

# Digital Future of the State Legal System and Information and Communication Culture in Russia: National Regional Component

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**Keywords:** Digitalization, Information and Communication Culture, Digital Culture, Electronic State, Electronic Law and Order.

**Abstract:** The problem of the state and law influence on the Internet space is raised in the article. The authors analyzed limits of the state influence and underlined reasons of regional inequality, which can directly affect the level of information and communication culture of the population. In the Russian Internet space, the e-state structure is successfully formed and functioning, which is modeled on the basis of authoritarian organizational and managerial mechanisms, which creates serious organizational and administrative barriers to the development and formation of information and communication culture. The authors' analysis shows that the scale of legal regulation in the social sphere and in the Internet space should be different. Modern legislation already lays down certain prerequisites for regulating Internet communications. In order to preserve the value of the individual in the field of Internet communications, and to prevent the leveling of human rights and freedoms for the sake of technology and efficiency, it is necessary to form and improve the Internet culture, which is based on a certain ideology. The authors come to the conclusion that the development of innovative state-legal mechanisms operating in the Internet space will increase the level of information and communication culture.

## 1 INTRODUCTION

The significance of the Internet in the modern world can hardly be overestimated. The Internet sphere has become a “parallel reality”, into which a significant range of social relations has been merged into. This objective pattern of development of new paradigms and modernization of old ones has determined the digitalization of the Russian economy and all public life, as it was set by the President of the Russian Federation in his Message (Message of the President, 2018). In this regard, the need for analyzing the trends, prospects and risks of the Russian state legal system development in the context of digitalization and its role in the formation of an information and communication culture arises.

## 2 METHODS

The methodological framework of this research is based on the use of the scientific methods of enquiry, including the principle of objectivity,

consistency, induction, deduction, dialectic. The principle of objectivity harnessed to justify the need to improve the information and communication culture in order to manage and regulate the Internet space. The principle of consistency was applied to consider the forms and levels of interaction between the state and society in the context of Internet communications. The inductive was used not only as a method of empirical knowledge of sociocultural processes, but also for methods and forms analysis of Internet legal regulation. The dialectic method allowed fully anticipates the development trends of information and communication culture under the influence of state-legal imperatives and regulators. Along with general scientific methods of enquiry, private scientific methods were used, such as: functional, system-structural, comparative-legal, formal-legal.

## 3 RESULT OF INVESTIGATION

Informatization of all spheres of society's life, aimed at stepping up technological equipment, developing

digital infrastructure sets the task of developing adequate mechanisms for managing social processes. Now the Internet space is practically free of state and legal influence, because “in most cases, actors do not set the task of necessarily interacting with the institutions of power ... but they solve their problems without the participation of the authorities. Meanwhile ... the number and intensity of transactions carrying out without the participation of state systems and services is significantly higher than with the participation of the state” (Chugunov, 2018). In such a case the lack of control in the interaction between the subjects of the Internet space is not always inoffensive and harmless for their own sakes. There is a lot of sad evidence for this.

Therefore, it is unacceptable to exclude state legal influence from Internet communications. Another question is, to what extent, in what forms and by what methods should the state-legal system influence the Internet space? It would seem that the state system should offer such methods and means of organization and regulation when the subjects themselves will be interested in their active use.

In this regard, the new technological structure requires a large-scale reformatting of the power organization and the qualitatively different legal regulation. These days, experts in the field of jurisprudence using an interdisciplinary approach allowing to match multiform conceptual models and practices offer the introduction of innovative regulatory-managerial mechanisms that are already demonstrating their effectiveness.

The cyberdemocracy constructed in the Internet space, or information democracy with its widely distributed new technologies of public administration, "digitalization" of legal forms for the implementation of the functions of the state, has given rise to such a large-scale phenomenon of modern times as the "electronic state" or "electronic government".

The potential of the electronic state is huge, and its value is great, because it does not limit the development of person-centrism - the ideological basis of democracy. On the contrary, unlimited technological capabilities make it possible to set a qualitatively new goal of modern public administration - to provide for the most favorable conditions necessary for a person to fully realize his rights and freedoms by submitting a diverse complex of electronic public services, electronic data management, organizing information interaction between all parts of the political system, expeditious handling of electronic applications and petitions of citizens, ensuring open and free access to various

government databases, archives, registers and so forth.

This comprehensive system for managing information flows in the public sector (Lipuntsov, 2015) already provides high-quality information support for the activities of all branches of government, as well as communication between the authorities and civil society institutions and the political system that are actually involved in public administration. Such a clearly built, efficiently working feedback, implemented at a high-tech level, will allow the state to make more accurate decisions in accordance with the needs of the population, and the state apparatus will become a platform for public initiative and social innovation.

## 4 DISCUSSION

According to experts, since the beginning of the 2000s, control over the implementation of e-government has practically not gone beyond the Government of the Russian Federation and the Administration of the President of the Russian Federation (Kabanov. and Sungurov, 2015). The participation of the expert community and non-profit organizations is often limited by consultations and technical elaboration of government decisions, which are not mandatory for implementation, citizens' capabilities are hindered by low Internet penetration and insufficient awareness of e-government capabilities (Internet in Russia, 2014). Thus, the most serious barriers to the introduction of non-state media systems are not technological, but mainly organizational, cultural and administrative.

In any case, the ability to control the activities of the authorities on the part of the interested public is noticeably increasing. In this regard, the issue of openness of the activities of public authorities is becoming relevant. Unfortunately, experts give a low assessment of the degree of openness, for example, of federal executive bodies - only 38.3% of the 78 entities, and even less - 24% among regional executive bodies (Openness of the Federal Executive Power, 2014). In addition, the quality of published open data often has a formal meaning and, in fact, is not informative. Despite targeted measures to develop e-participation in Russia, the effect of openness of public authorities is not the same at the federal and regional levels. Volume and quality of it are much lower on the regional level. The unequal distribution of information technologies turns into inequality of regional information and technological development,

which can have a negative effect on the state information sovereignty in general.

Partly, this can be justified by technological under-equipment, and often backwardness of the regions, as well as the lack of a proper information security system. The fact that the authorized bodies for regional informatization are not authorized to coordinate the sectoral regional policy of informatization and not authorized to develop unified mechanisms of coordinating costs for informatization does not help to overcome this problem. As a result, there is still a considerable lack of coordination in the implementation of the state policy of informatization in the regions and also there is a difference in regional budget financing in order to develop information and communication approaches to the implementation the tasks of informatization.

At present, one of the priority tasks of the state should become a minimization of the digital inequality of the regions. To solve this problem, it is important to increase the level of information and communication culture of the population, primarily in the regions. Various factors can play a key role in the information development gap of the region (geographical - distance from the center, demographic, economic, educational, cultural and historical, etc.). The level of development of the information and communication culture of the population in the region directly depends on the readiness of the region for information technology development, and for upgrade of equipment of the information infrastructure. Only the involvement of the state in the process of minimizing digital inequality on a regional scale can influence on communication processes, creating a vector of a unified movement.

However, there is a great threat, that with the cessation of the state's monopoly on information, the most important strategic resource of the 21st century, its uncensored, and often uncontrolled distribution on the network can lead to the destabilization of state regime. There are relevant examples in world practice: in Iceland in 2012, the neo-populists - the Pirate Political Party - almost joined the parliament (Boldyreva and Grishina, 2017); US opposition still questions the legitimacy of the 2016 presidential election due to cyber attacks (Election Hacking Fast Facts CNN, 2016). In 2019, the growth of cyberattacks aimed at stealing information from both government agencies and private individuals has become the worldwide trend. The official annual Cybercrime Report (ACR) for 2019, published by Cybersecurity Ventures, reports that hackers all over the world attack every 14 seconds, and by 2021 their

frequency will increase to every 11 seconds (Global Cybercrime, 2020). Accordingly, the state should secure the Internet space from such unlawful actions, in this regard, the degree of information freedom should be necessarily linked and balanced by appropriate legal regulation mechanisms (Komkova et al., 2020).

The development of new technologies of the late XX - early XXI century made obvious, firstly, the fact of the lack of proper legal regulation of Internet relations (Antonov, 2018), and secondly, the inefficiency of using traditional regulatory and protective mechanisms in the Internet space (Sinyukov, 2019), thirdly, the inadequacy of typical legal regimes for interactions with atypical systems generated by the Internet environment (for example, with artificial intelligence, biotechnology, humanoid robots, androids, etc.). The current legal thinking is based on the regulatory-protective type of legal awareness. Therefore, jurisprudence as a relatively isolated sphere of social relations is increasingly confronted with problems of adequacy and effectiveness (Sinyukov, 2019).

Today it has become obvious that the scale of legal regulation in the social sphere and in the Internet space should be different, in the latter case it must allow certain irrationality, inconsistency by using atypical means, ways, and regulatory methods. For example, the classical legal regimes of procedural activity are becoming a difficult and costly obstacle to innovation in many areas. That is why today experts are talking about the need to introduce non-jurisdictional processes that will best "work" in the Internet space. The cost of the non-jurisdictional process is minimal (this is only the cost of registering in the network, it is often free at all, and payment for the services of the network operator), the form and process filling are determined by the participants themselves. Thus, the non-jurisdictional process is less detailed (Lisyutkin and Arkhipova, 2016), and in the context of informatization, it can become even cheaper.

In the very near future, a change in the usual construction of legal relations - person-person is expected. In the foreseeable future, subjects of legal relations may be human robots, androids, artificial intelligence carriers. The prerequisites for this have been prepared implicitly in law: since November 1, 2019, digital rights have been enshrined in the Civil Code of the Russian Federation. Consequently, the subject-object area of law will be revised, which will subsequently lead to a revision of the system of legal values. In order to preserve the value of the individual in the field of Internet communications, to prevent the

leveling of human rights and freedoms for the sake of technological effectiveness and efficiency, it is necessary to form and improve Internet culture.

The fact that this new phenomenon already exists is evidenced by the terminological variety of names: digital culture, information and communication culture, and electronic culture. This poly terminology indicates the uncertainty of the concept, features, and content of this phenomenon, first of all. Secondly, it shows the multi-aspect content and diversity of information forms and communication culture in various Internet areas. Finally, this terminological "plasticity" leads to a variety of scientific approaches and requires an interdisciplinary methodology for its study (Koptseva et al., 2015). Of course, the prospect of studying information and communication culture is undeniable and scientists belonging to different scientific fields, schools, etc., have already begun to study this phenomenon.

At the same time, the authors of the article set the task of determining the fundamental question: what role the state should play in the formation of an information and communication culture. What mechanisms can the state legal system offer to improve the information and communication culture, what ways for its growth should be developed by the state and law? We believe that these issues are extremely relevant and they are addressed mainly to the state legal system. Since today it is generally recognized that "the Russian state is the highest objective form of social consciousness of the people and their political and legal organization ... It was the state that was and ... remains the main driver of Russia's culture and progress, ... as well as an indispensable condition for freedom and prosperity of every person and people as a whole" (Ebzeev, 2017).

In this regard, it is natural that the state should be an active participant in the Internet space, form guidelines for improving and enhancing the information and communication culture of users, employing legal mechanisms to establish the criteria for lawful-unlawful, legal-illegal in the Internet environment, establish sanctions for violators of electronic law and order. The state legal system should offer not only adequate mechanisms of organizational and regulatory impact on Internet relations, as already mentioned above, but also offer reliable ways of legal protection of users' rights, so that legal regulators are not replaced by non-legal ones.

The latter is extremely important, since completely new regularities operate in the Internet space - digital, virtual, informational, electronic-

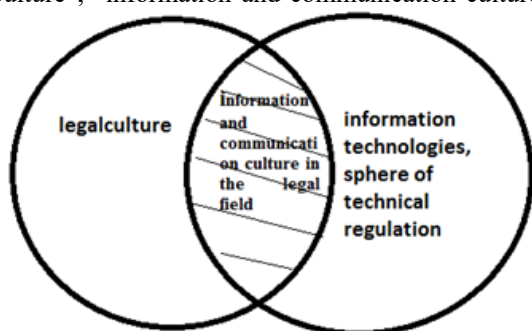
technological, etc. (they may not coincide with the usual traditional social regularities).

It should be noted that the information and communication culture currently being formed is a completely unique form of public consciousness that did not exist before. This is a special area, it is not material so along with the traditional subjects who interact via the Internet, there are atypical phenomena in it, the nature of which does not fit into the usual classifications. In particular, "these technologies (artificial intelligence, androids, robots, etc.)" are hybrids that unite a person with non-human entities, and the latter, when created, receive a certain autonomy from a man" (Sinyukov, 2019). To comprehend these phenomena and assess their significance for society, determine their place in the value system, it is necessary, firstly, to include information technologies in the subject of legal regulation, and, secondly, what needs to be done now, to develop an appropriate worldview, and better - the ideological basis for the formation and development of the Internet space.

Internet ideology should become a part of information and communication culture-a sphere that has a complex multi-aspect structure, where various subjects, principles, methods, forms, and regulators of dialog communication operate, and the subjects of the state-legal system directly participate in its formation. And this means that the traditional legal culture has come close to modifying its form. Along with the state-legal system, it should be reflected in the Internet space and used to comprehend the new Internet relations, which are the subject of legal regulation of so far preferential information law, new virtual states, new network phenomena. The obvious trend here is the evolution of human-centered law into technocentrism, but the priority of the human over the technical-material must be maintained.

In this regard, the nature of information and communication culture should be considered hybrid. Information and communication culture is formed under the influence of various regulators, including legal ones. To characterize the Internet culture, it is important to take into account the scope of legal regulation: if it does not expand (the subject of legal regulation will not include technical processes, technologies, etc.), then the traditional legal culture will not fundamentally change in terms of principles, structure, types, etc. But most likely the technological Internet processes will enter the object-subject area of legal Internet culture, the volume of legal regulation will expand, and accordingly, the legal Internet culture will qualitatively change (Fig. 1). These forecasts can be made in connection with the fact that

“technological space, which synthesizes the behavior of participants in public relations, probably has normativity .... Synthetic technical and legal regimes prevail in the new system of law that cannot mature in a one-dimensional and formal legal culture” (Sinyukov, 2019). A reflection of these processes is the appearance in the doctrine of various names of this phenomenon - “digital culture”, “network culture”, “information and communication culture”.



The information and communication culture is diverse, multidimensional and complex. The combination of many functional values allows us to consider the information and communication culture as a state of society, reflecting the level of development of technological achievements and opportunities, and as a system of values, and as a form of public information consciousness, and as a social institution. At the same time, one should speak not of a new type of culture in general, but of a part of the general legal culture that is taking shape in a special virtual Internet space. The legal aspect is also presented in the structure of the information and communication culture. It is determined by the legal worldview formed by Internet users and the communications between them.

Considering the information and communication culture as a system of elements, it seems possible to single out information literacy, dialogue literacy, guarantees for ensuring information sufficiency and information security, information relations, as well as indicators of the level of development of society's informatization.

The main characteristics of modern information and communication culture are:

- ability to reflect the nature of communication in society;
- ability to determine the development of all spheres of public life;
- characterized by various forms of communication;
- one of the determining indicators is the intensity of information and communication

activity of the individual and society as a whole.

Information and communication culture in modern times is an indicator of the maturity of society and is not determined by territorial boundaries. Within the framework of information and communication culture, an important issue is to identify the features of interaction (communications) between the state and society. The model of communicative interaction between the Russian state and Russian society is defined as authoritarian. This is evidenced by prohibitive trends in the regulation of the Internet, a low level of response to grassroots initiatives, simplification of procedures for restricting access to information, an increase in the number of requirements for participants in information exchange, the introduction of penalties for violation online (Kulnazarova, 2015).

The presence of the state in the form of control in the network is increasing. The Internet space is increasingly covered by state legal regulation with the prevalence of prohibitive and binding rules. In this regard, in the near future, the trends of bureaucratization of the Internet space will increase. Already, this is causing irritation and criticism from the public. In order to remove social tension and public irritation, it is necessary to improve the legislative framework, taking into account new approaches to the state-legal regulation. It is believed that prohibitive mechanisms should be applied to socially dangerous information, rather than opposition information containing critical assessments of ongoing social processes.

## 5 CONCLUSION

Thus, we believe that the traditional mechanisms of legal regulation, perfected and justified by more than two hundred years of history, will not be forgotten. We believe that it is necessary to combine the usual state-legal mechanisms with new digital ones, taking into account the environment of their application. The traditional legal system should not fade out, it should be developed and enriched. But at the same time, digital or information law should be formed in parallel, not based on copying and reception of traditional institutions, but containing qualitatively new methods of influencing the Internet space. It seems that the parallel coexistence of traditional and digital state-legal mechanisms will provide an increase in the level of legal culture in general, and information and communication culture, in particular.

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