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DOING BUSINESS REMOTELY: REALITY OR ILLUSION?

A. G. Sorokin (a)*

*Corresponding author

(a) Samara State University of Economics, Soviet Army Str, 141, Samara, Russia, alexsorokin@gmail.com

Abstract

During the pandemic, almost all business sectors were forced to change the order of operation. Employees were urgently transferred to remote work, the costs of the office, service fleet and other things ordinary for business were optimized. From that moment, almost any business received the right to be called electronic. An electronic business is an independent activity of citizens, legal entities and individuals, which is aimed at obtaining profit or personal income, carried out on its own behalf, at its own risk, under its property responsibility. By e-business is meant a business model in which business processes, the exchange of documentation and information, commercial transactions, are automated using information systems and electronic means of communication. Domestic legislation, public services, software for remote work have shown their ability and modernity, which is undoubtedly a high achievement. Labor legislation establishes the features of remote work, state resources offer online solutions for paying taxes, cash registers, court proceedings and others. Internet banking has long been the only payment method throughout the Russian Federation. Today, the Internet and modern software provide business with operational information, inexpensive communications, the possibility of reducing internal technological costs, affordable and convenient tools for developing corporate information systems, with the help of which the operational costs of doing business are significantly reduced. This means that it is possible to conduct a successful business completely remotely, that is, exclusively using modern digital technologies.

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1. Introduction

For many years, people looked with distrust towards freelancers, preferring to spend hours traveling to work in the office. Books were published, seminars were held on how to choose a business topic that can be conducted remotely. Coronavirus infection burst into life so rapidly that literally in a matter of days almost the entire population of the world was faced with the task of how to continue work without leaving home. As it turned out, it is not so difficult, and some of the workers did not return to the office after the quarantine and continues to work remotely. It turns out significant savings in office rental, utility bills, cleaning for the employer, and the lack of useless time to travel to the office for employees. Domestic legislation, public services, software for remote work have shown their ability and modernity, which is undoubtedly a high achievement.

Internet economics and e-business are the two main dimensions that make up today's information society. E-business includes e-commerce, e-communication, e-information/entertainment, e-collaboration and e-education (Wirtz, 2019). E-commerce includes processes for initiating the exchange of services, negotiating and concluding trade transactions between market participants through electronic networks. However, speaking about remote business, we do not have to introduce exclusively online stores and other resources that offer services in electronic form, but the complete operation of any business project, both online and offline, outside the usual office. Given the fact that every year the introduction and transformation of business processes is increasingly taking place, such a segment of entrepreneurial activity as an electronic business has proved its viability and efficiency, therefore almost any enterprise in both the production and non-production spheres builds its business processes using elements of electronic business.

2. Problem Statement

Considering the main problems of e-business, which is developing positively, as well as highlighting its main specific points, you can see that this area of human activity deserves special and close attention. With the transition to a new stage in the development of e-business, commercial organizations begin to strive not only to improve the quality and reduce the price of products and services, but also to increase the efficiency of their e-business channels. Remote work leads to a decrease in the number of distractions in the form of "empty" questions, household requests from colleagues. It became possible to lead the business in a more comfortable mode. As part of the study, it is necessary to analyze individual business processes of companies or individual entrepreneurs for the possibility of implementing them remotely, that is, using digital technology. It is planned to study such business processes as regulation of the labor of remote workers, corporate relations, interaction with state and judicial bodies, payments for offered goods and services. In many companies, the remote regime has become an incentive to the long-awaited changes that were previously postponed, to modernize work processes.

3. Research Questions

In order to achieve the objectives of the study, the following questions are raised. How is the "electronic business" defined in domestic science and abroad? What are the features of remote workers? Was the labor legislation of the Russian Federation ready for mass departures for the "remote"? What are

the corporate challenges in doing business remotely? Do you need to make changes to corporate documents of legal entities in connection with the work of a sole body remotely? How is information exchanged with state and judicial authorities, counterparties, company employees? Do you have prospects for doing business remotely?

4. Purpose of the Study

In the process of adapting to the mode of remote work, a completely new reality has opened up to people. Electronic commerce and commerce are regarded by them as a positive and promising direction of business, both in Russia and around the world. It is necessary to assess whether it is possible to conduct business remotely in real conditions, that is, by the method of "electronic business." Is remote work really a reality, and that almost any activity can be carried out remotely. With a remote model, business processes, the exchange of documentation and information, commercial transactions, are automated using information systems and electronic means of communication. It is necessary to affirm whether the Internet is the most accessible and convenient global system of information exchange between users as the main element of the modern infrastructure of the information community. The purpose of the study is also to analyze the readiness of domestic legislation to digitalize business.

5. Research Methods

The basis of this study is the general scientific and private-scientific methods of cognition. The dialectical and system-structural methods, which made it possible to study in the form of a system of business functioning outside the office, made special significance from the general scientific methods of cognition. The use of the structural and functional method consisted in knowing the functions of the state and law, their constituent elements. The functional method involves investigating the sources of law through their functions by examining individual functions, a number of functions, or a system of functions. From private-scientific methods of cognition, methods of comparative law and theoretical modeling were used. The author widely used the historical-legal, formal-legal and structural-legal method. The formal legal method made it possible to define legal concepts, identify their characteristics, and conduct classification.

6. Findings

Transferring a business to remote work turns it into an "electronic business," since without modern electronic means of communication, effective remote work would not be possible. In foreign literature, different definitions are proposed for "electronic business" or "e-business." For example, Schneider defines e-commerce as a business activity using Internet technologies, the world wide web, as well as other wireless technologies (Schneider, 2017). Other authors mean e-business business (e-commerce, e-services) on the Internet for profit using information and communication technologies that blur the boundaries between the real and virtual worlds (Pyrog & Poritska, 2020).

In domestic literature, in the broad sense of the word electronic business, they propose to mean a business organization model in which business processes as a system of consistent, targeted and regulated

activities, as well as the exchange of business information and commercial transactions are automated using information systems (Alekseeva et al., 2015), and in the narrow one - the exchange of goods and services based on existing connections using electronic means of communication between business partners. The definition of e-business in a broad sense should be accepted.

Note that the use of electronic technologies in business in the Russian Federation is progressing much more actively than, for example, in European countries. Russian business has long known accounting and tax accounting systems, legal programs that have no analogues in the world, and domestic companies are involved in the development and implementation of software abroad. For example, the possibilities of Internet banking for individuals and legal entities, to which we are so accustomed, are still not always available to depositors of foreign banks. Electronic business cannot be limited to a certain area, since technology has entered all spheres of life. Therefore, the definition of e-business can be formulated as the organization of business processes using information technologies, where all business processes can be divided into external ones - interaction with state and municipal bodies, counterparties, as well as internal ones - interaction of company members among themselves. From the number of external and internal functions performed using information technologies and online, the company can conclude its level as an electronic business.

Any business begins with a well-functioning internal structure. The labor legislation of the Russian Federation as early as 2013 with the adoption of the Federal Law of 05.04.2013 No. 60- FZ "On Amending Certain Legislative Acts of the Russian Federation" was supplemented by chapter 49.1 of the Labor Code of the Russian Federation on the peculiarities of work of remote workers. Noteworthy is the fact that the Labor Code of the Russian Federation does not indicate the permanent or temporary nature of the work of remote workers, which allowed during the period of restrictive measures for movement to conclude an additional agreement with employees on the temporary performance of official duties remotely. After the end of restrictive measures, many workers did not return to the office, or continued their work combining remote work and trips to the office. For example, presence in the office at the workplace once or twice a week, and the rest of the time work happens remotely.

Remote work should include both work outside the employer's location and outside the stationary workplace. At the same time, unlike freelancers, a remote employee is obliged to observe the working time regime and fulfil other obligations provided for by labor law and contract. At the same time, the employer does not have an obligation to protect the work of employees, to ensure fire safety, which, as a rule, are a headache of employers in all sectors of the economy and the size of companies. The advantages of distance work include the possibility of continuous training. Micro-learning and self-learning programs are gaining popularity, as the bulk of employers are aware of the additional benefits associated with acquiring and improving employee skills. The time that employees spent daily traveling to and from the office can be spent with greater benefit, in particular, improving skills.

However, it is necessary to pay special attention to the job responsibilities of a remote worker. Firstly, determine the order of setting tasks, the technical means used and ensure their availability. Secondly, to determine the mechanisms for monitoring the actions of subordinates by senior employees and vice versa, the procedure for reporting employees to higher management. Thirdly, to fix the procedure

for recording working hours, for which special software tools that are successfully used by freelancers can be used.

Remote work must be distinguished from work at home, where the result of work is the manufacture of an object, a product. Remote work involves intellectual work. It is clear that not all categories of workers can be transferred to remote work. For example, in a wholesale company, only warehouse workers came to work, who physically had to take the goods and prepare them for further shipment. All other employees could perform their duties remotely. From this it follows that the labor legislation was ready for sharply changed working conditions. To date, and taking into account the established practice, the business owner can calculate the need or lack of it in office workers. Depending on the area of activity, the percentage of remote workers can change significantly, but in some cases it is possible to completely transfer all categories of workers to work outside the office.

A different situation turned out to be with business owners - holding general meetings in person, that is, with the personal presence of members of a company or partnership, was actually impossible. This applies, first of all, to companies where business owners are outside the Russian Federation. Air traffic has not yet been established and the prospects for its return to its previous volumes of traffic are very vague. However, even here the legislator worked quite quickly. Federal Law of 07.04.2020 No. 115- FZ "On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Unification of the Content of Annual Reports of State Corporations" (companies), public law companies, as well as in terms of establishing the features of corporate relations regulation in 2020 and suspending the provisions of certain legislative acts of the Russian Federation, "the deadlines for the next annual meetings of participants in limited liability companies were extended until September 2020, and for the whole year the companies were given the right to vote in absentia on all issues on the agenda. Similar changes were made to the legislation in relation to joint stock companies. Further steps regarding corporate action have not yet been taken, but it is already clear that the pandemic situation will not stabilize until 2021.

By virtue of paragraph 3 of Art. 38 of the Federal Law of 08.02.1998 No. 14- FZ "On Limited Liability Companies," the procedure for conducting absentee voting must be provided for by an internal document of the company. However, in practice, such a document was very rarely adopted, so now companies are in a difficult position - it is impossible to hold either face-to-face meetings or absentee votes. The need for a document on the procedure for absentee voting is mandatory before the start of application in the activities of the company, which is confirmed by the materials of judicial practice.

We believe that the legislator should take into account the realities and absence of such a document in companies, and, therefore, provide for a temporary procedure for absentee voting for those legal entities in which he was absent.

The question of the location of the sole executive body of a legal entity, which is indicated in the unified state register of legal entities and should be reliable, seems interesting. In the context of the pandemic, remote work issues did not bypass the leaders of legal entities, a significant part of which also stopped visiting the stationary workplace daily. Does this mean the need to change the legal address of the company? In an ideal situation, of course, yes. But in reality, we believe that it is not necessary to change the legal address of the company if remote work is temporary, however, the manager should remember the risks of not receiving mail at the location and conducting inspections.

Communication with partners and customers can be carried out, in addition to the already traditional e-mail, using electronic document management systems. Important is the fact that documents transmitted through EDR systems and signed with a digital signature are recognized by the regulatory authorities as properly executed. Within the company, communication can be carried out through business management systems, for example, Bitriks24 and others. The systems involve the possibility of setting tasks between employees of the company, the general storage of documents, chat rooms and other services necessary for effective work.

Another important aspect of the work of a company or individual entrepreneur is the payment of taxes and fees. Subsystems of the Federal Tax Service "A private office of the taxpayer - the legal entity" and "A private office of the taxpayer - the individual entrepreneur" are put into operation since 2015 (Order of FTS of 14.01.2014 No. MMB-7-6/8 @ "About input in commercial operation of a subsystem "A private office of the taxpayer of the legal entity", Order of FTS of 26.05.2015 No. MMB-7-6/216 @ "About input in commercial operation of a subsystem "A private office of the taxpayer of the individual entrepreneur"). During the five years of operation of the systems, they have undergone changes, but with confidence we can say that the subsystems work and are sufficient for doing business remotely - the personal account reflects all the information necessary for the taxpayer, there is the possibility of paying taxes, checking with the tax authority and sending various documents and information. In addition, in the Russian market for more than twenty years there have been special accounting and tax programs in which the document flow with tax authorities has been successfully integrated. Do not forget about cash registers, which is firmly connected with the Internet due to the latter changes of the Federal Law of 22.05.2003 No. 54- FZ "On the use of cash registers in the implementation of settlements in the Russian Federation".

Internet banking today is so common that many entrepreneurs either forgot, or did not know at all about the need to fill out payment orders on paper and transfer them to the bank for execution. Today, virtually all payments of legal entities and individual entrepreneurs are made through online banking. The literature notes that now the physical location of the head office of the bank or its branches is not so important, the width of the branch network is not important, advertising through traditional types of broadcasting of offers and services, such as television, radio and banners on the roads, the operation of call centers and operation centers in their traditional sense is ineffective. Now only one aspect matters: which of the banks has a better Internet banking system (Magomedsaidova & Akinin, 2017).

The same can be said for accepting payments from the customer. The online payment service is provided by dozens of companies, and you can set up the possibility of payment on the site within a few minutes. For example, the Fondy (2020) payment service claims that a partner needs only 15 minutes to install a payment button on the site and begin accepting payments.

Despite all the above positive points, the essential problem of remote business is information protection. Firstly, it is the protection of personal data that the remote employee processes outside the office. The current legislation provides for a number of measures aimed at protecting personal data, including a special procedure for accessing computers on which such data is processed, the introduction of special programs for data protection, etc. It is extremely difficult to ensure that such requirements are met when working remotely. More precisely, it is difficult for an employer to monitor the employee's compliance with personal data processing requirements, for example, limiting access to a home computer. Secondly,

this is the sphere of finance. Accountancy workers can remotely work in Internet banking systems, make payments and transfers, while the question arises about the reliability and security of the networks used, protection from hacker attacks. The level of protection of the remote worker's home computer is very likely lower than that of corporate equipment: the reason may be old software, the lack of antivirus programs. At risk are not only the familiar perimeter of IT systems and communication, but also products for online communication, new to many companies. For example, the accidental leak of a video recording of a zoom conference could be a disclosure of serious trade secrets. For these reasons, experts recommend the introduction of two-factor authentication, the isolation of enterprise applications in a special encrypted area, the use of compliance functionality, which contains many agent components of firewalls, the use of their own remote access and storage tools, and other means of information protection, the market of which is currently large and available for small companies.

7. Conclusion

Organizations using e-business systems are able to provide their customers with the necessary information everywhere, always and in any form. The above means that all financial and accounting personnel of the company can work remotely, only in exceptional cases starting to work in the office. Separately, you need to pay attention to lawyers, whose work can also be carried out remotely. The modern legislation of the Russian Federation allows you to file claims and conduct court cases using special services of arbitration courts and courts of general jurisdiction, and during the pandemic, the possibility of video attendance at court sessions was urgently transferred to a new level. Modern electronic business is a reflection of a number of business features of the future information economy. Considering the main problems of doing business remotely, as well as highlighting key points of its specifics, we are increasingly convinced that the field of electronic business deserves more and more attention, being not only a unique phenomenon in the domestic and world economy, but also a necessity during the pandemic. To develop e-business in the Russian Federation, it is necessary to solve several problems: improving the legal regulation of the e-business market, informing society about the advantages and opportunities of e-business, simplifying tax schemes and corporate governance of business entities, as well as monitoring the security of data and technology exchange.

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