

Improving Regulatory Management in the Sphere of Ensuring Economic Security in the Conditions of Digitalization of the Economy: Condition, Risks, and Threats

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ABSTRACT

This article analyzes the process of creating a regulatory environment for the digital environment, pays attention to its main features, which make it possible to talk about the creation of a new format of the regulatory environment. The authors of the article establish the connection between law and the digital economy, and also pay attention to the problem of legal support of individual elements of economic security. Ensuring by the state of economic security in the context of the digitalization of the economy, the emergence of new challenges and threats, should become a key impetus for improving the legal regulation of the digital environment as a whole. Much attention in the article, from the standpoint of a systemic and holistic approach, is paid to the threats to the economic security of Russia, in the opinion of the authors, which are a consequence of not improving the provisions of certain regulatory legal acts. The authors focus on the main directions of improving the legal regulation of issues of ensuring economic security, both outside and in the context of the digitalization of the economy.

Keywords: *digital environment, regulation, digital economy, economic security, economic threat*

1. INTRODUCTION

The influence of law on the economy is manifested through the creation of legal regulation of economic relations. Currently, there is a gradual systemic digital transformation of various areas, including the economic one. The end result of such a process should be the creation of a single efficiently functioning digital environment [8]. It is through the law that the boundaries of this digital space are determined, landmarks of legal regulation in the digital economy are laid.

One of the national development goals of the Russian Federation by 2024 is to ensure the accelerated introduction of digital technologies in the economy and social sphere. Currently, in accordance with the Decree of the President of the Russian Federation of May 7, 2018, No. 204 "On national goals and strategic objectives of the development of the Russian Federation for the period up to 2024", a national program "Digital Economy of the Russian Federation" has been created [9]. The most important task of this program is to create an effective system of legal regulation of the digital economy, which should take into account the peculiarities of regulated relations in the context of digitalization and create conditions for the development of the economy as a whole and ensuring economic security. A qualitative change in public relations is taking place today in all spheres of life, including in various sectors of the economy. This is primarily due to the development of digital technologies and the expansion of the Internet space.

In this connection, the legal support of economic relations is undergoing serious changes in the context of the development and integration of information and legal systems. Legal support comes from the state, is implemented within the framework of a meaningful legal policy, the prospects for a positive or negative impact of legal and other non-legal means on public relations.

2. METHODOLOGY OF THE STUDY

The work used such research methods as dialectical, which allows considering the sphere of the economy in its development, depending on scientific and technological progress, in particular on the process of introducing digital technologies and various platform solutions. The authors, as a general scientific research method, use the method of analyzing regulatory legal acts regulating the main issues of digitalization of the economy and ensuring economic security. The dominant research method is the cybernetic method, which makes it possible to reflect the impact on the legislation of the digital environment, in terms of the possibility of identifying the subjects of legal relations in the digital environment, the use of electronic document management, etc. Another key method applied to this study can be called the method of legal experiment, which is widely used today in the digital environment, using the legal arsenal of means of regulating relations.

3. RESULTS AND DISCUSSION

Regulatory regulation of the digital environment is primarily aimed at the development and adoption of a set of regulatory legal acts that remove primary barriers and hinder the development of the digital economy. Currently, the Department of Legal Foundations of the Digital Economy has been created, which is responsible for the development of draft laws on various issues related to the introduction of certain digital technologies and tools into the electronic document storage system, data management, etc. The Concept of the complex legal regulation of public relations in the digital economy has been developed, in which the main directions of the formation of legislation aimed at the complex regulation of relations arising in connection with the development of the digital economy are:

- the main directions of the development of civil legislation;
- main directions of development of labor legislation;
- the main directions of the development of legislation in the field of health care;
- main directions of development of legislation in the field of education;
- the main directions of development of procedural legislation;
- main directions of development of financial legislation, etc.

These areas of legal regulation of public relations in the digital economy should also act as a kind of guarantor of ensuring economic security in the new conditions of growing challenges and threats. Below is an analysis of specific threats to economic security amid the spread of the coronavirus pandemic.

The presence and consequences of the COVID-19 coronavirus pandemic for the Russian economy are definitely changing the situation for the worse. The restrictive measures introduced in the country, the presence of sick and artificially isolated from the real production of citizens resulted in negative consumer and business sentiments. In addition, the temporary closure of a number of enterprises, violation of planned supplies have created a significant number of bottlenecks in various industries. The concentration of a completely understandable and objective economic shock will be aggravated in the first half of this year by understandable fluctuations (recessions) of regional and municipal economies. The country's economy receives support from the package of measures of the Government of the Russian Federation to counter the consequences of the coronavirus pandemic. Together with the decision on the key rate, the Central Bank of the Russian Federation took a number of measures to ensure financial stability, support the economy and the financial sector, which are designed to provide access to bank lending for small and medium-sized enterprises, support mortgage lending, and protect the interests of citizens affected by the spreading pandemic. A number of measures are planned to eliminate

the existing administrative barriers as much as possible in order to maintain the banking sector's lending capabilities. Nevertheless, the uncertainty that takes place can most likely lead to an increase in the population's propensity to save, a decrease in the volume of business investment. A number of consumers may continue to self-isolate even after the restrictions are lifted for fear of contracting COVID-19, which may limit the recovery of previous volumes of private consumption. Finally, the "pandemic depletion" of budget revenues and a sharp increase in budget expenditures can lead to serious problems in the field of state and municipal debt.

Recently, researchers have been paying close attention to issues of ensuring national security, its individual types, including economic security. The analysis of such studies shows that the category "economic security" is mainly studied by representatives of economic and legal science from the point of view of observance of public interests. Research interest is also aroused by the question of the content and ranking of threats to economic security. At present, economic threats are understood as such negative processes that affect the economy of the state, creating conditions for limiting the economic rights and freedoms of a person, as well as the economic interests of civil society and the state [2, p. 90]. The problem of ensuring economic security, minimizing threats and risks is given close attention at the legislative level. Currently, by the Decree of the President of the Russian Federation of May 13, 2017 "On the Strategy of Economic Security of the Russian Federation for the Period up to 2030", a list of interrelated threats to the economy was identified, among which weak innovation activity, a lag in the development and implementation of new and promising technologies (including technologies of the digital economy), insufficient qualifications and key competencies of domestic specialists. However, in order to minimize and ultimately eliminate the indicated threat, it is necessary to create a primarily regulatory framework for regulating relations arising in connection with the development of the digital economy. The use of digital technologies in the economic sphere already today requires taking into account foreign experience in the field of legal regulation. A number of states have already adopted and are operating specialized legislative norms in the field of the digital economy (Australia, Great Britain, Malaysia, Estonia, Kazakhstan, Moldova, etc.). These norms define the possibilities of using digital technologies (electronic document management, digital government, etc.), formulate uniform legal concepts for use - "crowdfunding", "blockchain", "mining", "token", "virtual wallet", etc.

Of course, the Russian Federation has created a legal framework for regulating relations in the digital economy, however, the existing regulatory legal acts in this area are devoid of consistency and general principles that take into account the specifics of legal regulation. The legislation in this area is not based on uniform definitive norms, among which there was no place for a central legal definition - "digital economy". This state of legal regulation in the digital economy creates an independent threat to economic security, preventing the effective completion of the

mechanism of legal regulation of the process of both the implementation and application of law in the field of digital technologies. The creation of any array of legislation begins with defining the priorities of legal regulation, the principles that will form the basis of the legal impact on public relations in the digital economy. These principles of legal regulation in the field of the digital economy include:

- the principle of legality, i.e. orientation of legal regulation to the norms of international law and sectoral norms of national legislation, compliance of the formed regulatory framework with the listed elements of the legal system;
- transparency of legal regulation in the digital economy, which manifests itself in clarity and certainty;
- the principle of strategic focus;
- the principle of balancing private and public interests in the digital economy;
- the principle of equal opportunities for digital technologies, regardless of the person's place of residence and other factors, etc.

These and other principles of legal regulation in the field of the digital economy should be enshrined in various normative acts, which will be re-adopted and, accordingly, supplement the list of already existing legal principles in sectoral legislative acts.

Improving the legal regulation of public relations in the digital economy will require the transformation of certain provisions of the following branches of Russian legislation, in part:

- civil law - regulation of electronic commerce, in particular: a) electronic transactions, giving them independent meaning as an alternative to the written form of the transaction, b) online platforms used for interaction between sellers, buyers and their intermediaries, c) clarification of the concept of "legal address" and "Location of the legal entity". Questions about the circulation of virtual objects in the digital space, including domain names, remain unresolved. The transformation of legal regulation in the context of digitalization should also affect such sub-sectors of civil law as copyright and patent law, intellectual property law;
- labor legislation - in connection with the spread of the pandemic, the transition to new atypical forms of employment, in particular, distance work, began to be used quite actively. Distance employment was legislatively enshrined in 2013 in the Labor Code of the Russian Federation, in chapter 49.1. There is also a gap in the question of digital workflow, its features in relation to atypical forms of employment. On January 1, 2020, the process of switching to electronic work books began. The principle of voluntariness of the transition to an electronic work book is maintained throughout 2020. At the same time, electronic work books will be compulsorily kept for those who will be employed for the first time from the beginning of 2021;
- financial legislation - the transformation of legal regulation in the context of digitalization should affect the sphere of taxation of subjects of the digital economy

(definition of cryptocurrency transactions, including mining, as part of taxation); accounting for financial resources; budget process. It is worth recognizing that a certain positive experience has already been accumulated regarding the digitalization of the budget process, and the norms of the current budget legislation reflect the above, in terms of creating the information system "Electronic budget";

- healthcare legislation - improving the legal regulation of digital healthcare. Currently, the Federal Law No. 242-FZ dated July 29, 2017 "On Amendments to Certain Legislative Acts of the Russian Federation on the Application of Information Technologies in the Field of Health Protection" was adopted and entered into force. This law provides a legal definition of telemedicine technologies - information technologies that ensure remote interaction of medical workers with each other, with patients and (or) their legal representatives, identification and authentication of these persons, documenting their actions during consultations, consultations, remote medical monitoring the patient's health condition [5]. In fact, a new institution of telemedicine has appeared in Russian legislation, the boundaries of which and forms have not been reflected in Federal Law No. 242.

At the same time, the adoption of basic provisions by the previously indicated federal law in the field of regulation of telemedicine issues did not solve such issues in practice as full-fledged remote interaction of doctors, patients, medical insurance organizations, social service bodies and organizations, subjects of drug circulation. This can be done through the adoption of specific by-laws, which would concretize the provisions of the law.

- legislation in the field of education - it is necessary at the legislative level to specify the boundaries and content of the concept of "digital educational environment". In the context of the spread of the pandemic, the issue of the use of distance technologies in the educational process is becoming urgent. At the legislative level, it is necessary to minimize the risks of an unjustified transition from traditional forms of education to distance learning;
 - procedural legislation - the formation and improvement of the legal framework for the implementation of electronic support for the administration of justice. This is mainly about electronic document management, the ability of citizens to go to court with complaints, statements in the form of an electronic document.
- Thus, the legal regulation of relations arising in the context of digitalization needs transformation, regardless of the nature of the regulated relationship - private or public.

4. CONCLUSIONS

In the context of the transition to the digital economy, new risks and threats appear, including those associated with the effectiveness of legal regulation. The very concept of economic security, with the transition to the digital economy, will expand its boundaries. With the spread of the pandemic, the tools of the digital economy are becoming

more in demand. The introduction of digital technologies and platforms into the economy will require the creation of a new regulatory system in order to provide legal support for socio-economic activities. The current normative legal acts governing relations in the economic sphere need to be improved. There is an acute issue of creating new regulations in the field of the digital economy, which will be aimed at regulating public relations in various spheres (branches) of legislation. The creation of effective legislation in the field of the digital economy should become an impetus for the further development and implementation of new digital technologies in the context of interaction and cooperation of all economic entities. The legal regulation of public relations arising in connection with the development of the digital economy is currently rather unsystematic, gap-free, collisional. In this connection, the authors of this article believe that the adoption of the basic law "On the digital economy" could solve a number of identified problems. The basic law "On the Digital Economy" would become a kind of backbone normative act, which proposes to consolidate the basic concepts used in the digital environment, principles of legal regulation, etc. At the same time, the created regulatory framework already allows the use of many digital technologies and tools in various industries.

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