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## **Legal Regulation of the Information Space as a Way of Forming Modern Legal Awareness**

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### **Abstract:**

**Purpose:** *The purpose of this article is to study the problem of improving the legal regulation of the information and legal sphere of the Russian state and its impact on the legal consciousness of the Russian society. The authors efforts are aimed at studying the peculiarities of social development, characterized by the expansion of information processes that permeate the activities of state bodies, institutions, enterprises and citizens, which have a huge impact on the formation of legal awareness and legal culture of the entire society.*

**Design/Methodology/Approach:** *The problems of expanding the information sphere of public life are investigated as a new direction of scientific knowledge, which is complex and diverse, due to the dynamism and instability of this category. Such fundamental concepts as personal-ity, freedom, information, law, and civil society are considered as the fundamental standards of modern life, as the most important ideas which can be applied for the formation of an in-formation society.*

**Findings:** *Modern legal science in the context of informatization of public life should preserve the moral foundations of law, its adherence to universal values and spiritual guidelines. Currently, the processes of informatization and digitalization of real legal reality are increasing, which contribute to the formation of new civilizational phenomena and processes, the emergence of a new legal understanding, worldview, legal awareness, and legal culture. The new digital reality imposes requirements on legal science and practice related to improving the mechanisms of legal regulation of various spheres of public life based on modern digital technologies. Further development of communication and information technologies provides a*

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*new round of development of scientific and technological progress and transformation of society at a new stage of development, defined by the postmodern era.*

**Practical Implications:** *In connection with the ongoing processes of informatization, the analysis of current legislation that determines the development of the information sphere of public life, which affects the formation of legal awareness, education of the legal culture of society and each individual, is of general particular practical importance. It is legal awareness as the most important legal institution that is one of the main conditions for the development and improvement of legislation, ensuring law and order in public relations*

**Originality/Value:** *Informatization of social life has led to the emergence of new forms of legal consciousness, has had a significant impact on the formation of the legal culture of society, in which there were previously unknown, so-called digital rights of the individual that define modern life. The development of legislation in the information sphere is of particular importance, since it has a significant impact on the processes of regulating public relations in all areas of modern life, contributes to the formation of a developed legal consciousness and legal culture.*

**Keywords:** *Information space, legal regulation, digitalization of the legal system, information technologies, lawmaking, legal awareness, legal culture.*

**JEL codes:** *K10, K24, K33.*

**Paper type:** *Research article.*

## 1. Introduction

The use of modern information technologies in lawmaking contributes to the improvement of the legal culture of legislators, the formation of their professionalism. Effective use of information technologies in law-making activities, especially in the systematization of legislation, contribute to high quality and reduce time spent on their use. In the sphere of law-making, the legal awareness of legislators serves as a factor of legal understanding, revealing the meaning of legal regulations.

The legal consciousness of citizens determines their understanding of legal institutions, allows them to distinguish legal behavior from illegal behavior at the level of intuitive perception, and to understand the measure of their freedom. Citizens on the basis of their own legal awareness acquire the ability to translate General rules of law into their own subjective law. Informatization processes in modern society provide citizens with access to the system of legislation, to obtain the necessary information about the activities of Executive, judicial and local self-government bodies. Obtaining this information makes it easier for citizens to interact with these authorities in the exercise of their legal rights.

The formation of legal awareness based on the preservation of the moral foundations of law, its organizing and mobilizing role in the life of society is of great importance

in modern conditions, since law is increasingly becoming a tool for the use of information technologies and is itself affected by the processes of informatization. The information space of modern legal reality should not develop haphazardly and push the individual and society into a state of cognitive dissonance, it should not lose the accumulated spiritual and intellectual guidelines. Modern society should ensure the regulation of public life based on moral universal values by means of normativity. And in this process, digitalization and the creation of artificial intelligence can play a huge role, if modern information technologies are a continuation of fundamental science, culture, and morality, filling the changing processes of modern development with progressive content.

Special social significance in the process of formation of the modern legal consciousness of society and the individual in the conditions of informatization of public life is acquired by the need for legal regulation of information relations, establishing compliance of the current legislation with the processes of formation of the modern information space.

## **2. Theoretical Foundation and Research Focus**

In the study of legal regulation of the information space, formal legal methodology, methodology of comparative legal analysis, methods of formal logic, methods of legal modeling were used. The methodological potential of integrative scientific traditions is used, which allows avoiding the possibility of one-sided knowledge of the studied sphere.

## **3. Analysis of the International Regulatory Framework Determining the Regulation of Digital Rights of the Individual**

### **3.1 The Charter on Global Information Society**

In the context of the formation of the rule of law, it is of particular importance to ensure at the constitutional level digital rights of the individual in the virtual space, which are the specification of universal human rights through the law, and law enforcement acts. International documents have proclaimed the recognition and protection of digital rights of the individual.

Thus, the Charter on global information society, adopted by representatives of the world's leading states, including Russia, stipulates the need to strengthen state policies in this area and adopt a regulatory framework that "promotes cooperation to optimize global networks, combat abuses that undermine the integrity of the network, reduce the digital divide, invest in people and ensure global access and participation in this process" of society. The text of the Charter emphasizes that all people everywhere should be able to enjoy the benefits of the global information society: the sustainability of the latter is based on democratic values that stimulate human development, such as the free exchange of information and knowledge, mutual tolerance and respect for

the characteristics of other people. The Charter also confirms the obligation of states to coordinate their actions in the field of creating a secure cyberspace, security of information systems protected from crime, including from transnational organized criminality.

### **3.2 UN General Assembly Resolution "The Right to privacy in the digital age"**

UN General Assembly Resolution 68/167 of 18 December 2013, entitled "The Right to privacy in the digital age", states that the acceleration of technological development allows the use of new information and communication technologies, while at the same time increasing the ability of governments, companies and individuals to track, intercept and collect information that may violate or infringe on human rights (UN, 2013). The Resolution also notes that the need to create conditions for ensuring public security may justify the collection and protection of some confidential information, but states must guarantee full compliance with their international legal obligations to protect individual rights.

## **4. Legal Regulation of the Information Sphere of Society in Russia**

### **4.1. Federal Law "On information, information technologies and information protection" and Other Legal Acts Regulating the Information Sphere of Public Life in Russia**

Legal regulation of the information sphere of society has a direct impact on the formation of legal awareness and legal culture of society. In the Russian Federation, Federal law No. 149-FZ of 27.07.2006 "On information, information technologies and information protection" and many other legal acts are in force, including "on personal data", "on ensuring access to information about the activities of courts in the Russian Federation" and other legal acts regulating the information sphere of public life.

The Russian Government decree sets out the provisions on the protection of personal data when processing it in personal data information systems. The need to regulate the processing of personal data in information systems is determined by the fact that this processing based on existing technologies creates new opportunities for their use and leads to certain legal consequences. Automated decisions made with the help of such personal data processing may have the significance of legal facts that entail legal consequences, affect fundamental human rights and freedoms, and pose a threat to their interests. Storing and processing personal data in information systems increases the risk of unauthorized access.

In this regard, special attention should be paid to the problems of combating crimes in the information sphere. Effective functioning of information systems in various

spheres of society's life becomes the main condition for its existence and improvement. Violation of personal rights in the modern world is largely associated with cybercrime, since such actions as destruction, distortion, and blocking of information in information systems can lead to serious harm to subjects of legal relations.

#### **4.2 Federal Law "On protection of children from information harmful to their health and development"**

The introduction of information technologies in the Russian state may negatively affect the legal culture of society since information technologies are actively used to commit crimes. The state is increasing its control over the dissemination of socially dangerous information in public access information technologies. This is how Federal law No. 436-FZ of 29.12.2010 "on the protection of children from information that harms their health and development" was adopted, which comes into force on 1 September 2012. This law protects citizens from information that harms their mental health, morals and spiritual development.

#### **4.3 Digital Economy of the Russian Federation Program**

In 2017 Russian Government decree No. 1632-R approved the program "Digital economy of the Russian Federation", implemented in accordance with the goals, objectives, directions, volumes and terms of implementation of the main state policy measures to create the necessary conditions for the development of the digital economy, in which digital data is a key factor of production in all spheres of socio-economic activity, which increases the country's competitiveness, the quality of life of citizens, and ensures national sovereignty.

#### **4.4 Concept of the Draft Information Code of the Russian Federation**

Currently, there is a need to systematize modern information legislation that can overcome its contradictions, gaps, and duplication. For this purpose, in 2014, the Concept of the draft Information code of the Russian Federation was developed, which involves improving the constitutional right of citizens to information. This Code should establish the constitutional right of individuals to information, regulate General issues of information circulation in the Russian Federation, establish a number of legal concepts related to information circulation, and establish General requirements for state information systems that will be developed, maintained and maintained by the relevant state authorities and state bodies.

It is necessary to fix the rights and obligations of participants in information relations at the legislative level, establish the legal regime of information, as well as regulate the grounds, forms and limits of the use of information technologies in the activities of relevant legal entities. The most important problem of the modern Russian state is the legal consolidation of the sphere of implementation of information relations. Based on the analysis of the information security Doctrine of the Russian Federation,

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it can be established that the concept of "information space" is largely related to the sphere of international relations. The concept of information sphere is defined as a set of available information, information systems, communication networks, sites on the Internet, information technologies, information objects. This category also includes the activities of subjects for the formation and processing of information, ensuring information security, as well as mechanisms for regulating public relations in the information sphere.

## **5. Features of Law-Making Activity in the Information Sphere and its Impact on the Legal Consciousness of the Individual**

### **5.1 Prospects for the Development of Legislation in the Field of Informatization of Public Life in Modern Russia**

The formation of the new justice society and the individual determines the need for a comprehensive system of regulation of social relations in the information sphere, involves the development of a system of normative-legal acts concerning the substantive information rights of citizens and procedure for their implementation, along with strengthening the competence of public authorities and officials in the process of creating state information resources.

Based on the lack of uniformity in the legal regulation of the rights to obtain the necessary information and the principle of its openness, it is necessary to fix the list of obtaining the necessary information resources, determine the principles of providing subjects with their reliable content. It should be noted that it is necessary to ensure the implementation of the norms regulating the information sphere with legal, material, and organizational guarantees to achieve the greatest effectiveness of legal regulation of public relations.

Legislation in the field of informatization of public life in the context of transition processes occurring in the Russian state requires active law-making activities to regulate public relations related to the processes of informatization. The formation of these relations and their legal regulation acquire a peculiar, specific character, since they have no analogues among the existing objects of legal regulation.

Legal regulation of relations in the information sphere can be carried out because of two interrelated directions: the formation of new legislation and the change and improvement of existing legal norms in this area. Legal regulation of the information space should be carried out in accordance with the principles of openness of the law-making process, harmonization with the norms of international and European legislation.

## **5.2 Perspective Ways to Optimize the System of Legal Regulation of Information Relations in the Russian Federation**

A systematic analysis of normative legal acts in this area shows that there are contradictions and gaps in the legal regulation of public relations in the information sphere and requires the identification of priority tasks in the rule-making sphere of the state. The functioning of information relations can become effective if the latest technologies in this field are used, which contribute to the development of the information society. In the normative sphere, there is a need to determine the degree of influence of information technologies on public life, on the legal consciousness and legal culture of society. In this aspect, it is particularly important to identify the role and significance of legal regulation of information processes.

According to a number of scientists, the sphere of legal regulation of information relations should include: all activities related to the information resource, the creation of information technologies, management in the field of working with them; fixing the procedure for using new information technologies; ensuring information security; regulating legal responsibility in the field of information space. The complexity and multi-aspect content of the concept of "information space", changing, dynamic content of public relations, the development of information technologies require the identification of appropriate legal features and qualities of this phenomenon.

## **5.3 Main Features of International Legal Regulation of the Global Information Space**

In modern conditions, joint efforts are being made by states and international organizations to ensure international legal regulation of the global information space, to form an Institute of international information security that provides domestic and international legal protection of the information sphere. The strengthening of international legal regulation and the globalist influence of international law on the law of national states in the late XX - early XXI centuries, gradually transformed to the strengthening of domestic legal regulation that promotes national sovereignty and the development of national consciousness of the Russian people.

The report of the group of governmental experts presented at the 70th session of the UN General Assembly in 2015 noted that the sovereignty of national States, as well as the norms and principles of international law, based on the principle of state sovereignty, regulate the activities of States in the information sphere. In modern science, new scientific approaches to understanding legal regulation are being formed. In modern conditions, the competence of international organizations is expanding, their influence on domestic activities is increasing, which can create certain threats to the state sovereignty of national States.

## **5.4 Problems of Protecting the Sovereignty of the Russian Federation in the Information Space and Information Security**

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In the information security Doctrine of the Russian Federation, approved by presidential decree No. 646 of December 5, 2016, protection of the sovereignty of the Russian Federation in the information space is of particular importance.

In the Russian Federation, there is also a process of strengthening domestic regulation, the formation of legislative provisions related to the need to strengthen the stability and security of the functioning of the national, Russian segment of the information network "Internet" and ensuring information security. These measures of domestic regulation are of particular importance for the formation of the legal consciousness of modern Russian society. Citizens, as participants in public life and bearers of all forms of modern civil society, have the right to use information and communication systems to obtain the necessary information and protect their legal rights.

In this regard, the study of information systems is of particular importance in modern conditions. In Russian legislation, information systems are characterized as a set of information available in a database that ensures its processing using information technologies and technical means (paragraph 3 of article 2 of Federal law No. 149-FZ of 27.07.2006 "on information, information technologies and information protection"). In this definition, according to some scientists, there is no characteristic of the most important features of information systems. An information system should not be understood as any set of information, but only one that has a new integrative quality. Information technology itself is not an independent component of an information system. They are embodied in software, which is an integral part of information systems. However, to ensure the legal regulation of information systems, the existing definition in science generally corresponds to its main purpose.

## **6. Results**

Legal regulation of information systems is based on the functioning of two main legal complexes: 1) norms directly related to the legal regulation of relations that are formed in the field of information systems; 2) norms that are indirectly related to the regulation of relations regarding the creation and use of information systems. These are norms that are the subject of certain elements of information systems — information, software, etc.

By their nature, information systems are complex objects for the implementation of legal regulation, since along with technical aspects, semantic aspects should be taken into account, which make it difficult to accurately present the rule of law in language expression. Ensuring the legal regime of information systems involves identifying its main structural elements, which can be: 1) regulation by means of legal norms of the processes of formation, use and termination of operation of information systems; 2) techniques and methods of regulating information systems; 3) establishing the rights



and obligations of subjects of information systems; 3) fixing the rules that determine responsibility for violations of regulations in the information sphere.

In the legal aspect, information systems are considered in the context of ensuring the right to use their achievements and the need to create information security for the subjects of their use. In the Russian Federation, the concept of an information system has found its expression in the principles of information law, the most significant of which is to ensure the security of the Russian state in the formation of information systems.

## **7. Conclusions**

The functioning of information technologies leads to the transformation of public relations, contributes to the change of legal consciousness and modern legal culture. The legal culture of modern society should reflect the achievements of information technology processes introduced into modern life, embody the level of legal understanding, and form a belief in the fairness and humanity of modern law. Legal awareness as a form of public consciousness reflects the legal reality in the form of existing legal knowledge and value judgments to the law, legal orientations, values, establishes a system of legal principles, individual representations of legal reality, current and proper law.

Legal awareness reflects the positive or negative attitude of an individual, communities of people, to the activities of state bodies, institutions, to their actions and other actions committed in the sphere of legal relations. It includes awareness of the objective need for legal regulation, understanding the role and social purpose of law based on democratic ideals of justice, freedom, and recognition of individual rights as the highest value of the state. Legal awareness is an internal personal regulator of legally significant behavior. It allows us to shape social life not only from the point of view of its formal order, but also to ennoble it, develop spirituality, the individual's desire for freedom and justice, preserve and multiply historical memory. Legal culture is the most important condition and prerequisite for the formation of the rule of law.

The use of information technologies and legal regulation of their use contributes to strengthening ties between society and the state. On the one hand, they characterize the activities of state and legal institutions, and on the other hand, they inform public authorities about the processes taking place in public life. Such feedback contributes to the development and improvement of legal awareness and the formation of a legal culture of society, as well as the development of legal education and professional legal awareness.

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