



Digital technologies and society: directions of interaction

Tecnologías digitales y sociedad: direcciones de interacción

PASHENTSEV, Dmitry A. 1; ZALOILO, Maxim V. 2; IVANYUK, Oksana A. 3 & ALIMOVA, Dina R. 4

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ABSTRACT:

In the article authors attempt to analyze the changes that occur in the development of society and its economic and legal sphere under the influence of modern digital technologies. The methodological basis of the study was the principles of modern post-classical science: contextuality, constructivism, anthropocentrism. The authors emphasize that digital technology is changing the entire communications system in modern society. The impact of digitalization processes on social relations occurs, first of all, due to their influence on the mentality and legal consciousness of the subjects of these relations. The article identifies and substantiates the main directions of the impact of digital technologies on public relations. The development of digital technologies puts on the agenda the issue of the protection of human rights, including the protection of his personal data, privacy, e-reputation. Digital technologies change regulation in areas directly related to economic development, such as intellectual property, the media, software for production and other processes, patents and trademarks. The formation of new institutions of the digital economy, such as e-finance, including cryptocurrency, e-commerce, and online commerce, is also noted. Despite such large-scale changes, the role of man in social management will continue to remain high.

Keywords: digital technologies; digital economy; society; public relations; law; law-making

RESUMEN:

En el artículo, los autores intentan analizar los cambios que se producen en el desarrollo de la sociedad y su esfera económica y legal bajo la influencia de las tecnologías digitales modernas. La base metodológica del estudio fueron los principios de la ciencia posclásica moderna: contextualidad, constructivismo y antropocentrismo. Los autores enfatizan que la tecnología digital está cambiando todo el sistema de comunicaciones en la sociedad moderna. El impacto de los procesos de digitalización en las relaciones sociales se produce, ante todo, debido a su influencia en la mentalidad y la conciencia jurídica de los sujetos, sobre estas relaciones. El artículo identifica y fundamenta las principales direcciones del impacto de las tecnologías digitales en las relaciones públicas. El desarrollo de las tecnologías digitales pone en la agenda el tema de la protección de los derechos humanos, incluida la protección de sus datos personales, privacidad y la reputación electrónica. Las tecnologías digitales cambian la regulación en áreas directamente relacionadas con el desarrollo económico, como la propiedad intelectual, los medios, software para producción y otros procesos, las patentes y las marcas registradas. También se señala la formación de nuevas instituciones de la economía digital, como la financiación electrónica, incluidas las criptomonedas, el comercio electrónico y el comercio en línea. A pesar de estos cambios a gran escala, el papel del hombre en la gestión social seguirá siendo elevado.

Palabras clave: tecnologías digitales; economía digital sociedad; relaciones públicas; ley; hacer la ley

1. Introduction

In modern conditions, the social development paradigm changes significantly under the influence of a number of factors, one of which is digitalization. In fact, society has faced a powerful challenge, which was not observed in past historical periods. It is about the digitalization of social relations, both in the economy and in other areas. Digitalization, which refers to the widespread introduction of new digital technologies, is comparable in scale to its industrial revolution with the scale of its impact on society. As a result, we can talk about the formation of a new model of public relations. In the recent past, it might still seem that a certain balance was established in the economic sphere of Western society within the framework of the liberal model. But today it is obvious, that digital technologies have not only changed the way companies operate in the computer and telecommunications sectors, but also affected the production structure in all industries and services (due to robotization, information and networking in almost all types of economic activity) and, in addition, the overwhelming majority of citizens have changed their daily lives (computerization, a surge in the use of mobile communications, the development of the Internet). The social and political challenges associated with managing these digital communication technologies are many and complex. This includes the protection of confidentiality, the protection of economic circulation and electronic commerce, as well as the harmonization of freedom of information and intellectual property and etc (Warusfe B., 2002).

In order to analyze the changes that are occurring with society in the conditions of the digital economy, it is necessary to move away from some old methodological approaches, primarily related to rigid determinism. A new reality of a changing world requires a new methodology. In particular, those ideas that are expressed by supporters of modern postclassical science seem prosperous.

2. Methodology

The authors of this article presents unique research results. The authors of the study formulated and elucidate the problem, accumulated a base of sources, conducted a study. The article used the following methods: analysis, synthesis, logical methods, comparative legal and formal-analytical. The article may be useful for researchers in the field of digital technology.

3. Results

One of the representatives of modern science is academician of the Russian Academy of Sciences V.S. Stepin. In his works, he substantiated the transition to new principles of scientific knowledge, to a new postnonclassical scientific rationality, which placed at the center of research unique, historically developing systems in which human was included as a special component (Stepin V.S., 2003).

I.L. Chestnov believes that the principles of the modern picture of the world in relation to society are the multidimensionality of the existent processes, the constructed nature of social reality, relativism and uncertainty (Chestnov I.L., 2012). Instead of the usual and well-established principles of scientific knowledge, such as determinism, objectivity, universality, truth, come new approaches, that involve pluralism of opinions, recognition of the unscientific component, anthropocentrism and contextuality (Dorskaya A.A., Chestnov I.L., 2010).

These methodological premises make it possible to understand that the impact of digitalization processes on social relations occurs, first of all, due to their influence on the mentality and legal consciousness of the subjects of these relations.

Digitalization is a powerful factor in terms of human exposure, which changes the model of human thinking, affecting some of its key parameters. As noted at the conference on the problems of artificial intelligence, according to the dean of the Faculty of Philosophy of Lomonosov Moscow State University V.V. Mironov, "e-culture creates a number of communicative and psychological problems" (Mironov V.V., 2017). It influences the thinking of a person, already today it makes a number of mental functions practically unnecessary. The nature of decision-making changes, now the person first performs the action, and only then thinks about its expediency and morality. A clip consciousness, based "on the superficial perception of fragments of reality" (Mironov V.V., 2017) is formed. As a result, the skills of analyzing texts, revealing their essence, and skills of complex perception of problems are lost. The need for revealing the truth, which eventually becomes situational, disappears. Thus, key analytical skills and abilities necessary for successful activity in the field of public administration, legal regulation and in the other critically important for society fields are lost.

Digital technologies are changing the entire communications system in modern society, and this directly affects its development.

It is possible to highlight the following main directions of the impact of digital technologies on public relations.

First of all, the development of digital technologies puts on the agenda the issue of the protection of human rights, including the protection of personal data, privacy, e-reputation. Digital technologies exacerbate the problem of total control of a person, and private life. "Accurate data relating to our privacy is collected, stored, retrieved and analysed by huge computer databases owned by large companies and government departments" (Lyon D., 1994). And here one can see a serious threat to human rights.

Secondly, new digital technologies actually mean a breakthrough in the development of medicine, which can significantly affect social development, especially by increasing life expectancy and maintaining active longevity. It is about telemedicine, digital medicine, electronic pharmacology and etc.

Thirdly, digital technologies change regulation in areas directly related to economic development, such as intellectual property, the media, the patent, trademarks, software for production and other processes.

Fourthly, we can observe the formation of new institutions of the digital economy, such as e-finance, including cryptocurrency, e-commerce, online trading. It has also evident that anti-trust law undergoes changes.

Fifthly, the activity of the state in countering terrorism and combating crime in the virtual space is becoming important.

Modern digital technologies change the perception of democracy and its models. They contribute to the more successful development of democratic mechanisms. Information on the activities of government bodies and officials is becoming more and more open and accessible. Political and managerial activities are becoming increasingly public. We can say, that the development of digital technologies contributes to a wider involvement of the people in the process of social management. At a minimum, the influence of the country's population on the nature and content of management decisions is enhanced.

This process has a downside. As noted in the World Bank's report "Public Administration and Law", the introduction of information and communication technologies can aggravate social inequalities in the issues of citizen involvement in public administration, which allows us to raise the question of the so-called "digital gap" (World Development Report, 2017). Digital technologies transfer the process of discussing and even making important government decisions, as well as laws, into a virtual environment. As a result, citizens who do not own these technologies or who do not have access to the Internet actually lose the opportunity to participate in the discussion of these decisions and proposed draft laws. Such situation leads to the infringement of their rights and legitimate interests, entails a decrease in the level of democracy in social development.

An important role in the development of social relations is played by law as a universal and effective regulator. Digital technologies are changing a number of key parameters of the legal system of society. First of all, this refers to law-making, as an important part of legislation. This is due to the traditionally high role of laws in the legal system of Russia. But in modern conditions, as the researchers note, "the mobility of the borders of legislative regulation causes a change in the structure of the legislation, changes its architectonics" (Abramova A.I., 2018). T. Ya. Khabrieva believes that in the conditions of digital reality, the dominance of laws negatively affects the effectiveness of legal regulation due to the existing difficulties of their operational change in the case of transformation of the subject of regulation (Khabrieva T.Ya., 2018).

Analysing the possible transformation of the law, D. Howes writes that the choice of people in favour of digital technologies is determined, first of all, by their convenience. Getting used to the convenience of perception of electronic texts and documents with their inherent specifics, users are already ready to abandon the rigid, mysterious format of ordinary legal texts as inaccessible and irrelevant (Howes D., 2001). In this regard, the cited author suggests to stop reviewing the law as a limited text and present it as an "information delivery system" or as exercise in "interactive artificial modelling". With this model, the law will consist of a number of alternative scenarios, from which users-citizens can choose and accept for themselves on a completely individualized basis. We are revising a law rather as a guide to action, than an act adopted by an authorized body.

A similar approach, which involves changing not only the form of the law, but also its nature, as well as its purpose, today still seems fantastic. But if you remember how rapidly digital technologies are changing all spheres of public life, including the sphere of law, then such fiction is already beginning to receive the features of reality. In this connection, the opinion of academician T. Ya. Khabrieva is logical, she supposed, that in the future, along with the law, may emerge another social regulator, which is unknown today, it will be more flexible and able to successfully adapt to new, constantly changing conditions, or the law itself will change a number of its characteristics and as a result will acquire the necessary flexibility (Khabrieva T.Ya., 2018).

The form of such new regulator can be the same changed law, which D. Howes writes about, a law containing dispositive norms combining general rules of behavior and the possibility of their individual "tuning", a law adapting to the needs of specific subjects of legal relations.

For the Russian legal system, this aspect has particular importance. Domestic law, by virtue of the historical traditions of legal regulation, is predominantly imperative. Even in civil law, the number of imperative norms significantly exceeds the number of dispositive norms. Public law in Russia has always undoubtedly dominated private law. This situation complicates and slows down the dynamics of social relations in the conditions of the development of modern digital technologies. Rigid, imperative, inflexible law does not meet the needs of the time, it is not suitable for the modern digital economy, which generates other, previously unknown forms of public relations.

The objectives of the development of the digital economy determine the need for the redistribution of the relationship between public and private law, between imperative and dispositive rules. The digital economy needs new, more flexible legal regulators that can be effectively used by all bona fide participants in economic relations.

It is important to note, that such changes in the law will erase those characteristics that are typical for the Russian legal tradition, they will affect the degree of uniqueness of the domestic legal system and will contribute to its movement towards universalization.

As for relations in the virtual space, which are becoming increasingly important, then the role of the law becomes even less important for regulating these relations. With the help of the law alone, it is almost impossible to control and direct the behavior of people in cyberspace. Other mechanisms that are more effective under the given conditions are needed, otherwise the adoption of laws will turn into a self-deception of the legislator and will have little in common with the real life of the subjects of the virtual space (Chris R., 2012).

The law of the future is a digital law. Such law should become interactive, only then it will be able to successfully fulfill its functions, including the regulation of relations developing in the virtual space. The implementation of the digital law will require the creation of new, flexible mechanisms related to self-regulation and the choice of independent and reputable arbitrators by the subjects of the relationship. The first experience of the development of such mechanisms is already there, it is represented by the technology of entering into smart contracts, which, in turn, is associated with the use of blockchain technology. So far, the first steps are being taken in this direction, but it is possible that in the near future a new mechanism for the resolution of disputes and the application of legal norms may take a more important place in the system of enforcement of law in the economic sphere.

The appearance of the above-described form of law is impossible without changing the whole model of law-making. The contours of this new model will be determined by the process of virtualization of public relations and the development of digital technologies. These technologies change the approach to information, which not only becomes more accessible, but acquires an independent value. The meaning of social interaction is increasingly reduced to the possibility of communication with the purpose of transmitting information. Society itself is transformed into a structured set of information transfer channels. Information that acquires the character of a link between members of society, exactly information becomes not only a means, but also a meaning of communication. In such world, changes occur rapidly, and any text of the law becomes obsolete when it is barely published. Accordingly, the center of gravity in law shifts from the text of the law, which loses its independent value, to the possibility of a dynamic resolution of conflicts that arise (Howes D., 2001). The mechanism of dispute resolution itself becomes the dominant value, procedural norms receive greater significance, than material norms.

Creating a new form of legislation is possible due to the expansion of the subjects of the legislative process through the use of modern digital technologies. If earlier the process of creating a new law was the work of a narrow circle of legislators, who only rarely reflected in their decisions the will of the majority of society members and were exposed both to class interests and to direct lobbying, in the future virtually any member of society, who has a smartphone or computer, can

contribute to the legislative process. Today, thanks to information technologies, the process of public discussion of bills has acquired a new form, moving into virtual space. In the future, we can expect the emergence of a new technology for creating the text of the law, in which incoming ideas and proposals from a wide range of interested members of society will be accumulated via artificial intelligence. The result will be the creation of a text that maximizes the interests of wide sections of society. Such model of law-making will also influence law enforcement, since the norms of legal acts, that meet the needs and interests of citizens will be more readily implemented by them. The result will be the overcoming of legal nihilism, which in modern conditions has a negative impact on law enforcement practice and on the number of committed offenses.

In addition, a new, almost nationwide form of discussion and adoption of a digital law can serve as the basis for the implementation of a new social contract model, which inevitably changes its content in digital society. The new social contract will reflect the changes taking place in society and will become the basis for a full-fledged dialogue between the state and the people (Grudtsyna L.Yu., Lagutkin A.V., 2016).

Describing the new form of the law and its nature, D. Howes writes about the upcoming large-scale changes in the law, when the principle of universality can be replaced by contextuality; promulgation may give way to the personal involvement of citizens in the law-making process; the desire for consistency and constancy in time is less important than the creation of alternative norms and innovative solutions to social problems (Howes D., 2001).

The digital form of the law includes not only conveniences for participants in public relations, who can change and rewrite the digital code of the law under certain conditions, but also conceals certain risks, including for the law itself. There is a point of view, that in the digital economy, the law will become useless, it will be replaced by technology (Barraud B., 2018).

This is primarily about blockchain technology. Blockchain is a type of distributed registry consisting of interconnected information blocks; A continuous sequential chain of blocks containing information built according to certain rules. It is a decentralized database designed to store and validate information. Blockchain can fundamentally change the functioning of the entire banking and insurance system, as well as notarial activities. Moreover, under the influence of this technology, the political system of the society may also change, including the electoral system and political decision-making technologies.

4. Conclusions

The described changes are objective, they are predetermined by the essence of the processes that occur in society under the influence of digitalization.

The blockchain has an undoubted effect on the law. The introduction of modern digital technologies is a serious challenge to law, in general, and law-making, in particular. The scale of this call determines the need for at least a large-scale response. Such answer will inevitably be a change in the whole process of legislative activity, as well as the form of the results of this activity. It seems that the legislative process will become more democratic, its results will more reflect the interests of society.

The law itself, as a result of digitalization, will substantially change its formal characteristics. At the same time, the essence of law as a regulator of public relations seems to remain unchanged.

An important task of law-making in the new conditions is that, with a change in its nature and direction, the law does not lose connection with its moral foundations.

Digitization changes many parameters of social life, but its basic moral principles that have existed for thousands of years remain unchanged. Social relations and in a digital economy should reflect the high ideals of goodness, justice, equality, and be based on fundamental human rights. The practical realization of these ideals is possible on the basis of a synthesis of legal and moral regulators. The bearer of moral ideals is a human. Therefore, even in the conditions of digital technologies of the future, associated with automated forms of making and changing laws and participation in this process of artificial intelligence, the role of human in social management and law-making will continue to be high.

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1. Doctor of Juridical Sciences, Head of the Department of Theory of Law and Interdisciplinary Studies of Legislation of The Institute of Legislation and Comparative Law under the Government of the Russian Federation
 2. Doctor of Philosophy (Law), Leading Researcher of the Department of Theory of Law and Interdisciplinary Studies of Legislation of The Institute of Legislation and Comparative Law under the Government of the Russian Federation
 3. Doctor of Philosophy (Law), senior researcher of the Department of theory of law and interdisciplinary studies of legislation of The Institute of Legislation and Comparative Law under the Government of the Russian Federation
 4. Junior Researcher of the Department of Theory of Law and Interdisciplinary Studies of Legislation of The Institute of Legislation and Comparative Law under the Government of the Russian Federation

Email contact: uni@miigu.ru

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