

FORMATION OF THE ENVIRONMENT OF CONFIDENCE IN SHARING ECONOMY: PROBLEMS OF CIVIL REGULATION IN RUSSIA

Aiusheeva Irina Zoriktuevna
Moscow State Law University (MSAL), Russian
E-mail: hus.dam@yahoo.com

Soyfer Tatiana Vladimirovna
Moscow State Law University (MSAL), Russia.
E-mail: tsoyfer@yandex.ru

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ABSTRACT

In digitalization, trust is a necessary factor in economic and social development in general that determines the content of public relations and ensures their positive effect. In sharing economy, due to the specifics of the emerging relations, the issue of creating a digital environment of trust is especially relevant. The objective of the research is to determine the directions for improving the mechanism of civil law regulation of certain aspects of the collective use of goods and services, including studying the possibilities of the influence of the main provisions of civil Law on the provision of the necessary trust between the turnover participants; research on the transformation of legal institutions, including the protection of reputation, in the context of digitalization processes; establishment of the specifics of regulating relations on the use of blockchain and other latest technologies aimed at creating and increasing the level of digital trust in collaborative consumption of various assets. The main research methods are deduction (the study of general legal provisions and their application to some regions of collaborative consumption), induction (the study of the rules for organizing the work of specific Internet platforms in the sharing economy, and the subsequent allocation of general principles). Based on the results, the effective development of the sharing economy in digitalization presupposes a high level of trust, which has several interrelated manifestations that require differentiated approaches to their legal support. In addition to trust in digital technologies and services, the security of remotely performed transactions, and the preservation of the confidentiality of personal data, trust in society is essential for the sharing economy since only those who trust are trusted.

Keywords: *Sharing economy, digital economy, integrity, blockchain, reputation*

1. INTRODUCTION

The digitalization processes have led to a significant change in the traditional principles of interaction and the expansion of the circle of participants in public relations and predetermined the emergence of new forms of social ties. The introduction of the latest technologies to provide prompt access to information resources, effectively unite persons, assets, and data, create conditions for the use of new options for the design and implementation of emerging relations, has contributed to the formation and development of the economic sector of the sharing economy.

This sector, which involves the collective consumption of various goods, is rapidly growing and is expected to yield \$335 billion by 2025. The COVID-19 pandemic and the associated restrictions have led to an increase in online sales of personal belongings (C2C), services (P2P), and the collective use of a number of goods (Revinova et al., 2020). The areas of knowledge and skills exchange and joint health care also showed strong growth.

For example, in China, the scale of transactions in these sectors in 2020 increased by 30.9% and 27.8%, respectively, and the volume of direct financing in shared health services increased by 130.7% compared to last year (Qiu et al., 2021).

Collaborative consumption of goods and services is popular largely due to its distinctive features, including the possibility of consumer goods without buying them; borrowing temporarily unused resources; the formation of an online community of consumers and the establishment of personal connections between them; the presence of economic incentives for the participants in the relationship in the form of compensation for insufficient use of personal resources; and direct interaction of the participants (Perepelkin, 2020).

The main feature is the provision of interaction between interested parties through information technology, which allows quickly collecting and processing large amounts of data and thus optimizes the processes of choosing a counterparty, entering into and performing contractual relations. At the same time, the principles of operation of online services may differ, for example, to ensure the building of relations between stakeholders directly on the basis of equality (P2P, peer-to-peer) or provide, under certain conditions, interested persons-users with access to the proposed assets.

Interaction in a digital environment for sharing consumption has become commonplace. Buying goods in online stores (Amazon, Alibaba, Ozon, etc.), ordering a taxi

(Uber, Lyft, Yandex Taxi, etc.), searching for travel companions (BlaBlaCar, etc.), apartments (Airbnb, TalkTalkbnb, etc.), hotels (Booking, etc.), specialists (YouDo, TaskRabbit, etc.) using special mobile applications. Entering into such a relationship, the subjects are often deprived of the opportunity to personally assess the quality of the goods, get acquainted with a potential counterparty and check the compliance of the information posted on the site with reality.

When signing a contract online, individuals are forced to rely on reviews of a product or service, as well as on the rating of the seller, driver, performer indicated on the platform. In many ways, it develops on the basis of customer reviews, which, in turn, may also have their rating, provided that the resources of the digital service are regularly used. With a low rating, it is more difficult for a person to enter into a contractual relationship, in addition, it may generally be deprived of the opportunity to access the assets offered on the corresponding platform.

As long as digital technologies are developing, more and more often, transactions are made remotely, and the obligations arising therefrom are fulfilled automatically, settlements are made in a non-cash manner, including with blockchain technology. This involves posting on the Internet platform, transferring personal data and bank card details to its owner and potential counterparty.

Moreover, there is always the possibility of their illegal; the counterparty does not exist at all, the information about him on the platform is unreliable, and his profile on the network is a fake. Unfortunately, the development of digitalization has led to the emergence of many negative phenomena due to the specifics of virtual interaction.

Among them, illegal receipt of information constituting banking secrecy, which poses a threat to the safety of funds in accounts; creating fake accounts to raise funds for non-existent purposes; hacking and using real accounts to send false messages. It is quite common to post untrue information about the goods and services offered.

There are known cases of grave crimes committed by persons, who got acquainted and communicated with the victims through digital services for finding fellow travelers and drivers (Fukuyama, 1995). The risk of such negative situations in many respects complicates the development of the sphere of digital services and impedes further technological progress in general.

Online establishment and implementation of contractual relations is associated with special legal risks due to the need to rely on the information provided and proceed from its reliability; the impossibility of using traditional methods and means to select a potential counterparty and check its reliability, preliminary determination of the quality of goods and services.

The possible anonymity of the counterparty, the execution of transactions through digital services can also raise doubts about proper performance of the arising obligations. In this regard, one of the main and most significant aspects in the sharing economy is to provide conditions for the formation and maintenance of the necessary level of trust, increasing the activity of individuals and reducing the uncertainty of their actions.

The category of trust studied by various sciences is multifaceted and controversial. Traditionally, trust is understood as the expectation in relation to other members of society to behave more or less predictably, honestly and with attention to the needs of others, in accordance with some general norms (Fukuyama, 1995).

The issue of trust in modern conditions is acquiring significant importance, as it predetermines the nature of transformations in society; in the era of globalization, it provides conditions for cooperation and interaction on an international scale; helps to prevent and overcome negative side effects from the development of new technologies; allows choosing the best options from among the many differentiated opportunities provided in the modern world; acts as a strategy of actions in the space of complex and non-transparent institutional, organizational and technical systems; contributes to solving problems related to the anonymity of counterparties; creates the necessary environment for coexistence in an unknown space (Sztompka, 2007).

Digitalization and the associated development of the latest technologies and services implies the expansion and fundamental renewal of information sources, new means that ensure its storage and provision, which has radically affected the essential characteristics of trust and requires the use of new methods to form and maintain its level. The key value of trust in modern conditions is associated with the emergence of a new category - "digital trust", which is understood as confidence in the creation of a secure digital world (Frenehard, 2019).

In this regard, today the following questions are of particular relevance: what is the digital environment and what are the features of its inherent trust (Veselov, 2020); how trust is evolving at the present stage (Botsman, 2017); what factors influence its formation and should be considered in the interaction of persons within the sharing economy (Orsi, 2012). The answers can form the necessary basis for finding options for an effective legal regime of relations arising from the collective use of goods and services.

General regulatory measures that ensure confidence in digital technologies in general, in the security of remotely performed transactions, in the confidentiality of personal data in the digital environment are defined in Russia by the "Digital Economy" National Program, which provides for the formation of a unified digital environment of trust.

These include detailed regulation of the legal status of certification centers and unification of requirements for a universal enhanced qualified electronic signature; expanding the possibilities and methods of identification; regulation of electronic transactions, etc. The main areas of activity of the Government of the Russian Federation until 2024 also provide for the development of a mechanism for managing changes in the regulation of the digital economy, allowing timely adaptation of legal regulation to the tasks of digital development.

The implementation of these tasks in relation to the sharing economy is not only of particular importance, but also requires some adaptation, as its formation is conditioned not only by the development of Internet technologies but also by the transformation of society, a change in the way of thinking and lifestyle, the presence of factors for a qualitative renewal of trust, including due to the use of special digital means of forming and assessing reputation (Richter et al., 2017).

In modern society, people, as a rule, strive for communication and mutual assistance, for solving problems by joint efforts, which is recognized as one of the main social reasons for the intensive development of collaborative consumption (Lymar, 2018; Satyukov, 2019). In the context of digitalization, the interaction process is greatly simplified through the use of specialized technological platforms that provide the possibility of joint open consumption of personal assets by an almost unlimited circle of people. This not only requires a high level of trust in society but also becomes the basis for its subsequent growth (Schwab, 2016).

The more users have experience of successful collaboration based on new technologies, the more people will subsequently join the community formed by the digital

service. The volume and subjective composition of interactions is expanding; as a result, sharing relations can lose their local character and transform into global ones, covering an unlimited circle of people.

Due to the need to create an environment of trust in society as a prerequisite for the further development of the sharing economy, it is necessary to identify and analyze those legal means that can help increase the level of trust and minimize risks in the digital environment. At the same time, special attention should be paid to questions about how sufficient the existing norms and designs are, whether there is a need for fundamentally new modeling. There is also a need to establish legal regulation methods that are most effective in a digital platform economy.

The category of trust in civil Law is not legally disclosed but refers to evaluative ones. It is of the utmost importance for the Law of obligations. The relationship between the parties to the obligation - the creditor and the debtor - is built on the basis of consent and trust, involves cooperation and compromises, and requires the observance of civilized business etiquette. The stability of civil turnover is ensured due to the conscientious, conflict-free behavior of its participants, which serves as the basis for the generally permissible regime of legal regulation (Golubtsov, 2019).

In this broad sense, trust should somehow be present between the subjects of any civil legal relationship, otherwise the stabilization of the turnover will become too difficult. In addition, the trust of the subjects can be considered in a narrow sense in relation to cases of the formation of a civil legal relationship between them on the basis of the so-called fiduciary transactions, the categories and essence of which in science are determined ambiguously (Bogdanov et al., 2017).

However, interaction between an unlimited circle of persons is typical of the collective use of goods and services, therefore, transactions made in a platform economy cannot be legally recognized as fiduciary and personally confidential. Accordingly, collaborative consumption needs to be based on a broad understanding of trust.

The development and improvement of civil law methods and measures of influence on public relations in the context of digitalization can both create a favorable climate of trust between the participants in emerging relations and further maintain it but also serve as the

basis for the consolidation and development of a generally permissible method of legal regulation as the most adequate to the needs of the digital environment.

In particular, in modern conditions, legal thinking departs from the positivist approach, and the objective-teleological method based on the perception of the values and needs of society becomes the main method of interpreting laws (Bogdanova, 2018). When applying it, the courts are bound not only by Law but also by legal principles, as well as by the ideas of justice that are well-established in society (Zippellius, 2008).

In the light of the issues under consideration, the problems of the operation of the principle of good faith deserve special attention. Its consolidation in Russian civil Law (Article 1 of the Civil Code of the Russian Federation) and concretization in relation to obligations (clause 3 of Article 307 of the Civil Code of the Russian Federation) have led to the growing importance of the judicial interpretation of the norms-principles, to the assessment of the behavior of the parties to the dispute under consideration, not only in strict accordance with the Law but also taking into account the moral and ethical values of modern society.

With this approach, the principle of good faith is interconnected with the concept of trust as expectations of such actions from the counterparty, which would be based on honesty, mutual consideration of interests, responsibility, and transparency (Tapscott et al., 2003).

Subject to the aforementioned, the most important now is to understand the role of existing civil law principles and basic institutions (first of all, the principle of good faith and the institution of reputation) in the formation, strengthen the environment of trust in a digital society, and identify ways to improve civil legislation and judicial doctrine in the context of digitalization and the development of the sharing economy model.

2. LITERATURE REVIEW

The idea of the sharing economy is not completely new and embodies the concept of shared use. In connection with the use of the latest technologies, the long-known relations have somewhat transformed but generally retained their legal essence. If earlier they assumed only the free provision of resources to relatives and friends, now an unlimited number of persons can participate in sharing consumption, and the resulting relationship can be of a compensatory nature (Sundararajan, 2016).

This means that a number of legal issues in the sharing economy may well be resolved with the involvement of existing legal instruments (Orsi, 2012) but considering the peculiarities of interaction between entities in the digital environment.

Collaborative consumption as an economic category involves the collective use of goods and services, shared access to resources, their recycling and reuse (Barbu et al., 2018). Its components are recognized as the possibility of real access to the assets of others (access economy); implementation of a decentralized exchange of goods through a digital platform (platform economy); special forms of interaction between individuals, mainly aimed at the implementation of social, socially useful goals (community-based economy) (Acquier et al., 2017).

At the same time, a recent trend is the replacement of the altruistic mutual exchange characteristic of the sharing economy within a small community of individuals for the traditional commodity exchange between a wide range of subjects, often being professionals, entrepreneurs in a particular area (Booth, 2015). Currently, a large number of information platforms have been created, whose owners meets all the characteristics of subjects of commercial Law (Kirpichev, 2018).

Despite the various advantages, the collaborative consumption of goods is not safe in general, as transactions are concluded with strangers, include asymmetric information, and pose financial risks. Moreover, in recent years, these risks have become more pronounced (Sands et al., 2020).

In this regard, the key function of digital platforms that allow uniting an unlimited number of participants capable of sharing a variety of resources, in modern realities, is the creation and maintenance of trust between them. For this, in practice, various means are used, such as screening when choosing counterparties; control over individual transactions and their logging; formation of standard contractual conditions for the participants of interactions, establishing the legal basis for their responsibility; application of technical measures, including certification mechanisms, implementation of blockchain technology, etc. (Semyachkov, 2019).

At the same time, the use of centralized systems for identifying persons in order to determine the degree of their conscientiousness (validation, verification of biographical data, etc.) is substantiated as the most effective today (Slee, 2014).

The implementation of the most important function of building trust by digital services occurs against the background of its transformation processes. The concept of trust today extends not only to relatives and friends, but also to an unlimited circle of unfamiliar persons. In the context of declining trust in public and state institutions, the creation of a new horizontal environment of trust is important for the further development of society. This change is considered revolutionary: from local and institutional trust, there is a transition to distributed trust among members of society as a whole (Botsman, 2017). Such distributed trust, which has special qualitative characteristics, is considered as network digital trust (Veselov, 2020).

At the same time, it was noted even at the initial stage of development of information technologies that although they actively contribute to decentralization, democratization, and collapse of former hierarchical institutions, one should not forget about trust and common ethical norms. They are the basis for any hierarchy and any authority because human communities are based on mutual trust and cannot arise without it, and trust itself does not live in microcircuits. Trust is culturally dependent, and therefore voluntary communities will develop to varying degrees in different cultures (Fukuyama, 1995).

Some researchers point to the main role of trust in a digital society, as it determines confidence in the ability of participants in digital relations (organizations, etc.), technologies and processes to create a secure digital world. The higher the ability to protect personal data and confidentiality of information is, the higher the degree of trust in society is. Accordingly, digital trust consists of security, confidentiality, reliability, as well as ethics of relationships between counterparties in the provision of digital services (Nurmukhametov et al., 2020). The digital trust category is also used as a general term to describe behavioral and cultural principles, including privacy, security, protection and data management (Abraham et al., 2019).

The science of civil Law has few independent studies of the concept of trust. Until recently, the Russian literature mainly discussed the concepts of fiduciary transaction, fiduciary nature, and personal-trust (fiduciary) relations (Makhalin, 2020; Mikheeva, 2001; Braginsky et al., 2002).

The issues of trust were raised in legal science also in connection with the concept of risk: trust can solve the problem of risk (Luhmann, 1996). Risks in modern civil Law and in

law enforcement practice are one of the main problems to be addressed (Kamyshansky, 2019).

Often, risks result from the unfair behavior of participants in civil transactions. Therefore, minimizing risks, and thereby increasing the level of trust in civil circulation, is largely associated with the need to ensure the conscientious behavior of the largest possible number of participants in civil legal relations.

The principle of good faith is enshrined in Art. 1 of the Civil Code of the Russian Federation and is widely used in law enforcement. Today, conscientiousness turns from an abstract ethical category into a criterion for the legitimacy of the behavior of subjects of civil Law, which imposes additional responsibility on all participants in the turnover, as well as on the court, which evaluates and determines the criteria for conscientious behavior not from a literal interpretation of existing norms, but in accordance with prevailing in society moral and ethical rules of behavior, moral principles, ideas about good and evil (Bogdanova, 2015).

At the same time, this is not about the unlimited freedom of judicial discretion, about the right, at will or for convenience, to apply or not to apply this principle when considering specific cases. On the contrary, the assessment of the parties' behavior as good or bad faith should be carried out in each case, which imposes additional duties on the court and high requirements on the judge. The judge must have the appropriate moral qualities to be able to make moral and ethical assessment of the behavior of the parties, analyze and evaluate the necessary evidence, help minimize the options for unfair behavior of subjects of civil Law.

Dishonest, unscrupulous behavior should entail risks for the subjects that would neutralize the possible immediate benefit from it. This will ensure the stabilization of civil turnover and the formation of an environment of trust among all its participants, based on honesty, turning into an economic category, considering the interests of counterparties, responsibility, openness (transparency of actions) (Tapscott, 2018).

Solving these problems is essential for the development of socio-economic relations in the context of digitalization, when entities make transactions and enter into obligations remotely, through digital services, and therefore do not have the opportunity to assess the counterparty's behavior in real life. In the absence of sufficient regulatory prescriptions, judicial practice plays a key role in this process: unfair behavior may lead to the recognition

of a void transaction (clause 2 of Article 10, clause 2 of Article 168 of the Civil Code of the Russian Federation).

Despite criticism of this approach (Vitryansky, 2018), this legal position has been widely used in judicial practice and, according to a number of scientists, has created a barrier to unfair actions of participants in civil transactions (Suvorova, 2020).

Thus, the principle of good faith enshrined in the Civil Code of the Russian Federation is undergoing an actual rethinking, and the judicial practice of its application is being formed, thanks to which participants in civil legal relations can feel the real consequences of their unfair behavior today. Nevertheless, the practice of applying this principle needs further development so that the inevitability of negative consequences in the event of unfair behavior can be realized by as many participants in civil legal relations as possible.

The application of the principle of good faith in judicial practice seems to contribute not only to the reduction of cases of unfair behavior, but also to the openness of information, the focus of persons on cooperation, interaction and assistance to the counterparty. This will reduce the problem of risks, especially when making transactions remotely, without the personal involvement of the parties. In turn, reducing the degree of risks will ensure the formation of a higher level of trust, which will create conditions for the use of a generally permissible method of legal regulation of digital relations and for rejection of the prohibitive method.

Undoubtedly, such an approach can become an effective incentive for the formation of horizontal ties and the solution of common problems in a decentralized manner, due to the joint efforts of a large number of members of society. In such conditions, in the absence of unreasonable prohibitions and restrictions, further intensive development of digital technologies can be expected.

Obviously, the application of the existing legal regulations governing interaction in sharing various benefits will continue developing, which ultimately will require adjusting the rules. In this regard, it is of interest to study the effectiveness of legal support for emerging relations and determine the main directions for improving civil legislation, its basic principles and individual institutions in order to create an optimal legal regime that best meets the needs of the digital economy.

3. METHODOLOGY

To achieve the set goals and objectives, we need to analyze the features of the use of civil Law means of influencing public relations arising in the sharing economy, to determine their potential for the formation of a digital environment of trust. This predetermines the need to study both the provisions of legal science and the ideas expressed in the economic, sociological, and philosophical literature; study of empirical material, including the rules of operation of hotel digital services and contracts concluded with their help, and the emerging judicial practice. At the same time, the best research methods are deduction and induction, as well as comparative jurisprudence.

The analysis of the achievements of various social sciences and the theoretical positions of individual scientists contributes to the establishment of the essence of trust in a digital society, the determination of the conditions and socio-economic prerequisites for its creation in modern realities and maintenance at a sufficient level; it also allows revealing the specifics of the considered relations in order to develop adequate and effective options for their legal regulation.

The current civil legislation of Russia had been formed in a market economy even before the start of digitalization processes, and therefore, to a large extent, meets its needs. Existing civilistic constructs and concepts (risk, conscientiousness, reputation, etc.) require clarification in terms of the possibility of their application to the relations of collaborative consumption. So, at present, it is of particular importance to resolve issues of the procedure for identifying users on the Internet, the mode and use of large user data, ensuring the confidentiality of information, forming the reputation of subjects of civil Law, etc.

The study of the organization of the activities of specific digital platforms contributes to a deeper understanding of the content of legal relations with the participation of users, the determination of their nature, the establishment of objective features of their occurrence and implementation.

The analysis of the materials of judicial practice reveals the shortcomings of the existing civil law norms and other problems of legislative regulation of relations involving the joint use of various assets; it proposes options for resolving the most pressing issues, in

particular regarding the limits of the exercise of civil rights, the consequences of committing unfair actions.

Such an integrated approach makes it possible to obtain generalized knowledge about the role of the main principles and individual institutions of Russian civil Law in creating a climate of trust in a digital society, establish the specifics of the consequences of the unfair behavior of the subjects of sharing relations, determine the features of the formation of reputation in the digital sphere, and identify ways to improve civil legislation and judicial practice in the context of the further development of the sharing economy.

4. RESULT AND DISCUSSION

By their very nature, collaborative consumption relationships involve interactions between users. As a result, communities are often formed that can help users create local networks of interaction, recognize those who live nearby, reduce consumption (Bidwell, 2019), and also ensure the effective redistribution of various benefits - things, knowledge, skills. These communities can be formed outside the digital environment, when verification of each participant is carried out through personal interaction or such an opportunity is provided. As a rule, in such a situation, all members of the community (for example, co-owners of premises in an apartment building or residents of one small settlement) have a quite high level of trust.

Currently, digitalization allows creating such communities online, which imply no direct personal interaction between participants outside the digital environment. The creation of such virtual communities allows economic agents to establish and manage property rights in accordance with their local restrictions and individual preferences, which gives grounds for recognizing such entities as self-regulating (Popov et al., 2018).

Most often, such a virtual community does not acquire the status of a legal entity, as an independent subject of Law, the rules for interaction between users are formed online and posted on the appropriate platform. According to this principle, for example, various groups in social networks (VKontakte, Facebook, etc.) interact. Groups can be open, anyone can join them by subscription, and closed, in which the candidacy of each new member of the community must be approved by the group administrator.

Among the closed groups, there are those one can join by the invitation of a community member only. For example, this form of verification of members was used when

creating Clubhouse: to join it, an invitation from another member of the community was required. Also, closed groups can be secret, i.e. being impossible to find in the normal search mode.

The stability of group relationships within the emerging communities allows for the use of special reputational mechanisms that create conditions for the formation of trust between counterparties. Obviously, closed groups, especially those joined by invitation only, may have higher level of trust because the identification of the subject is usually confirmed either by a member of the group, or by the provision of the necessary evidence proving the identity of the future participant at the request of the group administrator. Open groups usually do not require user verification; therefore, it may include fake members who use fake (fictitious) names and accounts to join the group, which significantly reduces the level of trust in such groups.

The widespread use of such a way of online interaction as the creation of virtual communities requires adequate legal regulation of relations arising between their participants, which would increase the level of trust within the community.

The current Russian legislation enshrines the norms on decisions of meetings (Chapter 9.1 of the Civil Code of the Russian Federation). Such decisions are made by the civil legal community, that is, by a certain group of persons empowered to participate in an assembly and make decisions, with which the Law associates civil law consequences that are binding on all persons who had the right to participate in such an assembly, as well as for other persons, if it is established by Law or follows from the nature of the relationship. This means that now the community must be empowered by Law to make legally significant decisions. Otherwise, its decisions will not entail legally significant consequences for either community members or third parties.

It seems that the development of collaborative consumption and the improvement of its forms must lead to rethinking of the understanding of civil law communities, endowed with the ability to make decisions that entail civil law consequences.

Communities can be created voluntarily in various fields, while the basis for their formation can be an agreement between the initial participants (founders of the community). By its legal nature, such an agreement can be a joint venture agreement. However, the current Russian legislation neglects this category of contracts. Due to the fact that the general

provisions on agreements on joint activities are not set forth by Law, their essence and content are determined ambiguously. Often they are considered as a simple partnership agreement named in the Law.

A common feature of simple partnership agreements and agreements on the collaborative consumption of goods and services is called joint activity, and therefore it is considered permissible to subsidiary application of the rules on simple partnership agreements to relations of joint use of various assets, while not identifying these agreements (Poduzova, 2019).

It seems that a simple partnership agreement and all other possible agreements on joint activities should not be deemed to be equal. In the economy of sharing goods and services, contracts signed between participants (“founders” of a virtual community) can rather be attributed to unnamed contracts, in connection with which the provisions on a simple partnership can be applied to these relations only by analogy with the Law on the basis of Article 6 of the Civil Code of the Russian Federation.

Thus, the contractual regulation of relations in collaborative consumption through the creation of closed communities will to a greater extent help form an environment of high trust within such a community, which contributes to the development of the economy of sharing, interaction and mutual assistance by the forces of all community members at the horizontal level. Such communities, on the basis of an agreement between all participants, should have the right to make decisions on those issues that will be attributed to the competence of such a community by an agreement, developed on its basis by the rules of interaction between community members. Consent to the rules of the community is proved by joining a new member to the community on the appropriate technological platform.

Within the framework of the relevant communities that are based on digital platforms, whose users’ data has been verified within the community, new technologies that make it possible to fulfill obligations remotely, including making settlements within peer-to-peer payment systems, as well as by using blockchain technology, seem to be quite acceptable to use. In the latter case, the necessary trust is provided through cryptology, while all blockchain participants certify the unity as a whole (Kirillova et al., 2019).

It should be noted that peer-to-peer payment systems are delimited from payment services based on blockchain technology, which can be decentralized in terms of the order of information transfer rather than management (Sitnik, 2021).

The principle of good faith, as noted, also contributes to the formation of an environment of trust between participants in sharing communities. Its application as an objective criterion for assessing the behavior of subjects of civil Law, establishing the possibility in Article 10 of the Civil Code of the Russian Federation of prosecution for unfair behavior as an abuse of the right allows to some extent to minimize possible risks. To date, the relevant mechanisms are enshrined in the Law; the next step is the formation of judicial practice aimed at the widespread application of the principle of good faith as an effective mechanism to ensure the legitimacy of the behavior of subjects. It seems that the formed judicial practice will contribute to the fact that in the turnover the standard of good faith will be fixed as the usual and only acceptable one.

The development of the institution of reputation and regulation of its assessment methods are of the utmost importance for the formation of an environment of trust in the context of sharing. In the current civil legislation of Russia, the category of reputation as an intangible benefit is used only in the context of business reputation (Articles 150, 152 of the Civil Code of the Russian Federation), while there is no legal definition of its concept.

In science, business reputation is defined as a specific concept, which is a set of qualities and assessments their bearer is associated with in the eyes of their counterparties, clients, consumers, work colleagues, voters and personifies among other professionals in this field of activity (Maleina, 1995). Obviously, a reputation that is not a business one is associated with a set of qualities and assessments their bearer is associated with in the eyes of a wide range of people and is personified not only among other professionals in a particular field but also among ordinary citizens.

Reputation is also defined as a reflection of a person's business qualities in the public mind, accompanied by a positive assessment of society. In this sense, reputation, as an intangible good, is assessed precisely as a positive rather than negative assessment. A positive business reputation as an object of civil rights is primarily an object of protective legal relations. In particular, Article 152 of the Civil Code of the Russian Federation regulates the protection of honor, dignity, and business reputation in the event of the dissemination of defamatory and unfaithful information.

Considering the development of relations between the platform economy, including sharing, the importance of business reputation in the narrow sense as an assessment of the professional qualities of a person in the field of entrepreneurial or other professional activity, in our opinion, is insufficient. Sharing assumes the possibility of collaborative use of assets not only by a professional actor but also by those who are not professionals. When we share our resources with a wide range of people, we must also trust those who are not always professionals. At the same time, their reputation is important to us, which is formed within the community on the appropriate virtual technological platform.

Reputation is formed on the basis of reviews, user ratings, and other members of the community. Relationships about reputation go beyond the concept of business reputation, and are also not limited to protective legal relationships. In fact, a positive reputation affects the ability to access resources within the framework of the sharing economy; a negative reputation makes it difficult in some cases to use them. For example, negative reviews on Airbnb actually lead to the blocking of the user, who loses the opportunity to conclude agreements with the owners of the premises.

The grounds for blocking a user account on YouDo are complaints from other users of their violation of the rules, rude or inappropriate behavior, failure to comply with agreements. At the same time, the artificial influence of the user on his rating, that is, "cheating reviews" entails unconditional blocking without the possibility of subsequent restoration.

Reputation in the digital age, when we cannot personally verify the conscientiousness of the counterparty, characterizes his personality, determines the choice of the subject we are ready to conclude an agreement and share our resources with. The reputation thus becomes the personal brand of each subject. At the same time, it consists of both subjective reviews of third parties and of the objective achievements of the subject himself, and therefore, in the context of digitalization, many deliberately share their achievements not only in public but also in personal life with an unlimited number of persons, posting relevant information on the Internet.

Today, most people leave some kind of "digital traces" (in search engines, chats, social networks, aggregator sites, etc.) during their life: large cities (and other places) have everywhere video surveillance cameras, geolocation services, there are many ways to obtain information about a person, his life, his preferences, etc. In this regard, many sharing services

use social media accounts to identify and verify the identity of their users, as well as track their other "digital traces".

This makes it possible to increase the security of transactions with their participation, as the responsibility for creating their profile lies with the users themselves (Hawlitshchek et al., 2016). The personal data the subject leaves within the information platform is sometimes defined as not only currency for paying for free Internet services but also as a kind of fuel for using technologies like artificial intelligence (Saveliev, 2018).

Information about a person can be presented as an object of civil rights. As an integral part of intangible benefits, the list of which is still non-exhaustive in Article 150 of the Civil Code of the Russian Federation, such information is protected by civil Law. For example, the rights to privacy, personal, family secrets are personal non-property rights and belong to a person from birth, are inseparable from him, inalienable and inalienable.

Different regulations provide for different types of secrets, for example, medical, banking, notarial, adoption secrets. As a rule, relations with respect to these objects are defined as personal non-property, not related to property, arising from non-material benefits that are not subject to value assessment. In a way, they are priceless and unique.

However, digitalization resulted in a situation where data about a person, his life and preferences (Big Data, big user data) are recorded in information systems, transmitted via the Internet and acquire economic value (for example, for the purposes of targeted advertising, promotion of goods, services), in connection with which the definition of the legal regime of information about a person only in terms of intangible benefits becomes incomplete.

In this sense, there are options: either to define such information as a personal secret (intangible good) and prohibit any of its circulation, or to provide for the features of its legal regime, which makes it possible to consider these objects as objects of civil circulation as alienated, transferred, possessing a value estimate and signs of marketability. In this regard, proposals to qualify Big Data as an information service based on digital technology deserve attention.

In addition, it has been suggested to recognize Big Data as a new non-traditional object of intellectual property, as within the framework of this approach it is possible to allow the granting of an exclusive property right to inherently intangible objects (Sergeev et al., 2018).

The category of information services must be distinguished from the category of the information (data) itself. Thus, the Civil Code of the Russian Federation was supplemented by Article 783.1, which mentions an agreement on the provision of services for the provision of information. In connection with the need to provide such a service, obviously, it is necessary to first obtain, process, generalize information, ensure its safety, and then provide the customer with access to it. It should be noted that the performer providing such a service in the context of digitalization, having the appropriate technological resources, gains access and the ability to use a huge amount of information about users of various platforms (for example, owners of search engines, social networks, aggregators, etc.).

In connection with the valid legislation on personal data, some of the information that has the characteristics of personal data should be considered as closed information, the use and transmission of which is allowed only with the consent of its owner. As an object of civil rights, such information may constitute a private life or other types of secrets and be protected within the framework of ensuring the inviolability of a citizen's private life. In this case, personal data is objectified as intangible goods. Nevertheless, it is allowed to use such information with the consent of its owner. This right to use the information constituting personal data is sometimes referred to as a property (exclusive) right, which makes it possible to extend the regime of an object equated to the results of intellectual activity to personal data.

Thus, from the moment the information constituting personal data is provided to third parties on a legal basis (making a transaction - providing consent to the processing, storage, use, transfer of personal data or transfer under a contract for the provision of services for the provision of information), the right to use it can be objectified in as a property (exclusive) right to an object, the legal regime of which is equated, for example, with means of individualization.

If the relevant information becomes publicly available, turns into generally known information, with unlimited access for a wide range of persons (for example, when posted in open sources on the Internet), it loses the secrecy regime as confidential information. If it has become available as the result of illegal actions of third parties, the owner of the information has the right to use civil law methods of protecting personal non-property rights, including methods of protecting reputation, as well as other methods of protection provided for by the

norms of public Law. In this case, it is permissible to demand the removal of the relevant information from the Internet.

However, if information became available to an unlimited circle of persons at the will of the owner himself, it loses its objectification as an intangible good. At the same time, its use can be admitted on the basis of analogy with an open non-exclusive license to use the property (exclusive) right to an object, equated to means of individualization, or, for example, as information included in the database, which is noted in judicial practice. In this regard, it is true that the problem of the intersection of personal data and Big Data is the free use of personal information, thoughtlessly not limited by the users themselves when posting "their personal information" in public resources (Tereshchenko, 2018), due to which digital footprint, digital profile, and personal brand of a person forms allowing him to be assessed as a bona fide or unscrupulous entity.

5. CONCLUSION

The study shows the great importance of means of influence of civil Law on public relations in order to create an environment of trust.

The sharing economy model is based on activities and interaction within a decentralized community, open to an indefinite circle of people: when people together solve common problems, share resources, i.e. things, skills, time, etc. (Komarova et al., 2017). It is argued about the necessary conditions for creating networks of shared consumption around the world, if communities share the idea of good neighborly interaction and respect for other people's property. At the same time, the key issue for the sharing economy model is the problem of trust in others, which plays a critical role in the success of the platforms being created (Bidwell, 2019).

Trust is created within the community by building the reputation and conscientious behavior of each of its members. In this regard, the most relevant areas of improving civil legislation in the sharing economy in Russia are ensuring the formation of a reputation within the framework of not only protective but also regulatory relations, the possibility of objectifying information about a person not only as an intangible benefit but also the emergence of an exclusive (property) right in reference to such information that helps form a "personal brand" as a means of individualization, rather than only in the framework of entrepreneurial activities.

It is also important to further develop the application of the principle of good faith as an objective criterion for assessing the legitimacy of the behavior of participants in civil turnover, which will also contribute to the formation of an environment of trust in the context of digitalization, minimize risks and consolidate the method of generally permissible regulation of relations in the digital sphere.

The development of a system of effective civil law regulation of collaborative consumption relations can create the necessary basis for the further development of the sharing economy and the digital economy in Russia in general. The adoption of new and adaptation of existing legal norms, the adjustment of traditional legal structures, subject to modern needs, will make it possible to give digital relations of collaborative consumption a civilized character and provide the necessary level of trust among their participants.

5.1. Limitations

Within the framework of the finished stage of the study, the main principles and features of civil law regulation of relations on the collective use of goods and services (sharing economy) in Russia, which contribute to the formation of a digital environment of trust, were analyzed, priority directions for the development of general provisions of civil legislation and judicial practice in this area were identified.

The scope of this study does not allow us to examine in depth the problems of transformation of individual civil law institutions serving the needs of the sharing economy, which predetermines further work, in particular, the study of the problems of development of property, liability and other sub-branches of civil Law.

The next important tasks are to determine specific steps for the Russian legislator and law enforcement officer towards an increase in the efficiency of legal mechanisms for protecting the rights of participants in relations in collaborative consumption, as well as the formation of new and revision of existing legal norms governing social relations in the collective use of goods and services; development of proposals for updating Russian legislation in connection with the development of the latest technologies and the need to adjust certain subsectors of civil Law in the context of digitalization.

REFERENCES

Abraham, C., Sims, R. R., Daultrey, S., Buff, A., & Fealey, A. (2019). How digital trust drives culture change. **MIT Sloan Management Review**, 60(3), 1-8.

- Acquier, A., Daudigeos, T., & Pinkse, J. (2017). Promises and paradoxes of the sharing economy: An organizing framework. *Technological Forecasting and Social Change*, 125, 1-10.
- Bidwell, J. (2019). **Disrupt: 100 Lessons in Business Innovation**. Alpina Publisher.
- Barbu, C. M., Bratu, R. Ş., & Sîrbu, E. M. (2018). Business models of the sharing economy. **Revista de Management Comparat International**, 19(2), 154-166.
- Bogdanov, E. V., Bogdanova, E. E., & Bogdanov, D. E. (2017). Problema fidutsiarnosti i fidutsiarnykh sdelok v grazhdanskom prave Rossii [Issue of Fiduciary and Fiduciary Transactions in Russian Civil Law]. **Grazhdanskoe pravo**, (3), 20-25.
- Booth, A. (2015). **The sharing economy, the future of jobs, and ‘postcapitalism’—part one**. International Marxist Tendency.
- Botsman, R. (2017). **Who can you trust?: how technology brought us together—and why it could drive us apart**. Penguin UK.
- Braginsky, M. I., & Vitryansky, V. V. (2002). **Law of contracts. Contracts for the performance of work and the provision of services**. Book 3. M., 2002 (section 1, chapter 15).
- Frenehard, T. **Building Digital Trust: What Does It Really Mean**. URL: <https://www.digitalistmag.com/finance/2019/10/29/building-digital-trust-what-does-it-really-mean-06201132> (дата обращения: 02.02. 2020).
- Fukuyama, F. (1995). **Trust: The social virtues and the creation of prosperity**. World and I, 10, 264-268.
- Golubtsov, V. G. (2019). Evaluation Concepts in Russian Codifications of Civil Law. **Lex Russica**, (8), 37-50.
- Hawlitshchek, F., Teubner, T., & Weinhardt, C. (2016). Trust in the sharing economy. **Die Unternehmung**, 70(1), 26-44.
- Kamyshansky, V. P. (2019). Risk in modern civil law. **Legal technology**. 13, 59-62.
- Kirilova, D., Maslov, N., & Reyn, A. (2019). Blockchain as a new technology for development. **International Journal of Open Information Technologies**, 7(1), 34-38.
- Kirpichev, A. E. (2018). Aggregators of goods and services as new subjects of commercial Law. **Actual problems of Russian Law**. 2, 34-55.
- Komarova, I. P., Novikova, E. S., & Ustyuzhanina, E. V. (2017). Ehkonomika vzaimnosti: horosho zabytoe novoe [The economy of reciprocity: well forgotten new]. VestnikRossijskogo ehkonomicheskogo universiteta im. GV Plekhanova [**Bulletin of the Russian Economic University GV Plekhanov**], (5), 95.
- Luhmann, N. (2000). Familiarity, confidence, trust: Problems and alternatives. **Trust: Making and breaking cooperative relations**, 6(1), 94-107.
- Lymar, E. N. (2018). The sharing economy in modern Russia. Bulletin of the Chelyabinsk State University. **Economic sciences**. 6(22), 45-55.
- Makhalin, I. N. (2020). The doctrine of fiduciary duties: defender of trust under the guise of an English spy. **Bulletin of Economic Justice of the Russian Federation**. 1, 152 - 200.

Maleinam M. N. (1995). Intangible benefits and prospects for their development. **Law**. 10(2), 102-105.

Mikheevam L.Yu. (2001). Trust management of property. Commentary on legislation (prepared for the ConsultantPlus computer-assisted legal research system in 2001; subsection "General Characteristics of the Trust Management Agreement", section 3.1).

Nurmukhametovm R. K., & Torin, S. S. (2020). Digital trust: the essence and measures to improve it. News of Tula State University. **Economic and Legal Sciences**. 1, 32-39.

Orsi, J. (2012). **Practicing law in the sharing economy: helping people build cooperatives, social enterprise, and local sustainable economies**. Chicago, IL: American Bar Association.

Perepelkin, V. A. (2020). Postindustrial collaborative consumption as a result of consumption evolution based on access to benefits. Vestnik VSU. **Series: Economics and Management**. 1, 26-31.

Poduzova, E. B. (2019). New types of a simple partnership agreement in the context of the collective use of goods and services (sharing economy). **Actual problems of Russian Law**. 8, 86-94.

Popovm E. V., & Veretennikova, A. Yu. (2019). Institutional support of the shared economy in the development of the urban environment. **Journal of Institutional Studies**. 11(2), 67-84.

Qiu, S., Xu, Z., & Bhatt, B. (2021). The Sharing economy platforms in rural China: Bridging institutional voids through institutional entrepreneurship. In *Sharing Economy at the Base of the Pyramid* (pp. 75-99). **Springer, Singapore**.

Revinova, S., Ratner, S., Lazanyuk, I., & Gomonov, K. (2020). Sharing economy in Russia: Current status, barriers, prospects and role of universities. **Sustainability**, 12(12), 4855.

Richter, C., Kraus, S., Brem, A., Durst, S., & Giselbrecht, C. (2017). Digital entrepreneurship: Innovative business models for the sharing economy. **Creativity and innovation management**, 26(3), 300-310.

Sands, S., Ferraro, C., Campbell, C., Kietzmann, J., & Andonopoulos, V. V. (2020). Who shares? Profiling consumers in the sharing economy. **Australasian Marketing Journal (AMJ)**, 28(3), 22-33.

Satyukov, S. R. (2019). Problems of and prospects for the development of ride sharing within the framework of the formation of the sharing economy. **Moscow Economic Journal**. 2(4), 122-153.

Semyachkov, K. A. (2019). Transformation of economic relations in the context of the development of digital platforms. **Journal of Economic Theory**. 16(3).

Sergeev, A. P., & Tereshchenko, T. A. (2018). Bolshie dannye: v poiskakh mesta v sisteme grazhdanskogo prava [Big data: in search of a place in the civil law system]. **Zakon [Law]**, (11), 106-123.

Schwab, K. (2016). *The Fourth Industrial Revolution* (Geneva: World Economic Forum) Go to reference in article.

Sitnik, A. A. (2021). Blockchain Technology in Payment Systems. **Actual Problems of Russian Law**. 16 (5), 42-54. (In Russ.) <https://doi.org/10.17803/1994-1471.2021.126.5.042-054>

Slee, T. (2014). Sharing and Caring. URL: <https://www.jacobinmag.com/2014/01/sharing-and-caring/> (accessed: 05.07.2021).

Sundararajan, A. (2016). **The sharing economy: the end of employment and the rise of crowd-based capitalism**, MA: The MIT Press.
<https://doi.org/10.1177%2F0972262917712390>

Suvorova, E. N. (2020). Recognizing a transaction invalid as a way to protect against unfair behavior, **Judge**. 7, 9-14.

Sztompka, P. (2007). **Zaufanie**. Fundament Społeczeństwa. Krakow.

Tapscott, D. (2018). **BLOCKCHAIN REVOLUTION: How the Technology Behind Bitcoin is Changing Money, Business, and the World**. - Moscow: Eksmo. - 448 p.

Tapscott, D., & Ticoll, D. (2003). **The Naked Corporation**. New York: Free Press.

Tereshchenko, T. (2018). **What does the legislator think about big user data?** // URL: https://zakon.ru/blog/2018/10/27/hto_dumaet_zakonodatel_o_bolshih_polzovatelskih_dannyh (accessed: 15.02.2021).

Veselov, Yu. V. (2020). Trust in a digital society. Vestnik of Saint Petersburg University. **Sociology**, 13(2), 129–143. <https://doi.org/10.21638/spbu12.2020.202> (In Russian).

Vitryansky, V. (2018). **Reform of Russian civil legislation: interim results** (reprint).

Zippelliusm R. (2008). **Introduction to German Legal Method**. Carolina Academic Press.