions. It covers two types of administrative barriers and the form «assistance of state bodies to raider seizure of a business», namely: 1) assistance to authorities in the deliberate bankruptcy of an enterprise in order to seize rights to assets; 2) raider capture with the support of state (municipal) authorities. [5, p. 60].

In addition to the above classification, R. Malikova and K. Grishin we find a proposal to distinguish intentional (artificial) and unintended administrative barriers. The former are formed in order to provide preferences in the interests of certain persons or in order to receive rent by the official (group of officials), who creates the creation of a particular administrative barrier, the latter - due to excessive regulation and unreasonable burdensome current legislation governing the implementation of entrepreneurial activity, as well as low the effectiveness of the bureaucratic apparatus [16, c. 58].

One of the drawbacks of the above approach to the classification of administrative barriers is the defiance of the fact that there are administrative barriers to exit the market – factors that prevent firms from leaving the market without significant losses. Regional administrative barriers are not taken into account in this approach.

Prediction of administrative barriers to the development of entrepreneurial activity should primarily be carried out as part of the examination of regulatory legal acts and their projects. The methodological provisions regarding the conduct of such an examination in Ukraine are formulated in the Methodological Recommendations for conducting a legal examination of draft regulatory legal acts approved by the resolution of the Board of the Ministry of Justice of Ukraine dated November 21, 2000 No. 41 [16]. These recommendations provide four types of expertise:

1) primary, i.e., that which is carried out for the first time in accordance with the procedure defined by the Methodological Recommendations;

2) repeated. It is carried out for the second time, within the scope of the initial examination or in relation to a new subject, in the presence of reasonable comments by the developers or other participants in the process of considering the draft regulatory act. A repeated legal examination may be carried out by an expert or a group of experts who performed the initial examination, by another expert or a group of experts;

3) additional. It is carried out if significant changes and additions are made to the regulatory legal act in the process of its finalization, as well as in the event of a change socio-economic relations that make up the subject of legal regulation of this project. Additional legal expertise is usually carried out by the same expert or the same group of experts who conducted the initial examination.

4) control. It is carried out if there are significant disagreements between the conclusions of the initial and repeated examination on the draft regulatory legal act. Control legal expertise is always carried out by a new expert or a new group of experts.

**According to the named methodological document, the examination of the draft regulatory legal act includes the following stages:**

- 1) determination of typical characteristics of a normative legal act (subject, regulation method, type) and the degree of its compliance with the foundations of the legal system (conceptual assessment);
- 2) determination of the degree of accounting for the practice of normative regulation of this or a similar sphere of public relations, the establishment of all substantive relationships of the provisions of the project with the norms contained in other normative acts (systematic legal assessment);
- 3) determination of the degree of compliance of the normative legal act as a whole and its individual elements (legal institutions, group of norms, individual norms, legal terms) with the requirements of legal technology (legal and technical assessment);
- 4) generalization of individual assessments and the formulation of a general conclusion regarding the further passage of a regulatory legal act (expert opinion).

Over time, proposals appeared in Ukrainian scientific literature aimed at clarifying the methodological recommendations under consideration. So, in the already mentioned work [8], the examination of a normative legal act is considered as one of the stages of this examination<sup>3</sup> and includes six substages. These are: 1) conceptual assessment; 2) systemic legal assessment; 3) comparative legal assessment; 4) technical and legal assessment; 5) verification of the object of examination using the hermeneutic method for compliance with the text of the object of examination «the true content of the rule of law», which reveals the will of the legislator, with, if necessary, consultations with the lawmaker; 6) drawing up an expert opinion [8, p. 60-62].

Serious help in predicting administrative barriers to the development of entrepreneurial activity in Ukraine should be recognized as the document «Methodology for conducting anti-corruption expertise» (hereinafter «Methodology ...»), approved by order of the Ministry of Justice of Ukraine on April 24, 2017 No. 1395/5 [17] In this document, anti-corruption expertise refers to the activity of search in the legal acts, drafts of normative legal acts provisions that alone or in combination with other norms may facilitate the Commission of corruption offenses or offenses related to corruption. According to the «Methodology ...» during the examination, the following corruption factors are identified and evaluated: 1) fuzzy definition of the functions, rights, duties, and responsibilities of state authorities and local self-government, persons authorized to perform the functions of the state or local government; 2) the creation of excessive burdens for recipients of administrative services; 3) absence or vagueness of administrative procedures; 4) absence or shortcomings of competitive (tender) procedures. To identify corruption-generating factors in a regulatory act, a draft regulatory act, in the «Methodology ...» indicators of corruption genericity are established. The elimination of identified corruption-causing factors can be carried out by: 1) specifying the provisions of a regulatory act, a draft regulatory act; 2) inclusion in the normative legal act, draft normative legal act of reference norms stipulating the need to use the provisions of other normative legal acts; 3) reflection in the regulatory legal act, draft regulatory act of the expanded (full) procedures.

So, we can draw the following conclusions: 1) administrative barriers in the field of entrepreneurial activity should be considered as formal and informal actions (or lack thereof) of administrative bodies of the state (municipal) government using the regulatory framework, as well as bypassing it, which impede legal activity business entities at various stages of the business life cycle; 2) forecasting these barriers must first be carried out in the framework of expertise of legal acts and their projects; 3) the set of tools for obtaining predictive assessments regarding administrative barriers includes the method of expert assessments, which plays the main role in this complex, as well as the sociological method, approbation method, comparative legal method, experiment, extrapolation of trends and factorial mathematical models.

<sup>3</sup> According to the authors of [8], the stages of the procedure of legal examination of draft normative-legal act are: 1) formalization of relations between the customer and the examiner; 2) the preparation of its implementation; 3) expertise; 4) obtaining and implementing the results of the examination by the customer [8, p. 60].

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