

DOI <https://doi.org/10.51647/kelm.2023.3.20>**CECHY REGULACJI PRAWNYCH STOSUNKÓW SPOŁECZNYCH W DZIEDZINIE IT****Daria Zaika***aspirantka Katedry Prawa Pracy**Narodowego Uniwersytetu Prawniczego imienia Jarosława Mądrego (Charków, Ukraina)*

ORCID ID: 0000-0002-9556-5148

daria.zaika.ua@gmail.com

Adnotacja. W warunkach cyfryzacji branża IT stała się jedną z najbardziej obiecujących branż w Ukrainie i na świecie, i ma znaczną liczbę fachowców i specjalistów. Aktualność tematu artykułu polega na tym, że nowe warunki życia i pracy powodują konieczność dostosowania regulacji prawnej głównej gałęzi gospodarki państwa ukraińskiego, aktualizacji instytucji prawnych. Celem tego artykułu jest zbadanie specyfiki regulacji prawnych w stosunkach publicznych w dziedzinie IT, w szczególności w zakresie prawa publicznego i prawa prywatnego. Autorka artykułu wykorzystała metodę porównania, syntezę interdyscyplinarną, metodę abstrakcji izolacyjnej, metodę konkretyzacji, uogólnienia, metodę teleologiczną, metodę porównawczo-prawną. W pracy przeanalizowano prawny charakter stosunków społecznych w branży IT, zbadano specyfikę regulacji prawnej każdego z tych składników, argumentowano potrzebę wprowadzenia uproszczonego trybu regulacji branży IT. Te wyniki badań pozwolą na dalsze głębsze spojrzenie na regulacje prawne dotyczące zatrudnienia na platformie.

Słowa kluczowe: dziedzina IT, branża IT, sektor IT, prawo publiczne, prawo prywatne, tryb uproszczony.

FEATURES OF THE LEGAL REGULATION OF SOCIAL RELATIONSHIP IN THE IT SPHERE**Daria Zaika***Postgraduate Student at the Department of Labor Law**Yaroslav Mudryi National Law University (Kharkiv, Ukraine)*

ORCID ID: 0000-0002-9556-5148

daria.zaika.ua@gmail.com

Abstract. In the conditions of digitization, the IT sphere has become one of the most promising industries in Ukraine and the world, and has a significant number of specialists. The relevance of the topic of the article lies in the fact that the new conditions of life and work make it necessary to adapt the legal regulation of the leading sector of the economy of the Ukrainian state, to update legal institutions. The purpose of this article is to investigate the peculiarities of legal regulation of public relations in the IT sphere, in particular, public-law and private-law. The author of the article used the method of comparison, interdisciplinary synthesis, method of isolating abstraction, method of concretization, generalization, teleological method, comparative legal method. The paper analyzes the legal nature of public relations in the IT sphere, investigates the peculiarities of legal regulation of each of these components, argues the need for the implementation of a simplified regime of regulation of the IT sphere. These results of the study will allow further in-depth consideration of the legal regulation of platform employment.

Key words: IT sphere, IT industry, IT sector, public law, private law, simplified regime.

ОСОБЛИВОСТІ ПРАВОВОГО РЕГУЛЮВАННЯ СУСПІЛЬНИХ ВІДНОСИН В ІТ СФЕРІ**Дар'я Заїка***аспірантка кафедри трудового права**Національного юридичного університету імені Ярослава Мудрого (Харків, Україна)*

ORCID ID: 0000-0002-9556-5148

daria.zaika.ua@gmail.com

Анотація. В умовах цифровізації ІТ-сфера стала однією з найбільш перспективних галузей в Україні та світі, і нараховує значну кількість фахівців та спеціалістів. Актуальність теми статті полягає в тому, що нові умови життя та праці зумовлюють необхідність адаптувати правове регулювання провідної галузі економіки Української держави, оновити правові інститути. Мета цієї статті – дослідити особливості правового регулювання суспільних відносин в ІТ-сфері, зокрема публічно-правових та приватно-правових. Авторка статті використала метод порівняння, міждисциплінарний синтез, метод ізолюючої абстракції, метод конкретизації, узагальнення, телеологічний метод, порівняльно-правовий метод. У роботі проаналізовано правову природу суспільних відносин в ІТ сфері, досліджено особливості правового регулювання кожної з цих складових, аргументовано необхідність

впровадження спрощеного режиму регулювання ІТ-сфери. Ці результати дослідження дадуть змогу надалі більш глибоко розглянути правове регулювання платформної зайнятості.

Ключові слова: ІТ-сфера, ІТ-галузь, ІТ-сектор, публічне право, приватне право, спрощений режим.

Introduction. Ukraine has a number of priority tasks within the legal regime of martial law, among which the preservation of the economy at the pre-war level and the creation of a reliable rear for the military are of primary importance. Active hostilities, power outages and an unstable economic environment force Ukrainians to quickly adapt to new living and working conditions.

Despite these challenges, the IT sector showed high performance, in particular, “85% of companies were already operating normally in March 2022. As of January 13, 2023, the IT sector accounted for almost half of the total volume of services exports, which is a significant increase compared to 2021. Today, the IT industry is the only business that has grown during the year of the war compared to previous indicators and has an important role in the state’s economy. At the end of 2022, IT services became the leader of Ukrainian exports, surpassing even the metallurgical industry” (Заїка, 2023: 120).

In this way, the IT sphere has become one of the most promising industries in Ukraine and has a significant number of specialists. In view of the full-scale aggression against Ukraine, the IT industry is one of the few that can function without significant changes, which has caused an increase in the already existing large community of specialized specialists. In addition, the factors that led to the growth of the IT community were strengthened by the rapid development of the industry in the context of the digital transformation of society and production processes, which led to the emergence of new IT professions.

The purpose of this article is to investigate the peculiarities of legal regulation of public relations in the IT sphere, in particular, public-law and private-law.

The scientific works of such legal scientists as: L. Amelicheva, S. Venediktov, L. Vyshnovetska, V. Datsyuk, V. Zhernakov, I. Zinovatna, M. Inshin, O. Lutsenko, P. Pylypenko, S. Prilypko, O. Protsevsky, O. Sereda, S. Silchenko, Kh. Chanysheva, O. Yaroshenko and others. Without diminishing the contribution of the mentioned scientists, we note that, despite the development of the general issue, proper justification of the division of the components of the IT sphere into private-legal and public-legal was not carried out, which determines the relevance of the chosen topic.

Main part. In order to realize the specified goal, the following **tasks** have been set: to analyze the legal nature of social relations in the IT sphere, to determine the limits of private-law and public-law social relations in the IT industry, to investigate the peculiarities of the legal regulation of each of these components, to argue the need for the introduction of a simplified regime of regulation of the IT sphere.

Material and methods. In accordance with the tasks of scientific research, empirical, general logical and special (specific) research methods were used in the work. Let’s consider each method separately to justify its choice.

In particular, the article uses the method of comparison, because it “establishes the general, singular and special in the studied objects” (Данильян, Дзьобань, 2017: 220). This makes it possible to compare IT with other sectors of the economy, as well as to compare the two components of social relations in the IT sphere (private-legal and public-legal) with each other according to selected criteria, that is, their identity and difference according to certain characteristics, namely with the use of qualitative and quantitative comparison.

Also, an interdisciplinary synthesis was chosen for the study of the problem. This method makes it possible to synthesize data on the structural properties of objects of various disciplines, namely the theory of law, civil and labor law.

In addition, the method of isolating abstraction was applied, as it “selects some properties and relations that are beginning to be considered as independent individual objects” (Данильян, Дзьобань, 2017: 220). Using this method, we can highlight some signs of social relations in the IT sphere, as a result of which it will be possible to distinguish private-law and public-law social relations in the IT sphere, which will be considered as separate components of this sphere.

In addition, for the realization of the specified goal, the concretization method was used, since it requires taking into account all the real conditions in which the object under study is located. With the help of the concretization method, it is possible to check “the correctness of the ideas obtained as a result of abstraction about the properties of real objects and to highlight their essential connections, properties and relations” (Данильян, Дзьобань, 2017: 220).

The next chosen method is generalization, because it makes it possible to extend the general features of a group of objects to all objects of the set of social relations in the IT sphere, as well as to highlight the essential features of individual components of social relations in the IT sphere with the help of specific-general generalization.

The teleological method is used in the work, since thanks to this method it is possible to analyze the content of the legal prescription, revealing and revealing the goals of the adoption of the legal norm and, in relation to it, the grammatical and logical essence of the legislator’s formulations, which are contained in the texts of normative and legal prescriptions. That is, “using this method, we can find out the meaning of the legal norm with the help of its purpose” (Данильян, Дзьобань, 2017: 223). This method is needed to find out what legal regime would be appropriate to apply to regulate public relations in the IT sphere.

Also, the comparative legal method was used for this study, because it makes it possible to compare legal concepts, phenomena and processes, to find out similarities and/or differences between them, and to establish the qualitative state of individual components of social relations in the IT sphere.

Results and their discussion. *Public relations in the IT sphere: current state and development prospects.* In the conditions of digitalization, Ukraine has chosen the path of introducing technological innovations in all spheres of the economy, as evidenced by the approval of the Strategy for the Development of High-Tech Industries until 2025, the creation of the Strategy “Ukraine – 2030E – a country with a developed digital economy”, the creation of the project “Digital Agenda of Ukraine – 2020” and a number of other acts. The Ministry of Digital Transformation of Ukraine was created and is actively functioning, the main functions of which are the formation and implementation of state policy: in the field of IT industry development; in the areas of digitization, digital development, digital economy, digital innovations and technologies, development of the information society; e-commerce and business, etc. These measures contribute to the growth of the IT industry and increase the number of IT specialists on the labor market.

In 2018, the Concept of the Development of the Digital Economy and Society for 2018–2020 was approved in Ukraine, which significantly supported the development of the Ukrainian IT sector. The main goal of this document is to implement the initiatives of the “Digital Agenda of Ukraine 2020” (digital strategy) to remove barriers to the digital transformation of Ukraine in the most promising areas, in particular in the field of IT. The developers believe that the implementation of the measures of the Concept will help “stimulate the economy and attract investments, provide a basis for the transformation of domestic industries into competitive and efficient ones due to their “digitalization”, solve the problem of the “digital divide” and bring “digital” technologies closer to citizens, in particular, by ensuring citizens’ access to broadband Internet, especially in villages and small cities, creating new opportunities for the realization of human capital, the development of innovative, creative and “digital” industries and businesses, as well as supporting the development of the export of “digital” products and services (IT outsourcing)” (Щеглюк).

By 2025, all spheres of life in most countries of the world will be involved in the process of digital transformation, and the IT industry will reach a new level. This is connected with the formation of innovative and informational social relations, in which the digital economy and the IT sector have a decisive role. Digital transformation involves “the use of information technologies, which as a result leads to qualitative changes in the social relations of the IT sector to improve the quality of services and labor productivity” (Череп, Воронкова, 2022: 68).

In order to reflect how quickly new information technologies are introduced into society, the Digital Economy and Society Index (DESI) is widely used in the EU, which is calculated annually since 2017 by the European Commission for EU member states and other 15 developed countries. Unfortunately, Ukraine is not in the report yet. In the report for 2022, the leading positions were held by Finland, Denmark, the Netherlands, and Sweden. These states can serve as a further guide for Ukraine in the field of digital economy and information technologies.

Thus, the IT sphere is a leading branch of the state’s economy, and Ukraine faced the task of introducing legal regulation of the IT sphere that would correspond to international legal experience (Середа, 2017: 259). The IT sphere has special features that distinguish it from other industries and distinguish public relations among others. However, since the legislator did not define the term “IT field” and the boundaries of social relations of this field, it is necessary to refer to the doctrine of law.

In the legal doctrine, there is no unified interpretation of the boundaries of social relations in the IT industry. As noted by E. Kharitonov and O. Kharitonova, the IT sector encompasses “information technologies and information activity on the Internet” (Харитонов, Харитонова, 2018: 24). In foreign literature, the IT sphere is considered quite broadly, including the concept of “collection, storage and distribution of electronic information on the global market” (Дацюк, 2020:114).

L. Amelicheva turns to the dictionary definition of the IT industry: “a set of methods, production processes, software, technical and linguistic tools, integrated for the purpose of collecting, processing, storing, distributing, displaying and using information in the interests of its users” (Амелічева, 2020: 205).

O. Yavorska believes that the IT sphere is not limited to the Internet space and has a broader meaning that includes the digital environment. This environment includes “websites, web pages, electronic documents, files and digitized objects of intellectual property that are used on electronic devices such as computers, laptops and other gadgets that do not use a paper form of document management” (Яровська, Джочка, Мартин, Самагальська, 2017: 26). This specificity distinguishes social relations of the IT sphere from social relations of information law, despite the fact that these concepts grammatically coincide. In other words, in the IT sphere, information is always connected with computing and information technology, and the use of information on paper media remains outside the IT sphere.

V. Datsyuk agrees with the view of O. Yavorskaya, that social relations in the IT sphere can exist both in a virtual environment using the Internet and outside it (in the real world) with the mandatory use of information technologies (Дацюк, 2020: 115).

Agreeing with L. Amelicheva and O. Yavorska, we accept the definition of the IT sphere provided by I. Shevchuk. According to his views, information technology is “a system of methods and tools used to collect, process and transmit data for the purpose of obtaining new information, as well as its use on the basis of computing and information technology. IT has a scientific, methodical and technological basis of the information industry and combines methods and means for creating, transferring, processing and using information resources, as well as for creating tools and technologies of the information industry. IT includes many different industries, such as computer and telecommunication industries” (Шевчук). Therefore, IT relations include relations of data collection, processing and transmission on the basis of computing and information technology in order to obtain information of a new quality and its use.

Public-law and private-law public relations in the IT sphere. Private-legal and public-legal relations are terms defined by experts in the theory and philosophy of law in educational and scientific literature, which examines

the general theoretical aspects of the division of law into public and private. This division has its roots in the times of Ancient Rome, in particular, “the famous Roman jurist Domitius Ulpian believed that law should be studied as public and as private, while public law (*jus publicum*) is that which belongs to the benefit of the Roman state, and private law (*ius privatum*) is that which belongs to the benefit of individuals” (Скакун, 2009: 242–243).

Modern specialists in the theory and philosophy of law define public law as “a subsystem that consists of a set of norms that regulate relations related to the implementation of the functions of public power in the sphere of realization of the interests of the state and local self-government using the imperative method of legal regulation” (Гордеюк, 2018: 28). The subject of public law consists of relations regarding the realization of public interests, the participants of which are subjects of power (the state, etc.). The branches of public law include constitutional, administrative, financial, tax law, etc.

Private law is a “subsystem of law, which consists of norms that regulate relations in the sphere of realization of private interests, that is, the interests of legal entities and individuals, using the dispositive method. The subject of this right is private law relations regulated by civil, labor, economic, etc. norms” (Петришин, Погребняк, Смородинський et al., 2015: 178).

Public relations in the IT sphere are rightly divided into private law and public law, noting that “the need to take into account the private law and public law coloring of IT relations must be taken into account in order to determine the priority of interests (private or public) and on this basis – the peculiarities of legal regulation, that are used” (Харитонов, Харитонова, 2018: 25).

Private-legal public relations in the IT sphere include: relations related to the creation and termination of legal entities, intellectual property relations, contractual relations involving subjects of IT relations, inheritance relations, etc. Such relations are mostly regulatory, but in some cases they can also be “accompanied by organizational relations (in particular, the creation of legal entities)” (Харитонов, Харитонова, 2018: 26).

Public-legal relations in the IT sphere consist of relations related to taxation, organizational relations, relations of administrative, tax, civil, labor liability for damage caused by relevant offenses in the IT sphere. Taking into account that such relations are public-legal has a pragmatic meaning, since “in practice it is necessary to bear in mind that such relations are regulated only by the norms of legislative acts, they cannot be changed, terminated by agreement” (Харитонов, Харитонова, 2018: 25).

Thus, the IT sphere combines both private law (economic, labor, civil) and public law (administrative, tax, financial). Therefore, the interaction of public (state) and private (market) regulation will ensure “effective operation of information technologies without the threat of strengthening digital capitalism and monopoly” (Щеглюк).

Transition to a simplified regime as a necessary measure of legal regulation of public relations in the IT sphere. One of the prospects for the development of the IT sphere in Ukraine is the decentralization and democratization of the legal regulation of this sphere. According to researchers, the digital environment of the IT sphere is a kind of ecosystem with natural self-regulation based on reputation, trust, protection of personal data, correct use of data, prevention of cybercrime, etc. “64% of citizens polled by the audit company PwC” (Щеглюк) consider such independent regulation to be more effective than state regulation.

The basis of the simplified regime is the contractual regulation of relations, which can have a positive effect on the reduction of paper bureaucracy of subjects of the IT sphere, reduction of shadow employment on digital platforms, establishment of more flexible interaction between the state and subjects of the IT sphere. This state policy will help solve the problem of reputation and trust between participants in the digital environment of the IT sphere, take on the role of an arbiter, for which the state needs to develop new institutional tools to solve the problem of trust between participants in the digital environment of the IT sphere (users of digital platforms). If the state is unable to fulfill new obligations, “new social institutions will be forced to take on the role of arbiter, which in turn may lead to a radical breakdown of established state bodies” (Щеглюк).

It is important to distinguish the simplified regime from special regulation. A simplified regime always deregulates social relations, while “special regulation” can be both simplified (deregulated, “relaxed” for the subject) and regulated (have more requirements/rules for the subject). An example of a special regulation, when it is not simplified, can be the procedure for hiring court employees (on a clearly regulated competitive basis, for other employees such a “requirement” is not provided by legislation). In this case, the special regulation is not simplified. However, the special regulation and the simplified regime may coincide: simplified regulation for employers of small and medium-sized enterprises in terms of maintaining personnel documentation. Therefore, the special regulation is wider than the simplified regime and fully covers the second one.

Under the simplified regime, the emphasis of public legal regulation shifts from the regulation of relations between the state and the subject of the IT sphere to “overcoming the digital divide between generations and between territories (city-rural), ensuring information security on platforms (protection of intellectual property and personal data of users of various platforms), ensuring transparency of investment in the development of information infrastructure, etc.” (Щеглюк). Another factor that has always required the attention and response of the state is the reduction of the level of “shadow” employment and the reduction of the bureaucratic burden on employers. Employers more than ever need the simplification of labor regulation and the reduction of unnecessary bureaucratic procedures in the field of labor relations. Increasing economic attractiveness for the subjects of labor relations should contribute to the expansion of official employment. The solution to these issues has now become the embodiment of the law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Simplifying the Regulation of Labor Relations in the Field of Small and Medium-Sized Businesses and Reducing the Administrative Burden

on Entrepreneurial Activity,” which was adopted on July 19, 2022. The norms of the specified Law are a manifestation of differentiation in the regulation of labor relations, which aims to achieve by the parties to the employment contract genuine agreements that correspond to the real will of the parties, which can be protected in jurisdictional bodies. Such differentiation does not narrow the rights and freedoms of a person, on the contrary, it expands opportunities and removes artificial obstacles in the realization of his interests.

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Therefore, the challenge of the simplified regulation regime of public relations in the IT sphere is the search for how to combine the capabilities of traditional tools with the digital environment and develop new ones to eliminate risks and conflicts in the IT sphere. An example for Ukraine can be the experience of the EU, in which certain principles of management and regulation of the activities of the digital environment have been formed by society. Strategic and program tools are considered to be frameworks: the “Digital Agenda” was developed in the context of the “Strategy for the Development of Europe 2020”, which defines the priorities for the development of the digital transformation of the EU economy. This document is a framework within which EU member states develop “national strategies for the development of the digital economy, form their own priorities” (Щеглюк).

In general, the state (public) administration of Ukraine should focus on removing barriers to the digitalization of the country, correcting defects in market mechanisms, supporting fair competition, attracting investments, developing digital infrastructure and the digital economy “in order to achieve national priorities” (Крайс, Голобородько, Крайс, 2018). After all, solving the problem of coordination requires complex structural and functional changes in the “system of state management of the development of the information infrastructure of the information society, including its highest – political level” (Котелевцев, 2015: 4).

The main task of the simplified regime should be to promote private-public cooperation in the IT sphere in: creating programs for the transformation of the economy; development and support of digital platforms; the development of new information technologies and the construction of the next generation architecture – “for continuous dialogue and joint problem-solving among all relevant stakeholders, including small and medium-sized enterprises, startups, municipal and national governments, civil society” (World Economic Forum: 24). In addition, the government’s focus on the implementation of 4G and 5G Internet will allow to create a “civil society with highly developed digital competences, which is a component of the model of four spirals (Open Innovation 2.0), where the information society itself plays the role of a safeguard against the corporatization of the economy and an important customer, investor and researcher within the framework of “citizen science” (Щеглюк).

The main objects of state (public) regulation in the IT sphere are, as a rule: information and information and communication systems of state authorities, local self-government bodies, institutions, enterprises, institutions, organizations that are in state or communal ownership; state electronic information resources; electronic administrative services, etc. As for private (market) regulation, it is necessary to promote the development of IT business, to attract state and private investments in the information and educational structure, to create favorable conditions for the activation of digital business, to promote the harmonization of national legislation with European legislation (Щеглюк).

To improve social relations in the IT sphere, Ukraine follows the experience of Germany, which implemented the Work 2020 Concept for digitalization of production. In the Concept of the Development of the Digital Economy and Society of Ukraine, great attention is paid to digital state (public) platforms, which are understood as “the concept of the formation of state (public) bodies, focused on simultaneously improving the quality of services, optimizing the number of civil servants and reducing costs” (CMU, 2018). This allows you to solve tasks faster and better, reducing the cost of activities and increasing the efficiency of state (public) services. The next step of the Ukrainian government will be the digitization of education, tourism, agricultural production, industry based on the German experience of Industry 4.0. The business platform in the sector of transport and electronic trade did not find its reflection. etc. Accordingly, issues of state regulation will concern those areas where the state is the owner – digital state platforms. The main indicators that are used in the EU to calculate the digitalization of the economy are not reflected: the DESI Index and others” (Щеглюк).

Conclusion. Therefore, the legal regulation of public relations in the IT sphere (public and private law) requires a transition to a simplified regime, which is based on the contractual regulation of relations in the IT sphere. After all, the digital economy and the IT sphere are based on the reputation and trust between the participants of the digital environment of the IT sphere, and the state should play the role of arbiter between the participants of the digital environment for the further rapid development of this sphere. It is important to distinguish the simplified regime from the special regulation, because the special regulation is wider than the simplified regime and completely covers the second one.

The introduction of a simplified regime will help achieve an optimal combination of interests of IT specialists, employers and other participants in the IT sphere, balance their interests and streamline their relationships. The principle of equality of the parties to the contract is a requirement of the time, a natural need of a person and a citizen, which absolutely does not reduce the protective role of the state, but turns it into an arbiter between participants in the IT sphere. By the way, the content of the protective function of law has also changed. Its content in the conditions of digitalization is concern for the most complete consolidation and consistent development of human rights in the sphere of hired labor. The state must be the guarantor of the implementation of a whole complex

of socio-economic rights and freedoms that a person, as a participant in the IT sphere, is entitled to. Among other things, it should guarantee and protect the right of parties to public relations in the IT sphere to freedom of contract.

Список використаних джерел:

1. Our Shared Digital Future. Building an Inclusive, Trustworthy and Sustainable Digital Society. Report 2018. World Economic Forum. URL: www.weforum.org (дата звернення: 01.03.2022).
2. Амелічева Л. П. Проблеми законодавчого забезпечення реалізації та захисту права на гідну працю ІТ-працівників. Захист прав та інтересів учасників майнових відносин: питання теорії і практики: монографія / за ред І. Ф. Коваль. Вінниця: ТВОРИ, 2020. Розд. 4, гл. 4.3. С. 205–220.
3. Гордеюк А. О. Проблема правового регулювання приватноправових відносин в умовах їх віртуалізації. *Форум права*. Київ, 2018. № (2). С. 27–36.
4. Данильян О. Г., Дзьобань О. П. Організація та методологія наукових досліджень : навч. посіб. Харків : Право, 2017. 448 с.
5. Дацюк В. Б. ІТ-право та економічні свободи. Правове регулювання та економічні свободи права: монографія / за ред. М. Савчина. Ужгород: РІК-У, 2020. Розд. 4. С. 110–142.
6. Джочка О. П., Мартин В. М., Самагальська Ю. Я. та ін. ІТ-право / за заг. ред. О. С. Яворської. Львів: Левада, 2017. 470 с.
7. Заїка, Д. (2023). До питання класифікації працівників ІТ-сфери. *Проблеми законності*. Харків, 2023. Вип. 160. С. 118–134. DOI: 10.21564/2414-990X.160.273615.
8. Котелевець Д. М. Модель взаємодії органів державної влади під час регулювання сфери зв'язку та інформатизації. *Теорія та практика державного управління*. 2015. Вип. 1 (48), С. 4–15. URL: <http://www.kbuapa.kharkov.ua/e-book/tpdu/2015-1/doc/1/07.pdf> (дата звернення: 12.02.2023).
9. Краус Н. М., Голобородько О. П., Краус К. М. Цифрова економіка: тренди та перспективи авангардного характеру розвитку. *Ефективна економіка*. 2018. No 1. URL: http://www.economy.nayka.com.ua/pdf/1_2018/8.pdf (дата звернення: 25.05.2023).
10. Петришин О. В., Погребняк С. П., Смородинський В. С. та ін. Теорія держави і права: підруч. / за ред. О. В. Петришина. Харків: Право, 2015. 368 с.
11. Про схвалення Концепції розвитку цифрової економіки та суспільства України на 2018–2020 роки та затвердження плану заходів щодо її реалізації : Розпорядження КМУ від 17 січня 2018 р. № 67-р. URL: <https://zakon.rada.gov.ua/laws/show/67-2018-p> (дата звернення: 23.05.2023).
12. Серета О. Г. До питання визначення окремих особливостей трудових відносин працівників ІТ-сфери. *Напрями розвитку науки трудового права та права соціального забезпечення*: матеріали VI Всеукр. наук.-практ. конф. (Харків, 3 лист. 2017 р.). Харків, 2017. С. 257–259.
13. Скакун О. Ф. Теорія держави і права : підручник. Харків: Консум, 2009. 636 с.
14. Харитонов, С.О., Харитонova О.І., Сутність ІТ-права: пошук парадигми. *Право України*. Київ, 2018. № 1. С. 18–29.
15. Череп А. В., Воронкова В. Г., Череп О. Г. Цифрова трансформація суспільства як необхідна умова його інноваційного розвитку. *Право та інновації*. Вип. 2. Київ, 2022. С. 68–73.
16. Шевчук І. Б. Інформаційні технології: базові поняття, терміни, класифікація, ІТ-спеціалісти: конспект лекцій. URL: https://financial.lnu.edu.ua/wp-content/uploads/2016/09/lektsiia_VF_1_tema-1_perehliad.pdf (дата звернення: 21.05.2023).
17. Щеглюк С. Д. Морфологія цифрової економіки: особливості розвитку та регулювання цифрових технологічних платформ (науково-аналітична записка). URL: <https://ird.gov.ua/irdp/e20190301.pdf> (дата звернення: 20.05.2023).

References:

1. Our Shared Digital Future (2018). Building an Inclusive, Trustworthy and Sustainable Digital Society. Report 2018. World Economic Forum. URL: www.weforum.org.
2. Amelicheva L.P. (2020). Problemy zakonodavchoho zabezpechennia realizatsii ta zakhystu prava na hidnu pratsiu IT-pratsivnykiv. *Zakhyst prav ta interesiv uchasnykiv mainovykh vidnosyn: pytannia teorii i praktyky: Ownership*. I. F. Koval (Ed.). Vinnytsia: TVORY, part. 4, ch. 4.3. 205–220 [in Ukrainian].
3. Hordeyuk A. O. (2018). Problema pravovoho rehuliuвання pryvatnopravovykh vidnosyn v umovakh yikh virtualizatsii [The problem of legal regulation of private law relations in the conditions of their virtualization]. *Law forum, No. (2)*, 27-36.
4. Danylian, O.H., & Dzoban, O.P. (2017). Orhanizatsiia ta metodolohiia naukovykh doslidzhen [Organization and methodology of scientific research]. Kharkiv: Pravo [in Ukrainian].
5. Datsiuk V.B. (2020). IT-pravo ta ekonomichni svobody. *Pravove rehuliuвання ta ekonomichni svobody prava: Ownership*. M. Savchyn (Ed.). Uzhhorod: RIK-U. part. 4, 110–142 [in Ukrainian].
6. Dzhochka O.P., Martyn V.M., Samahalska Yu.Ya. et al. IT-pravo (2017). O.S. Yavorska (Ed.). Lviv: Levada [in Ukrainian].
7. Zaika, D. (2023). Do pytannia klasyfikatsii pratsivnykiv IT-sfery [On the Issue of the Classification of IT Sphere Employees]. *Problems of Legality*, (160), 118–134 [in Ukrainian]. DOI: 10.21564/2414-990X.160.273615.
8. Kotelevets D.M. (2015). Model vzaiemodii orhaniv derzhavnoi vlady pid chas rehuliuвання sfery zviazku ta informatyzatsii [Model of interaction of state authorities during the regulation of the sphere of communication and informatization]. *Theory and practice of public administration, Vol. 1 (48)*, 4–15. URL: <http://www.kbuapa.kharkov.ua/e-book/tpdu/2015-1/doc/1/07.pdf> [in Ukrainian].

9. Kraus N.M., Holoborodko O.P., Kraus K.M. (2018). Tsyfrova ekonomika: trendy ta perspektyvy avanhardnoho kharakteru rozvytku [Digital economy: trends and perspectives of avant-garde nature of development]. *Efficient economy, No 1*. URL: http://www.economy.nayka.com.ua/pdf/1_2018/8.pdf [in Ukrainian].
10. Petryshyn, O.V., Pohrebnyak, S.P., & Smorydys'kyi, V.S. et al; Petryshyn, O.V. (Red.). (2015). Teoriya derzhavy i prava : pidruch. [Theory of state and law: under the leadership.]. Kharkiv: Pravo [in Ukrainian].
11. On the approval of the Concept for the Development of the Digital Economy and Society of Ukraine for 2018–2020 and the approval of the plan of measures for its implementation: Decree of the CMU of January 17, 2018 No. 67 URL: <https://zakon.rada.gov.ua/laws/show/67-2018>.
12. Sereda O.H. (2017). Do pytan'nyia vyznachennia okremykh osoblyvosti trudovykh vidnosyn pratsivnykiv IT-sfery. *Napriamy rozvytku nauky trudovoho prava ta prava sotsialnoho zabezpechennia: proceedings of the Scientific and Practical Conference*. Kharkiv, 257–259 [in Ukrainian].
13. Skakun, O.F. (2009). Teoriya derzhavy i prava : pidruch. [Theory of state and law : under the leadership]. Kharkiv: Konsum [in Ukrainian].
14. Kharytonov, Ye.O., Kharytonova O.I. (2017). Poniattia IT-prava, sfera yoho dii ta struktura. *Osnovy IT-prava*, 7–22 [in Ukrainian].
15. Cherep A.V., Voronkova V. G. Cherep O.G. (2022). Tsyfrova transformatsiia suspilstva yak neobkhidna umova yoho innovatsiinoho rozvytku [Digital transformation of society as a necessary condition for its innovative development]. *Law and innovation*, Vol. 2, 68–73 [in Ukrainian].
16. Shevchuk I.B. n.d. Informatsiini tekhnolohii: bazovi poniattia, terminy, klasyfikatsiia, IT-spetsialisty: konspekt lektsii. URL: https://financial.lnu.edu.ua/wp-content/uploads/2016/09/lektsiia_VF_1_tema-1_perehliad.pdf [in Ukrainian].
17. Shchegliuk S.D. Morphology of the digital economy: features of development and regulation of digital technological platforms (scientific and analytical note). URL: <https://ird.gov.ua/irdp/e20190301.pdf> [in Ukrainian].