

Kravchenko Larisa Anatolyevna,
Ph.D. in Economics, Associate Professor,
Associate Professor of the Department of Economic Theory,
Institute of Economics and Management,
V.I. Vernadsky Crimean Federal University,
Simferopol, Russian Federation.

Troyan Irina Anatolyevna,
Ph.D. in Economics, Associate Professor,
Associate Professor of the Department of Economic Theory,
Institute of Economics and Management,
V.I. Vernadsky Crimean Federal University,
Simferopol, Russian Federation.

Liu Xiaoyin,
Ph.D. in Economics, Associate professor,
The Deputy Director, Institute of Management and Customs,
Shanghai Customs University,
Shanghai, People's Republic of China.

EXPERIMENTAL LEGAL REGIME: CONTENT AND MAIN TASKS IN THE FIELD OF FINANCIAL TECHNOLOGIES

¹ « (2023BJL003),
» (2315031A2021), «

The article defined the content of the experimental legal regime (hereinafter referred to as the ELR). The authors emphasized that the scientific understanding of the content of the ELR can only be complete when considering it as a structural element of the entire economic mechanism. This mechanism has evolved in conjunction with market self-regulation, adequately responds to changes in the economic environment through the use of more advanced tools of influence, rational choice of priorities and goals in each specific historical period of development of the national economy. The areas of development, testing and implementation of digital innovations where the ELR can be established were considered. Foreign experience in using «regulatory sandboxes» as a management tool aimed at creating an environment favorable for obtaining and implementing digital innovations and developing the financial sector was analyzed. The positions of government institutions and the business community regarding the practice of implementing experimental legal regimes were outlined. The areas of development, testing and implementation of financial technologies where the ELR can be established were noted. The possibility of using the ELR was substantiated and those already operating in the financial sector of the economy were considered. The features, principles, shortcomings and risks of the experimental legal regime as a regulatory mechanism in the field of digital innovations were also highlighted. The need to improve and increase the efficiency of the EPR was emphasized, and the main tasks of the EPR in the field of financial technologies as a new instrument of public administration were outlined.

Keywords: experimental legal regime, financial sector, financial technology, digital innovations, public administration.

[1]. «
»
» [2].

[10].

[11].

/

[2].

«

» [1].

«

(FCA)

[12].

» [13].

«

1, 2030 11

2024 ().

2030 5 . 2024

5,2

118

(,) , ,

15 , , 20 , 38 70 ,

14 ,

25 [15].

[16].

2018 . « »

[14].

(,)

189

[17].

[18].

[19].

, , . , -
, , -
, , -

[16].

— , - . , -
, , -
.
, -
— .

[23].

(),

() ,

1. . . . / . . . // — 2021. — 14. — 147-156. — DOI 10.26794/1999-849X-2021-14-5-147-156. — EDN XHSSMB.
2. . . . / . . . // — 2021. — 3. — 10-15. — DOI 10.24412/2411-2275-2021-3-10-15. — EDN PFIIIMY.
3. . . . // — 2023. — 1. — 175-177. — DOI 10.24412/2414-3995-2023-1-175-177. — EDN BMICAD.
4. . . . // — 2023. — 3(219). — 113-116. — doi.org/10.47643/1815-1329_2023_3_113.
5. . . . // — 2020. — 126. — EDN NWDPKB.
6. Crotoft, R. Structuring techLaw / R. Crotoft & B. J. Ard // Harvard Journal of Law & Technology, — 2021. — 34(2). — 348-417.
7. Svetiev, Y. Experimentalist competition law and the regulation of markets / Y. Svetiev. — London: Hart and Bloomsbury Publishing, 2020.
8. Campbell-Verduyn, M. Governing techno-futures: OECD anticipation of automation and the multiplication of managerialism / M. Campbell-Verduyn & M. Huetten // Global Society. — 2022. — 36(3).
9. . . . 31 2020 . N 258- . — URL: ivo.garant.ru/#/document/77311753/paragraph/1:0 (: 21.08.2024).
10. 08.08.2024 N 223- . — URL: www.consultant.ru/document/cons_doc_LAW_482453/ (: 21.08.2024).
11. Heldeweg, M. A. Legal regimes for experimenting with cleaner production — Especially in sustainable energy / M. A. Heldeweg // Journal of Cleaner Production. — 2017. — 169. — 48-60. — doi: 10.1016/j.jclepro.2016.11.127.
12. Philipsen S. Legal enclaves as a test environment for innovative products: Toward legally resilient experimentation policies / Stefan Philipsen, Evert F. Stamhuis, Martin de Jong // Regulation & Governance. — 2021. — 15. — 1128–1143. — doi: 10.1111/rego.12375.
13. . . . — 2023. — 14. . 1. — 45-55. — URL: cyberleninka.ru/article/n/eksperimentalnyy-pravovoy-rezhim-poligon-dlya-innovatsiy-i-regulirovaniya (: 21.08.2024).
14. . — URL: iclrc.ru/storage/publication_pdf/%D0%A6%D0%9C%D0%A1%D0%9F%D0%98_%D0%AD%D0%9F%D0%A0_1649171292.pdf (: 21.08.2024).
15. . — URL: www.economy.gov.ru/material/news/minekonomrazvitiya_do_konca_goda_planiruetsya_ustanovit_ne_menee_shesti_eksperimentalnyh_pravovyh_rezhimov.html (: 21.08.2024).
16. . — URL: www.economy.gov.ru/material/directions/gosudarstvennoe_upravlenie/normativnoe_regulirovanie_cifrovoy_sredy/eksperimentalnye_pravovye_rezhimy/ (: 21.08.2024).
17. . . . // — 2020. — 11. 4. — C. 2-15. — DOI 10.29141/2218-5003-2020-11-4-1 — EDN QKJHHC.

18. — URL: [www.pnp.ru/economics/sovfed-odobril-zakon-ob-eksperimentalnom-pravovom-rezhime-na-finansovom-rynke.html](#) (21.08.2024).
19. — URL: [email.nplaw.ru/blog/detail/tsb-smozhet-ustanovit-eksperimentalnyy-pravovoy-rezhim-po-raschetam-v-kriptovalyute/](#) (21.08.2024).
20. — URL: [www.pnp.ru/economics/sovfed-odobril-zakon-ob-eksperimentalnom-pravovom-rezhime-na-finansovom-rynke.html](#) (21.08.2024).
21. Ranchordas, S. Experimental Regulations and Regulatory Sandboxes: Law without Order? / Sofia Ranchordas // University of Groningen Faculty of Law Research Paper — 2021. — September 30, — No. 10/2021. — dx.doi.org/10.2139/ssrn.3934075.
22. — URL: [www.pnp.ru/economics/sovfed-odobril-zakon-ob-eksperimentalnom-pravovom-rezhime-na-finansovom-rynke.html](#) (21.08.2024).
23. — URL: [www.economy.gov.ru/material/news/gosduma_obyazala_pravitelstvo_rf_predostavlyat_ezhagodnyy_otchet_o_realizacii_epr.html](#) (21.08.2024).

СПИСОК ЛИТЕРАТУРЫ

1. Bochkova S.S. Eksperimental'nyy pravovoy rezhim kak mekhanizm vnedreniya tsifrovyykh innovatsiy v predprinimatel'skuyu deyatel'nost' / S.S. Bochkova // *Ekonomika. Nalogi. Pravo.* — 2021. — 14. — S. 147-156. — DOI 10.26794/1999-849X-2021-14-5-147-156. — EDN XHSSMB.
2. Smorchkova, L. N. Eksperimental'nyy pravovoy rezhim kak sredstvo administrativnogo regulirovaniya v ekonomicheskoy sfere / L. N. Smorchkova // *Pravo i praktika.* — 2021. — 3. — S. 10-15. — DOI 10.24412/2411-2275-2021-3-10-15. — EDN PFIIMY.
3. Tokolov, A. V. Eksperimental'nyy pravovoy rezhim informatsionnykh tekhnologiy / A. V. Tokolov, A. D. Ivanova // *Vestnik ekonomicheskoy bezopasnosti.* — 2023. — 1. — S. 175-177. — DOI 10.24412/2414-3995-2023-1-175-177. — EDN BMICAD.
4. Savina A.V. Eksperimental'nyye pravovyye rezhimy v Rossii: osobennosti finansovo-pravovogo regulirovaniya / A.V. Savina // *Agrarnoye i zemel'noye pravo.* — 2023. — 3(219). — S. 113-116. — doi.org/10.47643/1815-1329_2023_3_113.
5. Yefremov A. A. Eksperimental'nyye pravovyye rezhimy: zarubezhnyy opyt i rossiyskiy start / A. A. Yefremov, Ye. I. Dobrolyubova, E. V. Talapina, V. N. Yuzhakov // *nauch. red. V. N. Yuzhakov.* — M.: Izdatel'skiy dom «Delo» RANKhiGS, 2020. — 126 s. — EDN NWDPKB.
6. Crotoof, R. Structuring techLaw / R. Crotoof & B. J. Ard // *Harvard Journal of Law & Technology.* — 2021. — 34(2). — 348-417.
7. Svetiev, Y. Experimentalist competition law and the regulation of markets / Y. Svetiev. — London: Hart and Bloomsbury Publishing, 2020.
8. Campbell-Verduyn, M. Governing techno-futures: OECD anticipation of automation and the multiplication of managerialism / M. Campbell-Verduyn & M. Huetten // *Global Society.* — 2022. — 36(3).
9. Ob eksperimental'nykh pravovykh rezhimakh v sfere tsifrovyykh innovatsiy v Rossiyskoy Federatsii: Federal'nyy zakon ot 31 iyulya 2020 g. N 258-FZ. — URL: [ivo.garant.ru/#/document/77311753/paragraph/1:0](#) (data obrashcheniya: 21.08.2024).
10. O vnesenii izmeneniy v otdel'nyye zakonodatel'nyye akty Rossiyskoy Federatsii: Federal'nyy zakon ot 08.08.2024 N 223-FZ. — URL: [www.consultant.ru/document/cons_doc_LAW_482453/](#) (data obrashcheniya: 21.08.2024).
11. Heldeweg, M. A. Legal regimes for experimenting with cleaner production — Especially in sustainable energy / M. A. Heldeweg // *Journal of Cleaner Production.* — 2017. — 169. — 48-60. — doi: 10.1016/j.jclepro.2016.11.127.
12. Philipsen S. Legal enclaves as a test environment for innovative products: Toward legally resilient experimentation policies / Stefan Philipsen, Evert F. Stamhuis, Martin de Jong // *Regulation & Governance.* — 2021. — 15. — 1128-1143. — doi: 10.1111/rego.12375.
13. Tarasenko O. A. Eksperimental'nyy pravovoy rezhim — poligon dlya innovatsiy i regulirovaniya / O. A. Tarasenko // *Vestnik Sankt-Peterburgskogo universiteta. Pravo.* — 2023. — T. 14. Vyp. 1. — S. 45-55. — URL: [cyberleninka.ru/article/n/eksperimentalnyy-pravovoy-rezhim-poligon-dlya-innovatsiy-i-regulirovaniya](#) (data obrashcheniya: 21.08.2024).
14. Opyt sozdaniya eksperimental'nykh pravovykh rezhimov v Rossii i inostrannykh gosudarstvakh. — URL: [iclr.ru/storage/publication_pdf/%D0%A6%D0%9C%D0%A1%D0%9F%D0%98_%D0%AD%D0%9F%D0%A0_1649171292.pdf](#) (data obrashcheniya: 21.08.2024).

15. Ministerstvo ekonomicheskogo razvitiya Rossiyskoy Federatsii. — URL: www.economy.gov.ru/material/news/minekonomrazvitiya_do_konca_goda_planiruetsya_ustanovit_ne_menee_shesti_eksperimentalnyh_pravovyh_rezhimov.html (data obrashcheniya: 21.08.2024).
16. Eksperimental'nyye pravovyye rezhimy. — URL: www.economy.gov.ru/material/directions/gosudarstvennoe_upravlenie/normativnoe_regulirovanie_cifrovoy_sredy/eksperimentalnye_pravovyye_rezhimy/ (data obrashcheniya: 21.08.2024).
17. Kleyner G.B. Razvitiye ekosistem v finansovom sektore Rossii / G.B. Kleyner, M.A. Rybachuk, V.A. Karpinskaya // Upravlenets. — 2020. — T. 11. 4. — S. 2-15. — DOI 10.29141/2218-5003-2020-11-4-1 — EDN QKJHHC.
18. Platformennaya ekonomika v Rossii: potentsial razvitiya : analiticheskiy doklad / G. I. Abdrakhmanova, L. M. Gokhberg, A. V. Dem'yanova i dr.; pod red. L. M. Gokhberga, B. M. Glazkova, P. B. Rudnika, G. I. Abdrakhmanovoy; Nats. issled. un-t «Vysshaya shkola ekonomiki». — M. : ISIEZ VSHE, 2023. — 72 s. — EDN QTKUZF.
19. Sovfed odobril zakon ob eksperimental'nom pravovom rezhime na finansovom rynke. — URL: www.pnp.ru/economics/sovfed-odobril-zakon-ob-eksperimentalnom-pravovom-rezhime-na-finansovom-rynke.html (data obrashcheniya: 21.08.2024).
20. TSB smozhet ustanovit' eksperimental'nyy pravovoy rezhim po raschetam v kriptovalyute. — URL: [email.nplaw.ru/blog/detail/tsb-smozhet-ustanovit-eksperimentalnyy-pravovoy-rezhim-po-raschetam-v-kriptovalyute/](mailto:nplaw.ru/blog/detail/tsb-smozhet-ustanovit-eksperimentalnyy-pravovoy-rezhim-po-raschetam-v-kriptovalyute/) (data obrashcheniya: 21.08.2024).
21. Ranchordas, S. Experimental Regulations and Regulatory Sandboxes: Law without Order? / Sofia Ranchordas // University of Groningen Faculty of Law Research Paper — 2021. — September 30, — No. 10/2021. — dx.doi.org/10.2139/ssrn.3934075.
22. Yefremov A.A. Eksperimenty v sfere gosudarstvennogo upravleniya: problemy rezul'tativnosti i effektivnosti / A.A. Yefremov // Gosudarstvennaya sluzhba. — 2022. — 1. — S. 19-28. — DOI 10.22394/2070-8378-2022-24-1-19-28. — EDN IROCYZ.
23. Gosduma obyazala Pravitel'stvo RF predostavlyat' yezhegodnyy otchet o realizatsii EPR. — URL: www.economy.gov.ru/material/news/gosduma_obyazala_pravitelstvo_rf_predostavlyat_vezhegodnyy_otchet_o_realizatsii_epr.html (data obrashcheniya: 21.08.2024).

17 2024

30 2024