The impact of the introduction of digital technologies on the formation of the civil law system

Kokoeva Luiza Tembolatovna
Doctor of Juridical Sciences, Full Professor, Head of Department
North Caucasian Institute of Mining and Metallurgy (State Technological University)
Stankevich Galina Viktorovna
Doctor of Political Sciences, Candidate of Juridical Sciences, Associate Professor, Head of Department
Pyatigorsk State University

Abstract. This article focuses on the fact that in the context of the strengthening of globalization processes and the dynamic penetration of information and communication technologies into all spheres of human life, society, business entities, civil law as a branch of law cannot ignore the rapid development of new technologies. The authors note that digital technologies should not influence in any way the conceptual foundations and foundations that have developed historically and carry continuity in civil law as an industry. The article poses the question: will civil legislation be able to protect the rights of subjects of civil legal relations through significant and fundamental changes and it is determined that digital technologies will change the nature of relationships between people in the implementation of property and non-property rights, change the "civil landscape", which will lead to a change in all spheres of public life generally.

Keywords: digital technologies, business entities, the Internet, civil law, globalization.

Rapid globalization and large-scale dynamic changes in the social and technological life of mankind over the past few decades have led to the penetration of the Internet into all spheres of human life. Legal scholars are increasingly conducting scientific discussions about how to ensure the right of all people to access the Internet, as well as how to effectively regulate public relations on the World Wide Web with the help of democratic legal instruments. There is also ongoing debate over whether human rights associated with the development of the Internet should be classified as fourth generation human rights, and attempts are being made to classify such rights within the fourth generation of human rights.

The purpose of the scientific work is to disclose the content of human rights associated with the development of information and communication technologies, based on an analysis of the characteristics of certain categories of these rights.

As digital technology has transformed the way business is done in various industries over the past decade, the advancement of digital technology has brought new levels of efficiency to nearly every industry. In 2016, the International Organization for Standardization (ISO) created a committee to develop an international standard for blockchain technologies. Blockchain allows you

to automate transactions without using a third party; is a distributed system of consensus and trust; is an infrastructure that provides proof of identity. All transactions are carried out in one environment and can be easily tracked by checking the corresponding addresses, which have a sign of immutability and stability of information, which means that it is impossible to change or delete records and provides access to the registry of any subject.

Digital signatures have gained even more recognition. For example, any Eversign electronic signature must comply with the clear security requirements of US and European law. The power of the digital signature phenomenon is obvious, as digital signatures added to a document keep it secure because it cannot be copied. Safety is the top priority of the E-Contract.

Through digital signatures, domestic, national and international subjects of agreements can conclude an agreement on transparent and facilitated terms and accelerate the process of its signing. Technology has changed the way contracts are managed and archived. Implementing digital signatures allows partners to know that their counterparty is applying the latest technology when it comes to contract execution.

Recruiting appropriate actualization, in the digital age, and the protection of personal moral rights. This is due to the volume of the information that a person independently provides, primarily on the Internet, and the collection and systematization by enterprises, institutions, organizations of a database of citizens as business entities. However, there are corresponding problems in terms of what information is considered to be transmitted by the person himself for the processing of personal data. The problem is of a fundamental nature, and its solution requires new legislative approaches. It is not necessary to patch holes, but to take concrete steps to improve civil legislation, adopted taking into account the legislative norms of those industries that are naturally influenced by the norms of civil law and vice versa.

Digital technologies could not help but hurt the relations arising from the results of intellectual activity and means of individualization of goods, works, services, legal entities. Indeed, in the context of the development of digital technologies that determine the digital economy, the issue of protecting intellectual property is strategic, since the protection of the latter stimulates the development of patent activity of subjects of civil legal relations.

In the context of the development of the information society, it is necessary to take into account those factors that are naturally inherent in civil law as an industry: subject, method, functions, principles of legal regulation, etc., without which it is impossible to create law and improve legal regulation [4].

Modern states are increasingly moving to digital methods of government in the form of "electronic government" ("electronic state") due to the need to reduce administrative costs and improve the efficiency of public administration, as well as due to the increasing demands of citizens

for the quality and availability of public services in cooperation with government agencies using Internet technologies [8].

In addition to the considered areas of application of digital technologies in law, it should be noted that certain elements of informatization are now present in education and science, the system of taxation and tax administration, notarial activities, and the like.

With regard to the issue of access to the Internet, then, first of all, it should be noted that, according to the position of some scientists, the right to the Internet is an online form of the right to access and disseminate information and includes the obligation of states to ensure the development of information infrastructure and communications; create a market, the price threshold of which will make Internet resources available; to ensure freedom of access to information on Internet resources in general or on specific sites, with the exception of certain cases [6].

As a rule, in international legal acts, national constitutions and laws, as well as in judicial practice, the right to access the Internet is considered, first of all, as a condition and guarantee for the realization of traditional human rights. At the same time, taking into account the special importance of the Internet for the implementation of a significant number of human rights, the development of the newest system of modern civil society, the transparency of public administration, access to it is increasingly recognized by scientists as an independent human right [2].

The right to access the Internet, as the right of everyone to freely use a safe and open Internet, must cover two aspects. The first aspect is the prohibition of states to unreasonably restrict access to the Internet, in particular, to disconnect the Internet throughout the country or certain regions. Blocking individuals' access to the Internet may be justified, but only with good reason and with proven reasoning and facts. The second aspect of this right obliges states to take all reasonable steps to ensure that their citizens have maximum access to the Internet. For example, develop and implement specific and effective policies to ensure that the Internet is widely accessible, open and affordable for all groups of the population.

International acts adopted by the UN, Council of Europe, OSCE and other international organizations are of key importance for understanding the standards of access to the World Wide Web. Thus, the resolution of the UN Human Rights Council "On the promotion, protection and implementation of human rights on the Internet" of July 5, 2012 calls on all states to "promote and facilitate access to the Internet and international cooperation aimed at the development of the media and communications in all countries" [16]. It should also be noted that blocking access to information in the modern world is considered a violation of human rights, because according to Article 19 of the Universal Declaration of Human Rights, everyone has the right to "Seek, receive and disseminate information and ideas ... regardless of state borders" [12].

The practice of the European Court of Human Rights shows that the issue of access to the Internet is also the subject of a separate consideration in the ECHR. In particular, in the ECHR Chamber judgment, case Ahmet Yildirim v. Turkey (statement N 3111/10) stated that "the right of unhindered access to the Internet should also be recognized". The court noted that “the preventive measures were illegal and could not be considered as aimed solely at blocking access to the controversial site, since they caused the general blocking of all sites that were hosted by Google Sites. At the same time, judicial control over the blocking of access to Internet sites did not provide for conditions sufficient to prevent abuse: national law does not provide any guarantee to prevent that blocking measures aimed at a specific site are not used as a means of general blocking" [14].

Consider also the issue of the right to free speech on the Internet. Realizing the right to freedom of expression on the Internet includes at least the following principles: no one should be forced to act or speak out contrary to their beliefs; The right to seek and receive information means not only that the state should not interfere when a person himself searches for information online, but also in some cases should facilitate access to such information, for example, to respond to information requests of citizens. The right to impart information and ideas includes not only the dissemination of neutral information, but also the dissemination of statements that may offend, shock or disturb. But only on condition that they do not violate other rights and freedoms, and are not illegal [2].

It is obvious that the basic document in this area, along with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, is the European Convention for the Protection of Human Rights and Fundamental Freedoms, article 10 of which guarantees the right to freedom of expression, equally applies to a person : journalist, media, artist, scientist, anyone who wants to spread certain information. This freedom applies both to traditional communication channels (press, radio, television, etc.) and to the dissemination of information on the Internet.

The already mentioned resolution of the UN Human Rights Council of July 5, 2012 reflects that "the realization of human rights, in particular the right to freedom of speech on the Internet, is an issue of increasing interest and importance, since the fast pace of technological development enables people around the world to use new information and communication technologies". In addition, a very important principle has been formulated, according to which "the rights that a person has when working offline should be equally protected online, in particular freedom of expression, is applied regardless of borders and through any media of his choice. in accordance with article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights"[10].

The right to be forgotten (the right to be forgotten). Note that this right (right to be forgotten) is an important part of the right to the protection of personal data, which provides for the right of a person in certain specific situations to demand the deletion of data about his person or his family members. The formation of the right to be forgotten is caused by the possibility of finding information about individuals in search engines at any time, regardless of the timing of its placement. In fact, it means the right to demand exclusion from search engines of URLs that have been legally posted on the Web, including by a person on their own, due to their obsolescence or changing circumstances. [11]

At the same time, it should be noted that at one time the EU Court made a decision that became fateful, because it was to them that the right to be forgotten was almost for the first time recognized at the official level [9]. The starting point of the case was an appeal from the Spanish citizen Mario Costech Gonzalez, who complained about newspaper advertisements (the electronic version of the publication was contained on the website), published in 1998, but were still available on the Internet. They concerned bankruptcy and a real estate auction for the sale of his house for debts. Google searches for his name led to links to these pages. Mario Costech wanted them to be removed, since his debts had long been paid off and this information was irrelevant and did not reflect the objective state of affairs in which he was engaged today, which damaged his reputation. The European Court of Justice has held that in order to secure the rights provided for in the provisions of the then-effective Directive, "the search engine operator is obliged to remove from the list of results returned in response to a search query based on the name of a person, links to web pages posted by third parties containing information about this person, also in the case when the name or information is not removed before or at the same time from the web pages themselves, and even when the publication on these pages is posted on a legal basis"[15].

Google has created a system that allows a person to make a request for "oblivion", that is, that search results in information systems are no longer associated with his name. Since this decision was made, appeals to search engine operators have become widespread. Pages are removed only on results in response to queries related to person's name. Google removes URLs from all European Google domains (google.fr, google.de, google.es etc.) and uses geolocation signals to restrict access to URLs from the country of the person requesting removal on all domains [5].

The next important step towards recognizing the right to be forgotten was the adoption on April 27, 2016 of the General Data Protection Regulation - GDPR of the European Union, article 17 of which reads: the controller is obliged to erase personal data without any unreasonable delay in the event of one of the following grounds: (a) there is no longer a need for personal data for the purposes for which they were collected or otherwise processed; (B) the data subject revokes the consent on which the processing is based, pursuant to paragraph (a) of Article 6 (1) or paragraph (a)

of Article 9 (2), and if there is no other legal basis for the processing; (C) the data subject objects to the processing pursuant to Article 21 (1) and there is no overriding legal basis for the processing, or the data subject objects to the processing pursuant to Article 21 (2); (D) the personal data has been processed unlawfully; (E) the personal data must be erased in order to comply with a statutory obligation in Union or Member State law that applies to the controller; (F) the personal data were collected in connection with the offer of information society services referred to in Article 8 (1)" [7].

So, under the influence of the development of digital technologies, human rights also evolve and change, as a result of which we can talk about the formation of a new category of human rights of a new generation, special in content and internal characteristics [16]. Despite some consolidation of certain aspects of these rights in international legal acts, acts of national legislation, as well as in judicial practice, a significant number of issues remain unresolved related to a clear understanding of their nature, properties and determination of status in the catalog of human rights (or are these new rights, or whether they are an updated version of human rights that were formed much earlier). The presence of diametrically opposed opinions in the plane of legal doctrine is a clear evidence of this. In any case, the fact that the recognition of new human rights associated with the development of information and communication technologies, the expansion of the existing list is one of the trends in the transformation process of the legal status of an individual, dictated by the requirements and needs of our time, remains unconditional. At the same time, it is not enough to recognize these rights, it is important to create and provide effective, efficient mechanisms for their implementation.

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