

Institutional framework for the digitalization of economic relations

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Abstract — The article reveals the concept of institutional framework in its legal sense, highlights the elements of institutional framework in the context of digitalization of economic relations in the Russian Federation; detects the problems arising in the process of digitalization and requiring organizational and legal regulation, formulates the tasks and directions for the development of institutional framework of the economy digitalization in the Russian Federation.

The institutional framework here is understood as a dynamic system of interrelated and interdependent elements of organizational and legal nature, which determine, organize and regulate the order of a given socially significant activity. Its elements include the principles of legal regulation of relations arising from the use of digital technologies in economic activity; the purposes of the application of the institutional framework elements; organizational and managerial procedures; legal regulations and instructions for the regulation of relevant relations; special subjects endowed with relevant competence, as represented by the state bodies and organizations for the implementation of legal norms and rules in a particular sphere; a set of special measures to support responsible investors.

The authors state specific tasks for the development of the institutional framework elements for the digitalisation of economic relations in Russia.

Keywords — *digital economy, digitalization, economic turnover, institutional framework, regulatory support.*

I. INTRODUCTION

The idea of digitalization, which now envelops almost all spheres of public relations, is a wide range of socio-economic, political and legal activities carried out by means of information technologies through platforms such as the Internet, sensory and mobile networks. The essence of digital impact on various economic processes involves the application of informational and digital methods to the organization of production technology, the creation of virtual models for management activities, the penetration of deep information control over the turnover of material and financial resources, the further transition of business communication into the electronic environment, the activation of automation and robotization of business production and service activities.

In terms of the development of the digital economy in the Russian Federation, not only the initial financial economic and information technology resources are necessary, but also managerial, scientific, innovative, engineering, technical and other means, methods and tools. In this series, the institutional framework takes a decisive place in facilitating a targeted,

orderly and efficient process of digitalization of economic relations, processes and phenomena.

II. RESEARCH METHODOLOGY

The article based on general scientific methods of perception (dialectical method, induction, deduction, analysis, synthesis) carried out a targeted and systematic approach to the development and application of organizational and legal mechanisms for digitalization of economic relations. A number of private scientific and special methods of cognition was used: legal-linguistic, formal-logical and formal-legal methods, methods of abstraction, generalization, analogy and modelling.

According to the results of legal and scientific analysis of regulatory legal acts and the research of legal aspects of modern economic phenomena and processes occurring amidst the background of extensive informatization of digitalization, the directions (tasks) of developing elements constituting organizational and legal mechanisms for digitalization of economic relations are defined.

III. RESULTS OF THE RESEARCH

The term "organizational and legal mechanism" in the modern legal sense means a dynamic system of interrelated and interdependent elements of an organizational and legal nature that determine, organize and regulate the order of a particular socially significant activity [9]. At the same time, scientists include both the elements of the state mechanism and the elements of the mechanism of legal regulation in the concept of the organizational and legal mechanism [1]. The principles of legal regulation of relations arising from the use of digital technologies in economic activity; the goals of the application of elements of the institutional mechanism; organizational and managerial procedures; legal norms and instructions for the regulation of relevant relations; special subjects endowed with relevant competence, as represented by the state bodies and organizations for the implementation of legal norms and rules in a particular sphere can be related to the elements of the "organizational and legal mechanism". In addition, this should also include a set of special measures to support those investors who solve the issues of the development of digital technologies in combination with the goals of protecting national interests.

In its turn, the organizational and legal mechanism has the quality of comprehensive impact, since, being an organizational focus of the impact, it is directly related to the socio-economic and motivational mechanisms.

A special role in the development and application of organizational and legal mechanisms for the digitalization of economic relations is played by the state, which has already made timely, principal and strategically correct steps. The implementation of the President of the Russian Federation Decree № 203 of 09.05.2017 “On the Strategy of the Development of the Information Society in the Russian Federation for 2017–2030” brings to the fore the problem of finding effective tools for digitalization of economic relations in the country. The President of the Russian Federation Decree № 204 of May 7, 2018 “On the national goals and strategic tasks of the development of the Russian Federation for the period until 2024” [8] designates the digital economy as one of the directions of priority national projects (programs).

At the same time, it should be noted that the digitalization of economic relations has not yet found its proper conception in legal science. The level of demand for this topic requires a new philosophical and general scientific research in order not to lose everything valuable in nature itself as the external environment of human existence and the potential of humanity and man as a creative principle [7].

Scientists and specialists in various fields of science and practice face the fundamental problem of developing and substantiating the organizational and legal mechanisms for digitization of economic turnover in the Russian Federation aimed at modernizing traditional companies that should accept digital transformation, not as a “patchwork automation”, but to take a different approach to business, to work with clients, to introduce completely new types of services, to improve their technological redistribution, to introduce robotization, unmanned production at hazardous locations, that is digitize already existing technologies. At the same time, it is necessary to digitize the organization of trade and shopping procedures, related financial and logistics operations, digitize economic processes, which will create the basis for the formation of new markets and new market conditions, as well as new approaches to analytics, predicting and management decision making. The “big data”, generated as a result of the economy modernization, along with the technologies for its analyzing, should become one of the leading assets of the state, business and civil society. Well-developed organizational and legal mechanisms will help to create new business models, introduce and use blockchain technology and smart contracts, change the format of education, healthcare, state and municipal management, communication between people, and, therefore, give a powerful impetus to the development of the state, economy and the society.

Accordingly, the task is not only to create a new sphere of knowledge and a new environment, but also to provide legal support for digitalization of all sectors of economic activity, including external economic activity. This implies the formation of a fundamentally new, flexible normative basis for the extensive introduction of digital technologies adopted in view of ensuring the information security of the state, business and citizens. For basic transparent digital technologies, new regulatory legal norms are required, such as: big data; artificial intelligence and neurotechnology; distributed registry systems (blockchain); quantum technologies; property Internet and digitalization of property rights; tokenization of civil law

objects; new production and service technologies; industrial internet; components of robotics and sensorics; wireless technologies (including fifth-generation communication networks, without which, for example, the creation of unmanned vehicles in the field of logistics and transportation is impossible); technologies of virtual and augmented reality [3, p. 74].

The development of organizational and legal mechanisms for the digitalization of economic relations should be carried out in two directions. On the one hand, legal norms should establish the legal regime of objects of digital technologies themselves. We are talking about legal consolidation and the framing of concepts that appeared due to technological progress - “digital economy”, “digital rights”, “cryptocurrency”, “cyberspace”, “digital economic turnover” and other similar phenomena, which is necessary for its simple interpretation in subsequent use in legal documents and law enforcement practice. To do this, the legislative implementation of the terms must be done with fine precision. At the same time, the tasks of securing the status aspects of various subjects in relation to the implementation of powers of individual objects using digital technologies, as well as determining the procedure for using such objects, the procedure for monitoring observance of the instructions and liability for violation of the procedure should be solved. The seriousness of the legislator intentions is proved by the adoption on March 12, 2019 of the Federal Law № 34-FL “On Amendments to Parts One, Two, and Article 1124 of Part Three of the Civil Code of the Russian Federation” which creates the legal basis for the digitalization of economic relations. However, most of the issues arising in the use of information and telecommunication technologies are only indirectly regulated by legal norms, which creates significant barriers to the formation of new institutions of the digital economy, development of information and telecommunication technologies and related economic activities [6].

To achieve this goal, legislators need to solve such organizational and legal tasks as:

- to make point changes to individual normative legal acts, as well as system amendments to the basic industry laws - the Civil Code of the Russian Federation, the Arbitration and Procedure Code of the Russian Federation, the Civil Procedure Code of the Russian Federation, the Labor Code, the Tax Code of the Russian Federation, etc., Federal Laws "On Joint Stock Companies" "On Limited Liability Companies" and others, as well as to the legislation on public corporations;
- to bring basic legislative acts (“On the development of small and medium businesses in the Russian Federation”, “On the basis of state regulation of foreign trade activities”, etc.) to a common ratio in the conceptual apparatus and reflection of the general principles of regulation of the digital economy in them. At the same time, it will be necessary to take into account the synchronization of the digital amendments with colleagues and partners in the Eurasian Union;
- to develop and adopt a set of legislative acts on various issues of the digital economy (on the “property Internet”, on the regulation of data archives, etc.);
- to amend the laws on the introduction of digital technologies into the financial market, on the legal regulation of cryptocurrencies, cryptocurrency markets and exchanges, on holding an ICO, on tax preferences for companies and on data security;

- to create a unified architecture of the state digital platform overcoming the fragmentation of departmental systems and based on a single array [2];

- to create new state structures, for example, a federal agency in the development of industrial robotics and cyber systems. Perhaps, to create a separate ministry of virtual reality [4] and a ministry of digital transformation, responsible for the implementation of these changes [5].

In their turn, scientists and specialists in various branches of knowledge and activity will have to solve the following tasks:

- to develop new legal institutions aimed at the implementation of priority measures for the formation of the digital economy;

- to develop appropriate and science-based organizational and legal mechanisms for the digitalization of economic turnover in the Russian Federation, ensuring national interests and the implementation of strategic national priorities;

- to develop a consulting and methodological basis for the development of professional lawyer competencies in the field of the economy digital transformation, as well as public servants and all persons involved in the process of developing, adopting and applying standard legal acts on the legal regulation of the digital economy, as well as the adoption of educational and professional standards, training programs, professional retraining, advanced training, etc.;

- to develop suggestions for the harmonization of approaches to the normative legal regulation of the digitalization of economic turnover in the CIS, the Eurasian Economic Union, the Union State, the BRICS and the SCO;

- to reveal the prospects of introducing the study of the legal regulation of the digital economy into the educational process;

- to analyze the world experience in legal support of digitalization of economic processes in economically developed foreign countries - the USA, China, countries of the European Union, Canada, Japan and others.

Business, from its part, also has some interesting ideas and offers concerning the digitalization of socio-economic relations. Thus, E.I. Bunin, CEO of Yandex, offers to build a "city of the future" in Russia - a kind of testing ground for digital innovations, residents of which will have to test the quality of new technologies and assess the expediency of mass introduction [10].

Under these conditions, the promotion of competencies (skills, knowledge and attitudes), combined by the term "media and information literacy" and ensuring the safe and responsible use of networks and digital services becomes increasingly important. In this regard, it is necessary to note the recently adopted Professional Standard "Consultant in the field of digital literacy of the population (digital curator)", approved by the Ministry of Labor and Social Protection order № 682n of 31.10.2018. Based on the content of this Profstandard, the main goal of the new type of professional activity is to advise on the use of information and communication technologies in various spheres of life, to promote the development of digital literacy of various population groups.

IV. CONCLUSION

The digital economy is a multifarious and transparent phenomenon, which purpose of implementation is to ensure a qualitatively new level of socio-economic development of the state and society. There are no examples of absolutely successful regulation of the new digital reality anywhere in the world. Nevertheless, it can be concluded that the solution of the above-listed tasks of the development and application of the organizational and legal mechanism of digitalization of economic relations is capable of ensuring the introduction of a reasonable and balanced legal regulation of the digital economy transformation, should stimulate the development of this sphere and now is an important task of the state policy of the Russian Federation. The development of the digitalization of economic relations to a decisive extent depends on the quality of the drafted and adopted bills. A clear and predictable legislative field will allow the Russian Federation to gain greater competitive advantages over other countries, will be able to appeal huge investments, facilitate capital entry into innovative projects, make the country's economy stronger and make Russians not only the full participants, but also the creators of a new economically perfect, democratic and fair digital environment.

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