

Conference Paper

The problem of Systematizing the Regulatory Framework for the Digital Economy in the Russian Federation

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Abstract

This article deals with the problem of systematizing the regulatory framework for the digital economy in the Russian Federation. The paper presents a version of the classification of normative legal acts, regulating digital economy at the stage of its development, by fields of juridical science.

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Today almost all spheres of our life are becoming more and more technological. Recently, the whole world, including Russia, has gradually entered a new era – the era of digital economy. This term was first used in 1995 by the American information scientist Nicholas Negroponte. The scientist presented digital economy in the form of transition from atomic motion to the motion of bits.

According to Government Executive Order of the Russian Federation No. 1632-p dated July 28, 2017 the program “digital economy” was approved [1], which defines the goals, objectives, direction and timing of the implementation of major public policy measures to create the necessary conditions for digital economy development in Russia.

In order to manage the development of the digital economy this program identifies goals and objectives under five basic directions. Such areas include regulation, personnel and education, formation of research competences and technical entry points, information infrastructure and information security.

The main objective of the cluster on regulation is to shape a new regulatory environment, which will provide a favorable legal regime for both the occurrence and further development of modern technologies, as well as for conducting economic activities associated with their use, i.e., for digital economy.

The Government of the Russian Federation, as well as experts in the field of digital economy believe that it is imperative to create a new regulatory framework for

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the right functioning of digital economy. However, in order to achieve the smooth operation of the mechanism of the regulatory control for digital economy it seems essential not only to form a new normative legal base, but also to systematize existing regulations governing institutions of digital economy today.

Of significant importance, from the point of view of the systematization of the regulatory control for digital economy, are processes of economic activities, general infrastructure and emerging legal relations between agents in digital economy. Regulatory environment serves and provides for the legal regime of implementing the activities of all participants in the process.

This study considers the systematization of the regulatory control for digital economy by fields of juridical science. In the work entitled "System of normative-legal base of the digital economy in the Russian Federation" [2], which was used as the main source for this study, A.Yu. Bykov suggested the systematization of the regulatory framework for the digital economy in Russia and at the same time provided all the legislation governing this area as of September 1, 2017.

Currently, in force in the following classification of law, approved by the higher attestation Commission of the country [3]:

1. Theory and history of law and state; the story of teachings on the law and the State;
2. Constitutional law, municipal law;
3. Civil law, business law, family law, private international law;
4. Labor law; the right to social security;
5. Natural resources law, environmental law; agrarian law;
6. Criminal law and Criminology criminal-executive law;
7. Criminal process; forensic science and Criminalistics; operatively-search activity
8. International law, European law;
9. Financial law; tax; budget;
10. Judicial activities, prosecution activities, law enforcement organization; advocacy;
11. Administrative law, financial law, information law
12. Civil process; arbitration proceedings;

Most of these branches of juridical science, to a varying degree, involve issues of digital economy. However, the juridical sciences on the list belong to the category of industry (or trade) sciences. It was decided to extend beyond such sciences and to include in the classification some of applied legal sciences, which also deal with aspects of digital economy. Among such applied sciences are forensics and information technologies in legal activities.

A systematically important factor in our classification are primary areas, currently falling under the coverage of digital economy and needing legal systematization in the near future in order to create a totally new regulatory legal base governing all the digital economy.

Table 1 below provides only a part of the systematic regulatory framework for digital economy providing regulatory acts.

It is worth noting that in this classification, it is by no means possible to refer a certain normative legal act to one branch of juridical science only. Thus, FZ from 06.04.2011 No. 63-FZ (as amended on 23.06.2016) on "electronic signature" is related to such legal science as Information Technologies in legal activity. However, the Federal law with the same accuracy can be applied to such branches of juridical sciences as Forensics or Information Law. We believe that this integrated approach takes into account current interconnections between heterogeneous social relations.

Thus, the systematization of normative legal acts by branches of juridical sciences, firstly, will become a point of reference, some kind of start for creating a new regulatory framework. Secondly, it will give each party in digital economy transparent vision of their rights and obligations when conducting activities with digital products. Thirdly, it will act on the participants of digital economy as both an incentive and constraining factor. And, because the scope of the digital economy, including science, is poorly developed today, this systematization will help simplify further research.

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TABLE 1

Industry legal science	Normative legal act
Constitutional right	Decree of the President of the Russian Federation dated 10.08.2000 No. 1486 (as amended on 26.12.2016), "on additional measures to ensure the unity of the legal space of the Russian Federation" [4].
Administrative law	Federal law dated 27.07.2004 79-FZ "on civil service of the Russian Federation" [5].
Financial law	"federal law 340.111206 from 06/12/2011 No. 402-FZ (as amended on 23.05.2016) "on accounting" [6].
Information law	Decree of the President of the Russian Federation dated 22.05.2015 № 260 «on some questions of information security of the Russian Federation "(along with the procedure of connecting information systems and information and telecommunications networks and telecommunications Internet and properties (publish) it through the Russian State information and telecommunication segment of the Internet)" [7].
Civil right	Federal Law No. 7-FZ 12.01.1996 (as amended on 19.12.2016) "on non-commercial organizations" [8].
Family law	Resolution of the Government of the Russian Federation from 03.03.2017 # 254 "on approval of the rules for the translation of books in electronic form to the civil registry (basic books)" [9].
Financial law	The Federal law from 10.12.2003 № 173-FZ (as amended on 03.07.2016) "on currency regulation and currency control" [10].
Tax law	Order No. 10.11.2016 of the FTS of the IIM-7-6/609 @ "on approval of the recommended formats for electronic reporting of statements of confirmation of the taxpayer's right to receive social and property tax deductions for confirmation non-receipt or confirmation of the receipt of tax payer of social tax deduction, as well as on the granting of concessions for property taxes" [11].
Labor law	Federal law dated 27.07.2006 no. 152-FZ (as amended on 22.02.2017) "on personal data" [12].
Social security right	Order of the Ministry of labor of Russia from 14.12.2016 No. 731 n "on approval of the procedure for the formation, use, storage, transmission and reception of documents in the form of an electronic document in the Pension Fund of the Russian Federation" (registered with the Ministry of Justice of Russia» 09.01.2017 # 45120) [13].
Forensics	Federal law dated 27.07.2006 no. 149-FZ (as amended on 19.12.2016), "on information, information technology and protection of information" (amended, in force since 01.01.2017)" [14]
Information technologies in legal activities	Federal law dated 06/04/2011 No. 63-FZ (as amended on 23.06.2016) "electronic signature" [15].

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