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PRIVACY PROTECTION IN THE AGE OF DIGITAL COMMUNICATIONS: JUDICIAL PRACTICE

PROTEÇÃO DA PRIVACIDADE NA ERA DAS COMUNICAÇÕES DIGITAIS: PRÁTICA JUDICIAL

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Abstract: In the age of digital communications, there are significant changes in the mechanism for protecting human rights. Thus, more spheres of private life are entering a digital environment. Devoid of physical limitations, it develops and functions according to its own rules. First of all, the research subject is relevant since modern digital communications pose a real threat to privacy protection. The relevant litigation practice was analyzed using the methods of document analysis and content analysis. The authors of the article selected criminal cases related to violations of privacy that courts of first instance considered in the period 2021-2022 and judgments on privacy protection in Western jurisprudence. The authors conclude that traditional legal means and tools are not enough to solve privacy issues in the modern world. It is necessary to develop legal mechanisms to prevent the invasion of privacy, as well as clear criteria for possible interference in private life and its limitations. In the context of information globalization, the right to privacy can be ensured if a balanced system of legal protection is built.

Keywords: Private life. Privacy protection. Privacy. Information technology. Internet. Digital communications.

Resumo: Na era das comunicações digitais, há mudanças significativas no mecanismo de proteção dos direitos humanos. Assim, mais esferas da vida privada estão entrando em um ambiente digital. Desprovido de limitações físicas, ele se desenvolve e funciona de acordo com suas próprias regras. Antes de mais nada, o tema da pesquisa é relevante, pois as comunicações digitais modernas representam uma ameaça real à proteção da privacidade. A prática de litígio relevante foi analisada usando os métodos de análise de documentos e análise de conteúdo. Os autores do artigo selecionaram casos criminais relacionados a violações de privacidade que os tribunais de primeira instância consideraram no período 2021-2022 e julgamentos sobre proteção de privacidade na jurisprudência ocidental. Os autores concluem que os meios e ferramentas legais tradicionais não são suficientes para resolver as questões de privacidade no mundo moderno. É necessário desenvolver mecanismos legais

para evitar a invasão da privacidade, bem como critérios claros para possíveis interferências na vida privada e suas limitações. No contexto da globalização da informação, o direito à privacidade pode ser assegurado se for construído um sistema equilibrado de proteção legal.

Palavras-chave: Vida privada. Proteção da privacidade. Privacidade. Tecnologia da informação. Internet. Comunicações digitais.

1. Introduction

The issues of understanding, ensuring, and protecting privacy acquire a new role with the development of information technologies and the formation of an information society (Fadeev et al., 2022). Such phenomena as cyberspace, network communications, and virtualization give privacy protection particular urgency (Fokina & Logunova, 2023). Legal theory and judicial practice do not have a chance to change as quickly as the information environment (Zenin et al., 2022b).

In connection with the development of public relations and the rapid information globalization of all spheres of a person's life, the right to privacy protection has changed in accordance with the new conditions (Zenin et al., 2022a). In particular, this is due to the emergence and development of the Internet as an inseparable component of modern reality, i.e. the main means of disseminating and exchanging information (Kornev et al., 2022).

Modern information technologies provided humankind with new communication opportunities (Urmina et al., 2022), thereby contributing to the construction of new relationships (their immanent features are trust and transparency) (Maia & Correia, 2022). This gradually modernizes the understanding of the right to protect privacy. In this context, scholars emphasize such legal opportunities for a person as being protected from interference in their personal and family life and relationships through the publication of information (Dizaji & Dizaji, 2023; Manchenko & Melnikov, 2022).

2. Literature overview

In Western legal doctrine, the term "privacy" is used to refer to the legal institution that covers privacy protection.

The essence of privacy is reflected in a variety of concepts, among which it is difficult to determine the main or generally accepted one. The most common concepts are the sanctity of a person's life (Rengel, 2014), non-interference in the personal sphere (Diggelmann & Cleis, 2014), control over personal data, selective disclosure of information, autonomy in the private sphere

(Beverly-Smoth et al., 2005), and a limitation of communication and ability to share information with certain people (Libeigi et al., 2019). There are also no unified terms.

There is no unified presentation of privacy in Russian and international legal acts, although the right to privacy is enshrined and guaranteed as a fundamental human right. In particular, this right focusing on non-intervention, protection, and exemption is mentioned in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention on Human Rights (ECHR).

The concepts of privacy have a wide range of interpretations. Thus, the work (Oganesian, 2020) considers several options, namely: privacy as the right to be left alone, limited access to oneself, secrecy, control over personal information, protected individuality or intimacy. These concepts can be both homogeneous and synthetic. Homogeneous concepts focus on the central idea, for example, on the ability of a person to stop the dissemination of personal information, except among the chosen people. Their disadvantages include covering only one aspect of some problem and cutting off complex cases and limiting issues.

Synthetic concepts provide for a complex structure of privacy. The work (Acquisti et al., 2015) states that there are three groups of intersecting privacy requirements: informational focus (control over personal information), access privacy (prevention and control of surveillance, choice by physical proximity), and privacy of expression (self-identity, individuality). The main disadvantage of synthetic concepts is the heterogeneity of the issues they try to unite and no core to build a logical structure.

A common problem with privacy concepts is that they are too broad, and the application and protection of relevant human rights are based on a narrow list. The issue of privacy is complicated by the uncertainty of its main components, for example, the concept of private life.

S.A. Shadrin claims that the right to privacy is an essential element of personal autonomy. Much of what makes us human comes from our interactions with others within the private sphere, where we assume that no one is watching us. Thus, the right to privacy concerns what we say, what we do, and perhaps even how we feel. If we are not convinced that we are in a private space, then we cannot be completely autonomous (Shadrin, 2018).

Currently, Russian legislation lacks a clear understanding of the essence of private life. The latter is characterized in terms of personal and family life and confidential information about a person and follows from the Constitution of the Russian Federation (Khuade, 2014). However, there is no regulatory legal act that contains a clear definition of the above-mentioned concepts.

The same is typical of the doctrinal level, where lawyers resort to various interpretations and techniques and do not contribute to a better understanding of these processes (Rodionov, 2017). On the one hand, this proves the inexhaustibility of this category which is not limited to a certain pattern of human behavior. On the other hand, it testifies to the complexity of the category of private life and increases interest in its cognition. V.A. Trofimov (2020) highlighted the difficulties of understanding, generalized various approaches of lawyers, and reduced them to two positions. According to the first of them, scholars consider the category of private life through its inherent elements, while the supporters of the second position define it by distinguishing between public and private. Both positions are an effective combination to better understand the nature of such a phenomenon as private life.

M.N. Maleina (2001) states that private life consists of those aspects that a person does not want to expose to the public, characterizing this as personal sovereignty in the form of the inviolability of the individual environment. According to the outlined construction, personal life determines the content of the private concept.

Some authors, when explaining the category of private life, resort to listing a number of its manifestations without revealing common features. For example, N.I. Shakhov (2008) understands private life as a personified sphere of one's life (interpersonal relationships, private affairs, family relations, etc.), which manifests itself in a person's lifestyle. This focus on individual manifestations without the formation of defining features or specific areas (spheres, aspects, etc.) has the risk of incomplete interpretation. As a result, important components might be overlooked, which will not contribute to legal certainty.

Scholars have been actively working to identify components of the right to privacy. To disclose aspects that characterize the sphere of private life, it is appropriate to consider the gradation proposed in (Suprovich & Bykova, 2021):

– The actual sphere of human existence, including the issues of personal space and ownership of individual things;

– Creative and spiritual life, including the results of creative and intellectual activity, spiritual views, and other preferences;

– Medical and biological circumstances of a person's life are identified with the information that is part of medical privacy;

– Intimate and family life of a person which covers the sphere of feelings and manifestations of romantic affection for another person;

– Information and communications sphere, including interpersonal communication issues (through using means of communication).

Summing up on this issue, both privacy and private life characterize the same value, i.e. a special object of legal protection.

The emergence of the Internet has made us consider the issue of protecting privacy from a new angle. In comparison with the traditional means of information dissemination (television and radio broadcasting), E.N. Poperina (2014) notes, the global Internet is a new media with unique characteristics. The uniqueness of this network lies in the fact that it functions not only as a mass media but also as a (mass) communication medium. These features require the adaptation of existing standards for privacy protection to the global communication network (Poperina, 2014).

The Resolution of the UN General Assembly of December 18, 2013 (United Nations General Assembly, 2013) highlights the global and open nature of the Internet and the rapid development of information and communications technologies, as well as confirms that offline rights should also be protected online, including the right to privacy. The fact is that it is difficult to ensure a certain level of online protection because of the attitude of people to the exercise and protection of their rights online, as well as the shift in emphasis on privacy issues in cyberspace (Coombs, 2021).

The phenomenon of frankness or openness in social networks increases uncertainty in the protection of privacy. For various reasons, a person provides a lot of personal information (sometimes intimate) or reveals information about the private life of others (Bryce & Klang, 2009).

I.A. Noskova (2013) emphasized the following features of social communication in a virtual environment: publicity and frankness; limited and controlled access to transmission media; indirect contacts; inequality in the relationship; the number of message recipients. Social networks are a convenient place for virtual images but can also be a threat to the privacy of real people (Noskova, 2013).

Given the foregoing, this study aims at analyzing judicial practice regarding the violation of privacy using modern digital means of communication.

3. Methodology

To achieve the study objective, we selected a research approach based on qualitative methods.

The main research methods were document analysis (Kostromina et al., 2022) and content analysis. In the course of a desk study (in collaboration with the Institute of Philology and Intercultural Communication, Southwest State University, Kaluga State University named after K.E. Tsiolkovskii, Financial University under the Government of the Russian Federation, and Moscow Polytechnic University), we analyzed judicial practice under Article 137 of the Criminal Code of the Russian Federation "Violation of privacy". The research object was criminal cases concerning violations of privacy considered by courts of first instance from 2021 to 2022. Court cases were selected using data from the State Automated System of the Russian Federation "Pravosudie" (GAS "Pravosudie").

The study concerned only sentences under Clause 1 and Clause 2 of Article 137 of the Criminal Code of the Russian Federation. We did not consider cases when the accused person (group of persons) was charged with additional accusations under other articles or sentenced under other articles.

4. Results

The study results demonstrated that 234 and 207 judicial cases were recorded in 2020 and 2021, respectively, under Article 137 of the Criminal Code of the Russian Federation. Thus, the number of such cases considered by courts of first instance in 2021 decreased by more than 12%, if compared to 2020.

Most cases examined (over 90%) relate to the crimes committed under Clause 1 of Article 137 of the Criminal Code of the Russian Federation, i.e. committed by individuals.

The analysis of judicial practice showed that 52.4% of cases considered in courts of first instance under Article 137 of the Criminal Code of the Russian Federation ended with guilty verdicts, 39.6% of cases were terminated for various reasons (the reconciliation of the parties, petition of the investigator, etc.), and 8.0% of cases were transferred to another jurisdiction (subordination) or returned for further investigation.

The most typical deed under Clause 1 of Article 137 of the Criminal Code of the Russian Federation is the illegal collection and spreading of information by spouses (partners) based on jealousy or abuse of private correspondence (for the most part, on instant messengers/social

networks) or the submission to public access (usually on social networks) of intimate photos of the injured person.

The most common punitive measure under Article 137 of the Criminal Code of the Russian Federation is a fine (48% of cases), whose amount in most cases is less than 30,000 rubles.

In addition, there are two sentences with real terms (the most severe punishment is one year in prison under Clause 2 of Article 137 of the Criminal Code of the Russian Federation) which courts of first instance appointed for the deliberate disclosure of information that was critical for the victim.

While analyzing sentences under Clause 2 of Article 137 of the Criminal Code of the Russian Federation, it should be noted that in 70% of cases convicted officials used legitimate access to the information disclosed/transmitted. In more than half of the cases (58%), officials used instant messengers when disclosing information about their private lives. The other ways of information dissemination included e-mail, removable media, and paper media.

5. Discussion

Concerning privacy protection, the Constitutional Court of the Russian Federation has repeatedly noted that this right means the opportunity granted to a person and guaranteed by the state to control information about themselves to prevent the disclosure of personal or intimate information and extends to the sphere of human life that refers to an individual, concerns only this person and is not subject to control by society and state if the person's actions are not illegal (Constitutional Court of the Russian Federation, 2005, 2006, 2010a, 2010b, 2015).

A similar understanding is common to global law enforcement. According to Article 17 of the ICCPR, "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor unlawful attacks on his honor and reputation" and "everyone has the right to the protection of the law against such interference or attacks".

The right to respect for private and family life is also guaranteed by Article 8(1) of the ECHR which, unlike the ICCPR, does not directly mention the honor and reputation of citizens. However, the ECHR decisions noted that under certain circumstances the right to reputation protection falls under Article 8 of the ICCPR as an integral part of the right to privacy (Chauvy and Others v. France, application no. 64915/01, the ruling of 29 June 2004 (European Court of Human Rights, 2004)).

Most court decisions in Western judicial practice for the protection of privacy aim at legal protection against interference in private life by the state.

Thus, Article 8(2) of the ECHR states that any interference by public authorities in private life must comply with the law and be necessary for a democratic society on one of the grounds listed in the Convention (Kilkelly & Chefranova, 2001). In turn, the ECHR stated that Article 8(2) of the ECHR, which provides for exceptions to the right guaranteed by the Convention, is subject to a narrow interpretation and the need for an intervention in a particular case must be convincingly established (Funke v. France, 1993, Clause 55 (European Court of Human Rights, 1993)). In addition, the ECHR noted that there should be sufficient and effective safeguards against the abuse of any implemented surveillance system (Klass v. the Federal Republic of Germany, Clause 50 (European Court of Human Rights, 1978)).

Like with other rights that might be limited under certain conditions, states should ensure that any interference with the right to privacy complies with the principles of legality, necessity, and proportionality.

The latest information technologies enable virtual surveillance (stalking, collection of information) and violation of privacy (hacking of e-mail and other electronic applications, removal of information from private electronic applications) to discredit the victim and/or incite other violations or abuses against them.

Effective judicial protection against unlawful and arbitrary interference with privacy is of particular importance because respect for the right to privacy is essential to the protection of human rights. People are increasingly at risk of being subjected to illegal, willful interference with their privacy. Indeed, the challenges posed by digital information and communications technology are serious concerns for the international community (Kirollova et al., 2022). This is evidenced by the Resolution of the UN General Assembly which draws attention to the fact that "rapid technological development allows people around the world to use new information and communications technologies and expand the ability of governments, companies and individuals to track, intercept and collect information that might violate or restrict human rights" (United Nations General Assembly, 2013).

New methods of surveillance and intrusion into computer systems to expose the vulnerabilities of individuals who are the targets of such surveillance and to undermine their authority and reputation represent an additional threat since such tools can be used for defamatory purposes (Poperina, 2014). In addition, geolocation tracking can be used for stalking women and makes them more vulnerable to gender-based abuse and violence (Noskova, 2013).

In the absence of adequate legislation and legal standards to ensure privacy in high technology, anyone can be subjected to arbitrary surveillance of their private life (Burova et al., 2021).

In addition, the ECHR stressed the need for "an adequate legal framework affording protection against acts of violence" in the context of covert surveillance, including regarding "the nature, extent and duration of possible surveillance measures, the grounds necessary for their application, the authorities empowered to authorize, implement such measures and look after them, and the type of remedies available under domestic law" (Liberty v. the United Kingdom, application no. 58243/00, the ruling of July 1, 2008 (European Court of Human Rights, 2008)).

6. Conclusion

The right to privacy is complex due to a variable list of possibilities in its structure which changes along with the scientific, technical, and social development of society. Information technology is gradually changing people's attitudes toward privacy issues. People get used to public communication and interpenetration of various spheres of life, as well as compromise on privacy for their convenience, the possibilities of communication networks, or unhindered access to cyberspace. This ultimately reduces the level of expectations for the preservation of privacy. Its protection should minimize the threats to individuals in an information society. Traditional legal means and tools are not enough to solve the issues of privacy in the modern world, so it is necessary to focus on legal mechanisms to prevent the invasion of privacy and develop a flexible legal framework, criteria for possible interference with privacy, and its limitations in an information society.

In the context of information globalization, the right to privacy can be ensured if a balanced system of legal protection is built. Firstly, this is conditioned by the improvement of the system of existing legal acts governing the right to privacy in the information sphere. Secondly, it is connected with the formation of legal culture in the information sphere, i.e. motivational and psychological attitudes for the safe dissemination of personal information on the global Internet.

After analyzing international documents and litigation practice, we concluded that states are obliged to ensure their work in such a way that state bodies or officials refrain from any unlawful or arbitrary interference with the right to privacy. This also applies to digital communications. In addition, the right to privacy should guarantee refraining from any interference and such attacks, whether carried out by public authorities or natural or legal

persons. States should criminalize illegal surveillance and dissemination of personal information by any entity.

REFERENCES

Acquisti, A., Brandimarte, L., & Loewenstein, G. (2015). Privacy and human behavior in the age of information. *Science, 347*(6221), 509-514. http://dx.doi.org/10.1126/science.aaa1465

Beverly-Smoth, H., Ohly, A., & Lucas-Schloetter, A. (2005). *Privacy, propriety and personality. Civil law perspectives on commercial appropriation*. Cambridge: Cambridge University Press, pp. 74-95, 147-148.

Bryce, J., & Klang, M. (2009). Young people, disclosure of personal information and online privacy: Control, choice and consequences. *Information Security Technical Report, 14*(3), 160-166. http://dx.doi.org/10.1016/j.istr.2009.10.007

Burova, I. L., Volkova, M. A., & Lenkovskaya, R. R. (2021). Justicia electrónica en asuntos civiles y disputas económicas en la Federación de Rusia [Prospects for developing the legal regulation of digital platforms]. *Juridicas CUC, 17*(1), 629-648. https://doi.org/10.17981/juridcuc.17.1.2021.22

Constitutional Court of the Russian Federation. (2005). *Opredelenie KS RF ot 9 iyunya 2005 goda No. 248-O "Ob otkaze v prinyatii k rassmotreniyu zhaloby grazhdan Zakharkina Valeriya Alekseyevicha i Zakharkinoy Iriny Nikolayevny na narusheniye ikh konstitutsionnykh prav punktom "b" chasti tret'yey stat'i 125 i chast'yu tret'yey stat'i 127 Ugolovno-ispolnitel'nogo kodeksa Rossiyskoy Federatsii"* [Ruling of the Constitutional Court of the Russian Federation of June 9, 2005 No. 248-O "On the refusal to accept for consideration the complaint of citizens Zakharkin Valery Alekseevich and Zakharkina Irina Nikolaevna on the violation of their constitutional rights under Article 125(b) part three and Paragraph three of Article 127 of the Criminal Executive Code of the Russian Federation.]. http://doc.ksrf.ru/decision/KSRFDecision33746.pdf

Constitutional Court of the Russian Federation. (2006). *Opredelenie KS RF ot 16 fevralya 2006 goda No. 63-O "Ob otkaze v prinyatii k rassmotreniyu zhaloby grazhdanina Kuznetsova Andreya Nikolayevicha na narusheniye yego konstitutsionnykh prav otdel'nymi polozheniyami statey 89, 121, 123, 125 i 131 Ugolovno-ispolnitel'nogo kodeksa Rossiyskoy Federatsii"* [Ruling of the Constitutional Court of the Russian Federation of February 16, 2006 No. 63-O "On refusal to accept for consideration the complaint of a citizen Kuznetsov Andrei Nikolaevich on violation of his constitutional rights by certain provisions of Articles 89, 121, 123, 125 and 131 of the Criminal Executive Code of the Russian Federation.]. http://doc.ksrf.ru/decision/KSRFDecision15085.pdf

Constitutional Court of the Russian Federation. (2010a). *Opredelenie KS RF ot 26 yanvarya 2010 goda No. 158-O-O "Ob otkaze v prinyatii k rassmotreniyu zhaloby grazhdanina Usenko Dmitriya Nikolayevicha na narusheniye yego konstitutsionnykh prav polozheniyami stat'i 8 Federal'nogo zakona 'Ob operativno- rozysknoy deyatel'nosti'"* [Ruling of the Constitutional Court of the Russian Federation of January 26, 2010 No. 158-O-O "On refusal to accept for consideration the complaint of citizen Dmitry Nikolayevich Usenko on violation of his constitutional rights by the provisions of Article 8 of the Federal Law "On operative-investigative activity"]. http://doc.ksrf.ru/decision/KSRFDecision23872.pdf

Constitutional Court of the Russian Federation. (2010b). *Opredelenie KS RF ot 27 maya 2010 goda No. 644-O-O "Ob otkaze v prinyatii k rassmotreniyu zhaloby grazhdanina Bogoroditskogo Sergeya Nikolayevicha na narusheniye yego konstitutsionnykh prav stat'yey 5 Zakona Rossiyskoy Federatsii 'O militsii'"* [Ruling of the Constitutional Court of the Russian Federation of May 27, 2010 No. 644-O-O "On refusal to accept for consideration the complaint of citizen Bogoroditsky Sergei Nikolaevich

on violation of his constitutional rights by Article 5 of the Law of the Russian Federation 'On Militia'"]. http://doc.ksrf.ru/decision/KSRFDecision34677.pdf

Constitutional Court of the Russian Federation. (2015). *Postanovlenie KS RF ot 16 iyunya 2015 goda No. 15-P "Po delu o proverke konstitutsionnosti polozheniy stat'i 139 Semeynogo kodeksa Rossiyskoy Federatsii i stat'i 47 Federal'nogo zakona 'Ob aktakh grazhdanskogo sostoyaniya" v svyazi s zhaloboy grazhdan G.F. Grubich i T.G. Gushchinoy"* [Decision of the Constitutional Court of the Russian Federation of June 16, 2015 No. 15-P "On the case of checking the constitutionality of the provisions of Article 139 of the Family Code of the Russian Federation and Article 47 of the Federal Law "On acts of civil status" in connection with the complaint of citizens G.F. Grubich and T.G. Gushchina"]. http://doc.ksrf.ru/decision/KSRFDecision198856.pdf

Coombs, E. (2021). Human rights, privacy rights, and technology-facilitated violence. In J. Bailey, A. Flynn, and N. Henry (Eds.), *The Emerald international handbook of technology-facilitated violence and abuse* (pp. 475-491). Bingley: Emerald Publishing Limited.

Diggelmann, O., & Cleis, M. N. (2014). How the right to privacy became a human right. *Human Rights Law Review, 14*(3), 441-458. http://dx.doi.org/10.1093/hrlr/ngu014

Dizaji, A., & Dizaji, A. (2023). Metaverso e seus desafios legais [Metaverse and its legal challenges]. *Synesis*, *15*(1), 138–151.

European Court of Human Rights. (1978). *Postanovleniye Yevropeyskogo Suda po pravam cheloveka ot 6 sentyabrya 1978 goda Klass i drugie protiv Federativnoi Respubliki Germaniya (zhaloba No. 5029/71)* [Judgment of the European Court of Human Rights of September 9, 1978, Case of Klass and Others v. Germany (Application No. 5029/71)]. https://europeancourt.ru/uploads/ECHR_Klass_and_Others_v_Germany_06_09_1978.pdf

European Court of Human Rights. (1993). *Postanovleniye Yevropeyskogo Suda po pravam cheloveka ot 25 fevralya 1993 goda Funke protiv Frantsii (zhaloba No. 10828/84)* [Judgment of the European Court of Human Rights of February 25, 1993, Case of Funke v. France (Application No. 10828/84)]. https://hudoc.echr.coe.int/eng#{%22dmdocnumber%22:[%22695686%22],%22itemid%22:[%22001-57809%22]}

European Court of Human Rights. (2004). *Postanovleniye Yevropeyskogo suda po pravam cheloveka ot 29 iyunya 2004 goda Delo "Shovi i drugiye protiv Frantsii" (zhaloba No. 64915/01) (II sektsiya)* [Judgment of the European Court of Human Rights of June 29, 2004, Case of Chauvy and Others v. France (Application No. 64915/01) (Section II)]. https://hudoc.echr.coe.int/fre#{"itemid":["001-61861"]}

European Court of Human Rights. (2008). *Postanovleniye Yevropeyskogo Suda po pravam cheloveka ot 1 iyulya 2008 goda "Liberti" i drugie protiv Soedinennogo Korolevstva (zhaloba No. 58243/00) (IV sektsiya)* [Judgment of the European Court of Human Rights of July 1, 2008 Case of Liberty and Others v. United Kingdom] (Application No. 58243/00) (Section IV)]. https://www.5rb.com/wp-content/uploads/2013/10/Liberty-v-UK-ECHR-1-July-2008.pdf

Fadeev, P. V., Ivanov, D. A., Potapov, V. D., Vasyukov, V. F., & Alimamedov, E. N. (2022). Classificação da assistência jurídica em processos penais [Classification of legal assistancein criminal proceedings]. *Lex Humana*, *15*(1), 224–236.

Fokina, L., & Logunova, N. (2023). Identidade e valores cívicos: Visão sistêmica [Civic identity and values: Systemic view]. *Lex Humana, 15*(1), 237–247.

Khuade, A. Kh. (2014). Konstitutsionnoe pravo na neprikosnovennost chastnoi zhizni i mekhanizm ego obespecheniya (issledovanie zarubezhnogo opyta) [The constitutional right to privacy and the mechanism for ensuring it (a study of foreign experience)]. *Vestnik AGU, 4*(148), 157-161.

Kilkelly, U., & Chefranova, E. A. (2001). *Evropeiskaya konventsiya o zashchite prav cheloveka i osnovnykh svobod. Statya 8. Pravo na uvazhenie chastnoi i semeinoi zhizni, zhilishcha i korrespondentsii: Pretsedenty i kommentarii* [The European Convention for the protection of human rights and fundamental freedoms. Article 8 Right to respect for private and family life, home and correspondence: Precedents and commentaries]. Moscow: Rossiiskaya akademiya pravosudiya, 116 p.

Kirillova, E. A., Zulfugarzade, T. E., Blinkov, O. E., Serova, O. A., & Mikhaylova, I. A. (2022). Perspectivas de desarrollo de la regulación legal de las platformas digitales [Prospects for developing the legal regulation of digital platforms]. *Juridicas CUC, 18*(1), 35-52. https://doi.org/10.17981/juridcuc.18.1.2022.02

Kornev, A., Lipen, S., Zenin, S., Tanimov, O., & Glazunov, O. (2022). Information and communication technologies in the main types of legal activities. *International Journal of Computer Science and Network Security, 22*(11), 177-183. https://doi.org/10.22937/IJCSNS.2022.22.11.25

Kostromina, E., Krasnovskiy, E., Pertsev, V., Kovalevskaia, N., & Makushkin, S. (2022). Development of a management model for the marketing activities of an industrial enterprise based on incoming controlled and uncontrolled variables. *Revista Gestão & Tecnologia, 22*(4), 384-399.

Libeigi, A., Munir, A. B., & Ershadul, K. (2019). Right to privacy, a complicated concept to review. *Library Philosophy and Practice (e-journal), 2841*. https://digitalcommons.unl.edu/libphilprac/2841

Maia, T. S. V., & Correia, P. M. A. R. (2022). E-government e sociedade digital [E-government and digital society]. *Synesis*, *14*(1), 184–206.

Maleina, M. N. (2001). *Lichnye neimushchestvennye prava: Ponyatie, osushchestvlenie, zashchita* [Personal non-property rights: Concept, implementation, protection]. Moscow: MZ Press, 244 p.

Manchenko, E. A., & Melnikov, V. Yu. (2022). Nekotorye problemy osushchestvleniya prava na neprikosnovennost chastnoi zhizni [Some problems of exercising the right to privacy]. *Nauchnye vyskazyvaniya, 14*(22), 53-56.

Noskova, I. A. (2013). Prestupleniya, sovershaemye s ispolzovaniem sredstv massovoi informatsii v kriminologicheskom smysle [Crimes committed using the media for criminological purposes]. *Kriminologiya: Vchera, segodnya, zavtra, 4*(31), 93-96.

Oganesian, T. D. (2020). The right to privacy and data protection in the information age. *Journal of Siberian Federal University. Humanities & Social Sciences, 13*(10), 1576-1589. http://dx.doi.org/10.17516/1997-1370-0664

Poperina, E. N. (2014). Chastnaya zhizn v usloviyakh informatizatsii obshchestva [Privacy in the conditions of informatization of society]. *Vestnik UrFO. Bezopasnost v informatsionnoi srede, 2*(12), 32-34.

Rengel, A. (2014). Privacy as an international human right and the right to obscurity in cyberspace. *Groningen Journal of International Law, 2*(2), 33-54. http://dx.doi.org/10.21827/5a86a81e79532

Rodionov, A. V. (2017). Aktualnye problemy realizatsii prava na neprikosnovennost chastnoi zhizni [The relevant issues of realization of the right to privacy]. In S. A. Kovalevsky (Ed.), *Aktualnye problemy gumanitarnykh nauk v tekhnicheskom vuze* (pp. 92-96). Kemerovo: Kuzbass State Technical University named after T.F. Gorbachev.

Shadrin, S. A. (2018). Soderzhanie prava na neprikosnovennost chastnoi zhizni po rossiiskomu i evropeiskomu zakonodatelstvu [Scope of the right to privacy according to Russian and European legislation]. *Actual Problems of Russian Law, 9*(94), 208-217. https://doi.org/10.17803/1994-1471.2018.94.9.208-217

Shakhov, N. I. (2008). Otnosheniya po okhrane chastnoi zhizni i informatsii o chastnoi zhizni kak obekt teoretiko-pravovogo issledovaniya [The protection of private life and information about private life as an object of theoretical and legal research]. *Severo-Kavkazskii yuridicheskii Vestnik, 2*, 39-44.

Suprovich, I. V., & Bykova, A. G. (2021). Problemy realizatsii prava cheloveka i grazhdanina na neprikosnovennost chastnoi zhizni v Rossiiskoi Federatsii [The realization of the human and citizen right to privacy in the Russian Federation]. *Simvol nauki, 11-2*, 71-73.

Trofimov, V. A. (2020). Nekotorye problemy realizatsii prava na neprikosnovennost chastnoi zhizni [Some issues of realization of the right to privacy]. In *Sotsialno-ekonomicheskoe razvitie Rossii: Problemy, tendentsii, perspektivy: The collection of scientific articles of the 19th International scientific conference* (Vol. 5, pp. 169-172). Moscow: Financial University under the Government of the Russian Federation.

United Nations General Assembly. (2013). Resolution A/RES/68/167 adopted by the General Assembly on 18 December 2013 "The right to privacy in the digital age". https://www.justsecurity.org/wp-content/uploads/2014/03/GA-Resolution-Privacy-in-the-Digital-Age.pdf

Urmina, I., Onuchina, K., Irza, N., Korsakova, I., Chernikov, I., & Yushchenko, N. (2022). Communicative and discursive practices in the 21st century: Culturological analysis of the educational process in higher education. *Revista Conrado*, *18*(87), 34-43.

Zenin, S., Kornev, A., Lipen, S., Shepelev, D., & Tanimov, O. (2022a). Desenvolvimento da esfera de regulamentação legal sob a influência das tecnologias digitais [Development of the sphere of legal regulation under the influence of digital technologies]. *Lex Humana*, *14*(1), 552–563.

Zenin, S., Kornev, A., Lipen, S., Shepelev, D., & Tanimov, O. (2022b). Transformation of law and legal activity in the context of the development of digital technologies. *International Journal of Computer Science and Network Security, 22*(11), 427-432.