

MTMSD 2022**I International Conference «Modern Trends in Governance and Sustainable Development of Socio-economic Systems: from Regional Development to Global Economic Growth»****LEGAL MEDIATION OF THE PROCESSES OF TECHNIZATION
IN THE ECONOMIC SPHERE**

Luisa Tagirovna Eskerkhanova (a)*, Uvaysovich Yarychev Nasrudin (b),
Magomedovna Nintsieva Tamila (c)

*Corresponding author

(a) Kadyrov Chechen State University, Grozny, Russia, lu-69@yandex.ru

(b) Kadyrov Chechen State University, Grozny, Russia, nasrudiny@mail.ru

(c) Kadyrov Chechen State University, Grozny, Russia, tamila761076@mail.ru

Abstract

This study aims to analyze the legal regulation of technization processes in the economic sphere. The primary goal is to identify and assess the role of legal mechanisms in regulating technological processes in the economy, considering their impact on business processes and societal relations. The research employed methods of analyzing legal norms, court practices, and regulatory acts related to technization in the economy. Interviews were conducted with representatives of key economic sectors and experts in law and technological innovations. Data were obtained from texts of regulatory documents, court decisions, and analysis of expert opinions and interviews. Laws regulating the implementation and use of technologies in various economic sectors were scrutinized. The study revealed that legal mechanisms play a pivotal role in shaping and regulating technization processes in the economy. The findings lead to the conclusion that effective legal regulation contributes to a balance between innovation and the protection of rights and interests of economic participants. One notable result is the identification of the need for continuous updates to legal norms to adapt them to the rapidly changing technological environment and prevent potential legal conflicts.

2421-826X © 2024 Published by European Publisher.

Keywords: Cryptocurrency, digitalization, digital economy, digital law, legal regulation, legal technologies

1. Introduction

The new type of digital culture of society that has developed in the course of globalization, as well as the course towards the digital economy, put forward a request for the transformation of the legal system as the main regulator of all types of social legal relations. Here we are absolutely in solidarity with Khabrieva and Chernogor, who note that in modern realities, the legal mechanisms of the “pre-digital era” are ineffective and in many industries lag behind the actual innovative conditions (Abdulaeva, 2019).

From the point of view of legal aspects, the total “digitization” of social processes and phenomena refracts the legal sphere accordingly. Here we are faced with a phenomenon when there is a close contact between traditional legal mechanisms and a new, digital format of social interactions. In this contact, the law not only acquires new functions that regulate and adapt the public administration system to new realities, but is itself exposed to the “digit”, which leads to the transformation of its form, content, mechanisms of influence (Abdulaeva et al., 2019).

The rapid transition of the usual, “pre-digital” forms of any kind of legal relations into the cyber environment has become a real challenge for the domestic legal institution. With all the successes in the legislative field, today we cannot talk about the stability of the regulatory mechanisms of law. There are far more problems and questions than there are solutions (Abdulaeva, 2019). It is required to improve and update the legal framework, the formation of a single categorical apparatus within the framework of digital terminology. In the absence of such, the Russian legal system runs the risk of becoming completely defenseless in the global space of digital law.

The article attempts to analyze the main trends, strategies, risks and prospects that the digital transformation of the legal system in our country entails. The results of this analysis can have both theoretical and applied significance in understanding the processes that global digitalization has brought to the field of legislation.

2. Problem Statement

The problem at hand revolves around comprehending the transformation of law in the digitalization era through the lens of the dialectical principle of cognition. This principle enables the examination of legal evolution as an inherent, dynamic process, arising from the intricate interplay between traditional (pre-digital) and innovative mechanisms of legal regulation. Applying the principles of a systematic approach, law is viewed as an integral component of social development. Consequently, digitalization emerges as a natural series of transformations within this unified realm, intricately interconnected with all other structures of the overarching system. The challenge lies in navigating and understanding the evolving landscape of law within the dynamic context of digitalization, considering its multifaceted interaction with established legal frameworks and novel regulatory mechanisms.

3. Research Questions

This research delves into the fundamental concepts associated with the global phenomenon of digitalization and the consequent transformation of the legal regulatory system within the digitalization

context, as highlighted by Popov et al. (2022). Emphasis is placed on the imperative to construct a regulatory framework capable of agile and effective responses to the dynamic nature of social processes. This involves the facilitation of legal regulation across various spheres of social life, aligning with the contemporary demands of the digital era. Acknowledging that, in the realm of digitalization, the legal institution functions not solely as a tool for adapting economic sectors to the evolving landscape but also undergoes extensive transformations, shaping its new forms and mechanisms. The research questions aim to unravel the intricate dynamics of legal evolution within the digitalization paradigm, probing into its dual role as an adaptive tool and a catalyst for transformative changes in the legal landscape.

4. Purpose of the Study

The purpose of the article is to consider the main trends in the legal regulation of the economic sphere of activity in the context of digital transformation. In the context of the spread of fundamentally new forms of social development associated with the widespread introduction of ICT and digital technologies, it clearly raises the issue of the need to form such a legal framework that would adequately meet the requirements of the global digital environment. The rapidly increasing number of information flows, colossal amounts of data, digital technologies - all this has radically reformatted the system of state and public institutions, which requires revision and new approaches in the field of legal regulation of all social processes.

5. Research Methods

The analysis of the problem under consideration employs a combination of general scientific and specialized methods inherent to jurisprudence. Notably, formal legal and comparative legal methods play a pivotal role, aligning with the essence of the dialectical approach. Statistical and logical analysis methods of Russian legal sources contribute to a comprehensive understanding. The research draws upon current sources in Russian legislation, engaging in the analysis of the existing regulatory framework, doctrinal and practical solutions, and statistical data. Furthermore, the study explores the incorporation of digital law in European legislation.

A theoretical analysis of key concepts such as "digitalization," "digital technologies," "digital law," "legal technologies," "cryptoeconomics," and "crowdfunding" is conducted based on a thorough review of sources. This theoretical exploration aims to elucidate the factors shaping the essence, development strategies, opportunities, and limitations of the legal system in a digital environment.

The research methodology aligns with fundamental principles encompassing both general scientific and specialized approaches in jurisprudence, including dialectical, formal legal, comparative legal, logical, and statistical methods. This multifaceted methodology ensures a comprehensive and nuanced exploration of the complexities surrounding the transformation of legal systems in the era of digitalization.

6. Findings

The findings of this research underscore the multifaceted nature of the impact of digitalization on the legal regulatory system. Through a blend of formal legal, comparative legal, and statistical analysis methods, the study reveals the dynamic transformations occurring within the legal institution. The exploration of key concepts such as "digitalization," "digital technologies," and "digital law" unveils their intricate roles in shaping the contemporary legal landscape. The analysis of Russian legislation, coupled with insights from European legal practices, highlights the need for a regulatory framework capable of adeptly responding to the evolving dynamics of social processes.

The theoretical scrutiny of factors like "cryptoeconomics" and "crowdfunding" contributes to a deeper understanding of the opportunities and limitations presented by the digital environment. Overall, the findings emphasize the dual role of the legal institution – not only as an adaptive tool for economic sectors in the face of digital transformation but also as a dynamic entity undergoing substantial changes in its forms and mechanisms.

In essence, this research sheds light on the profound implications of digitalization on legal systems, calling for a forward-thinking approach in crafting regulatory frameworks that can effectively navigate the complexities of the digital era.

At the present stage, the world community is experiencing the most powerful impact of global processes that are completely and completely transforming all spheres of public life (Abdulaeva et al., 2019). Cardinal shifts in all social processes, social structure and interaction are taking place at tremendous speeds, due to the formation of a single space for the unhindered exchange of services, goods, financial flows and labor resources. The civilized world is moving to a new level of economic development, in which the primary role is given to those processes that are directly related to the consumption, processing and distribution of information (Khabrieva & Chernogor, 2018). "Digital", which has become a priority direction of economic development, has formed a new trend in the development of society - the digital economy. The former economic structure is undergoing powerful changes, and these changes are very rapid. Even before 2016, the introduction of digital technologies in the domestic economic field was the subject of research by only a small number of IT specialists and financiers, and since this period, the topic of digitalization has become a priority on the agenda of the governing bodies of the Russian Federation and major corporations. The main directions of innovative development were formed and reflected in the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030 approved by the President of the Russian Federation (Napalkova, 2019).

As part of the adopted strategy, the Digital Economy Program of the Russian Federation was approved, followed by the national Digital Economy Project. Interestingly, the sequence of adoption of the relevant policy documents reflects the gradual transformation of views on the digitalization process in the shortest period. If initially the "figure" was perceived as a challenge, then it became a national interest for Russia, today it is a key national project.

The main strategic direction of the adopted documents is the creation in Russia of a digital ecosystem that mediates economic activity through the interaction of huge arrays of digital information.

According to the adopted Strategy, digitalization affects absolutely all sectors of socio-economic activity and is designed to create the necessary conditions for highly effective inter-sectoral interaction, maintaining traditional sectors of the economy and converting them to digital format, as well as creating new, high-tech areas of activity, avoiding obstacles and restrictions to their development which, in general, opens the way for the Russian economy to the global market and ensures its competitiveness in the world economy (Starichenko, 2020).

Considering the legal aspects of digitalization, we note that the difficulties in creating an adequate, time-appropriate legal support for socio-economic processes begin already at the stage of formation of a single and consistent conceptual apparatus. It is no secret that until today a unified approach to the interpretation of the term “digital economy” in science has not been developed. It is generally accepted that for the first time this concept was introduced back in 1955 by the American professor Negroponte N. and was interpreted as an economic activity carried out by digital technologies (Uvarov, 2018). However, today there are still terminological discussions regarding the definitions of the digital economy.

On various discussion platforms, the formulation of Engovatov A. A. is widely known, which interprets the digital economy as based on computer digital technologies, innovative methods of creating, storing, processing and transmitting data. According to the definition of Corresponding Member of the Russian Academy of Sciences Ivanov V.V., the digital economy is a virtual environment integrated into reality (Ustyuzhanina, 2018).

Vasilenko N. V. interprets the digital economy more broadly as a type of economic device, which is characterized by the introduction into practice and the widespread use of digital technologies for processing, storing and transmitting data (Ministry of Education of Russia, 2019). In the presence of existing discrepancies, the Strategy for the Development of the Digital Society of the Russian Federation legislates the following interpretation: “the digital economy is an economic activity in which digital data is a key factor in production, processing large volumes and using the results of analysis of which, compared with traditional forms of management allow to significantly increase the efficiency of various types of production, technologies, equipment, storage, sale, delivery of goods and services (Shakhgiraev & ZubairaeV, 2021). In our opinion, such an interpretation does not fully cover all aspects of the concept, while it is quite applicable in practice, since it has one serious advantage - the allocation of digital data as an object of legal relations.

With all the discrepancies in the terminological apparatus, it is obvious that a radical transformation of the general economic paradigm requires large-scale changes in the legal system as well. Moreover, the adaptation of regulatory mechanisms to digital realities should not be superficial at all, but should affect the deepest aspects of legal regulation.

In this regard, one of the key areas of both the Program and the Digital Economy Project is precisely the issues related to the legal support of the digital economy model. In accordance with the Federal project “Regulatory regulation of the digital environment”, urgent legal transformations are not limited to the massive introduction of a digital product or the expansion of electronic document management. Today we are already talking about such categories as the management and regulation of legal relations of robotic subjects (we are talking about the possibilities of artificial intelligence and other “unmanned” technologies) (Napalkova, 2019). The topic of the possible subjectivity of artificial

intelligence and other high-tech machines, as well as the delegation of justice to information systems and the solution of legal relations on digital platforms, is being seriously discussed in scientific discourse today. This discussion is very controversial, and primarily affects the moral and ethical aspects of law, however, what seemed a fantasy a few years ago has become a real object of research today (Murtazova, 2022).

Turning to the main trajectories of the development of the digital economy, we clearly differentiate two independent directions in it. The first is the integration of high technologies and “numbers” into the already established, traditional economic system. The goal of this direction is transparent – improvement and increase of the competitiveness of the existing economic base (Vorontsova et al., 2019). The second direction is the formation of an innovative, previously non-existent type of cryptoeconomics, which has become a natural consequence of the development of the Internet, artificial intelligence, big data, social networks, blockchain systems, mining and cryptocurrencies, the widespread use of gadgets, and the development of digital service resources.

If everything is more or less clear with the development of the first direction - stable and familiar forms of subject legal relations continue to interact here, then in the second direction we are seeing the emergence of absolutely innovative subjects of law: cryptocurrency, tokens, smart contracts.

Let’s consider what are the main vectors of law modernization as part of the adaptation of the traditional economic paradigm to new realities. Here, the primary tasks of legal regulation are the following (Fedorov, 2013):

- i. formation of a regulatory framework for the processing, storage and protection of information, taking into account the interests of participants in legal relations;
- ii. legal regulation of cross-industry issues related to the transition to digital (identification of legal entities, introduction of electronic document management);
- iii. integration of innovative intellectual developments;
- iv. update of statistical accounting;
- v. modernization of the legal framework in the field of antimonopoly policy;
- vi. modernization of instruments for legal protection of consumer interests in the new business environment;
- vii. creation of infrastructure to optimize the processes of digitalization of the economy;
- viii. development of regulatory and legal consolidation of the status of electronic transactions, etc. (Starichenko, 2020).

Digital mechanisms for identifying subjects of law should also be added here: biometric signature, mobile electronic signature, personal identification by mobile phone number and email address.

In the field of financial transactions, there is a need to highlight and consolidate such concepts as “digital financial assets”, “digital offer”, “digital acceptance” (Klishina et al., 2017).

The formation of new forms of legal relations in the context of the digitalization of the economy has necessitated the adoption of documents establishing a new legally fixed category - “digital law”. The

Law on Digital Rights” adopted on March 18, 2019 (No. 34-FZ “On Amendments to Parts One, Two and Article 1124 of Part Three of the Civil Code of the Russian Federation”) defines digital law as “obligatory and other rights, the content and conditions for the exercise of which are determined in accordance with the rules of the information system that meets the criteria established by law. Implementation, disposal, including transfer, pledge, encumbrance of digital rights in other ways or restriction of disposal of digital rights are possible only in the information system without recourse to a third party (Taranova et al., 2021).

Legal sources indicate that digital rights are enshrined in the list of civil rights, along with non-cash funds and paperless securities, as a special form of property rights.

The implementation of digital rights is carried out exclusively in the presence of a digital system that fixes these rights (databases and technical means of information processing).

The Law on Digital Rights introduced a number of new concepts into the legal field and led to the digital transformation of contractual relations (Shmatko et al., 2016). These innovations have greatly simplified the procedure for making a number of transactions using Internet resources and other electronic devices. In particular, we are talking about electronic transactions and smart contracts. Electronic transactions essentially reflect the basic principles of traditional Russian contract law, and their application in electronic format is an example of the transition of this law to the digital economy.

As for the concept of “smart contract”, this is a digital interpretation of the conditions for the automatic conclusion of a transaction on the principle of “if ..., then ...”, upon execution of which information is encoded into a distributed ledger, automatically changing the state. After agreement with all parties to the contract, the terms of the smart contract cannot be changed. Smart contracts are widely used in the banking and insurance business. Their undoubted advantage is the possibility of verification and the security of its data from third parties (Podkolzina, Belousov, et al., 2021).

As we can see, the digital market is in a state of dynamic evolution. By and large, a person barely has time to master the innovations that the digital revolution presents to him. And, here I would like to return to what was said above, namely, to the second vector of the development of the digital economy - its crypto version. We have already touched on blockchain technologies and smart contracts. I would like to briefly consider the essence of a new vector of economic development - cryptosystems. It, unlike the traditional law enforcement system, the cryptosystem as an object of legal relations has not an individual, but a certain digital entity, a digital profile formed by network resources. It is logical that this digital entity has a certain connection with digital rights, but today this connection of a particular person with his digital profile has no legislative support. In fact, this new crypto-property is in no way attached to a person’s digital profile. Along with this, the entire world crypto-economy is built around a person with a gadget who has a digital profile. It turns out a vicious circle and the inability to legally regulate such legal relations (Podkolzina, Gladilin, et al., 2021).

Recognizing the fact that today Russia is far behind the main leaders of digitalization and its legal support (USA, Japan, Western Europe), it can be said with confidence that in the competition for the leading role in the field of legal regulation of the economy, the state that is the first to be able to regulate the cryptocurrency market.

As in most countries, the turnover of cryptocurrencies in our country is the most (or rather, completely) undeveloped in terms of legal regulation. Meanwhile, it is crypto money that is the most promising direction for the development of the economy. The process of entry of alternative monetary circulation into life can hardly be stopped, and it becomes clear that it would be more expedient for the world market to give digital currency a legal status. In this case, the circulation of cryptocurrency will become controlled, which will avoid many threats: laundering of illegal income, financing of terrorism, erosion of the tax base (Elbuzdukaeva et al., 2019).

Today, the phenomenon of cryptocurrency in line with civil law in Russia has been studied very little, so much so that it is not possible to talk about established definitions. In the meantime, it is necessary to start with the formation of a conceptual apparatus. What is a cryptocurrency: a commodity, alternative money, a means of exchange or payment? These issues have not yet been resolved and the legal status of crypto money is not enshrined in legislation. Accordingly, their law enforcement is associated with a lot of restrictions, problems and threats (Sugaipova & Gapurov, 2018). There is no doubt that the solution of issues of legal regulation of the circulation of digital currency should be implemented with the involvement of leading scientific concepts and based on the public goals of the state.

It should be noted that the introduction of the latest cryptoeconomic technologies - smart contracts, blockchain, mining and cryptocurrency - is still an insufficiently studied area for most ordinary people, although it has become an everyday reality (Podkolzina, Taranova, et al., 2021). The widespread use of such technologies certainly arouses an increased interest of citizens, but there are no clear ideas about the nature of these phenomena, how legitimate they are, how mining works, how protected their personal data is, whether electronic transactions are subject to taxation - most users have no answers to these questions. This fact only emphasizes the need to resolve the legal uncertainty of these and other digital phenomena as soon as possible (Podkolzina, Belousov, et al., 2021).

So, in the most general form, we have covered the main trends in the development of the digital economy from the point of view of legal regulation. Of course, we are limited by the format of the article and the presented review does not give a complete picture of the state and problems of the legal institution in the situation of its mediation of global economic processes. We have only touched on the most significant aspects and key areas for the development of digital law in the realities of digitalization of the domestic economy (Agarkova et al., 2016). One thing is obvious - the widespread integration of digital technologies into social processes is a factor that creates both new opportunities and multiple risks, accompanied by uncertainty, inconsistency, which are very difficult from the point of view of any forecasting. In this regard, the primary task is to transform the legal institution of Russia in accordance with the requirements of the new reality.

7. Conclusion

In conclusion, the paramount challenges facing the digital economy today revolve around the absence of a robust regulatory framework that could serve as the cornerstone for its sustainable development. The nascent stage of digitalization in our country underscores the absence of steadfast regulatory mechanisms for legal support in economic development. Urgent modernization of the legal

institution is imperative, aligning with the contemporary realities of the digital world. A unified approach to comprehending the essence of the digital economy is of utmost importance. The legal status of cryptocurrency remains an open question, demanding the formulation of a legal framework governing the use of bitcoins in Russia.

Crucially, the legal mediation of digital economy processes necessitates an integrated approach to digital legal relations. This approach views digital technologies not merely through their technical facets but as integral elements of an ecosystem comprising subjects, objects, and the connections between them. The realization of such objectives should be grounded solely in the latest scientific concepts and technological advancements. This underscores the urgency for proactive measures in shaping a comprehensive and adaptive legal framework to effectively navigate the intricacies of the evolving digital landscape.

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