

Leading Digital Technologies as a Means of Legal Support for the Activities of Commercial Organizations in Russia

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Abstract This paper elaborates on the development of the leading digital technologies in Russia and their application in business organizations as a means of legal support of activities of organizations. It is quite apparent that digital technologies as an object of legal support are currently not sufficiently and not fully regulated at the legislative level in Russia. The trend of relevance and demand for this topic is observed both at the federal level and at the local level.

The results of this paper reveal the consecration of this problem at the level of economic entities represented by the commercial organizations in Russia. It becomes clear that digitalization penetrates all spheres of society. If one talks about digitalization in the field of law, in a narrower aspect, which is the subject of this article, digitalization appears to be one of the most important means of legal support for the activities of commercial organizations in Russia. The influence of digital technologies on the activities of commercial organizations in the field of law and jurisprudence is big at the moment, it is the material and technical equipment of work with modern digital means, as well as various legal systems that currently contain the accumulated base of legislation and judicial practice on a given topic.

Keywords: *leadership, digital technologies, legal support, commercial organizations, Russia*

1 Introduction

Speaking in a global sense, at present the digital economy as an object of legal support is still insufficiently represented in the legislation and therefore has not found its understanding in science. However, the level of demand for this topic allows us to make a forecast about the emergence of digital law in the near future, which will determine the specifics of law-making and law enforcement, taking into account the use of digital technologies, the tendency for which to penetrate is increasingly noticeable in the practice of legal activity.

If one speaks at the micro level, namely at the level of business entities, then one can go a little beyond the generally accepted concept of a business entity and generalize, consider the digital economy in legal terms. The essence of the digital impact on various processes involves the application of the program-digital method to organize production technology, the formation of virtual models of managerial activity, the penetration of deep information control over the movement of material and financial resources, the further transition of business and many areas of social activity to the electronic language of communication, significant activation of automation and robotics of non-creative professions of human activity. For example, in the program “Digital Economy of the Russian Federation” adopted in Russia, for the purposes of state support, the following areas are identified where digital technologies are used: “neurotechnologies and artificial intelligence; distributed registry systems; quantum technologies; new manufacturing technologies; industrial Internet; robotics and sensor components; wireless technologies; and the virtual and augmented reality technologies” (Government of the Russian Federation 2017).

The digital economy itself, as a subsector in economic reality, represents numerous cases that have not yet been formed into an integrated system when electronic and digital technologies are used in economic activity, which is observed in almost all areas of the economy. It can be cars without a driver, robotics, self-guided weapons, etc. For example, on June 4, 2018, the first digital substation was opened in Moscow, which will control technological processes in digital code without personnel (Izvestya 2018a). In general, computer technology is increasingly receiving programs with a growing intellectual level which are based on digital methods (see Yastrebov 2017).

In addition to commercial goals, digital technologies are already used in other areas of society, as well as in public administration. Methods of distance learning, treatment based on nanotechnology, the creation of new types of substances, penetration into the microworld - all this is ensured by the diverse use of the digital technology base (Strielkowski et al. 2020). In the future, it will be possible to talk about introducing into the nature of society,

in addition to the biological and social basis, another kind of virtual basis, capable of exerting its influence on society as an independent beginning and at the same time capable of changing the face and nature of the person himself. So, for example, according to Ponkin and Redkina (2018), one can already talk about the emergence of artificial intelligence, which is understood as a complex cybernetic computer-software-hardware system "with the properties of subjectivity. Of course, all this requires new philosophical and general scientific research to 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.

2. Literature review

Digitalization of all spheres of society's life as a way of organizing social relations has been growing not so long ago, but gradually the pace of its spread in terms of penetration and coverage of new directions is accelerating. We can say that at the present time in the world there is an active dynamics of advancement in certain sectors of the economy and other areas of public life of digital methods of their organization. Many countries have embarked on a digital technology race to accelerate economic growth. At the same time, new challenges are emerging in the application of digital technology.

The manifestation of constraining factors is affected. These include the fact that a strategy for the use of digital technologies has not been worked out to accelerate economic growth and at the same time to prevent abuse of the use of digital innovations in relation to human rights. There is still no complete clarity in society about the potential and possible consequences of the use of such technologies in various areas of its life. The desire for the widespread adoption of digital methods in certain types of activities is not accompanied by thoughtful planning that can give the proper effect of the interconnection of national interests in the goal-setting of management activities with their implementation in the planned results.

In the existing mechanism for the application of digital methods, the main emphasis is on the development of those processes that do not bring national society closer to solving its topical problems: increasing population, increasing its medical care, reducing environmental stress, etc. If industrialization carried out in the country 90 years ago at the same time gave society visible results of improving its existence, then the modern "digital" revolution is more likely to generate fears in society for its future. Take, for example, the plans that "a person identifying himself in a state platform using his "digital double" will interact with the digital ecosystem and receive digital services from it in accordance with his needs" (Interfax 2018). The question remains: where will the man himself remain? The greatest danger to society is that digital technologies have already been put at the service of business and the state in order to create tight control not only on a person's behavior, but also on his thoughts (Van Laar et al. 2017). Of course, in such a situation, the state should not be silent and take a wait and see attitude.

Thence, in the Russian Federation for quite a long time there was a contradictory attitude to the fact of the presence on the territory of the state of certain elements of the digital economy and, above all, the cryptocurrency, which formally contradicts the Constitution of the Russian Federation, since it contains a direct ban on the use of other banknotes in addition to the ruble. But as regards the attitude towards the digital economy as a whole, the state can be said to have taken the right position from the very beginning of its appearance. There is a tendency not to miss the opportunity to introduce new technologies of the digital economy into the country's economy.

At the same time, measures are being taken to provide legal support for the processes of using digital technologies for economic purposes. As a rule, adopted regulatory acts determine the legal regime of previously mastered segments of Internet law, in particular, the use of digital television, the procedure for licensing and securing the rights of copyright holders in the Internet (UK Digital Economy Act 2010) (Lexdigital 2012).

In other cases, for example, in Belarus, the adopted normative legal acts provide legal support for the development of "high technology, the innovation sphere and the construction of a modern digital economy" (for example, in the Decree of the President of the Republic of Belarus N 8 of 2017 "On the development of the digital economy" (see President of the Republic of Belarus 2017), where a set of measures was determined by 2049 to develop the High-Tech Park, the innovation sphere and the construction of a modern digital economy in the Republic of Belarus. communication and communication technologies, including in the field of e-sports, activities in the field of artificial intelligence, the creation of unmanned vehicle control systems, etc. Moreover, the activities of residents of Belarus with cryptocurrency objects are not entrepreneurial activities and are not taxed until 2023, but The objects themselves are not subject to declaration. It is important that cryptocurrency mining activities are not recognized as banking activities. Thanks to these measures, Belarus has created quite favorable conditions for the development of the latest digital technologies in the economy of the republic.

The issue of the role of law in the mechanisms of digitalization of the economy and other spheres of society is addressed in two aspects. First of all, the rule of law establishes the legal regime of the objects of digital technologies themselves. We are talking about the design of the concepts of "digital economy", "cryptocurrency", "cyberspace" and other similar phenomena, which is necessary for the purposes of their unambiguous interpretation in subsequent use in legal documents. At the same time, the tasks of consolidating the status aspects of various entities in relation to the implementation of the powers of individual objects using digital technologies, as well as

determining the order of use of such objects, the procedure for monitoring compliance with established requirements and liability for violation of this order are being addressed.

3. Leading digital technologies in Russia

Given the complex of problems of Russian society, it is important to determine the goals of the state in relation to directions and forms of support or prohibition of the use of digital technologies in various fields of activity. To do this, you should adopt the rule of law on the principles of legal regulation of relations regarding the implementation of activities in the use of digital technologies. In this regard, it is advisable to adopt a law on digital technologies, in which to determine the directions and ways of using various digital technology tools, concepts on the problems of the law, the limits of admissibility of the use of certain directions of using digital methods in order to inadmissibility of violation of the constitutional rights of citizens, as well as inadmissibility of deterioration of environmental safety, reliable protection of national interests.

Among the principles should be the establishment of a regime of maximum support, including the financial component, by the state for the development of those forms and types of digital technologies that contribute to the growth of labor productivity in the economy, serve the national security goals of Russian society, and contribute to solving social problems. It is important to provide for the solution of organizational issues in the development of the digital economy, including the formation of a special authority that could provide a solution to these problems.

In this regard, obviously, a set of special measures is needed to support those investors who solve the development of digital technologies in combination with ensuring the goals of protecting national interests in the face of pressure on the country from a number of negative globalization processes. This includes, among other things, budget support measures, tax incentives, and the use of customs regulation tools in ensuring the goals set by the state in the development of digital technologies. It should be recognized at the state level that investments in objects of the digital economy are priority for all levels of government, as well as establish state guarantees for bona fide investors in such objects.

In the first half of 2017, by the Decree of the President of the Russian Federation, the Strategy for the Development of the Information Society in the Russian Federation for 2017-2030 was approved, according to which the tasks were set to develop a knowledge society in the country, increase the accessibility of the quality of goods and services that will be produced using digital technologies economics. The decree of the President of the Russian Federation also sets the task of raising awareness and digital literacy on the transfer of public services on an electronic basis. A special role is given to ensuring digital security problems of the country.

Also in July 2017, the Digital Government of the Russian Federation Program (Government of the Russian Federation 2017), developed by the Ministry of Telecom and Mass Communications of the Russian Federation, was adopted, in which certain indicators of the development of the digital economy by 2025 were identified, and tasks were set to create necessary conditions for the development of the digital economy, the significance of the factors of the digital economy for the purposes of production growth is indicated. The task was also set to create about 10 national leading companies that should serve as leaders in the development of “end-to-end” technologies, as well as managing digital platforms.

The wording of one of the tasks set out in the above-mentioned Program for the creation of the ecosystem of the digital economy of Russia, in which digital data is a key factor in production in all areas of socio-economic activity and in which effective interaction, including cross-border, business, scientific and educational, looks very successful. communities, states and citizens. Such a statement of the problem of creating the economic system of the digital economy as a complex phenomenon is the only right solution in modern conditions.

To expand on the topic, the provision of paragraph 1.17 of the Digital Economy of the Russian Federation Program, which refers to the task of adopting a number of regulatory legal acts that should create legal conditions for the creation of special legal regimes for the comfortable development of organizations providing activities in priority types of digital activities, plays a significant role. economics. It should be noted that the country already has some successes in the development of information infrastructure. Much is being done to introduce digital technologies into the system of state regulation, personnel training and education. There are results in the development of digital health and information security.

However, the ongoing actions in the legal support of the digital economy, despite the importance and usefulness of the measures taken, should rather be attributed to a point-based method of solving the problem, and the program indicated above, in its content, is more like an analytical note about the significance and condition of the problem than a specific program with a list of specific measures for a comprehensive solution to the problem (Khvanova 2017). At this point in time, it should be noted that the measures taken to develop digital technologies are so far the statement of the problem, specific ways to solve the problems are not clear.

As part of measures to develop the digital economy as a whole, measures in the sphere of the circulation of digital financial assets have acquired special significance. Measures to establish the legitimacy regime for the use of digital money in the country are already being discussed. We are talking about resolving relations in the field

of digital financial instruments. Currently, the draft Federal Law "On Digital Financial Assets" (IB 2020) is to be adopted, which should establish the legal basis for the regimes of the main elements of the use of digital methods in the financial sphere, as well as the procedure for their use in this area. The biggest innovation of the bill is that digital financial assets should not have a legal mode of payment in the Russian Federation. However, in other countries, the same cryptocurrency will obviously have this property of a means of payment.

The test of the bill, as conceived by its creators, gives grounds for securing the state's ability to control the circulation of cryptocurrency [16]. This is done primarily to prevent the use of large amounts of cryptocurrency in the shadow market and for the purpose of financing terrorism. At the same time, such a mention of professional participants in the securities market in conjunction with the Bank of Russia and others makes the fact of token circulation not only a legitimate thing, but also links this turnover with the participation of structures that ensure the interests of the state in the financial services market.

It is interesting that the legislator takes practically established rules in the digital technology market, which were developed by its participants. Just as at one time the state took under its guardianship the actually established procedure for society to use money in their historical form, and now the state uses for the purposes of legal support many elements of digital payments that are already used in reality. By the way, the very fact of the state's involvement in the process of legitimizing digital financial assets makes the set of legal ways to ensure their public law inherently, as it somehow affects the interests of the state. At the same time, as an object of legal support, digital technology processes for the purpose of obtaining financial assets cannot currently be considered sufficiently defined to formulate a reliable legal way to protect the rights and obligations of the parties involved in the processes.

The speed with which the authorities respond to the challenges of digitalization of society is somewhat reminiscent of the accelerated industrialization of the USSR before the war of 1941-1945, which in principle ensured a future victory in the war. We can say that digital technology is one of the most important criteria for the degree of competitiveness of a country. Academician S.Yu. Glazyev proposes to solve by the method of creating two budgets, which has already been tested in China. In particular, it is indicated that "it is appropriate to turn to the Chinese experience again. To combat the budget deficit and finance large-scale infrastructure construction in China, the so-called double budget began to be used since 1982: the regular state budget and the capital construction budget" [18]. It is important to take into account that the digitalization processes in various areas of society have a global nature of their manifestation, and their organizers often have a supranational status, which complicates the efforts of individual states to ensure national interests.

4. Discussions and implications

Assessing the general state of the problem of accelerating digitalization, the task of isolating the significance of national security problems, it can be noted that, most likely, the government will soon face the task of adopting a new comprehensive program to accelerate the development of a national digital economy and the use of digital technologies in other areas of life of society. In it it will be possible to reflect not only the goals and possible results in quantitative and qualitative parameters, but also the principles of state policy in the field of digital technology development, directions, forms and methods of its implementation, but also determine the sources of its resource support, measures to stimulate immediate and potential its participants, to intensify their activities to implement the parameters specified in the program for its implementation.

To solve the above complex of tasks, the state should clearly define its place in the globalization processes that most affect the development of the digital economy. In this case, the supranational nature of the functioning of digital technologies should be combined according to the principle of the Internet and the task of ensuring state sovereignty and strengthening national security.

The second problem of the interaction of law and digital technologies, in addition to legal support for digitalization of the economy, is associated with the influence of digital methods on the legalization of public relations. In this case, the law continues to retain its essence, but the methods used to store and systematize legal information are subject to major changes. A great impact on the sphere of law is exerted by the digitalization methods of the applicable law-making rules, as a result of which access to documents is provided to all persons involved in the processes, as well as to all those interested from the public, if we are not talking about documents intended for official purposes. Thus, the technology of activities in the field of lawmaking and law enforcement is accelerated and streamlined. Thanks to digital methods, the creative work of finding the necessary information, comparing the texts of documents, identifying the degree of their deviation from established patterns, and so on, is becoming a thing of the past. The use of digital technologies in the near future will make significant changes to the budget and tax process, simplify and make transparent financial control (see e.g. Ledneva 2017). You can, of course, continue the list of points of influence of law on the sphere of manifestation of digital technologies and the inverse effect of the aforementioned technologies on the forms of legal support of social reality.

Giving an assessment of some inconsistency of the state of legal support of the digital economy, it is appropriate to note that only a narrow circle of society can participate in technologies for obtaining financial assets

in electronic form. The reason for this is the lack of special knowledge, as well as the need to obtain in an accessible form information on all procedures for obtaining proper results. According to experts, the process of production of financial assets in electronic form by itself is designed for a narrow circle of participants (Regnum 2018). And if the officially acting money is replaced by elements of a virtual currency, an economic collapse will occur, because by their nature, money has a unique ability to equalize in a particular relationship one member of the company with another member of the company. They are intended for everyone, regardless of any social characteristics of those to whom they belong.

But if digital money can function only for initiates, then they themselves acquire an elitist character, and thus they can more likely be called peculiar amulets or jewelry that are used for certain purposes among a narrow circle of society. Money always has a universal form, since any person is potentially able to have and use it. Cryptocurrency, even having a legitimate form, cannot by its nature and forms of circulation claim the role of money. If we consider financial assets as a product, as it is proposed in our country, the question arises: what consumer values does such a product have? In addition to the fact that it can be exchanged for real money, it does not have any other properties, and therefore cryptocurrency and other financial assets can only act as an analogue of money that can be exchanged for money. It should be borne in mind that the leadership of the Central Bank of the Russian Federation has repeatedly expressed the possibility of creating a national digital currency based on the blockchain, which will become a means of payment (Izvestiya 2018b).

In addition to these aspects, there is another problem. The role of the state as a regulator of relations regarding the use of digital financial assets is not yet clear. So far, it simply admits a regime of legitimacy of what exists and is applied in economic activity without its participation. We can say that the state continues to act as an observer of the ongoing processes, without its direct participation in the relevant processes. It makes sense to draw an analogy of such regulation with civil law regulation, where the state established on a discretionary basis the regime of legitimacy of all transactions and the regimes of objects of legal support in order to establish a stable form of relevant relations. In the same way, the state acts in relation to a new object of civil law turnover - digital financial assets. At the same time, the very nature of the digital economy, and first of all, the cryptocurrency circulation order, currently allows it to be carried out without any participation of the state, including its controlling function. Like the processes of climate change taking place against the will and participation of states, the processes of the digital economy are also applied in the likeness of externally objective processes. It should also be noted that the organizers and users of digital financial assets have long since emerged from the state of an exotic phenomenon and are becoming a force capable of influencing global processes. In this regard, the most noticeable trend is the creation of a global payment system that is not subordinate to state power. In addition, it should be borne in mind that in any spontaneous process there are behind-the-scenes forces supporting them, who ultimately act as beneficiaries of the results obtained and have financial and other opportunities to subordinate to their interests individual representatives and currents of self-organized processes in the field of functioning of digital financial assets. Such forces include transnational corporations, as well as organizations involved in crime and the financing of terrorism, which are interested in reducing the role of states in the financial sector. On the whole, the participation of these forces fits into the general processes of globalization, which are more likely a negative phenomenon than a progressive one.

5. Conclusions

Thus, it becomes apparent that the digital economy, even before its proper legal support, is already being implemented in Russia, but the state has not yet learned how to properly manage these processes. At first, the state took the tacit position of an outside observer, but now it has switched to active measures to accelerate their development, including attracting investments.

The digital economy bill in Russia, at least at the adoption stage, contains the main legal conditions for the establishment of the procedure for obtaining and trafficking in digital assets, where the state establishes the legitimacy of the processes for the production and circulation of financial assets in Russia, but also establishes sufficient measures for appropriate control to ensure that the interests of the state are respected. However, having established the combination of the legitimate circulation of tokens and their possible conversion into Russian or foreign currency, the draft law "On digital financial assets" lays down possible contradictions regarding the use of cryptocurrency as a payment method. Although the meaning of the bill under discussion is that financial assets should be considered as property objects, in this regard they can be compared with the manufacture, for example, of gold jewelry, which can also be exchanged for money. Therefore, there is no formal contradiction between the fact of the expected legitimate application of cryptocurrency in the country and the provisions of the law that only the ruble can be used as a means of legal payment.

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