

# What Is the International Best Practice for Regulation of Financial Markets? From A Legal and Practical Perspective

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## Abstract

*Financial markets have become increasingly intricate as a result of technical advancements, the introduction of new financial instruments, and the process of globalization. This necessitates the regulation of financial markets. Individual investors are vulnerable to exploitation in the absence of market regulation. This article aims to address the question of how financial markets should be regulated. This article seeks to emphasize the growing need for regulation in financial markets. It will explain the many regulation models used to regulate financial markets. It deals with the conflict of interest that arises between the financial gains of the capital markets and the obligation to oversee and enforce regulations to maintain fairness. This article will use a descriptive and analytical legal research methodology. Economists are prolific at formulating theories on various subjects, including markets and their regulation. However, the need for regulation is clear due to the numerous financial crises and scandals, from which Kuwait is not immune. Regardless of the theories, the reality is that financial crises have occurred, and people have suffered as a result, which could have been avoided by having sound regulations in place. There is an increasing trend toward intervention in and regulation of the markets.*

**Keywords:** *Financial Markets, Efficient Markets Theory, Self-Regulation.*

## Introduction

Effectively regulating financial markets is a complex task that requires a comprehensive understanding of multiple factors. Financial regulation is essential for maintaining stability, transparency, and fairness in the global economy. Finding the best approach to regulating financial markets has been a topic of debate, with regulators working to address shortcomings and reduce potential risks. Since the 2008 financial crisis, regulators across the globe have collaborated to establish best practices that can prevent future crises and protect investors. In this article, we will explore some of the key international best practices in financial market regulation.

### *Theoretical Framework: Understanding Financial Regulation*

Financial regulation refers to the rules, laws, and guidelines that govern the operation and conduct of financial institutions, markets, and participants within the financial system. The primary objective of financial regulation is to promote stability, transparency, fairness, and investor protection within the financial industry. (Partnoy, 2014). Financial regulations are typically implemented and enforced by governmental or regulatory agencies at the national or international level.

Financial regulation encompasses various aspects that are aimed at ensuring the stability, integrity, and transparency of financial markets and institutions. Some key aspects include:

### *Prudential Regulation*

Prudential regulation refers to the set of rules, guidelines, and supervisory measures implemented by regulatory authorities to ensure the stability, safety, and soundness of financial institutions. (Macneil, 2012, p.36) The primary objective of prudential regulation is to mitigate systemic risks within the financial system

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and protect investors and the broader economy from potential disruptions caused by the potential failure of financial institutions.

Prudential regulation focuses on the safety and soundness of financial institutions such as banks, insurance companies, and investment firms, ensuring that they have adequate capital, manage risks effectively, and maintain liquidity to withstand potential shocks. It aims to ensure that firms trade safely, have the appropriate risk controls in place and are properly governed. It establishes guidelines to reduce the chances of bankruptcy and safeguard depositors and investors.

### *Market Regulation*

Market regulation refers to the set of rules that control securities trading, market infrastructure, disclosure requirements, and efforts to safeguard investors. It encompasses rules governing securities trading, market infrastructure, disclosure requirements, and investor protection measures.

Market regulation acts as a safeguard against uncontrolled speculation, manipulation of the market, and the potential risks that can affect the entire financial system. (O'Brien, & Gilligan, p.3). Market regulation aims to promote openness, fairness, and efficiency by implementing regulations and oversight systems. This helps to protect investor confidence and maintain the integrity of the market. Furthermore, efficient market regulation has the potential to alleviate the negative consequences of inaccurate information, moral hazard, and externalities, which can disrupt markets and weaken their role in allocating capital.

Market regulation is a crucial component of financial regulation. Its purpose is to guarantee that markets function with honesty, strength, and responsibility, ultimately promoting sustainable economic growth and public welfare. The primary objective of market regulators is to maintain fair and organized financial markets by proactively preventing fraudulent activities, market manipulation, and insider trading. The regulations are frequently supervised by the Securities and Exchange Commission.

### *Consumer Regulation*

Consumer protection regulations are aimed at protecting consumers from abusive practices, ensuring fair treatment, and promoting transparency in financial products and services. (Hamida, 2013, P.87). This includes regulations on lending practices, disclosures, and consumer rights. Consumer protection regulations are designed to safeguard the interests of retail consumers of financial products and services. They require financial institutions to provide clear and accurate information, fair treatment, and recourse mechanisms for resolving disputes.

Consumer protection regulations cover a wide range of financial products, including loans, credit cards, mortgages, and investment products. Consumer protection ensures that firms treat customers fairly from the sales process to dispute resolution mechanisms. Regulators impose requirements on financial firms to act in the best interests of their clients and provide adequate disclosure about investment products and services. Investor education initiatives aim to empower individuals with the knowledge and skills to make sound financial decisions. Moreover, compensation schemes, such as the Securities Investor Protection Corporation (SIPC) in the United States, provide a safety net for investors in the event of broker-dealer insolvency.

### *Systemic Risk Regulation*

Systemic risk regulations focus on identifying and mitigating risks that could threaten the stability of the entire financial system. Measures may include monitoring and regulating interconnectedness between financial institutions, assessing the impact of large-scale failures or disruptions, and establishing mechanisms for crisis management and resolution.

Effective risk management is crucial for maintaining the stability of financial markets (Pugh, 2019). Regulators employ various tools and techniques to identify, assess, and mitigate risks in the financial system.

This includes setting capital requirements for financial institutions and implementing regulations to limit excessive risk-taking. International standards such as the Basel Accords provide guidelines for risk management practices, which are adopted by regulators worldwide to ensure the safety and soundness of the financial system.

### *International Coordination*

Given the growing interconnectivity of financial markets, it is imperative to have international collaboration to ensure effective regulation. Regulators cooperate internationally to tackle cross-border concerns such as cross-border transactions, regulatory arbitrage, and systemic risk. The Financial Stability Board (FSB) and the Basel Committee on Banking Supervision are crucial organisations in this context. These organizations establish standards and recommendations to ensure regulatory authorities worldwide work together and maintain uniformity.

### *Capital Requirements*

Capital requirements play a pivotal role in ensuring the stability and resilience of financial systems.

Regulations establish the minimum amount of capital that financial institutions must have in order to ensure they have sufficient reserves to absorb losses and maintain solvency during a crisis. Basel Accords, such as Basel III, provide guidelines for such requirements. They set minimum capital requirements for financial institutions to maintain solvency and absorb losses during crises. These regulations mitigate the risk of insolvency during economic downturns or market conditions. They act as a buffer, absorbing losses and protecting depositors and investors from financial institution failures, ensuring the stability and resilience of financial systems.

Additionally, capital requirements incentivize prudent risk management practices and discourage excessive risk-taking, fostering a healthier and more sustainable financial sector. Moreover, they enhance market confidence by instilling transparency and accountability, as institutions with higher capital reserves are perceived as more resilient and trustworthy counterparties. Overall, capital requirements serve as a cornerstone of effective financial regulation, promoting stability, resilience, and confidence in the financial system.

### *Liquidity Requirements*

Liquidity requirements are indispensable components of financial regulation, providing essential safeguards against liquidity risk and promoting the stability of financial markets. These regulations mandate that financial institutions maintain sufficient liquid assets to meet their short-term obligations, ensuring they can withstand liquidity shocks without resorting to so-called 'fire sales' or distress sales of assets. By imposing such requirements, regulators mitigate the risk of systemic disruptions during times of stress, preventing contagion and preserving market confidence.

Furthermore, liquidity requirements encourage prudent liquidity management practices within institutions, incentivizing them to diversify funding sources and maintain adequate liquidity buffers. This, in turn, enhances the resilience of individual firms and the overall financial system, reducing the likelihood and severity of liquidity crises. Overall, liquidity requirements play a crucial role in fostering a stable financial environment, promoting resilience, and safeguarding against systemic risks.

### *Compliance and Reporting*

Financial institutions are required to comply with various reporting requirements to regulatory authorities, providing transparency and accountability. Compliance requirements ensure that financial institutions adhere to laws, regulations, and standards set by regulatory authorities. These requirements play a vital role in promoting market integrity, transparency, and fairness. By mandating adherence to anti-money laundering (AML), know-your-customer (KYC), and other regulations, compliance requirements help

mitigate the risks of financial crimes such as fraud, money laundering, and terrorist financing. (Al-Hayyan, & Al-Mutairi, p. 900)

Additionally, compliance fosters trust and confidence among investors, depositors, and the public by ensuring that financial institutions operate ethically and responsibly. Compliance requirements encourage sound risk management practices, helping to identify, assess, and mitigate risks effectively. In essence, compliance standards are essential for upholding the stability, integrity, and reliability of the financial system, ultimately promoting its long-term sustainability and resilience.

Investors need access to accurate and timely information to make informed decisions. International best practices often require companies to disclose financial information regularly, including their financial statements, performance indicators, and risks. Regulatory bodies such as the Securities and Exchange Commission (SEC) in the United States and the Financial Conduct Authority (FCA) in the United Kingdom enforce these disclosure requirements to promote transparency and protect investors.

### *Regulatory Enforcement*

Effective enforcement mechanisms, including penalties for non-compliance and regulatory oversight, are essential to ensure that regulations are followed, and violations are addressed promptly. Regulatory enforcement serves to uphold the integrity, stability, and fairness of financial markets. Through robust enforcement mechanisms, regulatory authorities can deter misconduct, punish wrongdoing, and maintain market discipline.

By holding financial institutions and individuals accountable for violations of laws and regulations, enforcement actions help to safeguard investors, consumers, and the broader economy from fraudulent activities, market manipulation, and other forms of misconduct. Moreover, enforcement actions can act as a deterrent, dissuading potential wrongdoers from engaging in harmful practices and thereby promoting compliance with regulatory standards.

Additionally, regulatory enforcement fosters confidence in the financial system by signalling a commitment to uphold the rule of law and protect market participants. Effective enforcement contributes to the overall stability, transparency, and trustworthiness of financial markets, facilitating their proper functioning and long-term sustainability.

Regulators implement measures to prevent market abuse, such as insider trading, market manipulation, and fraud. Enforcement agencies actively monitor trading activities and investigate suspicious behaviour to maintain market integrity. Additionally, regulations governing the conduct of market participants, such as codes of ethics and professional standards, help promote fair and orderly markets. (Alshebli, 2022, p109)

### *What Are the Consequences of No Regulation?*

The necessity of regulation is a subject that is widely discussed and disputed. Opponents of regulation adhere to the 'Efficient Markets Theory', which posits that stock prices consistently incorporate all relevant information and are therefore efficient. According to this view, it is not possible for anyone to attain exceptional profits by exploiting another party. Prices are inherently reflective of the accurate valuation of assets. The prices are determined by the collective perspectives of all investors. The Efficient Markets Theory is grounded in the principles that govern market dynamics, where prices are determined by the interplay of supply, demand, and external factors, such as new information in the context of financial markets. (Cooper, 2010, p.9).

Nevertheless, this theory fails to account for price fluctuations that may arise due to market manipulation. Robert Shiller, a critic of this theory, argues that the Efficient Markets Theory is only partially accurate. He challenges the claims that securities prices accurately represent the actual worth of assets. George Cooper, another critic, expressed his criticism of the Efficient Markets Theory by stating that it is "more based on faith than on factual evidence" and argued that it is not universally applicable to all markets. In the realm

of financial markets, different forces can cause the markets to deviate from their balanced state, resulting in behaviour that contradicts the notion of efficient markets. This leads “financial markets to behave in a way that is inconsistent with the theory of efficient markets.” For example, in financial markets, a lack of supply leads to an increase in demand, and asset prices change because of higher demand. He faults the academic community for supporting the Efficient Markets Theory to self-regulate markets. The reality is that regulation is necessary.

### *Why Is Regulation Needed?*

The main goal of enacting financial rules is to maintain the integrity of the financial system. When a bank fails, it is no longer able to meet its obligations to depositors or other creditors, which can have negative effects on the overall economy. Financial regulations have the objective of ensuring that relevant laws are followed, taking legal action against instances of improper behaviour in the market, granting licenses to financial service providers, safeguarding the interests of consumers, conducting investigations into complaints, and upholding trust in the financial system.

The regulation of financial markets is necessary for multiple reasons:

#### *Stability*

Financial markets are crucial for the allocation of capital and the facilitation of economic activity. Nevertheless, in the absence of regulation, these markets are susceptible to instability, volatility, and systemic risk. Regulations are designed to enhance stability by establishing criteria for managing risk, ensuring sufficient capital, and regulating market behaviour, thus decreasing the probability of detrimental financial crises that can have significant repercussions on the economy.

#### *Investor Protection*

Financial markets encompass intricate transactions and products that may pose challenges for individual investors to comprehend. In the absence of regulation, investors are susceptible to fraudulent activities, unethical behaviour, and unjust practices. Financial firms are obligated by regulations to prioritize the well-being of their clients, offer clear and transparent information, and uphold ethical standards. This ensures that investors are safeguarded from any potential harm. (Moloney, 2010. P. 3)

#### *Market Integrity*

Ensuring the authenticity and reliability of financial markets is crucial for fostering trust and assurance among investors. Regulations rigorously prohibit market abuse, which includes acts such as insider trading, market manipulation, and fraud. These activities possess the capacity to undermine the equity and efficiency of markets. Regulators promote market transparency, orderliness, and fairness through the implementation of regulations and the monitoring of trade activities.

#### *Systemic Risk Management*

The interconnectedness of financial markets implies that the collapse of a solitary institution or participant can trigger a domino effect that permeates the whole financial system. Regulations are designed to identify, evaluate, and reduce systemic risks that have the potential to jeopardize the stability of the whole financial system. This includes the establishment of capital requirements for financial institutions, the execution of stress tests, and the adoption of measures to tackle institutions that are considered too large to be allowed to fail.

### *Consumer Confidence*

Confidence has a vital role in ensuring the smooth functioning of financial markets. Regulations establish a structured set of norms and standards that instil consumers with trust in the honesty and dependability of financial products and services. Regulations play a vital role in upholding consumer trust and the long-term viability of financial markets by enforcing transparency and accountability in the operations of financial firms.

### *Fairness and Efficiency*

Regulations provide equity and effectiveness in financial markets by prohibiting market misconduct, discouraging market manipulation, reducing information imbalances, and ensuring equitable opportunity for all participants. Regulators ensure market integrity and fair competition, fostering an environment where all individuals have equitable access and involvement in financial activities.

In summary, the regulation of financial markets is crucial for ensuring stability, safeguarding the interests of investors, upholding the integrity of the market, mitigating systemic risks, instilling consumer trust, and promoting fairness and efficiency. In the absence of regulation, financial markets are susceptible to malfunction and exploitation, leading to detrimental effects on the economy and society.

## **Results And Discussion**

### *Models for Regulating Financial Markets*

There are multiple methodologies for overseeing financial markets, each possessing its advantages and disadvantages. Some common models include:

#### *Rules-based Regulation*

In this arrangement, authorities establish particular regulations and norms that financial institutions must follow. For example, setting minimum capital requirements or restricting certain types of activities. Benefits include clarity and predictability for both regulators and institutions, making it easier to enforce compliance. However, rules may become outdated or overly prescriptive, limiting flexibility and innovation. Additionally, institutions may find ways to comply with the letter of the law while still engaging in risky behaviour.

#### *Principles-based Regulation*

This model relies on broad principles and standards, allowing institutions more flexibility in how they achieve compliance. For instance, requiring banks to operate with prudence and integrity rather than prescribing specific risk limits. Benefits include greater adaptability to changing market conditions and innovation, as well as reduced regulatory burden. However, principles-based regulation can be more subjective and open to interpretation, leading to inconsistencies in enforcement and potential regulatory arbitrage.

#### *Market-based Regulation*

In this model, regulators rely on market discipline and incentives to promote sound behaviour. Examples include disclosure requirements, where companies must provide transparent information to investors, allowing market participants to assess risks and make informed decisions. Benefits include promoting transparency, efficiency, and accountability within financial markets. However, market-based regulation may not adequately address systemic risks or externalities, as market participants may not fully internalize all costs and benefits.

### *Self-Regulation*

The concept of self-regulation within industries involves participants adhering to voluntary codes of conduct or industry standards. For instance, professional associations establish ethical guidelines for their members. Self-regulation offers benefits such as industry expertise and the ability to customize regulations to meet specific requirements. However, it may result in conflicts of interest, lenient enforcement, and inadequate consumer or investor protection, particularly when industry interests clash with broader societal goals. The nature, scope, and structure of self-regulation have evolved significantly over the past two decades, and there is no clear definition of it. There are various self-regulatory forms worldwide, some of which refer to formal Self-Regulatory Organizations (SROs). An SRO is a private institution that creates, monitors compliance with, and enforces rules applicable to securities markets and the behaviour of its members. It serves as a non-governmental organization with the authority to set and enforce industry regulations and standards. It's a middle ground between no regulation and government regulation, where the state specifies, manages, and implements regulations. Any company wishing to become part of an SRO member must be willing to abide by its regulations. (Lee, 2000, p. 129)

SROs in financial markets include such organizations as Stock Exchanges that govern themselves without outside interference, especially if they are responsible for the operation of the exchange. This includes:

regulating market transactions, including ensuring that the members' actions are in accordance with pre-agreed rules;

regulating the market participants by ensuring that they do not breach their obligations and that they maintain the value of their capital over time, that they do not take excessive risk, that they do not breach ethical behaviour, and that if they breach their obligations, they face sanctions from the SRO itself; and

that dispute resolution and enforcement actions are provided, including private mechanisms that enforce good conduct. In some cases, the internal statutory rules involve determining the financial sources, managers' and employees' codes of conduct, oversight procedures and the formal structure of the SROs.

Self-regulation has several advantages:

greater ability to monitor effectively

members of an SRO may have more interest in keeping the market safe and preserving its integrity

members of an SRO have more knowledge, expertise and experience in the market; and

the SRO has more flexibility.

It would be preferable if the responsibility for designing the features of operational rules and the way of processing them were performed by SRO members because of their experience, knowledge and commercial interests. However, competition may be negatively impacted if the members were to transform into cartels, which would create conflicts of interest. Furthermore, due to the lack of competition, self-regulatory organizations (SROs) could be more flexible in enforcing regulations, such as the listing rules. (Macneil, 2012, p, 25)

### Hybrid Models

Some jurisdictions adopt a combination of different regulatory approaches, blending elements of rules-based, principles-based, market-based, and self-regulation. This hybrid approach seeks to harness the benefits of each model while mitigating their respective drawbacks. However, implementing and

coordinating multiple regulatory frameworks can be complex and challenging, requiring careful balance and oversight (Carson, 2010, p3).

Each model of financial regulation has its strengths and weaknesses, and the most effective approach often depends on the specific context, objectives, and regulatory environment of a given jurisdiction. Balancing regulatory objectives, flexibility, and accountability is key to designing an effective regulatory framework that promotes financial stability, market integrity, and investor protection.

#### *Does More Regulation Lead to Less Profits?*

History has shown that the conversion of financial markets themselves to listed companies has resulted in a lot of competition for profits. This affects the regulation of financial markets and can increase the risk of a regulatory ‘race to the bottom’ because of the conflicts of interest between the profit of the financial markets and the responsibility to regulate (Christiansen, & Koldertsova 2009, p1). This development has also led to the rapid development of technology, and the creation of new financial instruments which has increased the importance of the financial markets as a provider, in a competitive market, of specific services, such as trading. Furthermore, this competition has recently become global as financial markets in different countries begin to compete with one another.

It is important to note that the lower the number of companies trading on the stock market, the lower the profits of the financial markets tend to be. On the other hand, when the listing rules are less stringent, there is the potential to increase the likelihood of damage to the small investors and affect the reputation of the market internationally. One way of solving this problem is to require a compulsory listing of companies.

#### *What Are The Best Ways To Regulate The Financial Markets?*

Internationally recognised best practices for financial regulations often revolve around principles set forth by organisations such as the Financial Stability Board (FSB), the Basel Committee on Banking Supervision (BCBS), and the International Organization of Securities Commissions (IOSCO).

The following are some key principles and practices:

##### *Transparency and Disclosure*

Financial institutions should provide clear, accurate, and timely information about their financial condition, risk exposure, and governance practices. By mandating clear and comprehensive reporting practices, financial regulation fosters trust among investors, institutions, and the public. Transparent disclosure requirements provide stakeholders with crucial information to assess risks, make informed decisions, and hold entities accountable for their actions. Moreover, transparency enhances market efficiency by reducing information imbalances and promoting fair competition. Financial regulations that focus on transparency and disclosure, not only protect against fraud but also foster a more trustworthy financial ecosystem, essential for sustainable economic growth.

##### *Prudential Regulation*

Through measures like capital adequacy requirements, liquidity ratios, and risk management standards, prudential regulation ensures that banks and other financial entities maintain sufficient buffers to weather adverse economic conditions and unexpected shocks. By imposing prudential standards, regulators aim to prevent excessive risk-taking, speculative behaviour, and the build-up of vulnerabilities that could threaten the broader financial system. Prudential regulation acts as a protective barrier, promoting resilience, confidence, and the long-term sustainability of the financial sector, thereby underpinning overall economic stability.



### *Risk Management*

Financial institutions are expected to have adequate risk management systems in place to identify, measure, monitor, and control various types of risks, including credit risk, market risk, liquidity risk, and operational risk. By implementing risk management frameworks, regulators can help prevent excessive risk-taking and ensure the stability of financial institutions and markets. Through measures such as stress testing, scenario analysis, and risk modelling, regulators can gain insights into potential vulnerabilities and systemic risks, allowing for pre-emptive action to be taken.

Prioritizing risk management within financial regulation not only protects against financial instability and systemic crises but also fosters a culture of accountability and responsible behaviour within the industry, contributing to long-term financial resilience and sustainability.

### *Market Integrity*

Regulations should promote fair and transparent markets, prevent market manipulation, insider trading, and other forms of misconduct, and ensure that investors have access to accurate and timely information. Upholding market integrity ensures that transactions are conducted transparently, honestly, and without manipulation or fraud. By maintaining a level playing field and preventing abusive practices, regulators safeguard the interests of investors and the public, bolstering confidence in the financial system.

Moreover, market integrity enhances market efficiency by promoting accurate price determination and allocation of resources. When participants have faith in the integrity of the market, they are more likely to invest capital, contributing to economic growth and prosperity. Therefore, by prioritizing market integrity in financial regulation, authorities can uphold the fundamental principles of fairness, transparency, and trust, essential for the proper functioning of financial markets and the broader economy.

### *Consumer Protection*

Effective consumer protection measures safeguard individuals and businesses from deceptive practices, predatory lending, and abusive financial products. By enforcing regulations that require clear disclosure, fair treatment, and responsible lending practices, authorities empower consumers to make informed decisions and avoid exploitation. Moreover, robust consumer protection enhances financial inclusion and promotes economic stability by reducing the likelihood of consumer financial distress and mitigating systemic risks stemming from market abuses. Ultimately, by prioritizing consumer protection in financial regulation, policymakers can foster a more resilient, inclusive, and trustworthy financial system that serves the needs of all stakeholders.

### *Cross-Border Coordination*

With financial transactions and activities transcending national borders, coordination among regulators is crucial to mitigate regulatory arbitrage and systemic risks. By harmonizing standards, sharing information, and coordinating supervisory efforts, regulators can enhance the consistency and effectiveness of regulatory frameworks while minimizing regulatory gaps and conflicts. Additionally, cross-border coordination promotes financial stability by facilitating the timely exchange of information and cooperation during crises or disruptions. Moreover, it fosters confidence among market participants and investors, reinforcing trust in the integrity and resilience of the global financial system. Thus, prioritizing cross-border coordination in financial regulation is essential for promoting stability, mitigating risks, and safeguarding the interests of stakeholders in an increasingly interconnected and complex financial landscape.

### *Resolution and Recovery Planning*

Regulators should have frameworks in place to deal with the orderly resolution of failing financial institutions without disrupting the broader financial system. This includes the development of recovery and resolution plans for systemically important institutions. By requiring financial institutions to develop robust

resolution and recovery plans, regulators can ensure that these entities have strategies in place to address potential failures or distress.

Effective resolution plans outline procedures for the orderly wind-down of failing institutions without disrupting financial markets or endangering the broader economy. Recovery plans, on the other hand, detail measures that institutions can take to restore their financial health and viability in times of stress. By mandating these plans, regulators enhance market discipline, incentivize prudent risk management practices, and reduce the likelihood of taxpayer-funded bailouts. Moreover, resolution and recovery planning promote confidence among investors and counterparties, as they demonstrate that authorities have contingencies in place to manage potential crises. Prioritizing resolution and recovery planning within financial regulation strengthens the resilience of the financial system, protects against systemic risks, and fosters a more stable and sustainable financial environment.

### *Supervision and Enforcement*

Through effective supervision, regulators are able to monitor the activities of financial institutions, assess their risk management practices, and intervene when necessary to address potential weaknesses or violations. Supervisory oversight helps detect misconduct, fraud, and systemic risks early on, preventing them from escalating into broader crises. Furthermore, robust enforcement mechanisms ensure accountability by imposing sanctions and penalties on entities that violate regulations, deterrence against future misconduct, and protect consumers and investors from harm.

By upholding the rule of law and enforcing regulatory standards, supervision and enforcement contribute to a level playing field, promote trust and confidence in financial markets, and ultimately support the overall integrity and resilience of the financial system.

### *Macroprudential Regulation*

In addition to micro-prudential regulation focusing on individual institutions, there's an increasing recognition of the importance of macroprudential regulation, which looks at the stability of the financial system as a whole and seeks to identify and mitigate systemic risks. Unlike traditional regulatory approaches that primarily target individual institutions, macroprudential regulation considers the interactions and interdependencies between different parts of the financial system.

By monitoring systemic risk factors such as excessive credit growth, asset price bubbles, and interconnectedness between institutions, macroprudential regulation aims to prevent the build-up of vulnerabilities that could lead to widespread financial instability. Furthermore, macroprudential instruments, like as capital buffers, countercyclical measures, and stress testing, can be utilized to reduce systemic risk during periods of excessive economic growth and strengthen resilience during economic downturns. Prioritizing macroprudential regulation within financial oversight frameworks is crucial for promoting a more robust and resilient financial system, capable of withstanding shocks and safeguarding against systemic crises.

### *Adaptability*

Regulatory frameworks should be dynamic and able to adapt to changes in the financial system and emerging risks. Regular reviews and assessments of regulatory effectiveness are crucial for identifying areas for improvement. As financial markets and institutions undergo constant change, regulatory frameworks must remain flexible and responsive to new challenges and developments.

Regular reviews of regulations enable policymakers to identify gaps, weaknesses, and unintended consequences, allowing for timely adjustments and enhancements to regulatory frameworks. Moreover, adaptability ensures that regulations remain effective in addressing emerging risks such as cybersecurity threats, fintech innovations, and climate-related risks. By embracing adaptability and conducting periodic

reviews, regulators can maintain the relevance, efficiency, and effectiveness of financial regulations, ultimately promoting stability in the financial system.

International best practices in regulating financial markets involve implementing various measures to ensure stability, transparency, integrity, and investor protection. Regulators can bolster the resilience of financial markets and decrease the probability of repeat crises by adopting these recommended strategies. Nevertheless, it is imperative that regulatory frameworks adapt and progress in order to match the rapid developments in technology, market advancements, and rising hazards. This is crucial to maintain the efficacy of financial market regulation in the ever-changing global landscape. By incorporating these principles and practices into their regulatory frameworks, countries can help promote the stability, efficiency, and integrity of their financial markets, ultimately contributing to sustainable economic growth and development.

## Findings

Economists have dedicated much time to formulating theories relating to markets and the need for regulation. Regardless of the various theories, the reality is that financial crises have occurred, and people have suffered as a result. Due to the numerous financial crises and scandals regulation of the financial markets has become increasingly important.

The research has shown that many developed countries regulate their financial markets using the 'Government Model' in which securities regulation lies with a public authority, and the Stock exchanges' supervision of their markets is limited. The UK uses this model, whereby the London Stock Exchange is self-regulating and the FCA regulates securities. Kuwait adopted the same model in 2010.

Today there is international competition between financial markets in different countries. The greater the amount of government regulation of the financial markets in a country, the less likely companies are to list on the stock exchange. This translates into lower profits for the financial markets. One way of solving this problem is to apply a compulsory listing.

## Conclusion

In view of the history of financial scandals and misdealing by those who trade on financial markets, the need for regulation is becoming increasingly important. The method of regulation though is a matter of debate.

As mentioned in this article, governmental regulation can stifle the growth of the financial markets and can have a negative effect on the profits earned by listed companies. In view of the greater competition between international financial markets, the more popular method of regulation is the self-regulation model. This allows the government to intervene in matters where it can see clear evidence of abuse, whilst not having to monitor every transaction.

In conclusion, it is submitted that regulation is needed in every financial market. However, self-regulation of these markets allows for a more flexible approach that serves the needs of investors, companies and shareholders alike.

## References

- Al-Hayyan, A., & Al-Mutairi, M. (2019) Mediator in Explaining the Capital Markets Authority Law. Explanation of Law No. (7) of 2010 and its Amendments Regarding the Establishment of the Capital Markets Authority and the Regulation of Securities Activity and the Executive Regulations in accordance with Resolution No. 72 of 2010. Dar Al-Ilm.
- Abbas, M., Jam, F. A., & Khan, T. I. (2024). Is it harmful or helpful? Examining the causes and consequences of generative AI usage among university students. *International Journal of Educational Technology in Higher Education*, 21(1), 10.

- Ahmed, I., Farooq, W., & Khan, T. I. (2021). Customers' Perceptions and their Responses to Objectives of Islamic Banks—A Three-Wave Investigation. *Asian Economic and Financial Review*, 11(1), 43.
- al politics and job outcomes.
- Al-shebli, A. (2022) *Comparative Securities Law Perspectives from Kuwait, the UK and US*, Rutledge.
- Al-shebli, A. (2021) *Legal Framework for Corporate Governance on the Kuwaiti Stock Exchange*. Academic Publication Cornicle.
- Carson, J. (2010) *Self-Regulation in Securities Markets*. Working Paper for World Bank Financial Sector Policy Group.
- Christiansen, H., & Koldertsova, A. (2009) *The Role of Stock Exchanges in Corporate Governance*. OECD.
- Cooper, G. (2010). *The Origin of Financial Crises: Central Banks, Credit Bubbles and The Efficient Fallacy*. Harriman House.
- Deflem, M.(2010). *Sociology of Law Vision of a Scholarly Tradition*. CUP.
- Hamida, M. (2013) *Privatisation Through the Financial Markets*. Hassan Modern Library.
- Iqbal Khan, T., Kaewsaeng-on, R., Hassan Zia, M., Ahmed, S., & Khan, A. Z. (2020). Perceived organizational politics and age, interactive effects on job outcomes. *SAGE Open*, 10(3), 2158244020936989.
- Jamil, R. A., Qayyum, U., ul Hassan, S. R., & Khan, T. I. (2023). Impact of social media influencers on consumers' well-being and purchase intention: a TikTok perspective. *European Journal of Management and Business Economics*, (ahead-of-print).
- Kuo, Y. K., Khan, T. I., Islam, S. U., Abdullah, F. Z., Pradana, M., & Kaewsaeng-On, R. (2022). Impact of green HRM practices on environmental performance: The mediating role of green innovation. *Frontiers in Psychology*, 13, 916723.
- Khan, T. I., Akbar, A., Jam, F. A., & Saeed, M. M. (2016). A time-lagged study of the relationship between big five personality and ethical ideology. *Ethics & Behavior*, 26(6), 488-506.
- Khan, M. T., Khan, T. I., & Khan, S. (2020). *Innovation & Its Diffusion in Business: Concept, Stages & Procedural Practices*. *sjesr*, 3(4), 174-186.
- Khan, F. A. J. T. I., Anwar, F., Sheikh, R. A., & Kaur, S. (2012). Neuroticism and job outcomes: Mediating effects of perceived organizational politics. *African Journal of Business Management*, 6(7), 2508.
- Khan, T. I., Kaewsaeng-on, R., & Saeed, I. (2019). Impact of workload on innovative performance: Moderating role of extrovert. *Humanities & Social Sciences Reviews*, 7(5), 123-133.
- Khan, T. I., Nisar, H. G., Bashir, T., & Ahmed, B. (2018). Impact of aversive leadership on job outcomes: Moderation and mediation model. *NICE Research Journal*, 56-73.
- Khan, T. I., Kaewsaeng-On, R., & Saeed, I. (2019). Impact of workload on innovative performance: Moderating role of extrovert. *Humanities & Social Sciences Reviews*, 7 (5), 123-133.
- Khan, T. I., Khan, S., & Zia, M. H. (2019). Impact of personality traits on workplace deviance—a pakistani perspective. *Global Regional Review, Humanity only*, 4(2), 85-92.
- Khan, T. I., Khan, A. Z., & Khan, S. (2019). Effect of time pressure on organizational citizenship behavior: Moderating role of agreeableness. *Sir Syed Journal of Education and Social Research (SJESR)*, 2(1), 140-156.
- Khan, T. I., & Akbar, A. (2015). *Impact of stressors on employee performance: Moderating role of big five traits*. Islamabad: Mohammad Ali Jinnah University.
- Kuo, Y. K., Khan, T. I., Islam, S. U., Abdullah, F. Z., Pradana, M., & Kaewsaeng-On, R. (2022). Impact of green HRM practices on environmental performance: The mediating role of green innovation. *Frontiers in Psychology*, 13, 916723
- Khan, T. I., & Akbar, A. (2014). Job involvement—predictor of job satisfaction and job performance—evidence from Pakistan. *World Applied Sciences Journal*, 30(30), 8-14.
- Lee, R. (2000). *What Is an Exchange? The Automation, Management, and Regulation of Financial Markets*. OUP.
- Li, H. X., Hassan, K., Malik, H. A., Anuar, M. M., Khan, T. I., & Yaacob, M. R. (2022). Impulsive and compulsive buying tendencies and consumer resistance to digital innovations: the moderating role of perceived threat of COVID-19. *Frontiers in Psychology*, 13, 912051.
- Macneil, I. (2012). *An Introduction to The Law on Financial Investment*. (2nd edn) Hart Publishing Ltd.
- Mushtaq, R., Jabeen, R., Begum, S., Khan, A., & Khan, T. (2021). Expanded job scope model and turnover intentions: A moderated mediation model of Core-Self Evaluation and job involvement. *Management Science Letters*, 11(5), 1473-1480
- Moloney, N. (2010) *How to Protect Investors: Lessons from the EC and the UK*. Cambridge University Press.
- Moran, M. (1986). *Theories of regulation and changes in regulation: The case of financial markets*. Political Studies.
- O'Brien, J., & Gilligan, G. (2013). *Integrity, Risk and Accountability in Capital Markets: Regulating Culture*. Hart Publishing.
- Partnoy, F (2014). *Financial Systems, Crises, and Regulation*. University of San Diego, Research Paper No 14-154) 2 [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2435332](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2435332)
- Pugh, A. (2019). 10 businesses that failed due to poor management. E-careers.com.
- Sarwat, N., Ali, R., & Khan, T. I. (2021). Challenging, hindering job demands and psychological well-being: The mediating role of stress-related presenteeism. *Research Journal of Social Sciences and Economics Review*, 2(1), 135-143.