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TERRITORIES WITH A SPECIAL LEGAL REGIME OF ECONOMIC ACTIVITY AS AN INSTRUMENT OF REGIONAL INNOVATIVE POLICY

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One of the instruments of the regional policy is the establishment of special legal regimes of economic activity within the boundaries of a certain territory aimed at solving various tasks. Such tasks include accelerating and integrating economic processes, attracting investments, developing territories, production, and innovative activities, as well as aligning the socio-economic development of the constituent entities of the Russian Federation. The authors focus on the essence of such an instrument of regional policy as special legal regimes of economic activity established within the boundaries of a territory. The authors' methods of research included analysis, generalization, systematization, comparison, interpretation, juxtaposition. The authors analysed basic existing forms of spatial organization of innovative economy, administrative and legal regimes, specified the definitions of the reviewed forms, the requirements and potential scale of an organization, composition of participants, availability of investments, essence of governmental participation and regulation, existing measures of support, procedures of creation and termination, terms of functioning and etc. The authors conclude the instrument under consideration is overly widespread and territorial zoning is used excessively, while often falling short of high expectations and providing no sufficient economic effect. The conclusions made by the authors may help with further studies on integration processes in innovative environment, to determine ways, forms and methods of perspective development of the innovative infrastructure in the future.

Keywords: regional economy, territorial zoning, special legal regimes, innovations

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ТЕРРИТОРИИ С ОСОБЫМ ПРАВОВЫМ РЕЖИМОМ ВЕДЕНИЯ ЭКОНОМИЧЕСКОЙ ДЕЯТЕЛЬНОСТИ КАК ИНСТРУМЕНТ РЕГИОНАЛЬНОЙ ИННОВАЦИОННОЙ ПОЛИТИКИ

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Одним из инструментов региональной политики является установление в границах определенной территории особых режимов хозяйственной деятельности, направленных на решение различных задач ускорения и интеграции экономических процессов, привлечения инвестиций, развития территорий, производства, инновационной деятельности, а также выравнивания социально-экономического развития субъектов Российской Федерации. Авторами проведено исследование с целью наиболее полного определения сущности территорий с установленным специальным правовым режимом ведения экономической деятельности как инструмента региональной политики. Проанализированы основные существующие формы пространственной организации инновационной экономики,

административно-правовые режимы функционирования, уточнены дефиниции рассмотренных форм, требования к организации и ее возможный масштаб, состав участников, наличие инвестиционной составляющей, сущность государственного участия и регулирования, существующие меры поддержки, порядки создания и прекращения, сроки функционирования и др. Сделаны выводы о чрезмерном распространении особых правовых режимов, массовом характере зонообразования наряду с завышенными ожиданиями от их создания и недостаточными практическими результатами их функционирования. Полученные выводы могут использоваться в дальнейших исследованиях в области интеграционных процессов в инновационной среде, определении направлений, форм и способов перспективного развития инновационной инфраструктуры.

Ключевые слова: региональная экономика, территориальное зонирование, особые правовые режимы, инновации

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Introduction

The innovative system creates favourable conditions for the development of the economy, increasing competitiveness of enterprises, the interaction of its participants provides innovative development of the regions as well. In the context of modern integration in order to develop innovative systems, there is a need to find effective ways of functioning [1].

One of the instruments of regional policy is the establishment of special legal regimes of economic activity within the boundaries of a certain territory aimed at solving various tasks. Such tasks include accelerating and integrating economic processes, attracting investments, developing territories, production, and innovative activities, as well as aligning the socio-economic development of the constituent entities of the Russian Federation.

A legal regime is defined as «a regulatory procedure manifested in a set of legal means characterizing a special combination of interacting permissions, prohibitions, as well as positive obligations and creating a special focus of regulation» [2].

Currently, in the legal and economic spaces, the following basic legal regimes have been established for organizing economic activities within the boundaries of a certain territory: zones of territorial development; special economic zones; clusters; innovation and industrial parks; technopolises; territories of advanced social and economic development; free ports; technopoles (naukograds); international transport corridors.

In addition, various kinds of innovative infrastructure play a significant role in the commercialization of innovations and the national innovation economic system. In particular, technology parks and business incubators [3] with a functioning mode defined as special due to peculiarities of creation, functioning organization and termination.

All these forms of spatial organization of the innovative regional economy are characterized by a special legal regime for economic activity on their territory, have a special procedure of creation, functioning, management and termination. They are aimed at solving the problems of economic growth and regional development.

Today, competitiveness of a region economy depends not only on the innovations themselves, but also on organizational changes that contribute to high commercial results, as well as market promotion and adoption of these innovations, which often justifies various kinds of innovative territorial formations and clusters [4].

↑

Researchers consider regional innovation territories as a part of an integrated mechanism and tool for managing regional development. The effectiveness of a cluster or any other form of organization of an innovative economy is directly related to the objectives of regional development in the economic, social and environmental spheres [5, 6].

Some researchers understand territorial entities with a special mode of functioning of entrepreneurial activity as “growth points” formed by the state purposefully when implementing a policy of the so-called focused development. This policy is in contrast to the policy of socio-economic equalizing of the territories [7]. Other scholars associate the emergence and development of the special regime territories with the arising need for a competitive advantage of territories and the struggle for resources [8]. Certain legal regimes are often considered an effective tool for the international innovation development as well [9, 10].

Special legal regimes also emerge and develop on the basis of the theory of productive forces distribution in the region [11]

Any administrative and legal regime outlines relations between entities, various guarantees (legal, material, technical, organizational, economic, etc.), as well as criteria of responsibility, and control and management mechanisms.

In addition, territories with a special regime attempt to ensure the balance of private and public interests of the participants using administrative and legal means [12].

It is noted that the use of special legal regimes of economic activity in recent years has become one of the priority areas of spatial regional development. Nevertheless, a number of errors in the creation and development of the selected mechanisms did not lead to the expected results [13]. These tools became an end in itself, while they were supposed to be only a means to solving the problems of regional economic development [14].

Excessive distribution of special legal regimes, massive nature of zone formation, expansion of the opportunities to use special regimes by almost all regions have led to a shortage of a sufficient number of residents, “transfer” of previously prepared and implemented investment projects to the borders of the formed zones, lack of funding, lag in infrastructure construction, tax revenue losses of budgets and other problems [14].

The existing methods and criteria for selecting territories to create a particular zone, as well as the criteria for assessing the effectiveness of functioning territorial entities raise many questions [15, 16].

Foreign researchers also focus on the study of successful industry-specific cluster ideas and concepts as a tool for formation and development of a regional economy [17], develop econometric models for cluster analysis based on systematization of cluster formations and identification of cluster characteristics that provide regional growth [18].

Audit, effectiveness evaluation, and timely introduction of changes to the regional policy in effect require understanding the essence of special legal regimes, their features and characteristics.

Given the above, the authors consider a very relevant topic. Scientific literature presents studies on certain legal regimes, the predominant amount of research is devoted to clusters and special economic zones. However, a variety of functioning legal regimes and emerging problems of their effectiveness lead researchers to the need for studying the instrument of regional innovation policy as a whole, highlighting its features, comparative characteristics of functioning special regimes, etc. It seems the studies do not fully reflect the characteristics of the special legal regime instrument.

The purpose of this study is to characterize the object of the study, namely the instrument of regional economic policy establishing a special legal regime for economic and innovative activities within the boundaries of a certain territory. Attributes (characteristic features) of special legal regimes, features and problems of using, developing, evaluating the effectiveness, etc. are the subject of the research.

The authors attributed the research tasks to the identification of the main characteristic features of the specified instrument of regional policy, main problems and features of its use, development and effectiveness evaluation.

Research Methods

The authors analysed regulatory legal acts and publications on the research topic, using generalization, systematization, comparison, interpretation, comparison.

Results

Special regimes for conducting economic activity are most often based on the industry specialization of the region, as well as on the level of initial economic development. A task of establishing special regimes for leading (“locomotive”) regions and backward subsidized regions can and should differ.

In order to determine the essence of the instrument of regional policy most fully we single out the main attributes (characteristic features) and features of this tool.

1. Features of legal regulation

Most of the special legal regimes are established by the Government of the Russian Federation and formalized by appropriate decisions.

Creation of various kinds of territorial zones is governed primarily by federal laws and only then by the regional ones. As a rule, a number of legal regimes are established and regulated predominantly at the federal legislation level (territories of advanced social and economic development), while individual legal regimes have a mixed nature of regulation (special economic zones), or mainly regional (clusters, technology parks).

2. The feasibility of creation

Based on the analysis of regulatory acts, it seems a subject of the Russian Federation has to justify the feasibility of creating a particular organizational form within the boundaries of a given territory. The Government of the Russian Federation, on the basis of the justification presented, as well as compliance with the established requirements (for example, the availability of territorial planning and urban planning zoning documents, the values of specific indicators of socio-economic development for a certain period, etc.) decides on introducing a special regime and creating a zone.

3. Link to the territory

All considered legal regimes are explicitly linked to a specific territory. The boundaries of the administrative and legal regime functioning are determined at the legislative level, fixed in regulatory documents, including agreements on the conduct of activities within the territory, are linked to the territory of the subject of the Russian Federation (or municipalities in its composition).

Thus, for example, the Federal Customs Service of Russia approves (by its order of 04.30.2015 No. 817) the requirements for the arrangement and equipment of a territory of a special economic zone and the requirements for the arrangement and equipment of land plots provided to residents of the special economic zone, as well as the procedure for ensuring an access control regime in the territory, including the procedure for access to such territory.

Researchers note [19] that the law does not allow creation of several legal regimes within the same territory. Indeed, in order to avoid duplication of measures of state support, conflicts and contradictions as to the requirements of the established administrative and legal regimes, as well as to solve individual tasks of a particular legal regime, the legislation establishes restrictions on the intersection of administrative and legal regimes. For example, the legislation on territorial development zones prohibits their creation in the territories of several constituent entities of the Russian Federation (the Federal Law of 03.12.2011 No. 392-FZ “On territorial development zones of the Russian Federation and changes to certain legislative acts of the Russian Federation”).

However, there may be exceptions to this rule in a form of targeted support to residents of the territory by creating other forms of innovative economy that provide specialized functions within the established administrative legal regime. These functions may be, for example, support and development of specific projects (business incubators), the innovative company reproduction (technology parks), and other forms. Their legal regulation at the level of the subject of the Russian Federation prevents duplication of the incentive measures and overlap of the established requirements.

By establishing such restrictions, the current legislation impedes integration and establishment of cooperative relations with business entities outside the territories with special operating regimes to some extent, and consequently the spread of innovation.

4. Special procedure for creation, functioning, management and termination

The Government of the Russian Federation makes decisions on the creation and termination of a number of such entities, for example, territorial development zones. A characteristic feature of the creation and functioning of zonal entities is the agreement between the Government of the Russian Federation, the executive body of a constituent entity of the Russian Federation and authorities of municipalities on the creation (management, functioning). These agreements are designed to regulate the functioning of the created territorial entity, including the stages of development, performance indicators, state support measures, mutual rights and obligations, management and disposition of land and construction of various infrastructure objects within the zone, etc.

In addition, such agreements may contain conditions for transfer of certain managing powers to the executive body of the constituent entity of the Russian Federation or a management company.

Territories of advanced social and economic development (hereinafter TOSED) are characterized by agreements with the residents of the territory, which prohibit branches and representative offices outside the TOSED, as well engaging in other activities not mentioned in the agreement. Such prohibitions seem to call for additional economic justification in a market economy. In addition, TOSED has a supervisory board consisting of representatives of government bodies, trade unions, and the management company. The supervisory board monitors the share of foreign workers engaged by the resident companies. The authorized federal body resolves any issues of urban planning and territorial planning within the TOSED.

5. Incentive measures and state support

The range of state support measures applied for residents of the considered forms of spatial organization of the innovative economy is quite wide. They include: various types of tax benefits, including accelerated depreciation, accelerated write-off of R&D expenses, investment tax loans, possibility of special customs procedures, rent with preferential rates for state-owned real estate, reduced insurance premium rates, preferential conditions for land acquisition.

A distinctive feature of special economic zones worth noting is guarantees to residents against adverse changes in the legislation of the Russian Federation on taxes and fees, guarantees of stability of investment conditions.

The state can also finance the creation of various kinds of infrastructure in the field of energy, transport, social services, and innovation infrastructure from the budget funds. In particular, it finances infrastructure in special economic zones.

An audit of the effectiveness of the use of public funds aimed at creating and developing special economic zones revealed a number of problems related to the effectiveness of the provided state support measures. In particular, a decrease in the pace of construction of infrastructure facilities, inefficient use of land, low level of control over the budget expenses, an increase in unused capacities in operation, a need to optimize the cost of maintaining management companies, etc. [20].

Researchers note creating technology parks and business incubators to be the most expensive and capital-intensive process in the field of regional innovation infrastructure. Therefore, they focus on effectiveness assessment and introduction of new assessment methods, including benchmarking [21].

6. Investment component

Implementation of various types of investment projects is one of the most important stages that contribute to economic growth and achievement of target indicators by territories with special business regimes. In fact, such territories are also a mechanism for the integrated development of the territory.

For this reason, some researchers bring the investment component to the forefront to determine the essence of the special legal regime [22]. The essence of the legal regime in this case is to help the

residents of the territory in question to engage in investment projects of various scale, that is, to invest money or other property in business entities to make profit or other useful effect.

Indeed, the considered forms of spatial organization of innovative activity in the region are characterized by tasks aimed at increasing the investment activity of entities and the established requirements for investment proposals by organizations and individual entrepreneurs who intend to become residents. Among other things, they need to indicate the estimated volumes of financial and capital investments, as well as the estimated investment dates.

One of the promising areas for the development of territories with special business regimes is the analysis of the level of investment development based on the regional specialization and providing a wider range of business activities for participants in a particular territory by choosing the most investment-attractive conditions [23].

7. Terms of operation

Legislation established deadlines for the operation of the special regimes. Thus, for example, zones of territorial development are created for a period of 12 years, special economic zones – 49 years, territories of advanced social and economic development – 70 years. The terms of functioning established by law are not subject to extension.

8. Legal certainty of participants

Participants in special regimes are legal entities and individual entrepreneurs, called residents, who have entered into agreements with territorial governing bodies, as well as those included in the specialized register of residents.

9. Special status of a resident of the territory

An organization or an individual entrepreneur acquire a status of a resident of a special regime territory from the moment they are registered as a resident, make the appropriate entries in the register of territory residents, and sign an agreement on carrying out activities within the zone in accordance with the requirements of the regime. A resident of a territory with a special regime is defined primarily as an investor.

10. Features of the management of land, real estate and property

The legislation defines special regimes of land use within the boundaries of zones with special business regimes. The governing bodies of a particular regime are entitled to dispose of the land within the zone. Methods for effectiveness assessment of a special regime often include calculation of indicators of the economic effect of land use, while considering indicators of the optimal use of the territory.

Another important feature of the legal regimes is a high potential of innovative integration processes. Researchers note that the development of integration processes is not only a catalyst for innovative development, but also acts as a kind of an indicator of the balance and level of development of economic relations in the system [24]. In addition, integration processes form the identity of an industry system [25] and the system of resource support for innovative activities, [26] allow cluster enterprises to extract innovative rents and gain monopoly profit [27].

Foreign studies also pay special attention to analysing the effectiveness of the geographical and relational proximity of enterprises within one territorial zone or cluster. Researchers often conclude it influences the innovative business activity exaggeratedly [28, 29].

Thus, the main distinguishing features and characteristics of the considered instrument for organizing and developing an innovative economy (Table 1) include: the need to justify the feasibility of creating, strong integration processes within the territorial, investment processes, link to the territory, a special procedure of creation, functioning, management and termination, incentive measures and state support, fixed terms of operation, legal certainty of the participants, special legal status of the residents, specific features of the management property, the distinction between the powers of the federal centre and the subjects of the Russian Federation on the management of such areas, and others.

Table 1. Special legal regimes of functioning of economic activity as a comprehensive instrument of management of socio-economic development of regions

Types of special legal regimes	Characteristics of special legal regimes as an instrument of regional policy	Goals of creating and developing special regimes
<ul style="list-style-type: none"> - Areas of territorial development; - special economic zones; - clusters; - innovative industrial parks; - technopolises; - territories of advanced social and economic development; - technology parks, - free ports; - technopoles (naukograds); - international transport corridors. 	<ul style="list-style-type: none"> - Rules for relationships between subjects; - mutual rights and obligations; - an attempt to balance the interests of participants; - link to the territory; - government support measures; - guarantees for residents; - features of state control (supervision); - reference to the territory and a clear definition of borders; - legal certainty of the participants; - fixed terms of operation; - special status of a resident of the territory; - special customs procedures; - various kinds of infrastructure; - special procedure for the management and disposal of land, real estate and property; - need for audit and performance evaluation; - need to justify the feasibility of establishing a special regime; - special procedure for creation, functioning, management and termination; - attractive investment conditions for investment projects; - strong integration processes; - distinction between the powers of the federal centre and the subjects. 	<ul style="list-style-type: none"> - Acceleration of economic processes; - attracting investment; - development of territories; - development of production and innovation; - alignment of socio-economic development of regions.

Source: compiled by the authors.

Conclusion

The authors conducted a study of the regional economic policy instrument, which consists in establishing a special legal and economic regime for conducting economic and innovation activities within a certain territory, analysed the existing administrative and legal regimes of operation, clarified the organization requirements, the possible scale of the organization, the composition of participants, the presence of an investment component, essence of state participation and regulation, existing support measures, procedures creation and termination, duration of operation.

The authors conducted a study of a regional economic policy instrument of special legal regimes within territories. The study also formulated the main problems of the creation, functioning, development, evaluation of the effectiveness of the considered instrument of regional policy, concluded that We concluded the instrument under consideration is overly widespread and territorial zoning used excessively, while often falling short of high expectations.

The results of the study were:

- 1) the characteristic of the instrument of regional innovation policy, which consists in the establishment within the boundaries of a certain territory of a special legal regime for conducting economic activity;
- 2) formulated main features (characteristic features) of the considered instrument of regional policy;
- 3) formulated individual problems and features of its use, development and performance evaluation.

The novelty of the results obtained is the accumulation of the characteristics of a regional innovation policy instrument, which consists in establishing within the boundaries of a certain territory a special legal regime for conducting economic activity that can be used to develop systems for assessing the effectiveness of the use of this instrument, as well as developing new forms of regional innovative development.

The paper presents accumulated data on the characteristics of the special legal regimes which can help to develop a comprehensive system for the assessment the effectiveness of this instrument.

Summing up, it is worth noting that at present, state policy is mainly aimed at establishing the administrative-legal regime of organizational forms of an innovative economy and the criteria that subjects of innovative activity must meet in order to obtain rights to conduct economic activity within a particular organizational form. The market mechanism, as well as the synergy effect from the interaction of participants, is only weakly reflected among the organization of individual spatial forms of innovative development of territories. At the present stage of development of innovative territories of Russia, the development of the economic component of the formation of such territories seems insufficient.

The special legal regimes, though favoured by the state policy, present only a small number of cases when the synergy effect from the interaction of the participants is strong and the increase of economic indicators significant. Therefore, at the present stage of development of innovative territories of Russia the authors find the instrument to be in need for improvement.

In our opinion, the main problems associated with the special legal regimes are:

- weak justification of choosing one or another form of regional zoning or even the necessity of zoning at all;
- insufficient studies on integration processes in innovative environment;
- lack of development programs for the residents;
- an imperfect or absent system and evaluation criteria for territories;
- improper assessment of the level of shortfalls in revenues of regional budgets, etc.

The imperfection of the instrument is largely due to the novelty of the subject of regulation, limited theoretical insight into the regulation of spatial forms of organization of an innovative economy, a short period of functioning of such forms which results in inconclusive practical experience and strategic planning in this area of development.

When implementing a policy of innovative regional development, the authorities set short-term goals, while the worldwide spatial development mechanisms solve strategic, long-term tasks. The choice of spatial development mechanisms should be based on criteria suitable for specific territories considering all the regional peculiarities.

Directions for further research

The authors refer to the areas of further research the search for the most effective ways of developing an innovative regional economy in the context of the territorial organization of the economy, analysis of the criteria for the effectiveness of planning and functioning of territorial forms of organizing an innovative economy, studying integration processes in an innovative environment, determining directions, forms and methods for the prospective development of innovative infrastructure.

In the upcoming papers, the authors intend to focus on the search for the most effective methods of regional development in terms of territorial organization, the best criteria for their effectiveness assessment, as well as further research of integration processes in an innovative environment.

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