Меркушин // Вестник Белорусского государственного экономического университета. – 2022. – № 3(152). – С. 73-83.

7. О развитии цифровой экономики: Декрет Президента Респ. Беларусь от 21 дек. 2017 г. №8 в ред. от 18 марта 2021 г. №1 : с изм. и доп. вступ. в силу с 23 июля 2024 г // Эталон : информ.-поисковая система (дата обращения: 01.11.2025).

8. Безпалов, В. В. Применение технологии блокчейн как инструмент в противодействии коррупции / В. В. Безпалов, А. Ю. Ремесленников // General question of world science : Collection of scientific papers on materials VIII International Scientific Conference, Amsterdam, 31 июля 2019 года. Том Part 1. – Amsterdam: «Наука России», 2019. – С. 55-62.

9. Бабаев, Э. А. Современные риски использования новых финансовых технологий в схемах отмывания доходов и финансирования терроризма / Э. А. Бабаев, Н. В. Капустина // Вестник евразийской науки. – 2025. – Т. 17, № S2. – С. 1-13.

10. Резолюция Генаральной Ассамблеи ООН от 25 сентября 2015 года №70/1: «Преобразование нашего мира: Повестка дня в области развития на период до 2030 года» // UN Trade and Development (UNCTAD). – URL: https://unctad.org/system/files/official-document/ares70d1_ru.pdf (дата обращения: 03.11.2005).

11. Девятый Конгресс ООН по предупреждению преступности и обращению с правонарушителями. Каир, Египет, 29 апреля - 8 мая 1995 г. // Управление ООН по наркотикам и преступности. – URL: https://www.unodc.org/documents/congress//Previous_Congresses/9th_Congress_1995/006_ACONF.169.5_Working_Paper_Action_Against_Economic_Organized_Crime_R.pdf (дата обращения: 03.11.2025).

УДК 341.217

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BRIDGING PUBLIC AND PRIVATE LAW: THE ROLE OF APEC IN DIGITAL TRADE

The fast growth of virtual exchange demanding situations the conventional separation among public and personal regulation. This article explores how the Asia-Pacific Economic Cooperation (APEC) serves as a bridge among intergovernmental cooperation and personal regulatory mechanisms in virtual exchange governance. Through its soft-regulation instruments, multi-stakeholder engagement, and norm diffusion practices, APEC implements a hybrid version that hyperlinks public worldwide norms with market-pushed standards. The study concludes that APEC exemplifies a new model of governance in which public and private norms converge to facilitate digital trade while preserving national sovereignty and market flexibility.

The rapid expansion of digital trade has transformed international commerce, creating new challenges at the intersection of public and private law. Digital trade creates legal uncertainty by spanning multiple jurisdictions. While public law sets regulations and private law governs contracts, APEC demonstrates how non-binding «soft law» can help coordinate these frameworks to facilitate cross-border digital commerce.

Digital trade challenges the conceptual foundations of both international public and private law. Traditionally, public international law has governed relations among states, while private law regulates transactions between private entities within a national jurisdiction. The rise of the digital economy disrupts this separation. Cross-border data flows, cloud computing, and e-commerce platforms operate in spaces

where state sovereignty overlaps with private technological control. The global digital infrastructure is largely owned and operated by private corporations, yet its functioning has profound public implications for privacy, security, taxation, and human rights.

Legal scholarship has long recognized the erosion of the public–private divide in global governance. Philip Jessup's notion of «transnational law» defined it as «all law which regulates actions or events that transcend national frontiers» [1]. Later, Joel Reidenberg's concept of «Lex Informatica» identified how technical standards and digital architectures serve as regulatory mechanisms parallel to legal norms [2]. In the digital economy, code functions as law, setting the conditions of access, use, and exchange. This privatization of rule-making introduces new complexities: private entities exercise quasi-legislative power whereas remain outside traditional accountability structures.

Digital trade embodies this hybridity. Public law instruments such as trade agreements and data protection laws coexist with private regulatory schemes including certification systems, contractual terms of service, and industry codes of conduct. The regulatory environment thus becomes pluralistic and polycentric. From a governance perspective, bridging public and private law entails creating institutional mechanisms through which state objectives—such as interoperability, data security, and fair competition—are implemented through private compliance and innovation. This requires frameworks that promote coordination without imposing rigid legal obligations. Soft-law instruments, characterized by non-binding commitments and flexible implementation, are particularly suited to this task [3]. They allow for adaptation to technological change and diverse legal cultures while fostering normative convergence.

The most distinctive feature of APEC's governance model is its capacity to link public and private actors in a coherent policy process. Unlike traditional international organizations that restrict participation to states, APEC institutionalizes multi-stakeholder engagement. The APEC Business Advisory Council (ABAC), established in 1995, exemplifies this bridging role. Composed of senior business leaders appointed by member economies, ABAC provides policy input directly to APEC leaders and ministers. Its annual reports and recommendations influence agenda-setting and the drafting of ministerial statements. For instance, ABAC has been instrumental in promoting digital economy initiatives, including the endorsement of interoperable data protection systems and digital trade facilitation measures [3]. By embedding business expertise into policy deliberations, APEC ensures that its public-law objectives are operationalized through private-sector implementation.

The Cross-Border Privacy Rules (CBPR) System is the most concrete example of APEC's hybrid governance. Developed under the ECSG's Data Privacy Subgroup and endorsed by ministers in 2011, the CBPR establishes a voluntary, enforceable mechanism for protecting personal data transferred across borders [4]. Participation requires both government endorsement and company certification through accredited Accountability Agents. This dual structure merges public oversight with private compliance. Governments ensure compatibility with national legal frameworks, while companies voluntarily commit to common privacy standards verified by third parties. The result is a transnational system of trust that facilitates data flows without a binding

treaty. The CBPR's legal hybridity—public authorization, private certification, and transnational recognition—illustrates how APEC operationalizes the bridge between public and private law.

The CBPR's impact extends beyond APEC. It has influenced global discussions on data governance, including the OECD's privacy frameworks and the Digital Economy Partnership Agreement (DEPA) among Chile, New Zealand, and Singapore [5]. In 2022, APEC launched the Global CBPR Forum to expand participation beyond its membership, further institutionalizing the model as a global standard. This diffusion demonstrates the normative power of APEC's soft-law mechanisms in shaping both domestic legislation and international cooperation.

Soft law functions in APEC not merely as a compromise between sovereignty and cooperation, but as an active interface between public policy and private governance. APEC's frameworks, such as the Internet and Digital Economy Roadmap, define broad principles which contains interoperability, inclusiveness, innovation, while leaving implementation to domestic authorities and business actors. This approach reflects an understanding that effective regulation in the digital age requires adaptive coordination rather than uniform law. The flexibility of APEC's model allows it to respond to diverse legal traditions, from common law to civil law and hybrid systems, while maintaining shared objectives.

Moreover, APEC's bridging function contributes to the development of transnational norms of digital trade governance. Its initiatives encourage convergence in areas such as electronic authentication, paperless trading, and consumer protection. These norms are then reflected in regional trade agreements and national strategies. By creating a normative ecosystem that connects public and private stakeholders, APEC enables legal interoperability without centralization. In doing so, it demonstrates that transnational regulatory governance can be achieved through cooperation rather than compulsion.

In conclusion, APEC's role in digital trade demonstrates the emergence of a new transnational legal order. The organization's soft-law frameworks translate intergovernmental coordination into transnational market behavior, effectively blending the authority of public law with the functionality of private law. Through initiatives such as the CBPR, the Internet and Digital Economy Roadmap, and the institutional participation of ABAC, APEC exemplifies how regional cooperation can generate global regulatory impact. Its experience suggests that the future of digital trade governance lies not in rigid treaties, but in flexible, hybrid arrangements that connect public legitimacy with private innovation. Bridging public and private law is thus not merely a theoretical aspiration but an operational necessity for governing the digital economy—and APEC stands as one of its most instructive models.

List of used literature

1. Jessup, P. C. Transnational Law. Yale University Press, 1956.-113p.

2. Reidenberg, J. R. «Lex Informatica: The Formulation of Information Policy Rules through Technology.»*Texas Law Review*, 1998, 76(3): 553–584.APEC Business Advisory Council (ABAC).Statement on Digital Now & Next Developments for APEC, 2024. [Electric source] - URL:

https://www2.abaconline.org/assets/2024/ABAC-Statement-on-Digital-Now-&-Next-Developments-for-APEC.pdf. (date of access: 31.10.2025).

3. APEC. Cross-Border Privacy Rules System, 2019. [Electric source] - URL: https://www.apec.org/docs/default-source/Groups/ECSG/CBPR/CBPR-ProgramRequirements.pdf. (date of access: 31.10.2025).

4. OECD. Digital Economy Outlook, 2020. [Electric source] - URL: https://www.oecd.org/content/dam/oecd/en/publications/reports/2020/11/oecd-digital-economy-outlook-2020_3f7b7e58/bb167041-en.pdf. (date of access: 31.10.2025).

УДК 349.2-055.2(476+4):340.5

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ПРАВОВОЕ РЕГУЛИРОВАНИЕ ТРУДА ЖЕНЩИН В РЕСПУБЛИКЕ БЕЛАРУСЬ И В ЕВРОПЕЙСКОМ СОЮЗЕ: СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ

В работе проводится сравнительный анализ правового регулирования женского труда в Республике Беларусь и странах Европейского союза. Рассматриваются основные международно-правовые стандарты в сфере гендерного равенства, а также положения национального трудового законодательства и практики их реализации. Особое внимание уделяется проблеме гендерного разрыва в оплате труда, ограничениям карьерного продвижения и влиянию материнства на занятость женщин. Анализируется роль директив ЕС и судебной практики Суда Европейского союза в обеспечении реального равенства. Делается вывод о сохранении разрыва между формальным закреплением равных прав и их фактической реализацией, а также обоснована необходимость внедрения механизмов прозрачности оплаты труда и комплексного подхода к регулированию женского труда.

В настоящей работе проводится сравнительный анализ правового регулирования женского труда в Республике Беларусь и в странах Европейского союза (далее – ЕС). Актуальность темы обусловлена все еще существующей проблемой гендерного неравенства на рынке труда. Женщины по-прежнему сталкиваются с гендерным разрывом в оплате труда (pay gap), ограничениями в карьерном росте и со «второй сменой» – ситуацией, при которой женщина помимо основной работы занимается еще и домашним хозяйством, что создает для нее двойную нагрузку. Таким образом, проблема исследования заключается в несоответствии между формальным провозглашением равенства в трудовом праве и сохраняющимся фактическим гендерным неравенством в сфере занятости и оплаты труда. Цель нашей работы – выявить общие черты и ключевые различия между белорусским законодательством и подходами ЕС в данной области, чтобы понять, насколько эффективны существующие нормы в переходе от формального к реальному равенству [1, с. 109],

В Беларуси и в странах ЕС формальное равенство закреплено в основных правовых актах. Глобальный вектор задают основные выработанные международными организациями конвенции, например, CEDAW (Конвенция ООН о ликвидации всех форм дискриминации в отношении женщин, принятая в 1979 году) осуждает дискриминацию по полу во всех сферах и требует позитивных мер вроде квот; Конвенция МОТ № 100 о равном вознаграждении, принятая в 1951 году, обеспечивает равную оплату за равный труд; Конвенция