

ГОСПОДАРСЬКЕ ПРАВО, ГОСПОДАРСЬКО-ПРОЦЕСУАЛЬНЕ ПРАВО

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THE IMPACT OF THE DIGITALIZATION OF THE UKRAINIAN ECONOMY ON BUSINESS ACTIVITIES

The article is devoted to studying the impact of the processes of digitalization of Ukraine's economy on entrepreneurial activity in the context of modern socio-economic transformations. It emphasizes that digitalization is one of the key factors in the modernization of the national economy, the formation of new business models, the transformation of organizational and legal forms of entrepreneurship, and the improvement of mechanisms for the legal regulation of economic relations. The main areas of influence of digital technologies on entrepreneurial activity are analyzed, in particular the development of e-commerce, digital platforms, business process automation, the use of big data, cloud services, and artificial intelligence.

The article identifies the advantages of digitalization for business entities, including increased management efficiency, reduced transaction costs, expanded market access, and simplified interaction with public authorities and counterparties. At the same time, it outlines the main challenges and risks associated with the digital transformation of business, including cybersecurity, personal data protection, uneven access to digital resources, and the imperfection of current legal regulations.

Particular attention is paid to the analysis of the regulatory framework for the digitalization of entrepreneurial activity in Ukraine and its compliance with current economic needs. The need for further adaptation of legislation to the conditions of the digital economy in order to create a favorable business environment and stimulate innovative activity is substantiated. It is concluded that the digitalization of the economy is an important tool for increasing the competitiveness of Ukrainian entrepreneurship and ensuring the sustainable economic development of the state.

Keywords: digitalization of the economy, entrepreneurial activity, digital technologies, e-commerce, digital platforms, business processes, legal regulation of entrepreneurial activity, innovative development.

Problem Statement. The rapid development of digital technologies and their active integration into business activities are driving profound transformations in economic processes, forms of business organization, and mechanisms of legal regulation of economic relations. Digitalization reshapes traditional approaches to entrepreneurial activity, fosters the expansion of e-commerce and digital platforms, promotes remote business management models, and enables the widespread use of electronic contracts and digital document management. At the same time, these processes give rise to new legal challenges related to ensuring legal certainty regarding the status of business entities in the digital environment, protecting personal data, maintaining cybersecurity, establishing liability for breaches of commercial obligations, and adapting existing economic legislation to the realities of the digital economy.

The current regulatory framework of Ukraine has largely been developed with traditional models of business activity in mind and does not always meet the needs of a digitalized economy. This leads to regulatory gaps and conflicts, complicates the practical implementation of the rights and obligations of business entities, and constrains the development of innovative forms of entrepreneurship. Under these conditions, a comprehensive study of the specific features of conducting business activities in the context of digitalization, as well as the identification of directions for improving legal regulation with due regard to national and

European experience, becomes particularly relevant.

Analysis of Recent Research and Publications. Among the scholars who, to one extent or another, have addressed this issue are Briukhovetska N., Vinnyk O., Dovhan O., Yefremova K., Matvieieva A., Milash V., Tishchenko I., Chorna O., Shapovalova O., Shchegliuk S., and others.

Research Objectives. The purpose of this article is to provide a comprehensive analysis of the specific features of conducting business activities in the context of digitalization and to identify the main directions for improving the legal regulation of economic relations in the digital environment. To achieve this objective, the article seeks to address the following tasks: to analyze scholarly approaches to understanding the digitalization of business activities and its impact on the transformation of economic and legal processes; to characterize the legal framework governing business activities in the context of digitalization in Ukraine, with due regard to European experience; to determine the specific features of conducting business activities using digital technologies, in particular digital platforms, electronic contracts, and electronic document management; to identify the key problems and risks of legal regulation of business activities in the digital environment; and to substantiate directions for improving Ukraine's economic legislation in order to ensure the effective and secure development of the digital economy.

Presentation of the Main Material. Digitalization is a multifaceted

process. As some scholars rightly note, it encompasses not only technological changes but also profound social, economic, and legal transformations. Digitalization is not merely the introduction of new technologies; rather, it is a process that reshapes the structure and functioning of public institutions, the economy, and society as a whole [1].

The study of the preconditions for the formation and manifestations of new economic relations in the processes of production, distribution, exchange, and consumption of material goods and services within the digital economy demonstrates their high dynamism as well as their innovative and transformative nature. In accordance with the feedback mechanism, these processes exert a tangible positive impact on economic development and societal change in general. The emergence and evolution of new forms of economic relations lead to the transformation of the economic system and market structure, simplify the conditions for conducting entrepreneurial activities, change the nature of labor processes and employment, approaches to the organization of production and management, and contribute to increased labor productivity and enhanced production efficiency.

At the same time, it is appropriate to agree with O. M. Vinnyk, who notes that the use of digital technologies contrary to the interests of society and/or in violation of the rights and legitimate interests of individuals poses a threat to both civil society and the digital economy [2, p. 12]. This is due to the need to address new challenges caused by the introduction of modern digital technologies, which cannot be adequately regulated by existing classical norms of morality and law, as well as the necessity to take into account the legal conse-

quences of the use of automated systems and existing regulatory gaps in the field of artificial intelligence, taking into consideration the requirements of anti-trust legislation, personal data protection laws, and intellectual property law.

In this regard, we support the position of I. Tishchenko, who argues that digital transformation leads to increased monopolization of certain markets that are particularly sensitive to the use of digital products and assets, intensified competition, growing digital inequality, and the emergence of ethical issues related to the use of artificial intelligence, information confidentiality, cyber threats, and cyber risks, which necessitates the development and implementation of adequate policies to counteract these negative phenomena. The need to support and develop new forms of economic relations requires addressing a range of issues related to ensuring effective regulation of the processes of development, implementation, and ethical use of digital technologies, improving risk management associated with the use of generative artificial intelligence, regulating platform activities and platform-based employment, creating safe working conditions, protecting personal data, reducing the digital divide, and improving the taxation of crypto-asset transactions, among other measures. These efforts will contribute to sustainable and secure economic development, as well as to the strengthening of digital and technological sovereignty [3].

The processes of economic digitalization lead to the formation of new sectors of economic activity that encompass virtually all spheres of social and economic life. According to scholarly assessments [4], such sectors primarily include digital platforms, which

permeate various types of activities and function as virtual marketplaces by integrating communities of users, software, hardware, and network infrastructures, organizational solutions, and high-tech business models aimed at creating value by facilitating interaction between two or more interdependent groups of participants. Such platforms include search engines, social networks, e-commerce platforms, mobile application stores, price comparison websites, and others [5, pp. 2-4].

An important area of digitalization is the transformation of public administration, which involves the provision of public services, the exercise of supervisory functions, the issuance of certificates, the collection of electronic petitions, and other administrative procedures in electronic form, in particular within the framework of the e-government concept. A demonstrative example of this approach is the state project "Diia – Digital State," which is implemented through relevant digital platforms and online public service tools, including "Diia," "Diia.Business," and "Diia.City."

A distinct place in the structure of the digital economy is occupied by electronic business, or e-business, which is based on the automation of business processes, the exchange of commercial information, and the execution of transactions using information systems. The most common forms of such business are e-commerce and e-trade. At the same time, innovative communities and ecosystems are developing, bringing together like-minded individuals and organizations willing to experiment with new approaches to management and cooperation within their own innovative environments. As noted by O. Omelianenko, members of innovation

communities strive for mutual development, the achievement of new levels, and the generation of ideas whose implementation would be impossible under conditions of individual activity; at the same time, the role of cross-sectoral cooperation and active feedback from customers is increasing [6, p. 100].

Further development of the digital economy has contributed to the emergence of such specific areas as electronic auctions, which involve the creation of organized markets based on specialized information systems with defined trading and access rules; electronic logistics, focused on managing information flows in the field of transportation and supply, particularly within e-commerce; and electronic medicine, which provides medical and related services, consultations, and medical data management using information technologies. At the same time, electronic trading, which provides access to currency, stock, and commodity markets via the Internet, electronic banking, which covers the full range of banking services in an online format, and electronic insurance, which enables the remote purchase of insurance products, are actively developing. E-learning and e-education, implemented through digital and Internet technologies, have also become widespread, along with other areas of the digital economy, the list of which continues to expand.

Modern information and communication technologies significantly influence the conduct of business activities, sometimes resulting in a fundamental transformation of the traditional elements of the economic legal relations they mediate. One of the most pressing issues today concerns the role and place of artificial intelligence in the system of social legal relations regulated by vari-

ous branches of law. Business entities use artificial intelligence to create virtual assistants or conversational agents for customers, namely chatbots, which are designed to perform standard operations. In the field of data management, artificial intelligence enables the monitoring and supervision of company data; for example, such technologies can monitor the condition of equipment, thereby reducing the risks of damage or sudden breakdowns. According to O. Kravtsova, there are three main areas in which artificial intelligence algorithms will be applied most actively in Ukraine. The first is the state, which shapes policies and priorities, public procurement, investment attraction, and project financing—for example, the use of artificial intelligence systems in public services, the formation of open data policies, the development of startup support programs, and their involvement in GOVTech activities. The second area is business, which, due to flexibility, high-quality management, and rapid implementation, can develop machine learning, IoT, AR/VR, and robotics. The third area is public-private partnership, which experts consider the most optimal option for forming a new industry; this includes the development of artificial intelligence for space exploration, smart cities, new energy, and transport [7]. The implementation of the Internet of Things raises the issue of redefining legal personality in conditions where objects equipped with appropriate technical tools are capable of performing a full range of necessary operations and interactions without human involvement, which is directly related to the use of so-called artificial intelligence and similar technologies.

The position of K. V. Yefremova is well-founded in asserting that selective

and unsystematic efforts to overcome the problems of legal regulation of the digital economy, in particular in the field of the use of artificial intelligence in business activities, do not yield proper results without a comprehensive renewal of the state's economic and legal policy as a whole [8].

The body of regulatory legal acts in the field of digitalization includes the Concept for the Development of the Digital Economy and Society of Ukraine for 2018–2020 [9], the Concept for the Development of Artificial Intelligence in Ukraine [10], the Concept for the Development of the Electronic Services System in Ukraine [11], the Strategy for the Digital Transformation of the Social Sphere [12], the Strategy for Digital Development, Digital Transformations, and Digitalization of the Public Finance Management System until 2030 [13], the Strategy for the Digital Development of Innovation Activities of Ukraine until 2030 [14], the Strategy for Recovery, Sustainable Development, and Digital Transformation of Small and Medium-Sized Enterprises until 2027 [15], and others. All these regulatory acts are aimed at creating a vector for the legal regulation of digitalization processes in various areas; however, some of them have already lost their relevance.

In addition, the Verkhovna Rada of Ukraine has adopted a number of laws, including the Law of Ukraine “On Electronic Communications” [16], “On Stimulating the Development of the Digital Economy” [17], “On Public Electronic Registers” [18], “On Virtual Assets” [19], and “On Cloud Services” [20], as well as other regulatory acts.

However, even a cursory analysis of legislation in the field of digitalization provides sufficient grounds to assert that it is fragmented, does not cov-

er all areas, and lacks clear concepts, strategies, and implementation plans, especially in light of the martial law in Ukraine. At present, there is no unified vision for the development of the digital economy in Ukraine, no assessment of the impact of digitalization processes on various sectors, and no regulatory mechanisms for preventing related risks. Some acts are outdated and require urgent revision.

Ukrainian legislation in the field of digitalization is being formed as a comprehensive, interdisciplinary system of legal norms regulating social relations related to the introduction and use of digital technologies in the public and private spheres. It encompasses provisions of constitutional, economic, civil, administrative, information, and financial law and is aimed at ensuring the legal framework for the digital economy, e-government, electronic services, digital platforms, as well as the use of information and communication technologies and automated systems.

A characteristic feature of legislation in the field of digitalization is its fragmented nature, resulting from the gradual adoption of regulatory legal acts governing specific areas of digital development, including electronic communications, electronic registers, cloud services, virtual assets, and the stimulation of digital economy development. The absence of a unified codified act complicates the systemic nature of legal regulation and leads to gaps and conflicts, particularly with regard to the legal status of new digital subjects and objects of legal relations.

At the same time, Ukrainian legislation in the field of digitalization is characterized by a high degree of dynamism and adaptability, driven by the

rapid pace of technological development and the emergence of new forms of business activity. This is manifested in the continuous updating of the regulatory framework, the use of technologically neutral legal constructions, and the consolidation of evaluative concepts that require further doctrinal interpretation and judicial clarification.

A significant feature of the current stage of development of legislation in the field of digitalization is its orientation toward European and international standards, implemented through the harmonization of national legislation with European Union law, particularly in the areas of personal data protection, competition, e-commerce, and digital services. At the same time, the full implementation of these approaches requires further improvement of legal mechanisms, institutional support, and coordination among norms of different branches of law.

As noted by some scholars [21], digitalization has both positive and negative effects. On the one hand, the digitalization of the economy expands Internet users' access to global goods and services markets "without borders," simplifies financial transactions, and provides opportunities for improving knowledge and practical skills regardless of a person's location. Companies gain new opportunities to enhance efficiency and competitiveness in the market. On the other hand, economic digitalization also entails significant risks related to cybersecurity for individuals, businesses, and even states, inequality in access to technologies, and negative environmental impacts. In our view, a balance of interests among various participants in the digitalization process is required: while businesses' efforts to implement elements of digital

economy infrastructure represent an evident step forward, the risks posed by cyber threats in some cases outweigh the potential positive effects. Consumers of digital services undoubtedly appreciate expanded opportunities (such as app-based ordering and Internet banking); however, the risk of personal data breaches still deters certain groups of potential users.

This necessitates a revision of both the overall system of legal regulation of entrepreneurial activity and its individual components. Protection against intrusive advertising in the form of spam (calls, SMS messages), pop-up advertising windows, and similar practices is one of the prerequisites for the successful implementation of online commerce in all spheres of life. The legislator has partially addressed these obstacles. Thus, Part 2 of Article 143 of the Law of Ukraine "On Advertising" stipulates that "the dissemination of advertising in the form of spam, including mass calls using any communication technologies without the prior written consent of the consumer, including in electronic form, is prohibited" [22].

Considering the impact of digitalization on entrepreneurial activity, it

can be concluded that it is a necessary component of success in the modern world. Digital transformation enables enterprises to increase efficiency and profitability, enhance customer loyalty, and secure a competitive advantage in the market. At the same time, digitalization entails a wide range of risks that must be carefully assessed before incorporating digital elements into the activities of any enterprise.

Moreover, digital transformation requires businesses to be prepared for continuous change and ongoing updates. The same applies to the mechanisms of legal regulation in this area. It is evident that the amount of time currently spent on drafting legislation in the field of digitalization is unacceptable under contemporary conditions. The world has accelerated, and all processes have followed suit. In our opinion, approaches to law-making must be fundamentally revised. One possible solution is the application of legal forecasting methods in regulatory legal acts related to digitalization, proposing models of legal regulation that may be needed not only at present but also in the future.

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Вплив цифровізації економіки України на здійснення підприємницької діяльності

Статтю присвячено дослідженню впливу процесів цифровізації економіки України на здійснення підприємницької діяльності в умовах сучасних соціально-економічних трансформацій. Акцентовано увагу на тому, що цифровізація виступає одним із ключових чинників модернізації національної економіки, формування нових бізнес-моделей, трансформації організаційно-правових форм підприємництва та вдосконалення механізмів правового регулювання господарських відносин. Проаналізовано основні напрями впливу цифрових технологій на підприємницьку діяльність, зокрема розвиток електронної комерції, цифрових платформ, автоматизацію бізнес-процесів, використання великих даних, хмарних сервісів та штучного інтелекту.

У статті визначено переваги цифровізації для суб'єктів підприємництва, серед яких підвищення ефективності управління, зниження транзакційних витрат, розширення доступу до ринків, спрощення взаємодії з органами публічної влади та контрагентами. Водночас окреслено основні виклики та ризики, пов'язані з цифровою трансформацією бізнесу, зокрема питання кібербезпеки, захисту персональних даних, нерівномірного доступу до цифрових ресурсів, а також недосконалості чинного правового регулювання.

Особливу увагу приділено аналізу нормативно-правових засад цифровізації підприємницької діяльності в Україні та їх відповідності сучасним економічним потребам. Обґрунтовано необхідність подальшої адаптації зако-

нодавства до умов цифрової економіки з метою створення сприятливого бізнес-середовища та стимулювання інноваційної активності. Зроблено висновок, що цифровізація економіки є важливим інструментом підвищення конкурентоспроможності українського підприємництва та забезпечення сталого економічного розвитку держави.

Ключові слова: цифровізація економіки, підприємницька діяльність, цифрові технології, електронна комерція, цифрові платформи, бізнес-процеси, правове регулювання підприємницької діяльності, інноваційний розвиток.