Administrative barriers in the Ukrainian economy and the conceptual formulation of the problem of their forecasting

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Active development of business initiatives, achieving a competitive advantage is the result of many factors: effective management, entrepreneurial flair, developed and implemented in the business product innovation, sound financial policy, efficient marketing strategy. However, before the business there are often administrative and economic, technological and organizational barriers, overcoming of which largely allows providing a competitive edge. Under the administrative barrier should understand the obstacles set by the state to organizations that impede their activities and do not lead to improvements in the functioning of the state.

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 [1, p. 56–57]. At the same time, there is a view according to which administrative barriers are obstacles in the way of organization and realization of entrepreneurial activities of small businesses created some officials of the Executive authorities [12, с. 40–41]. (Look about it: [2, p. 40–41]).

Key words: Ukrainian economy; administrative barrier; effective management.

Introduction

In our opinion, both points of view are too restrictive. We believe that those authors who adhere to such interpretations are right:

1) «in terms of their economic content, administrative barriers restricting the behaviour 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» [3, с. 0];

2) «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» [4, с. 58];

3) «administrative barriers are established by acts of bodies of state power of rules (decisions), compliance with which is a mandatory condition of doing business in their respective markets of goods and services, resulting in unnecessary financial and labour costs of business entities.»

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aimed at overcoming them. Administrative barriers also include the actions of the Executive bodies of state power and restricting competition, infringing organizations and individual entrepreneurs to implement the business (entrepreneurial) activities» [Гляня, с. 53].

**Results and discussions**

According to G. Filyuk, «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) » [6, p. 23].

More thoroughly to the issue of classification of administrative barriers came 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.

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. By 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).

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 [4, с. 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 infrastructures» – 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 [Fluk, 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, concerning 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 offences; 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 to seize rights to assets; 2) raider capture with the support of state (municipal) authorities [4, p. 60].

In addition to the above classification, R. Malikova and K. Grishin we find a proposal to distinguish intentionally (artificial) and unintended administrative barriers. The former is formed to provide preferences in the interests of certain persons or 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 burden some current currentlegislation governing the implementation of entrepreneurial activity, as well as low the effectiveness of the bureaucratic apparatus [4, c. 58].

One of the drawbacks of the above approach to the classification of administrative barriers is the definance 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.

The presence of administrative barriers in the Ukrainian economy due to the influence of such 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 there, in turn, they transfer in favour 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 number 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 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 [6, p. 26–28].

Economic losses to society due to the existence of administrative barriers include not only unproductive transaction costs associated with the need to overcome these barriers, but also reduced the efficiency of use of society's available resources [3, p. 8]. In particular, administrative barriers can create a serious mismatch of the structure of national production the structure of demand. This, in turn, can lead to an increase in the marginal propensity to import, which adversely affects the multiplier of economic policy.
An analysis of the dynamics of the level of indicators of administrative barriers in Ukraine in 2012 – 2020 draws attention in the first place. This analysis, in particular, showed: for the period from 2012 to 2020, 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; the barriers to exit the Ukrainian domestic market were stably high; trends in the dynamics of indicators characterizing property registration were encouraging; there were positive changes in the dynamics of indicators characterizing administrative barriers related to the Ukrainian tax system; 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:

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 the 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 [7, p. 18].

These and other measures to reduce administrative barriers in Ukraine of the economy be undertaken in a holistic manner which involves the rejection of the «barrier»

### Table 1. Indicators of the level of administrative barriers according to the Ranking of ease of doing business

<table>
<thead>
<tr>
<th>Procedure</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Starting a business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures (number)</td>
<td>9</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Time (days)</td>
<td>24</td>
<td>6.5</td>
<td>6.5</td>
</tr>
<tr>
<td>Minimum capital (% of income per capita)</td>
<td>4.4</td>
<td>0.8</td>
<td>0.6</td>
</tr>
<tr>
<td>Getting electricity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time (days)</td>
<td>21</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Registering property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures (number)</td>
<td>10</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Time (days)</td>
<td>177</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Enforcing contracts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time (days)</td>
<td>39</td>
<td>1.9</td>
<td>1.9</td>
</tr>
<tr>
<td>Procedures (number)</td>
<td>43</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Quality of judicial processes index</td>
<td>30</td>
<td>30</td>
<td>-</td>
</tr>
<tr>
<td>Paying taxes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments (number per year)</td>
<td>135</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Time (hours per year)</td>
<td>45</td>
<td>5.5</td>
<td>5.5</td>
</tr>
<tr>
<td>Total tax and contribution rate (% of the profit)</td>
<td>47.1</td>
<td>46.3</td>
<td>46.5</td>
</tr>
<tr>
<td>Postfiling index (0–100)</td>
<td>85.95</td>
<td>85.95</td>
<td>86.0</td>
</tr>
<tr>
<td>Time (years)</td>
<td>2.9</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>Cost (% of estate)</td>
<td>42</td>
<td>40.5</td>
<td>40.5</td>
</tr>
<tr>
<td>Recovery rate (cents on the dollar)</td>
<td>8.9</td>
<td>8.9</td>
<td>9.0</td>
</tr>
</tbody>
</table>

Source: compiled according to the Doing Business [https://www.doingbusiness.org]
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 behaviour 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 [9].

One of the most important prerequisites for reducing the level of administrative barriers in the economy is forecasting. The prediction of administrative barriers in the economy is a complex problem. Quite obvious its inextricable link to economic forecasting. As you know, today in the theory and practice of economic forecasting, there is a crisis. This, in particular, shows the deep scepticism about the possibility of obtaining reliable forecasts of economic indicators, phenomena and processes that spread among economists. A particularly impressive example of this scepticism is a very sharp criticism of the economic forecasting and dealing with them the people contained in the last book of John. K. Galbraith – one of the most influential economists of the second half of this century. The nodal status of this criticism are:

1) «...the fraud begins with a controlling fact, inescapably evident but all but universally ignored. It is that the future economic performance of the economy, the passage from good times to recession or depression and back, cannot be foretold. There are more than ample predictions but no firm knowledge. All content with a diverse combination of uncertain government action, unknown corporate and individual behaviour and, in the larger world, with peace or war. Also with unforeseeable technological and other innovation and consumer and investment response. There is the variable effect of exports, imports, capital movements and corporate, public and government reaction thereto. Thus the all-too-evident fact: The combined result of the unknown cannot be known. This is true for the economy as a whole, as also for the specific industry or firm. So the view of the economic future has always been. So it will always be» [9];

2) «in the economic ... prediction of the unknown and unknowable is a cherished and often well-rewarded occupation. It can be the basis, though often briefly, of a remunerative career. From it comes allegedly informed judgment as to the general economic prospect and that of the individual participating and affected enterprise. The men and women so engaged believe and are believed by others to know the unknown; research is thought to create such knowledge. Because what is predicted is what others wish to hear and what they wish to profit or have some return from, hope or need covers reality» [9];

3) «...those employed or self-employed who tell of the future financial performance of an industry or firm, given the unpredictable but controlling influence of the larger economy, do not know and normally do not know that they do not know. <...> There is no easy denial of an expert's foresight. Past accidental success and an ample display of charts, equations and self-confidence affirm the depth of perception. Thus the fraud. Correction awaits» [9];

4) there are unscrupulous forecasters prefer to anticipate what you’ll pay handsomely consumers of economic forecasts [9].

Although in the above invective, there are many just, in General, with the position of John. K. Galbraith on economic forecasting is not acceptable. After all, what he meant by prediction is a prediction. But between them there is a fundamental difference which is well explained by V. V. Ivanter: «...the prediction has nothing to do with predictions. If You think that I know what will happen, then nothing of the sort – I know no more than You. <...> Economic forecasting is an attempt to assess the consequences of any act or omission of government, business and society. Depending on how they behave, creates hypotheses and assesses the implications of situations» [10].

Those who are not inclined to agree with John. K. Galbraith on economic forecasting, can not be a close point of view, the position of F. Debold relatively serious mistakes developer's macroeconomic forecasts: «...past failures do not necessarily imply a bleak future: we learn from our mistakes. Just as macroeconomics has benefitted from rethinking since the 1970s, so too will macroeconomic forecasting» [11, p. 175].

So, the reason to abandon the economic forecasting no. On the contrary, the actual search for new solutions, conceptual and methodological problems.

Very closely the prediction of administrative barriers in the economy related to the prediction of threats to the security of economic subjects from the subjects of public authority. Therefore, for us is of considerable interest, the concept of increasing the scientific quality of forecasting the legal and administrative threats to the security of business entities, developed by G. L. Chistokletova.

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 state 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 to identify 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 [12, p. 13, 278].

Prediction of administrative barriers in the economy 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 [13]. These recommendations provide four types of expertise:

1) primary, i.e., that which is carried out for the first time by 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 with 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 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).

According to the guidelines [13] expert surveys are conducted on ad hoc groups of experts. These professionals carry out the selection of experts, develop a list of questions or questionnaires, conduct surveys, and summarize their results.

Although these guidelines do not exclude the examination of only one expert, in our opinion, such examination should only be collective. Existing equipment the collective expertise of the preference we gave the method of "brainstorming". It involves joint expert of experts on the regulations aimed at creating an atmosphere of free expression of ideas. The idea is that each idea forward by experts needs to be discussed and cannot be declared false even in its apparent futility [Самохвалов, c. 95].

Over time, in the Ukrainian scientific literature, there was a proposal to clarify reporting guidelines. So, according to the authors [15], the stages of the procedure of legal examination of draft normative-legal act are: 1) formalization of relations between the customer and the organizer of the examination; 2) the preparation of its implementation; 3) implementation (carrying out) of the expertise; 4) obtaining and implementing the results of the examination by the customer [15, p. 60]. In the stage of examination of the normative legal act by the authors [15] identified six subphases. This: 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 [14, c. 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 [16]. 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 offences or offences 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. Thus, in the context of individual factors and the possible forms of their manifestation. In particular, the first factor they are:

1) the existence of discretionary authority, not due to the specificity of public relations-son, are regulated by normative-legal act envisages to regulate the draft of a normative legal act, or lack of legal tools that can provide the application of discretion in the amount and for the purpose for which these powers are granted to the person authorized to perform state functions or local self-government;
2) the establishment or extension of discretionary powers in the administrative procedures that, on the contrary, require a clear definition of the competence of body (persons authorised service-established to perform functions of state or local government);
b) exceeding the limits of discretionary authority, i.e. legal act, the draft legal act or other related acts do not contain legal means to ensure the use of discretionary powers in a strictly defined volume necessary for the proper execution by person authorized to perform state functions or local self-government, their rights and obligations with the purpose for it- tion which they had provided;

c) the inability in connection with the method of presentation discretionary powers to determine their volume, and consequently, to establish the fact of exceeding the limits of administrative discretion;

2) the lack of resolution procedures to resolve potential or actual conflict of interest, in case of the possibility of its occurrence;

3) the lack of clear criteria for assessing the activity of the person authorized to perform state functions or local self-government, and mechanisms for monitoring its activities;

4) the unclear boundaries of the personal responsibility of the person authorized to perform state functions or local government, for their decisions, actions or inaction [16].

To identify corruption-generating factors in a regulatory act, a draft regulatory act, in the «Methodology ...» indicators of corruption genericity are established. For example, factor indicators «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» are: 1) the inability to determine the responsible person authorized to perform state functions or local self-government, empowered to carry out the in the function, to fulfill established by regulatory legal act, the draft legal act rights and responsibilities;

2) the uncertainty of the special constraints associated with the implementation of the established powers;

3) the lack of clear criteria for evaluating the effectiveness and efficiency of professional office activity;

4) the uncertainty of the precise content of the service activity of the person authorized to perform state functions or local self-government, in particular kinds and categories of cases which need to consider autonomy in making administrative and other decisions, volume official authority to do (duties and rights);

5) the lack of order of interaction of persons authorized to perform state functions or local self-government, other departments, other bodies of state power and local self-government in the performance of their powers;

6) the unclear boundaries of the personal responsibility of the person authorized to perform state functions or local government, for non-performance or improper performance of official duties;

7) the lack of resolution of procedure non-departmental control over the implementation of person urovneva-tion to perform functions of state or local government official duties;

8) the possibility of implementation of personal, property (financial) or other non-interest-me service, the interests of the person authorized to perform state functions or local self-government, in the performance of official duties [16].

It should be borne in mind that the signs of most corruptogenic factors are inter-related honey. Therefore, the same factor of corruptogenicity (specific Normative regulation) may indicate the presence of different codziennych factors. For such cases, provided that the assessment regulations osuschetsvlyayetsya kapinovskogo concerning each factor, which this predpisano may be related. 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.

Conclusions

So, we can draw the following conclusions: 1) administrative barriers in the sphere of economy should be considered as formal and informal actions (or lack thereof) of bodies of state (municipal) authorities and their officials based on normative-legal base, and also to bypass the regulatory framework, hindering the legitimate activities of businesses at different 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 to develop projections regarding administrative barriers, the main role belongs to the method of expert estimations.
References