

Lagstiftnings ändamålsenlighet –
En regleringsteoretisk utvärdering av
fjärrvärmelagens potential att skapa förtroende



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av

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Abstract

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This thesis concerns the question whether it is possible to create trust by the use of legislation. I ask the question whether the Swedish District Heating Act (DHA) can be deemed to be fit for its purpose. I show that the main purpose of the DHA is the creation of trust. On a more concrete level, therefore, my research task is to evaluate whether the DHA has the potential to create trust.

I examine the concept of trust with a multi-disciplinary approach, drawing on trust research from various disciplines, e.g. law, economics, sociology and psychology. Against the background of this examination, I argue that the trust creating purpose of the DHA could be understood either as a purpose to create personal trust or as a purpose to create system trust. Personal trust is defined as trust in a specific district heating company, whereas system trust is defined as trust in district heating in an institutional sense. As the trust-creating purpose of the DHA can be understood in either of these two senses, the feasibility of achieving either of these, understood as objectives of the DHA, is evaluated.

The evaluations show that the regulatory design of the DHA partly contains elements which could create personal trust, but are detrimental to creating system trust, and partly contains elements which could create system trust, but are detrimental to creating personal trust. This contradictory regulatory design of the DHA leaves the evaluations with a pessimistic conclusion: the DHA can only be deemed to have poor potential to be fit for its purpose to create trust, regardless of the main purpose of the DHA is understood as creating personal trust or system trust.

To rectify the situation, I put forward different regulatory ideas for the legislature to consider. The main point of my suggestions is that it is not possible to induce both personal trust and system trust at the same time. Therefore, if trust creation is the main purpose of regulation, the legislature ought to choose between creation of personal trust or system trust. If personal trust is chosen, I argue that self-regulation is the best way to go; if system trust is chosen, I argue that strict regulation with mandatory rules and sufficient monitoring and enforcement is needed.

Keywords: regulation, legislation, trust, legislative purpose, district heating, evaluation, multidisciplinary

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