

LEGAL SUPPORT FOR THE DIGITAL ECONOMY IN THE RUSSIAN FEDERATION: LEGAL POLICY PRIORITIES

APOYO LEGAL PARA LA ECONOMÍA DIGITAL EN LA FEDERACIÓN RUSA: PRIORIDADES DE POLÍTICA LEGAL

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ABSTRACT

The paper attempts to analyze the role and importance of law in the development of the digital economy, as well as enforcement and incentive measures. This is a descriptive study, and an overview of the most important normative acts regulating the development of the digital economy in Russia is given. Various aspects of the reverse impact of the digital economy on the law itself are considered. The conclusion is made that many risks and dangers are exaggerated, but there are also real threats to the harmonious development of society, including technocratism, mechanisticism, transhumanism, the destruction of traditional values, the transformation of justice into an algorithm, and information extremism.

Keywords: legal policy priorities; digital law; legal planning; artificial intelligence; digital economy.

Revista de Investigaciones Universidad del Quindío,
34(S3), 244-255; 2022.

ISSN: 1794-631X e-ISSN: 2500-5782

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RESUMEN

El documento intenta analizar el papel y la importancia de la ley en el desarrollo de la economía digital, así como las medidas de aplicación e incentivos. Este es un estudio descriptivo y se ofrece una descripción general de los actos normativos más importantes que regulan el desarrollo de la economía digital en Rusia. Se consideran varios aspectos del impacto inverso de la economía digital en la propia ley. Se concluye que se exageran muchos riesgos y peligros, pero también existen amenazas reales al desarrollo armónico de la sociedad, entre ellas: tecnocratismo, mecanicismo, transhumanismo, destrucción de valores tradicionales, transformación de la justicia en algoritmo y extremismo informativo.

Palabras clave: prioridades de política jurídica; derecho digital; planificación jurídica; inteligencia artificial; economía digital.

INTRODUCTION

The digital economy has been a subject of theoretical and methodological analysis for more than two decades. It has long been obvious that the digital economy is a central vector for the development of the domestic state and law. Moreover, without the creation of clearly defined institutional conditions, the digital economy will not be able to become an engine of economic growth in the post-crisis period. We believe that the national program "Digital Economy" has already made it possible for us to enter the crisis being prepared to a certain extent. But it is equally obvious that the measures implemented at the current stage cannot be considered sufficient and duly effective. In particular, it is reasonable to create a special system of measures aimed at supporting the IT-industry. In the pre-pandemic period, scientists wrote about anticipatory legal regulation in case of such crises. Today, after the world has come face to face with a situation where regulation has to be created "out of nothing" as a rush job; it has become even more obvious that the concept of the "national digital economy" in its current form needs to be seriously reconsidered (Gagulina et al., 2020).

This should take into account a number of circumstances. Transitive state of modern Russian society due to the dynamic development and use of information and communication technologies has formed a number of fundamental challenges to traditional approaches in legal regulation (Khitskov et al., 2017). These challenges have initiated a high polemical activity in the scientific community, discussions about the need to change the mechanisms of legal regulation, their adaptation to the new conditions of information society, the emerging specific social, political and economic social relations that have no analogues in the physical world. Nevertheless, the acute need for fundamental comprehension and practical development of legalizing the previously gained experience concerning self-regulation of digital economic relations was not observed, and Russia was late in these developments, according to various estimates, with a lag of 7 to 10 years for fundamental research to specific legislative decisions. Meanwhile, the situation has changed dramatically in the context of a new challenge to international biological security, in the form of a new mutating coronavirus codenamed Covid-19. The new form of the virus with a high level of toxicity has led to a worldwide pandemic and an objective need to limit personal contacts of people (introduction of quarantine measures) (Romanyuk et al., 2021). However, restrictive measures involving the restriction of habitual forms of personal communication have caused enormous economic damage to society and, as a consequence, can lead to serious social and political consequences. All this has actualized the need to develop systemic

approaches to the legal institutionalization of digital (non-contact) forms in communication between the subjects of legal relations in the economy, sharply shifting the emphasis to the field of information society (Kravchenko et al., 2021).

In this regard, the legal stimulation of the digital economy acquires a particularly acute nature, and critical significance for society and the state. At the same time, according to the estimates of many industry experts, the existing legal doctrine is still poorly adapted to the specific constructions of social relations of the information society. For example, the current legal structure of personal data (as an element of privacy), which requires a person's consent, is in conflict with telemedicine technologies and the processing of big data for medical purposes, including for tracking the dynamics of diseases that are not officially recorded during pandemics. It is obvious that in the conditions of long-term pandemics, a revision of institutional constructions previously rejected by classical legal doctrine is also required, determining the order of interaction between subjects of civil circulation starting from digital forms of wills, virtual objects of civil rights, and ending with the provision of remote forms for organization of civil and arbitration proceedings in the courts.

It should also be taken into account that the policy of stimulating the digital economy is determined, among other things, by the creation of favourable conditions for legal regulation of the information space. It should be based on principles that require conceptual and methodological elaboration: legal protection of economic relations, accessibility of such protection, exclusion of administrative barriers, compliance of legal mechanisms with the existing economic order, legal variability (prevalence of dispositive method of legal regulation over imperative), application of legal sanctions (correct determination of their forms, volume) taking into account the specifics of information infrastructure, legitimate interests of third parties, etc.

The digital economy is gradually becoming a major trend in the development of major spheres of social life: politics, law, education, healthcare, culture, etc. Ten years ago, digital flows did not have a significant impact on GDP growth, while today their influence on GDP is higher than from the centuries-old trade in goods. And the global component of economic interaction is increasing significantly. Digitalization of the economy has allowed companies to enter international markets with less capital-intensive business models, but it also creates new risks and political problems (Litvinenko, 2020). Tens of millions of small and medium-sized enterprises around the world have become exporters by joining e-commerce markets such as Alibaba, Amazon, eBay, Flipkart and Rakuten, and already 12 per cents of global trade in goods is done through international e-commerce. Regardless of the amount of startup capital, businesses easily go global: according to the aforementioned report, 86 per cents of tech startups collaborate and trade globally.

The globalized digital society gives birth to innovative management strategies, spheres and trends in culture, economics, law, commerce, and even thinking. And these strategies will not always lead to positive outcomes for an individual and for any state. For these purposes, the legal policy of the state builds with the help of priorities a clear system of influence on the development of the main institutional structures that stimulate the evolution of the digital economy.

The complex epidemiological situation exacerbates the socio-economic problems associated with the formation of the required model of the digital economy, with the digitalization of public life, essentially transforming the entire range of sectoral and regional interactions. In the conditions of long-term viral pandemics, the introduction of self-isolation or quarantine regimes, the assessment

of the digitalization potential of socio-economic processes in the sectoral and regional context, the development of universal methodological principles for regulating social relations is a relevant fundamental research task, the solution of which aims to identify and substantiate the system principles of effective interaction between government, business, social institutions and population on a digital basis, forming a methodological basis for forming and implementation of effective economic policy.

METHODS

The research of the role of law in stimulating the processes of development of the digital economy is determined by the formation of a comprehensive subject orientation not limited to the strict disciplinary framework, "drawing" a researcher into a communicative process: the achievements and provisions, primarily, of various social and humanitarian sciences, and involving categories, concepts and ideological and conceptual innovations of natural and technical sciences. Such an angle of realization of the stated tasks implies an emphasis not on the disciplinary "affiliation", from the platform of which the interaction between different sciences is realized, but on the phenomenon under research itself. Here the provisions, methods and techniques of various disciplines are involved in a joint collaboration, and in scientific communication about the cognitive problems. At the same time, the complexity of the phenomenon under research and the diversity of the object-subject field, and the complexity of research tasks determine the dialogue between different branches of knowledge, specific styles of thinking (natural-scientific and socio-humanitarian), interdisciplinary approaches, methodological principles and tools of cognition.

The methodological principle substantiated by economists, political scientists, medics, biologists, etc., according to which people, machines, things, viruses, technologies, diseases, and so on. together form special, specific regimes and relations within which each of them is formed, mediated, objectified and defined, is also significant for the present study.

In this case, virus and technology will be considered as the fundamental "drivers" of political, legal, and socio-economic transformation, a special matrix (of course, depending on one or another register of thought) in assessing the occurring events and processes. And the vitalistic modes of functioning of economic, political, and legal systems will be regarded as attractors (from Latin "to pull, to attract"), while acting not as a particular factor or cause, but as a particular dynamic arena, absorbing multidirectional trajectories of development: biological, political, social, cultural, digital, legal phenomena.

In determining the key areas, the development of the legal policy principles to promote the digital economy in the context of long-term viral pandemics, an interdisciplinary approach using a system of research methods from different branches of scientific knowledge was involved. The interdisciplinary approach used in the study in the implementation of the set tasks will allow the most complete understanding of the specifics of the investigated public relations in the field of digital economy, taking into account the features imposed on them in the conditions of long-term viral pandemics, providing legal modelling that is close to the real model of public relations under study. In this sense, the use of synthesized techniques and tools in the research, including sociological, systemic, and modelling method, method of construction, legal and cybernetic method, comparative-legal, structural-legal method, and others methods is assumed.

The research of the problems concerning formation of the digital economy and its legal incentives

in the context of long-term viral pandemics is due to the need to apply a systematic approach and principles of system analysis of structural and functional elements, which allows to develop systemic principles of effective sectoral and regional regulation of socio-economic interactions in the long term.

The long-term nature of viral pandemics involves both the analysis of the current situation and the possibility of forecasting socio-economic transformations in the future. Therefore, the combination of quantitative assessment methods and their qualitative interpretation allowed to develop more objective forecast scenarios for socio-economic development of industries and regions in the national economy and also to develop fundamental principles and effectiveness criteria for their regulation.

In the process of research it is also planned to apply a comprehensive approach to the consideration of international legal aspects of the digital economy in the context of viral pandemics. It is planned to be guided by the provisions of the general theory of law and state and the international law theory.

The analysis of the role of law in stimulating the development of the digital economy relies on the sociological method of law research. It is this method that allows us to see law as a means of stimulating the development of the digital economy. Law has long been considered by some researchers as a powerful means of stimulating economic processes (Borremans et al., 2018; Romanyuk et al., 2021). With the help of legal means, it is quite possible to improve the investment attractiveness of the country's economy, to get rid of the raw material model of its development, to significantly influence the improvement of its organizational, financial and informational components. Rational design of protectionist measures, development of financial and legal mechanisms of optimal lending can achieve its significant improvement through tax incentives. At the same time, it is necessary to determine the degree of state participation in stimulating the development of the digital economy, since over-regulation, regulatory redundancy and hasty legal decisions can be regarded as a serious obstacle to socio-economic development. On the other hand, the liberalization of regulation of the digital economy threatens the traditional state with a gradual shift of public power in favour of digital giants that integrate not only information services, but also finance: SBER, Google, Apple, etc. Digital currencies, control over "big data", performing a number of additional functions in the digitalization of education, science, and medicine, will allow transnational corporations to create a new political space and control it (Romanova, 2018).

The most important methodological approach to the analysis of the role of legal incentives for the development of the digital economy should be recognized as the methods of legal globalistics. Renowned futurologist Ray Kurzweil, one of the founders of Singularity University, points out: "We are already fantastically interconnected. Nation-states are no longer islands. We have become a much more global society. The generation growing up today feels like global citizens because they communicate with people all over the world, and they are not surprised" (Belokurova et al., 2019). However, digital globalization in this part only continues the trends of economic globalization. The notion of the nation-state will soon be irrelevant, and it is believed by a fairly large number of researchers who think that digitalization inevitably removes borders between states and reveals the problems of excessive bureaucratic barriers in communication and scientific progress, communication and innovation (Gagulina et al., 2020). However, there is another view: digital globalization strengthens the tendency to strengthen ethno-cultural identity (Kravchenko et al., 2021).

Legal positivism is also necessary to analyse the legal provision of the digital economy. In the Russian

Federation, it is the state power that creates all the conditions for the legal stimulation of the digital economy with the help of centralized law-making. This approach turned out to be especially important in the pandemic, when the digital economy showed its importance and relevance for the development of education, healthcare, culture, public catering, and the implementation of various state functions. It became obvious to the state that it is hardly possible to live without innovative strategies for the development of the digital economy through legal means, further development of the country. Urgent measures are needed after the pandemic to support countries' economies, including through legal incentives, to form its innovative models and prepare for new epidemics and pandemics.

RESULTS

It should be noted that researchers by no means always pay attention to the incentive method of law impact on social relations, focusing their attention on imperative and dispositive methods of legal regulation. The need for legal ways and forms of stimulating economic entities and forming the request for innovative models of development not only in existing major sectors of the economic system, but also in the projected sectors of the Russian economy is recognized very rarely. The conceptual and methodological basis for the study of legal incentives in the mechanism of legal regulation and legal impact on all spheres of social life, both economic and other spheres, is poorly developed. There is a lack of clarity in the instrumental aspects of stimulating the digital economy and innovative economic activity by legal means. The legal regimes regulating economic processes in the conditions of pandemic are not developed; the legal basis for stimulation of investment attractiveness of science-intensive and high-tech industries requires analysis and development. Legal measures to support various models of public-private partnerships, as well as legal support for innovative breakthroughs in the conditions of optimal and rational models of integration of state incentives and market regulators require urgent development (Litvinenko, 2020; Romanyuk et al., 2021).

As a solution to the problems of legal stimulation of innovation in the digital economy, it is necessary to develop the main provisions of the legal stimulation strategy for the digital economy, taking into account the current situation with coronavirus, in the context of long-term pandemics and epidemics; it is also necessary to search and develop measures of legal mechanisms providing various forms of financial support for innovative enterprises through tax legislation; to create new forms of innovation credit incentives, legal models of special innovative economic zones; legal development of international macroeconomic cooperation both at the regional level - within the framework of the EurAsEC, and globally within the framework of BRICS; legal impact on the implementation of structural economic transformations, modernization and innovation in the activities of enterprises, their stimulation and support through legislation on science and scientific and technological policy; creation of optimal legal conditions for bringing competitive innovative products of Russian manufacturers to the world market; improving and improving the quality of life of the population as part of the development of Smart Cities standards; achieving economic growth using Big Data technologies; stimulation of digital technologies in the provision of educational services; development of competitive and fundamental science, education, culture; building new strategies and priorities of the legal policy of the state to ensure the defence and security of the country by stimulating public-private partnerships. The focus on the post-pandemic development of Russian legislation in the field of the digital economy, on the development of a legal strategy for the formation of the digital economy in the context of the experience of the coronavirus era should be considered an important focus of research attention.

A number of circumstances must be taken into account. The modern period of the pandemic has

clearly demonstrated that human activity unfolds against a background that is broader than the social context or the institutional framework of the political, legal and economic orders. Social activity closely coexists with the activities and strategies of digital development, which has its own patterns (algorithmic, resource, "code") as well as the development strategies of biological actors, i.e. acting and influencing the activities and development strategies of both digital and social reality. Notably that during the pandemic, the development strategy of the Covid-19 virus itself is key/determinant for the trajectory of the digital economy (various digital forms and modes of the socio-economic development is activated and guided into specific directions).

A systemic analysis of the processes occurring during the pandemic allows us to conclude that state-legal and socio-economic development is fundamentally changing the development trajectories of many spheres of society, and mainly changing the way we think and practice interaction.

Scientific and technological progress of the last decade and the introduction of information technology are of decisive importance for modern society, economy, and state. Law as a regulator of social relations should timely and adequately reflect the needs and challenges of modern progress, and create a basis and opportunities for its further development. The most important task is to revise the established legal concepts in the sphere of economic relations, intellectual property rights, international legal cooperation, digital security, electronic commerce and trade, and digital currencies.

We can distinguish among the tasks of law in this area both the formation of a conceptual approach to the introduction of information technology in all areas of social relations, the definition of goals, objectives and principles of such implementation, and the creation of accurate and universal rules that formalize technical achievements, designed for an unlimited number of applications, adapted to the needs of such applications in a particular area, ensuring equality of opportunities in the use of information technologies by all participants in legal relations and the security of citizens, the state, the full implementation of human rights and freedoms guaranteed by international acts.

DISCUSSION

It must be recognized that the normative regulation of information technology use is now at an early stage: only the most general goals of implementation are determined at the level of program acts and separate provisions are established in sectoral legislation in a piecemeal fashion. Law predictably lags behind the rapid development of information technology, not being a source of technical progress as such for objective reasons. But this is as it should be: law always reinforces the most significant norms of behaviour, the importance of which can only be understood after a certain period of time. In addition, the development of adequate forms of normative consolidation and adaptation of technical advances within the framework of law enforcement requires time and specialized knowledge, coordinating the efforts of both jurists and scientists representing technical specialties.

At the current stage of development of our state, the main directions of the digital economy are regulated by the following normative acts, official documents and programs. Such documents as the State Program of the Russian Federation "Information Society" designed to improve the quality of life and work of citizens, to improve the environment for organizations, to develop the economic potential of the country through the use of information and telecommunication technologies, the Doctrine of Information Security of the Russian Federation and the Strategy for the Information Society in the Russian Federation for 2017 - 2030 also play an important role (Petrenko,2022). They define the goals,

objectives and measures to implement the domestic and foreign policy of the Russian Federation in the application of information and communication technologies necessary for the establishment and development of a digital society and state, the main directions for the formation of a national digital economy, ensuring national interests and the implementation of strategic national priorities. In order to provide additional legal incentives for the digital economy, some authors propose the development and recognition of a new branch of the legal system, i.e. "digital law. They believe that law is on the threshold of change under the influence of the technological factor. And the former characteristics of law, among which there are its systematicity, sanctioning by state, etc., are changing their meaning in the digital age. Allegedly "we are witnessing the formation of a new branch of law: digital law" (Belokurova et al., 2019).

This approach comes into conflict with the process of digitalization of the entire legal system. After all, the authors themselves argue: "The process of forming a new branch of digital law is actually the "digitalization" of law, which will have a constant tendency to increase" (Kikavets & Tsaregradskaya, 2020). But in this case, as digital technologies penetrate into various spheres of social life, all branches of law will turn into digital law. Then why do we need an additional branch of digital law?

We cannot agree that this branch of law is necessary: digitalization has affected every branch of law, so the entire system of law tends to become digital in a certain sense. In addition, the specifics of the subject and method of legal regulation within each branch of law should be preserved in the process of digitalization of public relations of various kinds.

The formation of a special branch of law, i.e. digital law, is not quite appropriate also because specialists in this area are usually people not with a humanitarian, but with a technical education. Their legal consciousness is deformed by logicalisation and mathematisation of human relations, technocratic attitudes in the perception of legal regulation of social relations and public administration. Preservation of the established branch structural units of the Russian system of law and the regulation of issues concerning digitalization of branch legal relations within the industry should be recognized as a more optimal vector for the legal system of digitalization. Branch legal institutions emerged as a result of a long period of "struggle for the law" (R. Iering); their contextual influence within the branch legal policy cannot be overestimated. The same should be said about the branch principles of legal regulation, which guide the process of modernization of the law within the branch norms in accordance with the peculiarities of the branch legal regulation. There will be no such influence of sectoral principles of law on the process of digitalization of the legal system in the case of forming a special branch of digital law.

Digitalization affects not only economic relations, but also the law itself, including justice. This direction in today's digital economy is called Legal Tech (Law Tech). It should be noted that the technicalisation of law is based on the long-standing dream of objectivity in justice, of legal thinking, of the search for justice and truth in justice. In the New Age, this dream was supplemented by a focus on rationalism and a mathematisation of the world: geometry and algebra methods were used under the influence of the successes of the exact natural sciences to study law, thus creating a "jurisprudence of concepts". This direction was developed with the help of geometrical and mathematical models in jurisprudence by the famous scientist Leibniz. It is to him that legal combinatorial mathematics owes its appearance, which began to be used in jurisprudence to create a perfect system of non-contradictory norms. Leibniz wrote his doctoral thesis on "De asibus perplexis in jure" (On tangled court cases), which he proposed to use to "untangle" and to prevent from happening again by means

of a mathematically and deductively perfect system of legal concepts and norms.

In this way, natural-scientific ideas about the world were gradually introduced into legal thinking: hence, there are a large number of "technical" concepts in the theory of law. The concepts of "mechanism," "function," "system," "model," "synergy," "deduction," and others began to be used to describe legal reality, restructuring and technicalising law, reinforcing the positivism inherent in legal thinking from antiquity. As a result, law was no longer perceived as "the art of goodness and justice", but rather as an instruction to build an optimal social order and a mechanism of social control (R. Pound). The ideologists of liberalism were also interested in viewing the law as a rational instruction in the creation of an ideal (from the bourgeois point of view) society, as they defended the principle of the legislative power's monopoly on law-making (Petrenko, 2022).

The predominance of formal rationality in justice over value rationality became the dominant trend in legal thinking in the twentieth century. The formalization of law and mechanistic positivism gradually transformed the process of seeking justice into something analogous to production, into an algorithm. The result was that fairness, for what the procedural law was created, gave the way to "legality", often understood as the observance of all the instructions and procedures necessary to render justice. In this way, legal scholars paved the way for legal cybernetics, which since the mid-20th century has been trying to displace the human element from jurisprudence, replacing it with logical and rational knowledge and mathematical models describing human behaviour (Kundius & Pecuh, 2019).

The cult of natural science also led to reification, i.e. the alienation and objectification of the world of politics and law, social relations and social ties, which exacerbated the trends toward the mathematisation of legal reality. If the calculation of profit in economics became a criterion of the correctness of behaviour, then flawless legislation, minimizing the discretion of a law enforcer, came to be seen as the ideal and goal of legal doctrine in jurisprudence.

All these processes are complemented today by the attempt to digitalize law and mathematize law enforcement through artificial intelligence, the further application of mathematical logic to jurisprudence, and the computerization of law. But it is clear to everyone that no law, no instruction can anticipate the infinite variety of life situations. As long as human freedom exists, predicting and anticipating all situations is impossible. Artificial intelligence does not possess the most important characteristics of human thinking and speech, i.e. contextuality, intuitiveness, emotional-volitional component, freedom of choice of judgment and creativity. In addition, it is impossible to logicalise the principles of law, and attempts to develop an unproblematic system of legal norms providing for all possible cases of application are equally doomed to failure (Tarakanov et al., 2019).

In this sense, the worries are unfounded: digital algorithms and programs will never supersede humans. The following statement proposed by one of the opponents of replacing a human judge with a robot should be supported: "The complete mechanisation of law is impossible as long as there remains a human society in which people have free will and can act illogically or against the rules. To call for the mechanisation of law is to demand the destruction of that society and a transition to a civilization of machines. But this does not mean that we should reject the use of machine technology in jurisprudence, provided that it is the latter that takes central stage, playing the leading role. Mechanisation is an auxiliary technique that allows law to achieve its goals, not the dominant principle by which we must reconstruct law" (Borremans et al., 2018; Voskresenskaya et al., 2020).

Of course it is possible to imagine a fully predictable society of biorobots, it is enough to compare

the "consumer society" and the medieval society. All utopias are built on the idea of minimizing human freedom and standardizing thinking. If the biological component is predominant, then human behaviour is easy to predict. This can only happen if Herbert Marcuse's prediction of a "one-dimensional man" comes true; all of those actions and goals are easy to calculate and foresee because of their primitiveness and calculability in a "consumer society". The transformation of man into a commodity and his alienation from meaningful spheres of social life is indeed a challenge for humanity in the age of modernity and postmodernity. But that is still a long way off; moreover, digitalization strengthens the exchange of information and allows education to remain at a high level, but only if "digital" remains only an auxiliary tool, facilitating the transfer of information (Mingaleva & Mirskikh, 2018).

Thus, attempts to replace humans in justice and law enforcement should be eliminated, while preserving artificial intelligence as an auxiliary mechanism, an offloading tool in the performance of routine procedures in law enforcement.

To conclude the discussion, we should note that the Russian Federation is a country with very conservative legal values. When discussing legal incentives for the digital economy, it is worth bearing in mind that legal institutions and "legal complexes" (G.J. Berman's term), apart from their positivist (formal-legal) dimension, they also have concrete-historical and sociocultural dimensions.

CONCLUSION

For further legal support of the development of the digital economy, it is very important to overcome a variety of imaginary and real dangers and risks. Among the dangers and risks of digitalization are the following: the circulation of personal data, their leakage and use for criminal purposes, as well as for the control of society by elites; the violation of privacy through external surveillance of a person; the "digital divide" between different segments of the population and even regions in terms of access to digital benefits; the inability of most people to use digital technology and low level of digital literacy of the population; additional financial costs associated with acquisition of new devices; replacement of the law enforcer with a robot; manipulation of consciousness by means of digital media resources and social networks, etc.

In July 2019, the State Duma Committee on Information Policy, Information Technologies and Communications submitted to the State Duma of the Russian Federation a draft law "On Amendments to Certain Legislative Acts (in terms of clarification of identification and authentication procedures)", which proposes to define the infrastructure of the digital profile of a citizen. It was prepared in accordance with point 1 of the List of priority draft laws approved by the minutes of the meeting with the Deputy Prime Minister of the Russian Federation M. A. Akimov dated September 14, 2018. The text defines such concepts as: identification, authentication, digital profile, as well as their legislative consolidation. It also describes the legal institute of the digital profile and its regulation, including the powers of the Government to determine the procedure for obtaining and providing information using the digital profile. According to the Explanatory Note, the implementation of the law will not require additional expenditures. Meanwhile, measures aimed at ensuring the security of personal data storage are known to be costly. Apparently, they are not planned in this bill. Therefore, fears regarding the safety of information and digital security are not in vain. Such restrictions, as the increasing number of cases of "columbine," or teenage suicide, and various kinds of provocation show, are extremely important. Meanwhile, not all legal scholars agree with these restrictions. For example,

such restrictions allowing the blocking of an online publication clearly contradict Part 5, Article 29 of the Constitution of the Russian Federation, which prohibits censorship in the mass media.

However, we cannot agree with him, since part 3, Article 55 of the Constitution of the Russian Federation provides for the possibility to restrict human and civil rights and freedoms by the federal law for constitutionally important purposes (protection of the foundations of the constitutional order, morality, health, etc.). In addition, attention should be paid to Article 29(2) of the Constitution of the Russian Federation: "2. Propaganda or agitation inciting social, racial, national or religious hatred and enmity shall not be permitted. Propaganda of social, racial, national, religious or linguistic superiority is prohibited". So, the blocking of information that poses a threat to the life and (or) health of citizens, property, the threat of mass disruption of public order and (or) public safety or the threat of interference with the functioning or disruption of life support and other facilities, and which may well be attributed to information that incites social hatred, is quite complying with constitutional requirements.

ACKNOWLEDGEMENT

This article was prepared with the financial support of the RFBR grant No. 19-011-00820 (a) "The legal policy of the Russian State, its priorities and principles in the digital economy and the digital technological structure: conceptual, methodological, sectoral aspects of digitalization of law and legal regulation".

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