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STATE FINANCIAL AND LEGAL POLICY UNDER ECONOMY
DIGITALIZATION

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Abstract

The article analyzes the problem of the development of the financial and legal policy under economy digitization. An approach is proposed to understand financial and legal policy as a complex multifaceted phenomenon simultaneously concerning several spheres of the life of society: economy, politics, law. It is concluded that financial and legal policy are primarily aimed at the implementation of the modern state's financial function and consist of a planned, systematic and targeted impact on the financial system. It is therefore an integral part of state's financial policy. On the other hand, the study shows that financial and legal policy are kinds of legal policy and represent the activity of the state in the field of legal regulation of financial relations, the essence of which is expressed in the development and implementation of financial and legal strategic ideas. An analysis of the range of financial and legal policy subjects leads to the conclusion that they mostly influence the process of its formation, but the state is always behind the practical implementation of financial and legal policy. Financial and legal policy is intricately linked to the legal life of the society. It affects financial processes in order to rationalize them. On the other hand, it is transforming itself. The changing realities of life influence on it. Thus, in the context of the creation of the digital economy, the priorities of financial and legal policy, its objectives and goals, as well as the means and ways of its implementation evolve.

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1. Introduction

In a society where the issues of information circulation, its receipt, use and disposal are central and rather pressing (Yashkova et al., 2020), issues of systematization of strategic legal ideas, the creation of a legal strategy are of importance. Most relevant ideas should be reflected in official documents, for example, concepts, doctrines, programs, etc. Especially in such an important area as the regulation of financial relations, regulation of business activities. This will make it easier for them to reach their addressees. Everyone should see that the state stands by strategic legal ideas. It approves and supports these ideas. They are implemented on behalf of the state.

This is also prompted by the recent economic reforms carried out in Russian society, the desire to put the economy on, so to speak, “digital rails”, to provide it with the benefits of digitalization (Fedotova et al., 2020). And here you cannot do without the law because legal means are an effective tool for the implementation of the task. The attraction of digital resources should proceed in a legal manner, be carried out based on current legislation. And if there is no law, if there is a gap in the law, we must adopt the corresponding norm, we are forced to make a new law. Now we are actually at the origins of the formation of legislation on digitalization. We will soon be able to speak boldly about the emergence of an independent branch of law-digital law.

In these new conditions, the most important task of financial and legal science is seen in developing a concept of financial and legal development of our country in the near future, in consideration with developing relations and selected priorities. We need to start with the definition of the term “financial and legal policy”, to reveal its nature, specific features. It is important to establish its place in public policy, the role it plays in the legal life of Russian society in the context of an active digitalization processes (Napalkova & Samygin, 2020). How does financial and legal policy affect the country's economy? How does it relate to law? What does financial and legal policy have in common with the national policy? Who forms the financial and legal policy? We must find out answers to these questions.

2. Problem Statement

Financial and legal policy, as legal policy in general, is a unique phenomenon. And this is primarily due to the simultaneous involvement of it in several areas at once: political, legal and financial. On the one hand, this invariably causes difficulties in understanding such a multifaceted phenomenon. It is difficult to determine with certainty the nature of financial and legal policy. What sphere of life does it belong to? Is this economic policy? Or is it the policy of law in the financial sphere? Does financial and legal policy belong only to the rule of law? Or does this type of policy exist in any state, in any economic system? On the other hand, it turns out to be a blessing, since research at the intersection of sciences provides the richest material for conclusions, allows us to consider the phenomenon comprehensively and objectively.

History of the study on the issues of financial and legal policy notes that legal policy as a whole was investigated already by pre-revolutionary Russian jurists (albeit under the guise of the policy of law – the science of law, science of its improvement and development), and, notably, rather thoroughly. But issues of interest in various aspects of its varieties (except criminal policy and criminal law policy) emerged in the scientific community only by the mid-90s of the last century (Khimicheva & Pokachalova, 2006). At

the same time, financial and legal policy rarely become the object of a comprehensive study. Mostly the attention of scientists is drawn to its individual aspects. Thus, the issues of the creation of financial and legal policy in a specific (usually specific) area of legal regulation of public relations, such as, for example, government bonds (Zhmurko, 2018). Financial and legal policy is usually study at a certain angle of financial activity, for example, the Bank of Russia (Reshetnyak, 2019), on the one hand, and about specific recipients, for example, municipalities, on the other (Mironova, 2020). Certain types of financial and legal policy are also thoroughly studied in the literature, for example, debt financial and legal policy (Zaporozhcev, 2018).

The concept of “financial and legal policy” is well-established and widely used in legal science, in practice, and in the media. At the same time in the scientific community there is no unified approach to understanding what the financial and legal policy is, what is its nature, how it relates to the state financial policy, on the one hand, to state legal policy - with another, who formulates financial and legal ideas of a strategic nature, who implements these ideas. Firstly, one needs to define the concepts.

3. Research Questions

For the purposes of this study, the following questions were posed. What is the nature of financial and legal policy? What are its specific features? How are the concepts of “legal policy” and “financial and legal policy” correlated to each other? How are financial, legal and financial policies of the state related? How does the financial and legal policy affect the legal life in the conditions of the creation of digital reality? What impact does the financial system have on financial and legal policy? What are the results of this influence? Does the financial and legal policy change if the living conditions of the society change? What is the role of financial and legal policy in the mechanism of law regulation? Who makes it? What types of financial and legal policy can be distinguished? What classification criteria can be used in this case?

4. Purpose of the Study

The purpose of our study was as follows. At first, it was necessary to determine what financial and legal policy is, what is its specificity. To do this, we compared it, with legal policy and with financial policy. Having established that the financial and legal policy has its impact on different aspects of the financial sector, we tried to highlight its individual varieties. For example, we have seen that we have a tax and legal policy in the field of taxation, and a banking policy in the field of banking services. Monetary legal policy is formed in the field of money circulation. In the sphere of currency turnover, the state implements a currency legal policy. Next, it was necessary to find out where the essence of financial and legal ideas of a strategic nature is expressed in, how its content is transformed in the conditions of digital economy, and what role the state plays in this process. We have traced the relationship between financial and legal policy and the legal life of society in order to understand how the former affects the latter. In addition, one of the objectives of this study was to define a place of financial and legal policy in the mechanism of law regulation.

5. Research Methods

The starting point of the study was the fact that financial and legal policy is a complex phenomenon, therefore, it should be studied comprehensively, from different angles. On the one hand, financial and legal policy refers to the financial activity of the state, its financial policy, and acts as a part of it. On the other hand, having such resource as legal means, financial and legal policy is directly related to legal policy, it is a kind of the latter. And, finally, it was necessary to consider the fact that this is primarily politics, i.e. a certain course of action in the financial sector aimed at its transformation. During the study, it was concluded that the financial and legal policy is heterogeneous, that the developed financial and legal ideas of a strategic nature relate to different areas of financial activity.

The method of analysis allowed us to understand the specifics of the financial and legal policy that is being formed in the information society, and to identify its features. The synthesis method allowed us to present financial and legal policy as a unity of legal strategies on different levels: federal, regional and municipal. The structural method made it possible to identify such varieties of financial and legal policy as budgetary and legal policy, tax legal policy, currency policy and others. Functional approach allowed to establish the place of financial and legal policy in the mechanism of legal regulation, to determine the nature of its influence on both the financial sphere and all processes happening in the legal life of society as a whole. Finally, the formal legal method allowed us to formulate a definition of the concept “financial and legal policy”.

6. Findings

Financial and legal policy belongs to the sphere of implementation of the financial function of the state. It acts as a reference point for all activities in the field of the national economy. Ultimately, the stability and successful functioning of the country's financial system itself, also the effect of implementation of social programs, state security, etc. depend on the thoughtfulness of the financial and legal policy, on how competently it is built, how realistic the goals and objectives outlined in it are, how correctly its priorities are set and if effective means are selected. However, financial and legal policy is not the same as financial policy. It seems that the latter concept is much broader. After all, financial policy involves the use of not only legal means, but also a wide range of organizational, specifically economic resources, for example, financial planning, financial accounting, financial analysis, financial control, management account, the organization of the stock market, managing the budget system, taxes and customs duties.

Financial and legal policy also applies to legal policy. First, it is carried out in the field of legal regulation of financial relations, is associated with the impact on the mechanism of legal regulation, the development and improvement of it. Secondly, the financial and legal policy implies the wide use of various legal means, for example, laws, law enforcement acts, legal interpretations, rights and duties, legal incentives and restrictions, privileges, legal regimes, etc. Thirdly, the social purpose of financial and legal policy is that it has a purposeful transformative effect on all processes taking place in the legal life of society, that part of it that is associated with financial activities. Financial and legal ideas of a strategic nature form the basis of legal regulation. Therefore, all changes in legal life should be adequately mediated by financial and legal policy. She must be sensitive to all emerging trends. One of the most significant trend

in recent years is the active use of digital technologies, information technology, Internet sources (Teslenko et al., 2020). And in these conditions, the financial and legal policy of the state can no longer remain the same. Both its priorities, goals, objectives and means of elaboration and implementation should be adjusted considering the digital reality that is rapidly entering our lives. Financial and legal policy gets new challenges and fundamentally new opportunities to influence and direct financial life.

Since financial and legal policy is mostly politics, it is obvious that its nature can be interpreted in a similar way. For example, as a way of action aimed at achieving certain goals, as a goal setting, transforming state activity in the field of legal regulation of financial relations. The essence of this activity is the development and consistent implementation of special ideas - financial and legal ideas of a strategic nature. Their specificity lies, firstly, in the fact that they relate to the financial system, its best structure, and are aimed at ensuring its stability and successful functioning. Secondly, even though strategic legal ideas can be developed by a variety of subjects, ultimately the state is behind them. These ideas are developed and implemented on behalf of the state. Therefore, financial and legal ideas of a strategic nature must be covered in official documents, brought to the attention of everyone. A general concept of the state's financial and legal policy should be formed. Third, legal science is very important sources of such special ideas. Within the framework of the science of financial law, effective recommendations are developed to improve the mechanism of financial and legal regulation, a strategy for the development of the financial system is formed and conceptually formalized. It seems that the opinion of scientists should be accounted for first of all. The sphere of financial and legal regulation is not something homogeneous. It includes a wide range of relations: budgetary, tax, banking, monetary, foreign exchange, etc. Therefore, it is possible to distinguish such varieties of financial and legal policy as tax legal policy, budgetary legal policy, banking legal policy, currency policy and other types. On the other hand, the financial and legal policy of the Federal state is formed and implemented at different levels: Federal, regional and municipal. It means that we can classify financial and legal policies not only by the sphere of implementation of financial and legal ideas of a strategic nature, but also by the level of their implementation. As we can see, three types of financial and legal policy can be distinguished by this criterion: federal financial and legal policy, financial and legal policy of the Federal subjects (regional financial and legal policy), financial and legal policy of municipalities (municipal financial and legal policy). Thus, financial and legal policy can be studied both in general and in its individual varieties, at different levels of implementation of strategic financial and legal ideas.

7. Conclusion

The key findings of the evaluation are:

- financial and legal policy is part of the financial policy of the state, aimed at the realization of its financial function and is associated with the impact on the financial system;
- financial and legal policy is a direction of the state's legal policy;
- by its nature, financial and legal policy is the activity states in the sphere of law regulation of financial relations;
- the range of subjects, either way influencing the processes of financial and legal policy creation is rather wide, however, the state always stands behind its practical implementation;

- financial and legal policy presupposes a purposeful, organizing impact on the legal life of society, that part of it that is associated with the operation of the financial system, but at the same time itself is influenced by this system, changing after it;

- in the conditions of digital economy financial and legal policy of the state can no longer remain the same, both its priorities, goals and objectives, and the means of its implementation, as well as forms must change;

- since the financial and legal policy is carried out in different areas, it is possible to distinguish such varieties as budgetary and legal policy, monetary and credit legal policy, currency and legal policy, tax legal policy, banking legal policy, etc.;

- since the financial and legal strategy is also implemented at different levels of government, we can also distinguish Federal financial and legal policy, regional financial and legal policy, and municipal financial and legal policy.

The research framework did not allow to cover all the issues related to the issues of development of the financial and legal policy in the context of digital economy (Azarkhin et al., 2021; Petrogradskaya et al., 2021). After all, it was important for us to determine what this phenomenon is. For example, questions about the forms of implementation of financial and legal policy, its means and methods were not covered.

It seems that the study of financial and legal policy could be continued in several directions. First, to investigate its structure: to consider the range of subjects that develop and implement financial and legal ideas of a strategic nature, addressees, levels of financial and legal policy, the arsenal of means and methods used in it, as well as sources and forms of influence on financial and legal relationship. Secondly, certain types of financial and legal policy need theoretical understanding: budgetary and legal policy, tax legal policy, banking legal policy, monetary and credit legal policy, etc. Thirdly, the transformations leading to digitalization of various aspects of public life encourage the study of financial and legal policy considering its current priorities, goals and objectives.

Financial and legal policy is a rather complex phenomenon that cannot be limited to just legally or economically developed state. Financial and legal policy is developed and implemented on behalf of the state if it has a financial system. The success of the functioning of this system directly depends on how competently the financial and legal policy is created, how effectively it meets the requirements of the time.

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