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ГОСПОДАРСЬКО-ПРАВОВЕ УРЕГУЛЮВАННЯ СТРАХОВОЇ ДІЯЛЬНОСТІ В УМОВАХ ІЇ ДІДЖИТАЛ-ТРАНСФОРМАЦІЇ

Анотація. В умовах зростаючої конкуренції традиційними методами організації господарювання, ведення виробничої діяльності сьогодні вже не тільки не можна забезпечити приріст виробництва, а, часом, навіть і підтримання його функціонування на досягнутому рівні. Це спонукає суб'єктів господарювання до пошуку нових методів, засобів ведення підприємництва, в т.ч. страхової діяльності. Одним з напрямків вдосконалення страхової діяльності є використання новітніх технологій, діджиталізація. Засобом запровадження діджиталізації в господарську діяльність є правове (господарсько-правове) забезпечення. Виходячи із цього актуальним є дослідження і визначення найбільш ефективного підходу до розробки, вдосконалення господарсько-правового забезпечення новітніх технологій, діджиталізації у сфері страхування. Метою статті є обґрунтування доцільності використання системного підходу до розробки господарсько-правового забезпечення. Господарсько-правове забезпечення страхування можна представити у вигляді певного комплексу нормативно-правових актів, що включає кодифіковані документи, які видаються Верховною Радою України; її Президентом, міністерствами, відомствами, іншими органами виконавчої влади. Для забезпечення інтенсивного розвитку діджиталізації у сфері страхової діяльності необхідно системно підходити до розробки її господарсько-правового регулювання, розглядати це регулювання стосовно усіх етапів життєдіяльності відповідної діяльності. В базових (законодавчих) правових актах мають бути вказані основні напрями діджитал-трансформації страхового підприємництва, а в актах нижчого рівня - положення методичного характеру. Одним з найбільш обговорюваних питань дослідниками відносин в сфері страхового підприємництва, є питання єдності понятійного апарату. Під діджиталізацією розуміється уможливлення, перетворення, поліпшення виробничих-функцій, бізнес-процесів або ж усієї виробничої діяльності, переведення їх (її) у цифрові технології, через забезпечення функціонування цифрових даних, перетворених у знання, для отримання певних конкурентних переваг. Для забезпечення інтенсивного розвитку діджиталізації у сфері страхової діяльності доцільно системно підходити до розробки її господарсько-правового урегулювання, використовувати загальну теорію систем, методологію системного аналізу, проблемно-орієнтований підхід, методи моделювання, соціологічного опитування та ін.

Базовою методологією підходу до розробки господарсько-правового забезпечення діджиталізації у сфері страхової діяльності доцільно визначити та реально використовувати загальну теорію систем, системний аналіз, проблемно-орієнтований підхід та інші методи наукового

арсеналу. Автори виокремили положення системної методології, що мають бути використані в рамках підходу до розробки господарсько-правового забезпечення, який пропонується. Визначено інші методи, необхідні для реалізації системного підходу до розробки господарсько-правового забезпечення.

Ключові слова. страхова діяльність, діджитал-трансформації, господарсько-правове регулювання, новітні технології, цифрові дані, системна методологія, системний аналіз.

Annotation. *In the conditions of growing competition with traditional methods of business organization and production activity today, it is not only impossible to ensure production growth, but sometimes even to maintain its functioning at the achieved level. This encourages economic entities to search for new methods, means of conducting business, including insurance activity. One of the areas of improvement of insurance activity is the use of the latest technologies, digitalization. Legal (economic and legal) support is a means of introducing digitization into economic activity. Based on this, research and determination of the most effective approach to the development, improvement of the economic and legal provision of the latest technologies, digitalization in the field of insurance is relevant. The purpose of the article is to substantiate the expediency of using a systemic approach to the development of economic and legal support. The economic and legal provision of insurance can be presented in the form of a certain complex of normative and legal acts, which includes codified documents issued by the Verkhovna Rada of Ukraine; by its President, ministries, agencies, and other bodies of executive power. In order to ensure the intensive development of digitalization in the field of insurance activity, it is necessary to systematically approach the development of its economic and legal regulation, to consider this regulation in relation to all stages of the life of the relevant activity. Basic (legislative) legal acts must specify the main directions of digital transformation of the insurance business, and lower-level acts must contain methodological provisions. One of the most discussed issues by researchers of relations in the field of insurance entrepreneurship is the issue of the unity of the conceptual apparatus. Digitalization means enabling, transforming, improving production functions, business processes, or all production activities, transferring them to digital technologies, through ensuring the functioning of digital data transformed into knowledge, to obtain certain competitive advantages. To ensure the intensive development of digitalization in the field of insurance activity, it is advisable to systematically approach the development of its economic and legal regulation, use the general theory of systems, the methodology of system analysis, a problem-oriented approach, methods of modeling, sociological survey, etc.*

The basic methodology of the approach to the development of economic and legal support for digitization in the field of insurance activity is to define and realistically use the general theory of systems, system analysis, problem-oriented approach and other methods of the scientific arsenal. The author singled out the provisions of the system methodology, which should be used within the framework of the proposed approach to the development of economic and legal support. Other methods necessary for the implementation of a systemic approach to the development of economic and legal support have been identified.

Keywords: *insurance activity, digital transformations, economic and legal regulation, latest technologies, digital data, system methodology, system analysis*

Statement of the problem. Insurance is one of the oldest categories of socio-economic relations between people and legal entities (business entities).

Digitalization, digitalization of economic activities, including insurance activities, and the insurance services market is a key area of development of the organization of insurance relations at the present stage. The transition of insurance business to the latest, digital technologies is a vital requirement of the XXI century. Digitalization of economic processes, reorientation of production relations, and the organization of production relations to a qualitatively higher level. In view of the above, it is important to research and identify the most effective means of introducing the latest technologies in the insurance market.

Digitalization of economic processes, organization of relevant production relations, is carried out with the help of legal means, economic and legal support for the formation, functioning and development of these relations. At the same time, due attention is not paid to the search for the means of effective development of this support in the insurance sector.

The purpose of this study is to substantiate the expediency of using a systematic approach in developing an appropriate concept of economic and legal support for digitalization in the insurance sector.

Review of current research. The current trends in the development of insurance business and the insurance services market are characterized by the works of Ukrainian and foreign scholars. It is worth noting the works devoted to the conceptual apparatus, digitalization strategy in business organizations [1], [2], content and mechanism of digitalization strategy formation [3], digitalization trends in the insurance market of Ukraine[4], [5], etc.

Summary of the main material. Business interests and growing competition make traditional methods of management unable to ensure its implementation even at the existing level, not to mention guaranteeing an increase in production. This general trend of development encourages business entities to search for new methods and means of doing business, including insurance activities. One of these areas is the use of the latest technologies, digitalization, and digitalization.

Digitalization or digitization is "the transfer of information from physical to digital media" [1]. At the same time, digitization does not change the structure of information, it simply acquires an electronic form for further processing in a digital format. Digitalization is the initial creation of a new product in digital form, with new functionality and consumer properties" [1].

Digitalization, digital transformation in insurance means the introduction of computer digital technologies into insurance processes in order to increase the efficiency of the insurance business [6]. The advantages of insurance digitalization include the possibility of applying new technologies; customer focus, the formation of higher quality insurance services; introduction of new, improvement of existing types of insurance; increased competition, including by reducing costs, better satisfaction of insurance consumers, etc.

The reorientation of insurance activities to the virtual environment brings them to a qualitatively higher level of implementation. In addition to developing new products and improving existing ones, the main guidelines for the digital transformation of an insurance company are the formation of digital-oriented personnel; process optimization; cost reduction; and gaining competitive advantages.) According to

questionnaires and face-to-face (interview) surveys of insurance business employees, insurance agents, and insurance company customers, digital insurance allows insurance companies to reduce costs (by introducing online insurance). In particular, costs are reduced as a result of the exclusion of intermediaries from the insurance production line, reduction of insurance premiums, reduction of insurer's rent costs, etc.

Digitalization of insurance activities as a direction of organization of production relations, digitalization of the insurance market is carried out through legal (economic and legal) regulation of production relations, their reorientation to the latest technologies (cloud technologies, wireless communication technologies) in the business processes of insurance companies. These relations should cover relations with both external audiences - policyholders - and employees and insurance agents. These relations require legal regulation.

The economic and legal support of insurance includes legislation governing the general organizational and legal principles of insurance business, its organization, operation and development. This legal support can be presented in the form of a certain set of regulatory legal acts, including codified acts - codes (in particular, the Commercial, Civil and other); laws of Ukraine (an example is the Law of Ukraine No. 1961-IV of July 1, 2004 "On Compulsory Insurance of Civil Liability of Owners of Land Vehicles"[8], the Law of Ukraine No. 2664-III of July 12, 2001 "On Financial Services and State Regulation of Financial Services Markets" [9], the Law of Ukraine No. 1877-IV of June 24, 2004 "On State Support of Agriculture of Ukraine" [10], the Law of Ukraine "On Licensing of Economic Activities" [11]) decrees and orders of the President of Ukraine (Decree of the President of Ukraine No. 1468/99 of November 12, 1999 "On the Regulation on the Committee for Supervision of Insurance Activities" [12]), etc. These are also regulations (instructions, methodologies, regulations, orders) adopted by ministries, departments, central executive authorities and registered with the Ministry of Justice of Ukraine; departmental regulations (for example, the Order of the National Financial Services Committee of 19.05.2020 No. 925 "On Approval of Amendments to Certain Regulatory Acts of the State Commission for Regulation of Financial Services Markets of Ukraine on the Preparation and Submission of Reports by Participants of Financial Services Markets" registered with the Ministry of Justice of Ukraine on 30.06.2020 under No. 595/348). [13]; regulatory acts of the body that, in accordance with the legislation of Ukraine, supervises insurance activities; normative acts of local executive authorities in cases where certain issues of regulation of insurance activity were delegated to these bodies by decision of the President or the Government of Ukraine".

This brief overview of the legal (economic and legal) regulation of the insurance business is necessary for the further analysis of the relevant legal acts for the purpose of ensuring the development of digitalization in the field of insurance activity. The fact is that many of the practitioners, as evidenced by the conducted sociological surveys, believe that the digitalization of the insurance company is a transition from a paper to an electronic document or online trading of insurance policies. In this case, for successful digitalization in the field of insurance entrepreneurship, it is enough to recognize the electronic policy as a full-fledged valid document that has the same legal force as a paper insurance form, to make appropriate changes in the process of concluding and implementing an insurance contract. It is necessary that both clients and other participants

in insurance legal relations, including third parties, associations of insurers, reinsurers, mutual insurance companies, state supervision bodies, state bodies, courts also recognized the legal force of an electronic insurance policy. Meanwhile, as the author's research shows, to ensure the intensive development of digitalization in the field of insurance activity, it is necessary to systematically approach the development of its economic and legal regulation. And the systemic approach requires considering this regulation in relation to all stages of the life of the corresponding activity. This is the formation (registration, legitimization, licensing), functioning and development of the insurance business. After all, the latest digital technologies have penetrated the insurance industry and affect all the above-mentioned stages of life, without bypassing any aspect of insurance activity. At the same time, basic (legislative) legal acts (laws, government resolutions) indicate the main directions of digital transformation of the insurance business, and lower-level acts (departmental acts) contain methodological provisions. The object of legal regulation, and therefore research, according to the proposed systemic approach, are the relations that arise in the process of formation, functioning and development of the insurance market.

One of the most discussed issues by researchers of relations in the field of insurance entrepreneurship is the issue of the unity of the conceptual apparatus. V. Varga, Yu. Kovalenko, L. Loginenko, T. Motashko, T. Honore, N. Prykazyuk, P. Synegub, V. Tyshchenko, I. Shubenko and others addressed this issue. The differences between digitization and digitalization are discussed. As already mentioned, digitization is the digitization of (digitized) data existing in digital form. That is, it is the automation of routine (for example, accounting) operations. Digitization does not lead to changes in the organization, and therefore in the legal provision of economic activity. Digitalization, unlike digitization, is not so much the automation of individual routine operations as the introduction of new information (computer, digital) technologies. As noted by T. Motashko, it is about improvement "for the purpose of obtaining profit, business, change/transformation of business processes (different from routine ones) and creation of an appropriate environment for their implementation" [6]. Digitization can be defined as the enabling, transformation and/or improvement of business functions, business processes or all production activities, transferring them to digital technologies, through ensuring the functioning of digital data transformed into knowledge, to obtain certain competitive advantages. If digitization refers mainly to local data systems, then within the framework of the digitization process, the main focus is on information and interaction systems strengthened with the help of digitized data and processes. This understanding of automatic and automated corresponds to the principles that were developed by the classics of cybernetics in Ukraine at the time [14]. It has been proven that production functions and work processes should, as a rule, become automatic, and organizational, organizational-management relations should be such that they require mandatory inclusion in the system of human organization. It was V.M. Glushkov for the first time (1987) substantiated the so-called principle of new tasks, according to which it is impractical and inefficient to automate the existing management organization with its present shortcomings. It is necessary to arrange this organization in advance. The huge potential of digitization can be fully realized only under this condition. As for insurance, insurance entrepreneurship, it is also possible

to highlight routine operations and organize organizational, organizational and managerial relations. It is clear that these changes will require legal mediation.

To ensure the intensive development of digitalization in the field of insurance activity, it is advisable to systematically approach the development of its economic and legal regulation, use the general theory of systems, the methodology of system analysis, a problem-oriented approach, methods of modeling, sociological survey, etc.

With the help of the above-mentioned system methodology, CA methodology, the main organizational problems of the digitalization of insurance activity were determined, a program for the preparation of legal acts was developed, which should cover the entire range of stages of the life cycle of digitalization in the field of insurance activity: from the formation of insurance companies, new technologies in their activities - to the identification of problems (differences between the desired and the actual), their analysis, diagnosis (identification of the causes of the appearance of problems) and ending with the preparation of alternatives for their solution. Identified digitalization problems, in turn, should come from the problems of society, social problems (the method of CA is used - building a "tree of goals"). Within the framework of the concept that should be applied in the development of legal support for the digitization of insurance, it is advisable to also use the methods of analysis and forecasting, modeling and structuring, the method of expert evaluations, sociological methods, in particular, the methods of sociological surveys. When using the latter, questionnaires were developed, both extramural (questionnaire) and face-to-face (interview) methods of surveying employees of the insurance business, insurance agents, and clients of insurance companies were conducted.

Conclusions. Digitization is the digitization of data that exists in digital form. Digitization does not lead to changes in the organization, and therefore in the legal provision of economic activity. Digitization, unlike digitization, is not the automation of individual routine operations, but the introduction of new information (computer, digital) technologies.

This understanding of automatic and automated corresponds to the principles that were developed by the classics of cybernetics in Ukraine. Based on the above, production functions and work processes should, as a rule, become automatic, and organizational, organizational and managerial relations should be such that they require mandatory inclusion in the system of human organization.

Digitalization in the insurance business provides a number of competitive advantages and opens up new opportunities for the insurance business and its participants. Among the advantages of digitization of insurance are the possibilities of using new computer technologies; new opportunities to meet customer needs, increase the quality of services, reduce costs, increase competitiveness, etc.

Economic and legal provision of insurance can be presented in the form of a certain complex of normative and legal acts, starting from codified documents (Economic, Civil and other codes), laws, resolutions of the Verkhovna Rada; decrees, orders of the President of Ukraine, and ending with departmental normative acts of ministries, departments and other central executive bodies registered with the Ministry of Justice.

In order to ensure the intensive development of digitalization in the field of insurance activity, it is necessary to systematically approach the development of its economic and legal regulation, to consider this regulation in relation to all stages of the life of the relevant activity. This is the formation (registration, legitimization, licensing), functioning and development of the insurance business.

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