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DIGITALIZATION OF LAW IN THE MODERN WORLD

DIGITALIZAÇÃO DO DIREITO NO MUNDO MODERNO

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Abstract: The study aims to investigate the concept, content, and nature of law digitalization processes taking place in the modern world. The paper examines an important direction of research that suggests that real provision of digital human rights calls for a state mechanism for their protection along with the search for an optimal legal compromise between the access of law enforcement services to information and the right of citizens to confidentiality. The study utilizes the method of induction, systemic scientific analysis, and comparative legal and historical methods. The leading method at the basis of solving the research problem is the comparative legal study of the digitalization of law. The paper categorizes and analyzes the processes of law digitalization and the closely related social processes of today, explores (based on the example of digitalization of legal relations on the protection of property rights to intellectual products) legal mechanisms of digitalization of patent services and specialized law firms. The authors conclude that the use of electronic distance voting will enable the science of constitutional law to discover new scientific approaches to making amendments to constitutions and statutes of constituent entities of the federation, as well as significant positive trends in practice that contribute to social justice, public administration efficiency, and anti-corruption.

Keywords: Legal system. Digitalization of law. Intellectual property. Electronic services. Scientific and technological progress. Patent service.

Resumo: O estudo tem como objetivo investigar o conceito, o conteúdo e a natureza dos processos de digitalização do direito que ocorrem no mundo moderno. O artigo examina uma importante direção de pesquisa que sugere que a provisão real de direitos humanos digitais exige um mecanismo estatal para sua proteção, juntamente com a busca de um compromisso legal ideal entre o acesso dos serviços de aplicação da lei à informação e o direito dos cidadãos à confidencialidade. O estudo utiliza o método de indução, análise científica sistêmica e métodos jurídicos e históricos comparativos. O método principal na base da solução do problema de pesquisa é o estudo jurídico comparado da digitalização do direito. O artigo categoriza e analisa os processos de digitalização do direito e os

processos sociais intimamente relacionados de hoje, explora (com base no exemplo da digitalização das relações jurídicas na proteção de direitos de propriedade sobre produtos intelectuais) mecanismos jurídicos de digitalização de serviços de patentes e direito especializado empresas. Os autores concluem que o uso do voto eletrônico a distância permitirá à ciência do direito constitucional descobrir novas abordagens científicas para fazer alterações nas constituições e estatutos dos entes constituintes da federação, bem como tendências positivas significativas na prática que contribuem para o bem-estar social.

Palavras-chave: Sistema jurídico. Digitalização do direito. Propriedade intelectual. Serviços eletrônicos. Progresso científico e tecnológico. Serviço de patentes.

1. Introduction

The rate of development of modern society is a combination of scientific and technical progress with the humanistic directions of social development. In this connection, there is an acute question about the regulation of social relations arising in different spheres associated with the digitalization of various processes. To this, we can attribute the advance of e-learning and electronic document management, as well as the widespread implementation of electronic signatures and the advancement of electronic services.

All scientific and technical revolutions that have occurred since the start of the 20th century are severely lagging in the issues of regulation from a legal standpoint. The processes of legal and social regulation develop post factum. The transformation of social processes occurs first, and it is only after that that regulating instructions and documents that shape legal relations in the new conditions are developed. In other words, legislation is developed not pre-emptively but proceeding from the existing realities. However, in the context of digitalization, this process needs to be reconsidered in connection with the increasing legal issues (Babaeva et al., 2022).

The digitalization of social processes is becoming part of today's life. We buy e-tickets, receive e-receipts, and make transactions using online services. There are refunds and consumer disputes that need to be resolved. There also are completely new types of fraud using electronic signatures and forgery of electronic documents. All this is connected with the development of software that concludes contracts, for example, in bank applications. Such systems have their weaknesses along with imperfect legislation to protect the rights of users.

The approach proposed will promote the formation of digital dialog between citizens and authorities and the realization of every citizen's right to partake in digital public

administration using access to the digital platforms of the Russian Federation's constituent entities (Malinenko, 2019).

It appears, in our view, that the approach proposed will provide a faster implementation of effective development of territories of subjects in the digital space in practical terms, and in the science of constitutional law – the opportunity to implement digital public administration tools (Malinenko, 2020).

2. METHODS

The creation of the *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)* demonstrates the global recognition of intellectual property rights as a commodity on an equal footing with tangible products.

The intellectual property market has its infrastructure. This infrastructure is constituted by the complex of institutions that ensure the circulation of various products of intellectual labor. The primary functions of this market infrastructure include:

- search for the results of intellectual activity with commercial content;
- qualified estimation of the price of the intellectual product;
- bringing the intellectual product to the customer or consumer;
- an activating effect on the economy in production industries;
- indirect regulation of monetary circulation.

The regional intellectual property market objectively needs to involve an infrastructure directly or indirectly associated with the circulation of intellectual labor products. This includes:

1. Intellectual property consolidation centers:

• technoparks and technopolises;

• small innovative enterprises under universities;

• regional invention centers;

• scientific research institutes and design bureaus under scientific research institutes and industrial enterprises;

• other innovative enterprises.

2. Organizations that provide the process of consolidation and protection of property rights to intellectual products – patent services, specialized law firms.

3. Appraisal companies that offer a valuation of products of intellectual labor.

4. Registrar companies that keep registers of intellectual labor products and their owners.

5. Depositories and centers of scientific and technical information – organizations that perform the function of storing documents and recording the ownership of intellectual products.

6. Marketplaces.

7. Dealer and brokerage companies that conduct direct sales and purchases of products of intellectual labor.

8. Companies that manage portfolios of intellectual labor products and intangible assets of enterprises.

9. Consulting, auditing, and marketing companies providing analytical services related to performance evaluation and forecasts of smart product sales and purchases.

10. Financial support organizations:

• state innovative investment funds;

• commercial investment and venture capital funds;

• innovative commercial banks;

• insurance companies.

11. Information and advertising agencies.

The quality and volume of information decide the accuracy of decisions to purchase or sell intellectual products. The interaction between the producer and consumer in the information market is mediated by intermediaries, who charge commissions for their services. An important element of the information market is information about competitors. The subjects of trade in the information market are also television and radio products, books, newspapers, etc.

The development of preliminary theory and prospective legislation will in some cases allow one to act promptly and form a legal basis at the moment of the emergence of new asocial digital manifestations.

Digitalization of social processes simplifies citizens' lives but together with eliminating some problems creates preconditions for new offenses and fraudulent schemes. In particular, contacting social and tax authorities in digital form makes the process easier and makes the systems transparent, which helps prevent corruption in some spheres.

Open banking histories, electronic employment records, and, most importantly, the spread of personal data entered for registration on different resources, not only for

public but also for private and commercial use, open a wide field for criminal activity. The conducted analysis points to such issues in the development of law in the conditions of digitalization as the lack of a scientific background for the development of digital law, the backlog of legal regulation from modern trends, and a rise in fraud using online resources.

To address current problems and not just keep up with modern trends but act preemptively on the development of law in proportion to the rapid development of social progress, we can consider such mechanisms to prevent the aforementioned issues as increasing the amount of scientific research in the considered sphere, creating individual units of digital fraud controlling as part of law enforcement tasks, etc.

The proposed initiatives assume a set of measures that require decisions concerning both legislation and civil initiatives. Although this process is slow, society will be able to regulate the new social and legal relations arising in the rapidly changing world.

The level of automation and mechanization of work in the agricultural sector is rising every year. Agricultural units are improving, and currently in demand are multifunctional machines that perform several operations at once in a short time. By the manner in which the work is performed, agricultural machines are subdivided into mobile and stationary. Stationary machines perform technical operations on location. These units allow one to decrease the amount of consumed energy, use cheap energy sources, and reduce the depreciation of parts and mechanisms during operation. Among these are, for example, grain harvesters and grain drying and storage complexes.

Mobile agricultural units are intended to perform works in motion and include tractor machine units consisting of a tractor power source and one or more attachments connected to the tractor with a hitch. For the improvement of production efficiency, intensive technologies are now implemented that allow for the regulation of crop yields and farm animal productivity (to obtain the planned quantity and quality).

Intensive technologies are used in crop production: on plantations, in greenhouses, and orchards. Cultivation of such crops as wheat, buckwheat, millet, rice, potato, sugar beet, etc. is inconceivable without the use of intensive technologies. They provide first-class seeds, high-yielding plant varieties, nutrition, protection against various pests, fertilization, and soil preparation before sowing, care, and harvesting.

In livestock farming, intensive technologies are utilized in the production of meat and dairy products at enterprises and farms. They are used to implement rational nutrition, obtain highly productive animals, and organize a flow shop production system. Promising

technologies include agricultural robots (unmanned aerial vehicles, drones for monitoring the state of fields and harvest, and smart sensors). The wide introduction of digital technologies, automation of production processes, and the use of modernized equipment in the work of enterprises will not only locally increase productivity in agricultural production, but will also enable access to international markets (Babaeva et al., 2022).

3. RESULTS AND DISCUSSION

Digital technologies are now changing our lives at a rapid pace and affect every area of social life. The development and use of digital technology are critical for the development of the innovation economy and its entry into international markets.

Innovative development assumes financial stability and economic growth, social development, and environmental security, which, in turn, are also achieved using digital technology. Rapidly and extensively evolving digital technologies adapt to changes in the external environment and help meet socio-economic and other challenges. The use of digital technology, particularly digital ecosystems and platforms, opens up limitless opportunities and markets, increases production volumes, and markedly lowers costs, as the rise of digital technology contributes to the emergence of numerous new economic opportunities. The advance and growth of such technologies create new challenges and issues, such as competition, unemployment, and data protection and security. Nevertheless, the upsides belie the aforementioned drawbacks, which should be addressed by improving the legal framework, strategic management, and investment. Concurrently, the methodology for the study of the external environment changes due to the increasing number of digital ecosystems and platforms is incorporating new methods and ways of analyzing the activities of subjects.

The changes occurring due to the rise of digital technology need to be analyzed and accounted for when forming long-term company development strategies. Recently, companies are increasingly recognizing the advantages of utilizing digital technologies in various types of activity, as they become drivers of economic growth (Stewart, 2018).

Thus, digital platforms act as the driving force and source of growth for the innovation economy, which is supported by the ranking of the world's largest companies by market capitalization, whose leaders are technology companies specializing in digital technology, leaving behind the oil, manufacturing, and machine-building industries. Among

the main attributes of digital ecosystems and platforms are accessibility, scalability, flexibility, multilingualism, automation, usability, boundary-crossing nature, relevance, efficiency, and optimization. Moreover, of no small importance in the study of the impact of digital ecosystems and platforms on innovative development of the state is the identification of the legal nature of regulation of digital platforms, their essence, as well as analysis of the conceptual apparatus used in the study of legal regimes of digital platforms, which, in turn, will be achieved through the use of a general scientific (dialectical) method of scientific knowledge of legal reality.

Digitalization is one of the most popular vectors of development in the modern world. Electronic devices are part of people's everyday and work lives alike. Furthermore, in the past 30 years, computer technology has quickly penetrated various spheres of human activity. In medicine, operations are performed with the use of AR and robots; business uses CRM and online services for remote work and storing large databases; in production, these technologies are used to automate factories and create new models and materials; the sphere of art makes use of VR, electronic devices for painting, services for music recording and streaming, etc.

Without a doubt, digitalization has also had an impact on education both in preschool and school institutions and in higher education.

Digitalization in education consists in the transition from traditional education to learning with the use of digital educational resources presented in an electronic form.

The first stepping stone to learning at the youngest age is kindergarten. In the late 19th and 20th centuries, kindergartens were a way for children to be supervised while their parents were at work. Later on, children in kindergartens began to be taught classes and engaged in conversation about the world around them, doing creative work and reading books.

School students are even further involved with computer technology during their studies. Virtually every contemporary school has electronic blackboards instead of analog ones. These devices have a multitude of functions. Specifically, they can be written on the same as traditional blackboards, but they also have Internet access, applications for showing presentations and text files, interactive games, and access to students' accounts. School corridors are equipped with touch screens with electronic schedules of classes and breaks, as well as the institution's upcoming events. These devices make learning more convenient and expand learning opportunities (Grudtsyna, 2022a).

Every school student always carries a social card, which is used to pay at a discount for public transportation, to enter the school through the turnstile (which is a security measure), and to pay for meals in the cafeteria. There are ATMs installed in schools to recharge the card. The student's card not only speeds up many processes but also allows monitoring their entrance and exit to and from the educational institution, as well as controlling their cash balance.

Around ten years ago, all schools abandoned paper report cards and gradebooks and switched to electronic versions, in which grades and homework are posted. This service allows parents to track their children's grades and submission of works, and teachers can grade students objectively based on their grade point average in the class. Students, in turn, always have their schedule on hand, get homework assignments in case of missing class, and submit it for checking. The teacher and student can always keep in contact in the electronic grade book chat.

Throughout their studies, school students take various midterm examinations, such as All-Russian Test Works (VPR) and tests by the Moscow Center of Educational Quality. Graduates of the 9th and 11th grades take state exams, the Basic State Examination and the Unified State Exam. The test part of all these works is checked automatically to increase the objectivity of the student's grading. In addition to the use of technology to simplify the learning process, students study such subjects as computer science, robotics, electrical engineering, modeling, and others, which prepare them for future interaction with electronic databases and documents and lay down basic programming skills, which are very relevant in any modern profession.

Universities utilize a vast number of services, applications, and electronic devices in their work. Let us consider the most popular. Many universities have websites to store and present various information to students. For instance, these websites are places to post video lectures, test assignments, and examples of exam work. Students have electronic credit books, as well as gradebooks with their current scores and grades. Teachers fill out electronic gradesheets. There is a popular practice of holding lectures with presentations containing basic term definitions. This helps students assimilate information better and take notes quicker, as lecturers tend to speak fast. In addition, students can use these presentations to go through the necessary information once more. A widespread form of teacher-student interaction is the electronic form of homework assignments, which vividly

demonstrates people's striving for micromobility and simplifies the task of checking assignments and the transmission of information.

Naturally, students take various disciplines at universities related to modern innovations, such as computer science, digital mathematics, and programming languages. These subjects are studied not only in economic and technical universities but also in humanitarian and creative institutions. For example, design students learn to make models and perform calculations in various computer programs.

Special attention should be paid to the impact of digitalization on education. Interest in the introduction of technology in education first arose in Western countries in the 2000s. This was first pointed out by American scientists D. Johnston and L. Baker. In Russia, digitalization came to education later, in the 2010s.

A major impetus for the development of digital technology in education was the COVID-19 pandemic when direct contact and mass meetings were banned but education could not be stopped altogether. The education system then fully transitioned to distance learning, which allowed for reducing the lag behind the programs and continuing the educational process even during a severe epidemiological situation.

Digitalization has many advantages. Technology saves humanity time and resources. The abandonment of paper-based documentation reduces the consumption of natural resources to print textbooks, notebooks, and documents. Distance learning enables students to obtain education in their hometown when residing in other cities.

However, the transition to the electronic format bears the risk of reduced quality of education due to the lack of personal contact. The constant use of gadgets affects the health of students and teachers alike. At present, approximately 20% of visually impaired persons are young people. Another drawback is the low readiness of teachers to use digital technology since the older generation often has difficulties in developing skills to use modern devices.

In summary, we should note that the digitalization of education will continue to advance rapidly. Electronic technology will be integrated into the learning process. The fast development of innovations and the creation of new software is inevitable, so education with the use of technology is becoming a natural part of human life. A complete transition from traditional to digital education will most likely cause a sharp decrease in the quality of training, but education will most certainly become digital in part (Shuganov, 2021).

At present, Russia is actively working on the digital transformation of the agricultural sector. There appear new domestic IT solutions, and we observe the development of projects aimed to systematize data on agricultural resources, simplify planning and risk prediction, train specialists in various specialties to work with digital technologies, as well as increase labor productivity and reduce the costs of fertilizers and electricity.

In contemporary science, the interdisciplinary approach to the study of complex social and legal phenomena is understood as a synthesis of humanitarian (philosophy, sociology, economic theory, etc.), natural-humanitarian (medicine, physics, psychology, etc.), and technical knowledge on the features of technological means and methods of establishing social relations in the online space. The interdisciplinary perspective will promote fruitful research into the role of digital platforms and ecosystems in the innovative development of the state. The interdisciplinary approach enables a holistic study of the object and a combination of data from various disciplines and thereby can lead to the development of new concepts (Kerimov, 2001, p. 63). Summarizing the above, we conclude that since the advancement of digital technology, particularly digital ecosystems and platforms, affects all sectors and spheres of the economic system, as well as changes the traditional formats of business and leads to the innovative development of the state, the study of the role of digital platforms and ecosystems in the innovative development of the country needs to exceptionally closely consider the object of the study and the applied research methods.

The era of digital transformation brings changes in different spheres of social interaction in modern society, including in the sphere of retail trade. The online sales sector saw considerable development in 2020 during the spread of COVID-19, since one of the ways to reduce incidence at the state level was the limitation of social contacts. In the past two years, the drastic transition from offline to online has been beneficial for all participants in the production and consumer market. The popularity of online trade is confirmed by producers and sellers and is becoming the norm. The media state that interest in online trade is rising further, which is explained by the simplicity, convenience, and comfort of all operations, as well as better quality and increased trust on the part of the consumers (customers) of goods (services).

Fast suppression of the distribution of products and materials prohibited or restricted for circulation on the Internet is a vital measure for the prevention of cybercrime,

especially since copying or distributing information to remote users takes mere seconds. The procedure for prosecuting such crimes is complex, requiring a court decision, which does not always provide maximum effectiveness. The problems posed require a comprehensive solution.

In Russia, the sources of legal regulation in the sphere of online trade in the digital market are orders of the President, legislative acts, and policy documents. At the legislative level, it is regulated that the implementation of quality remote trade for consumers should be ensured by the security of payments, the provision of the broadest and correct information on goods and services, as well as the possibility of addressing consumer complaints (Lotz, 2018).

One of the state objectives set out in the national program is aimed at countering computer crime, including in the financial sphere. In the distant mode of sales, there are certain specifics in contract conclusion, delivery options, and the presence or lack of intermediaries, which entails various rights and obligations of the seller and buyer. Analysis of practice shows that there are online aggregator platforms that collect information on users and their requests. In this case, the owner of the aggregator platform is liable for failure to comply with their obligations in terms of providing information to the consumer.

On the one hand, this mechanism allows sellers to quickly tailor their trading activities to meet consumer needs, greatly expand the range of consumers, and increase sales. On the other hand, there is a rising risk of leaks of information provided by the consumer and the use of this information for malicious purposes, including fraud.

Online trade activities are two-way and responsibility has to be assumed by both parties (the seller and the buyer). Federal oversight of consumer protection is carried out by Rospotrebnadzor, which realizes a set of measures for restriction and prevention of crimes related to failure to fulfill mandatory requirements and comply with law and conformity of goods/services/works to mandatory requirements. In this regard, inspections can be scheduled and unscheduled (in connection with violations, including upon applications of citizens whose rights were violated). The legislation defines procedural foundations for state and municipal control. Various types of liability are provided for in cases of identified violations. Importantly, a violation of consumer rights entails not only civil law liability but also the administrative and criminal liability of the seller.

The legislation establishes administrative liability for a range of consumer rights violations, such as including contract conditions that infringe the consumer rights provided

by relevant legislation. In this relation, there is an established list of offenses for which administrative responsibility is established, which applies both to offline and online trade.

Violation of consumer rights is criminalized. In distance trade, criminal responsibility is established for distributing products that do not meet the standards of safety to the lives or health of consumers. However, the law does not provide for the aggravating circumstances of sales using the Internet, although the distribution (sales) of dangerous products online can lead to a greater amount of victims in a shorter time. Importantly, local governments and public consumer associations (unions) have special powers to protect consumers' rights (Grudtsina et al., 2022).

These public structures are new progressive forms of public control and have an important role in the formation of civil society. Their activities are generally aimed at the realization of citizens' rights to take part in public administration and participation in the formation and development of citizens' legal awareness and active citizenship.

Open official information sources give evidence that the practice of public participation in control over compliance with consumer law is carried out in all regions of Russia through the implementation of projects, including online projects, various studies with the public presentation of results, the compilation of ratings, the organization of contests ("honest sellers"), and initiation of different tests of products (works, services), etc.

Among regional practices, we can note the online "Consumer rights protection" project planned in Moscow. This resource is designed for the prompt solution of arising problems in the pre-trial order, without complaints to supervisory authorities.

A special role in public control and work to prevent and minimize consumer rights violations is played by educational activities. Some public associations offer free legal assistance to citizens, individual lawyers do live broadcasts and post on social media, and publish short videos explaining the rights and obligations of consumers and sellers.

A promising direction in the development of public control in consumer rights protection is the creation of the institution of ombudsmen for consumer rights protection, which could accumulate problems and request the necessary materials and documents from public authorities and receive explanations independently of the state power.

In conclusion, we should highlight that following the established state tasks, contemporary Russia is actively developing an information space marked by the distribution and accessibility of technological solutions, increasing coverage of interested

parties, transparency of interaction mechanisms, and improvement of legislation (Grudtsina et al., 2022).

The establishment of distance communication, the provision of government services online, online trade, and other practices bring to the fore the issue of monitoring information safety and the need to search for and choose optimal methods to prevent and detect illegal actions in distance interaction of sellers and buyers.

Experts suggest that one of the priority vectors in the development of state economy is the indicator of trust between consumers and sellers, which depends on state strategy, positive court practice in the interest of the consumer, systemic work on educating the population, etc.

The formation of competent consumer behavior based on legal, informational, and communication competencies of citizens allows one to minimize the risks associated with online sales.

4. CONCLUSION

Modern technologies are conquering the world and producing a great impact on society and the individual. The rapid introduction of new ways of communication that allow one to preserve anonymity, digitize the largest amount of data from virtually any information carrier, and offer broad opportunities to use the digital space from various types of devices and different geographical locations raises the need to provide relevant legal regulation of these methods of interaction (Douglas, 2017). Importantly, current realities also pose the requirement of relevance and timeliness of legal regulation (Subochev, 2006, pp. 85-87).

Many researchers make the point that law is more static than the relations regulated by it. Law almost always lags behind life both in the regulation of social connections and in mediating diverse interests. The law needs to keep up with the times and even go ahead of it, although it is understandable that "the legislator often does not have the time to 'recognise' (establish, formalize by law) the new emerging social opportunities and interests" (Grudtsyna, 2022b, p. 121).

Digitalization as a process of implementation of new technology into the everyday life of society and the state entails the emergence of a new category of digital rights and

new ways of interaction between participants in legal relations that are now encumbered with digital technology.

Technological progress defines the new paradigm of digitalization. Digital technology encompasses all electronic processes associated with computation and data transformation. Modern art shows the trend of relinquishing material media and moving to digital production because the convenience of the use of digital art is an advantage in realization in the market for goods and services (Ananko, 2001).

Together with the advantage of the digital format, there arise the risks of misuse. At greatest risk are literary, musical, photographic, and software works, i.e. all objects that form digital content and are easy to copy, distribute, and modify with modern technologies (European Commission, 2020).

The above strongly supports the need to change the institution of copyright in line with the new paradigm. The advent of the new paradigm brings about a new digital imperative that, as applied to law, affects the very mechanism of legal regulation, for example, of intellectual property.

We should particularly stress the problem of legal regulation in cyberspace because the legal system of any state is localized within its borders, while cyberspace does not have such limitations due to the characteristics of digital technologies providing it. In our view, there is a need to research this issue and, among other things, to identify new approaches to legal regulation of the newly emerging jurisdiction as part of digital law, for instance, the creation of the Digital Code in addition to the existing civil, labor, criminal, and other codes, for example, following the model of the Federal Law "On digital financial assets".

However, since the formation of the body of normative legal acts is a lengthy process, we propose addressing individual spheres of law, like copyright law, which can become the first steps to the development of cyberspace and the provision of legal regulation of legal relations in the digital sphere.

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