

**GCPMED 2020**  
**Global Challenges and Prospects of the Modern Economic  
Development**  
**LAW OF THE DIGITAL ECONOMY: LAW CORPUS VS  
ECONOMICS ANIMUS**

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**Abstract**

The ideas of use of economic categories and methods to studying the law, known under the umbrella terms "economic analysis of the law" and "law and economy", became one of the popular directions in modern law. This is understandable, since law establishes boundaries and guarantees of human freedom, without which by definition no economic exchange is possible. In the era of economic relations digitalization, it is not obvious both for the theoretical basis of economic analysis of law, and in the criteria of its scientificity and truth of conclusions. The architecture of the digital economy law is being built and self-updated in all leading countries. Only a well-thought-out concept of law can allow governments to create healthy and reliable hardware and software solutions for national digital economies, and thoughtful international conventions for the digital economy of the whole planet. In this context, economic analysis is often perceived as a self-evident pragmatic need to assess the effectiveness of legal provisions or to find reasoned evidence of judicial decisions. The article describes the scientific and methodological approach to the choice of forms and methods of legal regulation of economic relations with the economy transition to a new technological framework in the era of digitalization. It includes development methods of teaching and learning in business law and digital economics in the aspect of project-oriented model.

2357-1330 © 2021 Published by European Publisher.

*Keywords:* Business law and digital economics, business relations, economic analysis of the law, e-person, legal regulation



## 1. Introduction

Traditional economic linkages that are subject to regulation are formed in the process of state influence on the economy, in the process of carrying out entrepreneurial activities, as well as in the process of carrying out activities that are not entrepreneurial, but closely related to it. From the point of view of regulation of the reproduction process, the subject of regulation may be the relations of production, exchange, consumption and distribution of goods, works and services, as well as relations directly relevant to these processes. But the right in the economy is designed to provide means of protecting the relevant relations, establish a special regime for certain economic spheres, and respond to external challenges, including the digitalization of social and economic spheres. An important circumstance is the choice of such a method of legal influence or consolidation of social relations by law norms that would be as consistent as possible with the essence and laws of the development of economic institutions and relations, the movement of the production process itself not only to the sphere of high technology, but also to virtual space from the physical environment.

One of the triggers in the legal policy and the system of choosing the means of government influence on the economy is the purpose and context of legal regulation. Indeed, at almost all times and for all peoples, relations constitute the essence of exchange and distribution - these are relations arising between individual economic entities, using traditional legal regulatory systems - obligations to exchange, supply, purchase and sale, etc. And this is undeniable, except for one thing.

This "thing" is due to the fact that already at the earliest stages of the analysis of the digitization of economic relations, the existence in these relations was noted not only of the economy itself (production, exchange, etc.), but also of something else that took these relations beyond exclusively economic technologies. Outside of the direct technological interaction of the business entity and its counterparty, relations associated with the position of the same participants in other types remained there. These relations were primarily relevant to the legal position of the entity acquiring in these relations the status of a digital person, the legal determination of the legal capacity of artificial intelligence, etc. at the same time with the status of an economic entity. These digital features influence the economic content and form a different (non-technological) side of the same economic relations.

So, already in the earliest period of mankind's understanding of the surrounding world (including in the area under consideration), there was a tendency to contrast the categories of "nature" and "law" as a way to identify the features of human existence in two areas - natural and social. In the first case, emphasis was placed on human nature, and in the second on elements that ensure the change of human nature. In the latter case, the existence of elements could be ensured only in the process of their identification, awareness and application in a new quality. Modern challenges pose the researcher the task of defining the form of determination of legal institutions and their economic content.

The humanistic element of the economy associated with ensuring conditions for maintaining human life requires not only a positive obligation of the producer, but also legal protection of consumers, as well as economic policy itself in the new conditions for creating a digital face for both the producer and the consumer (Das Acevedo, 2016). This element determines the service nature of the economy, which in this sense does not have its own interests, which would be different from those tasks that are determined by a person. However, in this element person needs to consolidate economic patterns of behavior as models

determining the most favorable solution to humanistic problems are potentially emerging. The question of mechanisms for the influence of economic activity on the formation of social activity means considering the role and significance of economic experience of human interaction in the processes of forming its main elements of social organization - the state and civil society, modeled in most cases by law.

## **2. Problem Statement**

It is difficult to argue with the existence of this need in the past, and even more so in the modern process of digitalization of the economy, but the question is not a discussion of this self-evident situation, but scientifically it is possible to recognize the results of economic research of legal institutions, what methodological grounds (except realism, which does not fit well with continental law) can be relied on when deciding to search for modern legal forms of the digital economy. Studying the path taken by the world's leading digital economies over the past decades, it is important to master their conceptual tools and standards, understand the announced accents, get acquainted with the architecture and legal regulation in the digital economy.

Economic laws predefine the forms and methods of legal influence on industrial relations. Only a well-thought-out concept of law can allow governments to create healthy and reliable hardware and software solutions for national digital economies, and thoughtful international conventions for the digital economy of the whole planet. In the new technological era, the scientific and methodological development of new legal institutions, demanded by the results of scientific and technological progress and new relations of digital persons, the transition of industrial relations to the virtual sphere, the reduction of human professions, etc. are necessary.

## **3. Research Questions**

The research questions for this paper were: What is the specifics of changing the way economic relations are regulated in the digital age? What importance do modern law phenomena have for economic analysis of law: digital means of calculation, digitalization of subjects of industrial and social relations, self-regulation of the virtual production environment? What is the role and need for the presence of the state in the process of legal regulation of economic relations in the digital age? What can be the specifics of economic thinking in law in the process of expanding digitalization?

## **4. Purpose of the Study**

The authors defined the role of the state in the process of legal regulation of industrial relations at various stages of its development. The transition to a new technological framework and the advent of modern hardware allowed the authors to identify the determinative links between the generation of new legal institutions and modern processes taking place in the digital economy. The digital economy, of course, requires a new ideology. If earlier political economy turned a citizen into a "homo economicus", and society into an appendage of market economy, now the trend of digitalization of a person involves his total control or determination of his relationship with artificial intelligence.

## 5. Research Methods

The theoretical and methodological platform of the study is based on fundamental economic and legal theories, applied provisions of economic and legal modeling, system analysis, as well as the theory of management of economic systems and the state. In the process of forming theoretical, methodological and practical approaches to the legal regulation of the digital economy, general scientific methods are used: logical methods, morphological analysis, generalization, synthesis, conceptual and economic-legal modeling. A set of methods used allows a systematic approach to classifying challenges and identifying the possibilities of digital economic analysis of law through the local allocation of individual legal institutions and modern legal phenomena. The result of the study is theoretical, methodological and practical provisions of the digital economy in the law of Russia, taking into account the increase in knowledge. The identified scientific provisions are reliable and feasible in the form of theoretical and practical knowledge in the field of legal regulation of the processes of digitalization of the economy. The system analysis method ensured the validity of the study, as it analyzed the existing risks of their use for the business community and the state. The potential of the methods used made it possible to solve the tasks set out in the study.

## 6. Findings

The development of law as a system in the context of economic relations was caused not by the needs of domination, but by the need for trade, where the right itself should be considered as the communications of autonomous entities connected by an equivalent exchange relationship. The economist compares two alternative legal solutions in terms of their benefit-cost ratio. The legal rule that is effective or for which the cost-benefit ratio is in favour receives the greatest weight. This approach is permissible in relations of independent counterparties. In the modern economic environment, operations are often carried out without human participation, software and robots. The time for concluding contracts on modern exchanges between robots was reduced to one tenth of a second. However, a clear legal description of legally significant actions in relations between robots does not always exist. Legal problems arise in determining the legal situation (and the legal definition) of the robots themselves. Options for generating new e-person subjects are discussed (Hardesty, 1999).

The expansion of electronic commerce, the development of new forms of transactions during the period of self-isolation requires the legal regulation of traditional factors of production and its stages. Labor and production forces in modern challenges received new forms of remote work, shifting towards intellectual labor, robotization of production processes, reduction of professions, etc. There are companies in the world selling thousands of products, offering each of these products in dozens and hundreds of standard contract options and working with hundreds of thousands of partners. The variability of legal relations in such industries is measured in tens and hundreds of millions.

In the traditional sense, law and the state have considered only a certain system of official means for social and personal development through the realization of justice exercised in law, which is independent and self-governing: the very human existence is only justified in it. The right and the state receive their value not from the human person, but from some supra-individual instance, that the human person himself is not a goal, but only an official means to achieve such or other higher interests of the whole.

The gradual development of the state, as a form of social development, is a consequence of development, including the economic relations that have been formed and enshrined in this system. Of course, "economism" or "materialism," that is, the assertion that the economic organization of society is fundamental for all social institutions, especially for their historical development, implies appropriate legal regulation, due to the political regime, social hierarchy, goals of governance, etc.

The economic teaching of Marx is an example of a slender system of views, according to which the material, historically socially organized certain mode of production is considered as the dialectical unity of productive forces and industrial relations, and the productive forces themselves as a measure of human power. Characterizing the structure of society, Marx identifies four levels: productive forces - production relations (basis) - legal and political superstructure - forms of social consciousness. The totality of all these elements is determined by Marx, including as a socio-economic formation (McMurtry, 2015).

The modern process of digitalization of all spheres of human relations, the rapid development of scientific and technological progress and the reduction of the time for the introduction of its results make changes to classical economic theory. The dialectic of productive forces and industrial relations is reflected in the so-called law of conformity of industrial relations with the nature of productive forces, which includes the interaction of the parties, that is, involves not only the dependence of industrial relations on productive forces, but also the active reverse effect of industrial relations on productive forces. However, replacing a person with a robot excludes part of these relations and introduces a completely different procedure for legal regulation. In this context, superstructure phenomena, including law and the state, had an exclusively service function designed to formalize the level of development of industrial relations and productive forces. Although in a sense, these relations could become independent. The transfer of part of industrial relations to virtual space can exclude the state from the subjects of regulation, offset the power nature of its legal protection and the generation of legal norms. In the digital economy, legal property relations acquire their peculiarities in comparison with production relations themselves (Chang et al., 2020).

1. Production relations constituting the economic content of property are limited only to relations between people, and ownership usually includes two rows of relations: "person is a thing" and the relationship "person is a person," which develops from the first relations. The problem is the recognition of legal personality behind the robot as a means of production and the emergence of new pairs of human-robot relations, robot-robot, etc.

2. If production relations are primarily determined by the level of development of productive forces, then ownership is regulated by legal rules governing the use, possession and disposal of movable or immovable property. The disappearance of productive forces from the production process due to the robotization of the process, the transfer of management functions to artificial intelligence, the transition to rent payments, the reduction in the time of ownership of artificial intelligence or the production process management program change the very concept of ownership as an eternal and absolute right, the right of absolute domination over a thing.

3. If production relations are material relations that exist objectively, regardless of the will and consciousness of people, then ownership is a strong-willed attitude that reflects the level of development of legal consciousness in a particular country. The shared nature of the creation, the transfer of the object of absolute right from things to intellectual objects, the reduction in the useful life of the product will also

change the legal consciousness of not only the user, but also the legislator. A striking example is the change in legislation in the protection of exclusive rights (Dari-Mattiacci et al., 2016).

4. While production relations cover only relations between people regarding the production, distribution, exchange and consumption of material goods, property relations are a wider range of relations, including those that are not directly related to economic relations.

The digital revolution defines modern trends in the development of all spheres of public life, including economics and law. A new social group is emerging - an intellectual group, which is soon becoming close within the framework of a generally accepted socio-hierarchical and traditional economic structure. At the same time, commonalities in the virtual sphere and the field of high technology are beginning to develop. This is compounded by the emergence of an environment that is not accessible to traditional states.

Thus, by the beginning of the 2000s, the necessary conditions were formed for the practical implementation of the requirements related to changes in state regulation of new phenomena generated by scientific and technological progress. On the one hand, the current economic and social conditions testified to the existence of an internal conflict of their development opportunities, and, on the other hand, models were formulated, including philosophical and legal ones, which made it possible to apply them in practice to ensure the development of new digital phenomena, technologies and hardware.

In order for reforms to be implemented, the European philosophical and political doctrine of natural law created a fundamental complementary speculative construction of the original social contract, from which both general principled provisions and practical conclusions on specific issues were derived. Since the idea of a social contract was a way of argumentation, and not an ideology, it could be used to protect the absolute power of monarchs, and to affirm the idea of the popular sovereignty. It is only natural that both the theory of human rights and the theory of state non-interference in the economy, closely intertwined, are rooted precisely in the Locke version of the interpretation of the role of a social contract in the institution of the social one. It should be noted, however, that the provisions considered do not relate to the peculiarities of economic relations. For Locke, ownership is a reason to encourage a person to look for ways to ensure their interests, it is a mechanism that creates the conditions for ensuring these interests in the future (Goldie, 2002). Digital technologies change the principles of relationship of the person and the state. In the classical theory any citizen, entering legal relationship with the state, accurately sees before concrete body or the official. Communication has direct character. Now in living conditions of the Public Services Portal and transfer of public functions to virtual space the citizen carries out the actions attracting legal consequences in front of the screen of the computer or the mobile phone. Often he doesn't know even the name of the body responsible for rendering public service. Considering that all of us refuse the terminology characteristic for the political sciences more often it is definitely not clear with whom exactly citizens enter legal relationship and what their nature.

Emergence of a digital mold of the person excludes a natural legal ground of participation in the social relations, creates conditions of control of behavior and concentration of information at large corporations or quasi-public structures. Free national market where exchange and financial manipulations began to dominate over distribution, and then and over production. After economic factors the market during a digital era changed the person, turned him into a digital mold. Certainly, the digital economy

demands new ideology. If earlier the political economy turned the citizen into "homo economicus", and society - into an appendage of market economy, then now the trend of digitalization of the person assumes his total control or definitions of his relations with artificial intelligence.

From the economic point of view the market relations are recognized those in the presence of the following conditions: unlimited number of participants of the competition; free access on the market and the same exit from him; mobility of human, material, financial and other resources; full knowledge of each participant of the competition of supply and demand, prices and rate of return; exception of opportunities for unilateral impact of participants of free competition on decision-making, other participants; freedom of enterprise, etc. (Zamir & Teichman, 2018).

Practically through all development of the idea about the society determined by the market the subject of influence of the state on contents and essence of the market relations stands out. Paradoxically, but emergence of market society is steadily mediated by any given actions of already existing state. On the other hand, classics of economic liberalism, the first provided the complete concept of market society, practically also steadily considered a question of interaction of society and state through a prism of gradual dying off of the state and a celebration of society market. At the same time a statement that social regulation throughout historical development of mankind - the integral sign of any economic activity, is practically an axiom. At the same time and in the field of theoretical law there is a question of a ratio of category "inalienable rights of the person" with the rights and freedoms providing the economic benefits of the person in the market relations. The question about a ratio of the rights of participants of the economic relations was connected and with consideration of a problem of public concerns - time exists and there has to be society, it also has interests, and they often appear in a contradiction with the interests of any given certain individuals. All previous statements allow us to draw a conclusion that modern state intervention in economy is the system of measures of the state impact on economy presented by the concrete restrictions of the economic rights of subjects of the market economic relations having the form of precepts of law of imperative character.

The attitude of the state to managing and business which becomes the only way of gross national product production changed with transition to market economy in the countries of planned economy; the economic right develops according to economic requirements. The public importance of the economic relations defines interest of the state in their special regulation, generates rather extensive volume of the corresponding standard material and predetermines existence of an independent subject of regulation. The purpose of legal regulation and the public interests and also regularities of existence and development of the market relations determine development of the principles of regulation and methods of legal influence. The state interests dictate allocation of these relations to the independent sphere of legal regulation.

The enterprise (economic) right governs the economic relations which cover a wide range of different types of activity in the field of production, exchange and distribution of material benefits. However borders of the enterprise right are defined by branch features of other public relations: process of transition of material benefits to the consumer is still regulated by the enterprise right, but personal consumption – civil; use of human resources as factor of production is also regulated by enterprise right, but the relations of the certain worker with the employer – labor and so forth.

Economic circulation and managing intersects with business activity. Subjects of business activity carry out managing in the order established by participants of the organizations and the legislation. Public formations (state, regions and municipalities) also carry out economic activity, however not all these relations enter a subject of the enterprise right since have the financial and legal or budgetary nature. It is possible to refer their activity in process of management of property in the course of creation of the unitary enterprise, investment into commercial projects to maintaining the economic right, creation of joint-stock companies during implementation of the project (for example, for creation of the paid highway, large production and so forth), etc. Also housekeeping without the purpose of generation of profit can have noncommercial character. Thus commodity and stock exchanges work. Though such activity doesn't pursue directly the aim of receiving profit

On the other hand, any organization needs the organization of managing for ensuring the primary activity even if it isn't enterprise: cleaning of the room, ensuring work of office, the maintenance of rooms, providing living conditions of employees in workplaces and so forth. In separate group of the relations of a subject it is necessary to allocate the internal relations: as between participants concerning participation in the organization, the relation of governing bodies of the organization among themselves and with participants, the relations of all elements of corporation. There are also relations on creation and the termination of the enterprises, property management.

The enterprise relations are closely connected with others, not aiming directly generation of profit. In particular, all economic activity of organizational and property character is such. Management and organizational activity of the state in article is considered not as a method of legal regulation, and a special type of the public relations existing and developing along with the whole complex of other social communications. The organizational relations arise between state bodies (the administrative relations in the system of bodies, in their hierarchy), and between state bodies and subjects of business activity and also between subjects of the enterprise relations (economic legal relations). And, the last have no signs of the administrative relations since there is no hierarchy of authoritativeness, the initiative of emergence of the relations doesn't depend on will of the dominating subject, both parties are subordinated to the law, for protection of own interests both parties appeal to court with the statement of claim and so forth. In legal literature the belief is popular that organizational activity is an activity administrative and, on the contrary, to operate means to organize. This formula is correct only in that part which is of interest to science of the state and administrative law. As for processes with use of artificial intelligence or other modern technologies, this situation needs the corresponding adjustment as the concept of the organization as activity won't have strong-willed lines of the dominating subject in modern understanding of this institute.

The organization as a form of activity of people isn't the final goal; it is predetermined every time on the content and forms of realization by the maintenance of those purposes to which achievement the person or the corresponding social education directs the activity. At the same time the organizational relation, like the relation "organized" possesses the direct purpose. If in the last the purpose makes receiving property, performance of work, rendering services, etc., then in organizational social communication the forefront are the streamlining, organization (or "normalization") of the relevant act (process) on transfer of property, performance of work, etc. It is clear, that contents and forms of streamlining ("normalization") are entirely subordinated to what is ordered. Thus, the algorithm of regulation put in a system can have own

purposes and interests other than the organized and organizational relation, but it does not exclude existence of the direct purpose of the organizational relation.

At last, the state, realizing the public interests of society, influences not directly the subjects who are carrying out economic activity, regulates and controls it, but influences legal relationship, models it, stimulates economic entities to certain actions. These relations make the third group of structure of a subject of the economic right.

In modern conditions of digital economy the state can't direct all productions, that is give obligatory to execution of the instruction (directive) to both private enterprises, and the state enterprises. The management and impact on the corresponding relations is carried out by adoption of regulations, transfer of orders for the state needs, implementation of control functions of owners concerning the enterprises which received from them property for conducting economic activity, currency interventions, subsidies, implementation of influence by the state by setting standards and standards (social, ecological and other depreciation charges) continue to make the considerable massif of regulation. The relations on implementation of economic activity develop out of any submission or dominion (Cooter & Gilbert, 2019).

There is a question whether it is lawful to unite, especially in the conditions of transition to market economy, vertical and horizontal communications for their one-branch regulation? In jurisprudence, they continue to object that they are diverse and belong to civil and administrative legal regulation. However vertical relations have the feature other than administrative law in the economic right. All of them are united by the economic maintenance of the relations as arise and develop concerning realization of business activity, at the state impact on economic circulation. It is uniform economic circulation, that is the sum of all communications developing in reproduction processes both in vertical, and in a horizontal part. Civil law is connected only with process of commodity exchange, and serves only a consumer turn. It does not have appropriate tools for regulation no intraeconomic relations, interaction of macrolevel between the republics, regions and links, formation of prime cost and results of managing, conducting accounting. In economic circulation administrative law has even less opportunities as governs the relations of executive character that costs rather far from the relations on the leadership in economic activity. Only the economic right which isn't limited to the narrow horizons of activity of legal entities or governing bodies (administration) can fully capture real intrinsic communications of all subjects on a vertical and a horizontal.

The state can't specify in the system of the vertical relations to the businessman or the consumer what and how produce and buy things. The state only creates conditions which promote acceptance by economic entity of economically justified decision. Influencing legal relationship, the state can provide to the enterprise and certain funds (subsidies and subventions), necessary for compensation of losses and ensuring normal activity of the enterprise. And in this case between the enterprise and higher body there is a uniform relation combining planned and organizational and property elements. Thus, vertically relations stop being purely administrative, directive and administrative, and become the economic relations in which there are not only the planned and organizational, but also property elements which are combined in indissoluble unity.

The relations on the leadership in economic activity, the relations of the enterprises with the state and its bodies, the relations between governing bodies of the organization and so forth become essentially uniform economic relations. All three groups of the relations make a certain unity which is expressed by

multilateral activity of the producers aimed professionally at the work for the market which is carried out at its state regulation. Due to this fact in the course of the organization and implementation of production and at the subsequent stages of exchange and production consumption the economic legislation as the special industry is applied I am right, intended for these processes (Bix, 2018).

The economic and legal concept of the economic relations is based on use of a cost, commodity form of relations of production. Both the vertical, and horizontal economic relations serve the purpose of production and the address of goods. As a unit these relations act as a subject of legal regulation. Entering economic legal relationship, their participants realize the general interest, show the general nature and define the mutual rights and duties. The economic relations, their features and the need for the isolated and differentiated regulation is determined by their market nature and the relevant economic laws of their development.

Subjects of the enterprise (economic) relations have the general nature not as physical or biological beings, but as the special subjects making comprehended and significant from the economic positions (having economic and economic value) of the whole society behavioral acts.

The state, authorizing the relevant standards, creates the certain behavioural model caused by internal social and economic laws of the market (cognitive legal relationship) (Tang, 2018). Subjects, contacting each other concerning production, distribution, exchange and consumption, are in the communicative relations which in direct, real interaction in social space of concrete subjects, are expressed by means of external acts of behavior. And, the behavior of participants of the enterprise (economic) relations is correlated by the sense with each other and focused on it. The state, influencing economy, the right and behavior of participants of the enterprise relations, provides performance of the functions, businessmen carry out the activity for receiving profit and social realization, consumers satisfy the requirements. Max Weber, in particular, emphasized that for the social relation it isn't obligatory at all and existence of the identical sense put by the individuals correlating the behavior with each other in the social relation just as it isn't obligatory to accept point of installation of the contractor internally.

Economic relations develop in the economic sphere, where the economic foundations of public relations, the goal and interest of its participants form the content of the relationship. Law formalizes this attitude, sets the legal form for reproductive processes. Perhaps, in the branch of economic law, as in any other way, it is always necessary to accurately determine the real economic content of a particular legal relationship, adequately translate it into the language of law. This requirement is not always fulfilled in practical, and sometimes normative activities, as a result of which regulation "slips" and does not give the desired result.

Since all economic legal relations take shape at the stages of reproductive processes, during the realization of economic interest or with the influence of states on them, all participants in legal relations are characterized by certain dynamic functions and properties. The link between economic and political rights (mentioned above) is direct and unambiguous. In the early stages of the market economy, economic rights were to protect political rights, among which the right to religious freedom was the most significant. The economic power of the United States was built by the hands of those who, saving their souls in religious confrontation in Europe, immigrated to America, where they were able to implement the above mechanism of the relationship of rights. However, at present, this mechanism has been transformed into a system in

which political rights are already called upon, including ensuring an adequate level of economic rights. Thus, we consider "state interference in the economy" as the activity of the state as a whole to implement the functions of expressing public interests assigned to it, which involve, first of all, the creation of legal norms aimed at the implementation of this task, as well as the functionally assigned activities of specially authorized state authorities to implement these norms.

## 7. Conclusion

The key findings of the evaluation:

- the legal regulation of economic relations on the part of the state takes place in three areas: relations of production and business activity, relations of state influence on the economy, relations that are not entrepreneurial, but closely connected with them;
- the legal regulation of relations in the process of production according to its purpose, form and method is determined by the social and economic laws of their development, as well as by political and social needs;
- digital changes in the social sphere and material production pose the tasks of legal understanding of new phenomena, as well as determining trends in the development of relations with their participation;
- the problem of human digital impression and recognition of the legal personality of artificial intelligence creates humanitarian threats and consequences of the digitalization process;
- it is necessary to find scientific and methodological support for the implementation and evaluation of the digital model of the production process, its legal regulation in the process of its migration from the real world to the digital environment.

Legal approaches in determining the legal position of artificial intelligence, human digital impression, electronic transactions (including with a digital currency) are limited to issues of state policy, national sovereignty and subjective preferences of authorities (Ageeva, 2021; Bortnikov & Denisova, 2021). Future studies may be undertaken to identify new factors of production, legal and economic phenomena, as well as legal instruments. Legal discretion on industries and institutions allows for the identification of legal gaps in regulation.

Studying the path taken by the world's leading digital economies over the past decades, it is important to master their conceptual tools and standards, understand the announced accents, get acquainted with the architecture and legal regulation in the digital economy.

Digital technologies are bringing to a new level a networked management model that shows its exceptional survivability in a collision with the state. Digital technologies consistently change the world, society, the state, the person himself. The state, as an institution of organized bureaucracy, should adapt much faster to new realities. Currently, the tasks of economic analysis of law are, first of all, a critical review and clear demarcation of the boundaries of this direction, as well as an understanding of the methodological basis of the studies.

## References

- Ageeva, G. E. (2021). Digitalization of the openness principle of civil proceedings: Enunciation issues. In S. Ashmarina & V. Mantulenko (Eds.), *Current Achievements, Challenges and Digital Chances of Knowledge Based Economy. Lecture Notes in Networks and Systems*, 133 (pp. 707-712). Springer.
- Bix, B. H. (Ed.) (2018). *Economic approaches to legal reasoning and interpretation*. Edward Elgar Publishing Ltd.
- Bortnikov, S. P., & Denisova, A. V. (2021). The digital economy, cyber security and Russian criminal law. In S. Ashmarina & V. Mantulenko (Eds.), *Current Achievements, Challenges and Digital Chances of Knowledge Based Economy. Lecture Notes in Networks and Systems*, 133 (pp. 851-856). Springer.
- Chang, Y.-Ch., Garoupa, N., & Wells, M. T. (2020). Drawing the legal family tree: An empirical comparative study of 170 dimensions of property law in 129 jurisdictions. *Journal of Legal Analysis*, 12, 20-29.
- Cooter, R.D., & Gilbert, M. (2019). Constitutional law and economics. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3123253](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3123253)
- Dari-Mattiacci, G., Guerriero, C., & Huang, Z. (2016). The property – Contract balance. *Journal of Institutional and Theoretical Economics*, 172(1), 40-64. <https://doi.org/10.1628/093245616X14500948553956>
- Das Acevedo, D. (2016). Regulating employment relationships in the sharing economy. *Employee Rights and Employment Policy Journal*, 20(1), 1-35. <https://doi.org/10.2139/ssrn.2657673>
- Goldie, M. (2002). *Locke: Political writings. Cambridge texts in the history of political thought*. Cambridge University Press.
- Hardesty, D. E. (1999). *Electronic commerce: Taxation and planning*. Warren Gorham & Lamont.
- McMurtry, J. (2015). *The structure of Marx's world-view*. Princeton University Press.
- Tang, H. W. (2018). From Waqf, ancestor worship to the rise of the global trust: A history of the use of the trust as a vehicle for wealth transfer in Singapore. *Iowa Law Review*, 103(5), 2263-2292.
- Zamir, E., & Teichman, D. (2018). *Behavioral law and economics*. Oxford University Press.