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Conceptual and Methodological Foundations of the Development of Modern Law in Belarus and Russia in the Context of Digitalization

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The development of modern law in the Republic of Belarus and the Russian Federation through the prism of studying doctrinal, comparative legal, legislative and law enforcement aspects has important methodological, theoretical and practical significance.

The aim is to identify the conceptual and methodological foundations of the development of the law of Belarus and Russia in the conditions of digitalization, to determine the directions of improvement and application.

Material and methods. *The research material was the normative legal acts of the Republic of Belarus and the Russian Federation, scientific and educational literature devoted to the methodological and conceptual characteristics of the main trends in the development of law in the conditions of digitalization. Methodology is a pluralistic approach combining dialectical-materialistic, synergetic, existential and multidisciplinary methods, methods of interpretation of law, comparative studies, legal modeling.*

Results and their discussion. *The transformation of the legal systems of our countries needs a doctrinally developed meta-theory of law in new digital conditions, a pluralistic methodology combining traditional and digital methods of unified humanitarian, natural science and technical knowledge; there is a need for electronic mechanisms of law enforcement as well as intersectoral legal complexes in socially significant spheres of public life as an important element of the legal system requiring further study of their effectiveness. We propose to officially recognize the sources of law on electronic media on a par with paper; to conceptually develop and legislate the conditions for the use of digital technologies in regulatory, law enforcement, administration of justice.*

Conclusion. *Irreversible global changes in the world, which are tectonic in nature, dictate the need to increase the socio-economic activity of citizens, the introduction of their own innovative technologies, import substitution, strengthening the unity and support of the government by the people both within the Russian Federation and the Republic of Belarus, and within the Union state.*

The tense foreign policy situation and the need to solve domestic problems require improving the content, reformatting the law at the doctrinal, legislative and law enforcement levels in the new digital reality. To do this, we need to combine our own critical technologies with the human potential of a consolidated state-civil society. The rules of a new world order are created by strong, sovereign states. The sovereignty of a State cannot be partial, fragmentary. It includes legal, social, political, scientific, economic, technological, military, cultural aspects.

Key words: *law; digital technologies; innovative determinism; convergence; metatheory of law; trends in the development of law.*

Концептуально-методологические основы развития современного права Беларуси и России в условиях цифровизации

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Развитие современного права в Республике Беларусь и Российской Федерации через призму изучения доктринальных, сравнительно-правовых, законодательных и правоприменительных аспектов имеет важное методологическое, теоретическое и практическое значение.

Цель – выявить концептуально-методологические основы развития права Беларуси и России в условиях цифровизации, определить направления совершенствования и применения.

Материал и методы. *Материалом исследования послужили нормативные правовые акты Республики Беларусь и Российской Федерации, научная и учебная литература, посвященная методологически-концептуальным характеристикам основных тенденций развития права в условиях цифровизации. Методология: плюралистический подход, объединяющий диалектико-материалистический, синергетический, экзистенциальный и мультидисциплинарный методы, методы толкования права, компаративистики, правового моделирования.*

Результаты и их обсуждение. *Трансформация правовых систем наших стран нуждается в доктринально разработанной метатеории права в новых цифровых условиях, плюралистической методологии, объединяющей традиционные и цифровые методы единого гуманитарного, естественно-научного и технического знания; необходимы электронные механизмы правоприменения; межотраслевые правовые комплексы в социально значимых сферах общественной жизни как важный элемент системы права, требующий дальнейшего изучения их эффективности. Предлагаем официально признать источники права на электронных носителях наравне с бумажными; концептуально разработать и законодательно закрепить условия применения цифровых технологий при нормативной, правоприменительной деятельности, отправлении правосудия.*

Заключение. *Необратимые глобальные изменения в мире, носящие тектонический характер, диктуют необходимость повышения социально-экономической активности граждан, внедрения собственных инновационных технологий, импортозамещения, усиления единства и поддержки народом власти как внутри Российской Федерации и Республики Беларусь, так и в рамках союзного государства.*

Напряженная внешнеполитическая обстановка и необходимость решения внутринациональных проблем требуют совершенствования содержания, реформирования права на доктринальном, законодательном и правоприменительном уровнях в условиях новой цифровой реальности. Для этого нужно соединить собственные критические технологии с человеческим потенциалом консолидированного государственно-гражданского общества. Правила нового миропорядка создают сильные, суверенные государства. Суверенитет государства не может быть частичным, фрагментарным. Он включает правовые, социальные, политические, научные, экономические, технологические, военные, культурные аспекты.

Ключевые слова: *право, цифровые технологии, инновационный детерминизм, конвергенция, метатеория права, тенденции развития права.*

The relevance of the topic is determined by the need to transform law under the influence of digital conditions and internal trends in its development, which is of strategic importance for statehood and the destinies of peoples. The purpose is to study problematic issues, analyze conceptual and methodological approaches and trends in the development of modern law in the Republic of Belarus and the Russian Federation, and develop the main directions for its improvement. The objectives are to show the need to change the law affected by digitalization; to substantiate the role of convergent methodology in cognizing and improving state-legal reality; to identify new legal tools of digital society.

The change in modern law has constitutional foundations due to the new versions of the Constitution of the Republic of Belarus (adopted at the republican referendum on February 27, 2022) and the Constitution of the Russian Federation (approved during the all-Russian vote on July 1, 2020). This is also due to the need for solving the most acute national and international problems of the digital society within the

framework of the new emerging world order, taking into account internal laws, trends in the development of state-legal reality.

In order to create a highly developed, competitive welfare state, to respond to the challenges of the time, it is necessary to combine the potential of the human capital of a consolidated state-civil society with new end-to-end technologies. Irreversible global changes in the world, which are of tectonic nature, require increased economic activity, the introduction of competitive technologies, import substitution, strengthening the unity and support of the government by the people both within the Russian Federation and the Republic of Belarus, and within the Union state.

The aim is to identify the conceptual and methodological foundations of the development of the law of Belarus and Russia in the conditions of digitalization, to determine the directions of improvement and application.

Material and methods. The research material was the normative legal acts of the Republic of Belarus

and the Russian Federation, scientific and educational literature devoted to the methodological and conceptual characteristics of the main trends in the development of law in the conditions of digitalization. The research methods include a pluralistic approach combining dialectical-materialistic, synergetic, existential and multidisciplinary methods, methods of interpretation of law, comparative studies, legal modeling.

Results and their discussion. Methodology as the basis of “smart” cognition and management of legal reality. It is the method that illuminates the path to truth. It should proceed, first of all, from the subject of study, reflect the objective laws of social life, follow from the achievements of practice, be scientific, proven, real.

In the broadest sense of the word, methodology is a system of attitude, worldview, world-building, existing at rational and irrational levels, including certain doctrines, research approaches, principles, methods, constructions. This is any science, theory, concept, conceptual and legal knowledge about law and state, through the prism of which they cognize reality and build the desired picture of the world. Methodological foundations of modern jurisprudence are the juridical transformation of philosophical and ideological approaches, fundamental concepts of legal understanding, general and private (private law) methods [1, p. 5].

The pluralistic methodology is based on a dialectical-materialistic method of studying the changing state-legal matter in its real, true connections and relationships, which helps to identify social patterns, interests and needs of the masses and transfer them into the legal plane in order to optimize management. It is necessary to identify these patterns and create a mechanism for their transformation into legal laws. The social dynamics for the most part outstrips the legal one, and is unable to foresee the consequences of the actions being carried out (the collapse of the USSR, the “color revolutions” in Ukraine, Armenia, Georgia, the expansion of NATO, economic sanctions against Russia, Belarus, etc.). To do this, you need to use ICT and BigData, technologically process big data [2, p. 170–178].

Methodological pluralism is aimed at objective cognition of legal reality in its integrity, inconsistency, multi-aspect, alternative. At the same time, one should agree with Professor O.V. Martyshin that pluralism is good if it increases the level of research, relies on solid cultural traditions, is combined with a serious struggle of ideas, polemics, intolerant of unprofessionalism, pseudoscience, hack work [3, p. 21].

The methodological basis of jurisprudence is the interdisciplinary doctrinal development of the meta-theory of law in the new digital conditions, its legislative consolidation and law-realizing embodiment.

The theory of convergence, the penetration of mutually exclusive concepts integrated into each other, the use of the principles of uncertainty, complementarity, discreteness, the inclusion of personal and existential experience will help to better understand the state-legal matter and build a program for its social and economic improvement [4, p. 13–15].

A holistic view of probabilistic self-organizing systems within the framework of innovative determinism, synergetics, futurology, cognitive science will allow us to consider paradoxical problems from the viewpoint of the laws of dialectics. If the interdisciplinary method is a sum of borrowings, technologies and methods of various disciplines, then the transdisciplinary method acts as a functional synthesis of methodologies of natural, technical and social sciences. It pushes the logical meta-frames, combines the subject of study with the methodology, the individual experience of the researcher, considers it on rational-irrational, intuitive levels.

The cognition of law and state in the “borderline situations” of war, unprecedented economic sanctions, the struggle for national security and state independence allows us to comprehend the existential essence, to see the true face of the state-legal institutions of the new world order.

Law, as a complex, multifaceted, dialectically contradictory social organism, is characterized by: discontinuity and continuity; convergence and divergence; innovative change and stability, traditionalism; continuity, conservatism and cyclicity; linearity and nonlinearity; organization and chaoticism, determinism and synergy; interdisciplinarity and multidisciplinary.

The determining factor in the development of digital society is innovative determinism, based on breakthrough technologies in the economic, political, social and legal spheres. A special place in this process is occupied by jurisprudence as a synergy of science, education and practice. Legal problems most often arise from economic, social, political ones, outside the legal life (V.N. Zhukov). Economic analysis of law should precede its development and implementation, and the market economy, in turn, must take into account the influence of non-economic factors: social, psychological, legal, national [5].

Recently, much attention has been paid to the study of smart regulation, better regulation, less regulation, self-regulation of law. This is due to the desire to get the greatest effect at the lowest cost, to use the hidden potential of innovative resources and people’s law-making. However, the essence, mechanisms of formation and implementation

of the legal management of these processes, the unification of political will, organizational unity of the government and the people are not disclosed enough. A smart management system relies on a developed subjective factor, digital technologies, openness, accessibility of regulatory and law enforcement material, legal experiment and legal modeling, direct and feedback from addressees, minimizing unjustified administrative impact. It is important to use optimal legal tools, self-regulation mechanisms, clean “green” technologies, use information and environmental openness, delegate state powers to representatives of business communities, enable flexible law enforcement, etc. [6, p. 14–25].

It is necessary to overcome the segmentation of regulatory methods and create new unifying legal norms: recommendatory, exemplary, model, program-target, standards, norms-self-obligations [7, p. 7–8].

Without completely abandoning the “hard” law of the state in emergency situations, for the development of civil society, economic, business law, special attention should be paid to improving the “soft” law. “Soft” law requires innovative variability, complementing legal methods with quasi-legal regulators: directions, methods, directives, concepts. It is necessary to use more actively doctrines, informal sources of law, legal principles (as concentrated ideas and norms), general means of legal influence (goals, standards, values, traditions, constructions, constitutional concepts, axioms of law) strategic programs, intersectoral complexes, program laws, integrative codes, standards of contractual self-regulation, etc. [8, p. 458–467].

Trends in modern law. Digital law is increasingly invading the main spheres of public life (power, property, distribution, legal responsibility, citizens’ rights and freedoms). The new digital society needs a new doctrine, the memetics of legal responsibility, legislatively fixed and effectively implemented with the help of an electronic law enforcement mechanism [9, p. 3–12].

Digitalization changes the sphere of legal influence, expanding private-network law and limiting public-state law, which concentrates its influence on “nodal points of growth” [10, p. 4]. The transformation of law requires digitizing legal techniques, forms (sources) of law, using information and communication technologies, educational platforms in the training of lawyers, developing special legislation on the electronic state, artificial intelligence (AI) and robotics [11, p. 135].

Information law is turning into the most rapidly developing complex public-private mega-industry. Information technologies through electronic voting, electronic discussion, electronic democracy,

electronic state allow optimizing the management process. Practically directed technical intelligence, in the conditions of capitalization and commercialization of social relations, creates favorable conditions for the growth of material well-being, however, it can generate prerequisites for the spiritual and moral degradation of a person and society as a whole.

The ongoing desocialization of society atomizes, individualizes consciousness, focuses it on the interests and needs of a particular person. Technologies come into conflict with the development of consciousness, intellectual and spiritual activity of the individual. Getting used to automation, a person loses the skills of adequate, logical thinking, critical analysis, independent decision-making, turning in fact into a biosocial appendage of the machine. Information can be imposed, even against the respondent’s wishes, turning into information pressure and violence. As a result, under the influence of the Internet, a person is deindividualized turning into a group person. There is a danger of programming and zombie behavior, especially at the mass level. Often the information is not verified, does not rely on verified facts aimed at distorting reality. Whoever owns the sources of information owns the world. It is necessary to filter (censor) information on the Internet that harms civil rights and state sovereignty.

Reasonable, legal, legitimate, just law combines individual freedom and collective solidarity (V.D. Zorkin), acting as a synthesis of freedom and equality (V.S. Solovyov).

The dialectical interdependence of form and content of law has its own specifics at the legal level, constituting depth and mystery, unity and contradiction of proper and possible behavior.

The criteria for distinguishing a branch of law are the subject, the method of legal regulation and the presence of a codified act. At the same time, some authors, in addition to those mentioned, identify three dozen more criteria, which sometimes leads to an unjustified artificial expansion of the legal system. With this approach, the number of branches of law can reach 100 or more. In addition to the generally accepted ones, it is also proposed to consider investment, innovation, intellectual, advertising, valuation law, Internet law, sports, funeral, network law, cyber law, robot law, trade union law, service law, etc. as independent branches of law, without sufficient grounds [12, p. 34–38]. Acting in interrelation and complementarity, branches of law should not contradict and duplicate each other.

At the same time, according to Professor Yu.A. Tikhomirov, the static system of branches of law needs to be revised. Therefore, it is necessary to turn to the joint solution of strategic tasks not only by branches,

but also by legal complexes [13, p. 8]. Academician T.Ya. Khabrieva writes about cyclic legal arrays in law as new complex formations, “cross-sectoral” legal norms penetrating into most elements of the legal system. As an example, anti-corruption legislation is considered, which determines the dynamics of the development of constitutional, criminal, administrative, civil, financial and other branches of law [14, p. 6–14]. This may concern legislation on healthcare (“pandemic” law), environmental safety, education, information space, emergency legislation, etc. Some authors even propose to single out “virus law” as a cyclical legal array (N.N. Chernogor, M.V. Zaloilo). The active introduction of legal arrays into legislation and law enforcement practice makes sense if it gives a social and economic effect, convenient for use. This requires preliminary testing, doctrinal development, creation of an implementation mechanism, organizational, psychological support, etc.

In the context of the rapid digitalization of society, the issues of defining digital law as a separate branch with its own subject and methods of legal regulation are actively discussed. Some authors consider it expedient to divide the law into public and private in the aspect of the use of additive technologies instead of the sectoral division [15, p. 43–47]. It seems that digital technologies permeate all branches of law, so it is premature to talk about a qualitatively homogeneous sphere of digital public relations.

Improvement of legal formalization. The ongoing global changes in digital legal regulation are associated with the narrowing of the scope of the law on paper and the expansion on electronic. There is a tendency to replace legal norms with algorithms, which, in case of their flexibility, ambiguity and dispositivity, can be more effective. To do this, the code must be equated with the law, given a digital form and filled with electronic content.

The growth of the legal culture of the population, compliance with the principles of legality, justice, integrity by legal entities not only in the field of private law, but also public law relations will contribute to the creation of a self-regulatory environment based on self-fulfillment and technological solutions. Self-government is real if it is based on conscience, moral responsibility, self-awareness, self-discipline, traditions, conviction in the rightness of the law and lawful behavior. Self-regulation provides for a special program of techniques and means in the law for unplanned filling of gaps, overcoming collisions, resolving atypical legal situations, interpreting, specifying the law, choosing authoritative arbitrators to resolve the dispute.

Within the framework of legal formation, it seems appropriate to create a clear pyramid of forms (sources)

of law, linking at the digital level the subject, the method of legal regulation, their content with legal force and hierarchy. The electronic version of the regulatory legal act needs to be fixed in the legislation along with the paper version as an official source of law. For the purpose of unification, uniformity, and effectiveness of application, it is necessary to determine the procedure for the development, adoption, and execution of regional, local, and departmental regulatory legal acts.

It is essential to update the system of sanctions in the legal norm, with a clear indication of the legal facts in the presence of which it operates, their upper, lower limit, alternative, combined options, etc.

The legitimization and digitalization of public relations presuppose and complement each other. However, the form should not replace the content. If the structure and form can be put into a digital, electronic shell using artificial intelligence, then the content requires the maximum inclusion of a person, his rational and spiritual qualities.

Digitalization of society plays an important role in optimizing and improving the efficiency of a lawyer’s work. For the administration of justice, digital technologies are successfully used to identify, collect, record evidence, process information, search for regulatory legal acts, law enforcement practice, statistics, explanations of the Plenums of the Supreme Court. Modern technologies are actively introducing electronic justice, electronic notary, electronic advocacy, processing a great amount of regulatory, law enforcement data, digitization of judicial archives, the use of modern methods of crime investigation (conference calls, remote interrogation, diagnostics of witness testimony, suspects, the use of the polygraph, the creation of sketches, the identification of false documents), new technologies in forensic examination, etc., which expands the possibilities of jurisprudence and objective solution of legal cases.

They reduce document flow, ensure greater safety of criminal case materials, and reduce the risk of falsification of evidence. The task is to provide electronic document management at all stages of criminal proceedings, using audio-video recording. The recognition of electronic information, electronic documents as an equal type of evidence, the establishment of the procedure for the use of a qualified electronic signature requires legislative consolidation.

However, one should not forget that the role of digital technologies is auxiliary and limited. It is impossible to do without the human factor in the actual and legal qualification, sentencing, etc. It is necessary to develop at the doctrinal level and legislatively adopt a regulatory document for the use of digital technologies

in legislative, law enforcement activity, administration of justice [16, p. 91–97].

It is possible to use an electronic system of legal liability (administrative and civil) for automatically recorded offenses that can be digitally processed.

A multidisciplinary approach is able to unite the efforts of politicians, economists, sociologists, mathematicians, psychologists, IT specialists, lawyers within the framework of consortia, clusters, the core of which are scientific and educational centers, platforms for the purpose of studying and turning social laws-trends into legal ones [17, p. 77]. Here it is necessary to foresee all the risks and consequences of processing a large factual material, to take into account the variability of development [18, p. 239–247]

There is a contradiction between openness and closeness of information, publicity and electronic oblivion. Technological capabilities operating outside the framework of the rule of law and civil society can create a danger of establishing total digital control in the state and using ICT for selfish purposes. Disruptive (from Lat. – torn) breakthrough technologies can split society into winners and outsiders at the personal, group, national and international levels, exacerbate social inequality.

Information technologies are able to calculate predictive indicators of the effectiveness of the adoption of regulatory legal acts, their psychological perception by the population, which can protect against rash social, political, economic and legal decisions. Technologies optimize the work of the state apparatus, make it more transparent and controlled by civil society, make it possible to fight bureaucracy and corruption more actively, contribute to the development, implementation and commercialization of innovations.

The dynamic development of the electronic state and the law of the digital society is changing the previous stereotypes of rigid structuring of the state-legal system on public-private grounds. There are absolutely no public-law or private-law branches of law. Each industry has its own combinations of legal techniques, so we can talk about the predominant focus of public or private interests. The public-private interest becomes predominant and contributes to the organic unity of the state-civil society, the establishment of direct and feedback links. For the settlement of private law relations, such non-state mechanisms of reconciliation of interests as mediation, arbitration court, claim procedure, collection practice, reconciliation with the victim, etc. can be used.

Currently, the legal system of the Republic of Belarus is experiencing, on the one hand, the growth of public-legal relations associated with the increasing role of the state and the executive, on the other hand, – the growth of

the private legal sphere as civil society strengthens and market relations develop. Civil society can be narrower than society if the rights, freedoms and opportunities for self-realization and self-improvement of the individual are limited, it can be broader than society if it includes not only individual, but also group, corporate, inter- and supranational subjects. The concept of civil society is expanding at the corporate, network, information, and interstate levels. On the one hand, it promotes unity, solidarity, mutual understanding of people, on the other hand, it undermines national, state foundations, destroys a sense of citizenship, patriotism, identity.

Spiritual and moral foundations of a digital society. The state and law, being the natural habitat and the “organic body” of man, are considered either in an indissoluble unity as vital values, or as hostile, alienated mechanisms. The conditions of existence of the former are provided by a state-identified person, the latter – by a nationalist-ethnically self-identified person. The former is connected with unity, the latter – with the destruction of integrity.

In the context of globalization, transnational corporations surpass various nations and states in their capabilities, and actually stand above them [19, p. 438–445]. The transformation of state and law into a power-financial oligarchic corporation focused on its own material and power ambitions, consumer attitude to the people, will inevitably lead to a massive crisis, the separation of society, the undermining of national security and even the destruction of the state-legal system. If the state does not have an internal spiritual and moral foundation and does not rely on a civil society, then no violence, no administrative resource will save it from collapse.

Spiritual culture and morality are the foundation of law and the basis of its legitimization. “Cheerful morality” (E. Durkheim) as the morality of decay, generates immorality, lawlessness, arbitrariness, suicide among peoples who have entered the path of decline. The society of mass consumption forms a system of false values of “simulacra” in the mass consciousness, implanting and consolidating them with the help of information technologies [20, p. 114]. “And now all minds are in a fog, morality leads us to sleep, vice is kind – both in the novel and there it triumphs,” wrote A.S. Pushkin in Eugene Onegin.

Only the socialization of the existing mode of production, the development of culture, education, the formation of a socially active *passionate* personality can lead to an increase in material well-being and the triumph of spiritual and moral values.

The high innovative level of the market economy, legality, legitimacy of the state apparatus, the organic

unity of the people and the authorities, the rule of law and civil society, developed spiritual culture – a condition of profitability, viability of state and law.

True law is the embodiment and realization of democracy, the protection of citizens' freedoms, the implementation of truth, justice, goodness, independence, equality, prosperity, peace, stability. True law does not contain "grounds for evil and misfortune" (M.K. Mamardashvili).

The state-legal reality needs a harmonious combination of public and private interests, their coordination with the help of a social democratic state, legal and legitimate law. It is impossible to absolutize (exaggerate or downplay) the role of civil society and the rule of law. They cannot exist without each other, because civil society, controlling the state (state apparatus), does not allow it to usurp political power, and the state, with the help of law, does not allow individual, group egoistic interest to win and reminds about social responsibility. On the one hand, civil society grows stronger only in the state, in cooperation and confrontation with it, on the other hand, it is civil society that objectively helps the state to perform its functions, develop and improve. The point of view of Professor R.Z. Shagieva deserves attention, that statehood tends to acquire those forms and that character that correspond to the level and character of civil society.

Conclusion. 1. Inflation of national and international law; transition from stable, reliable, deterministic, rational, autonomous, predictable law to nonlinear, probabilistic, atypical (by sources, results), risky, rapid in time, leading to total alienation from the state and the rights of a large number of people contribute to a crisis of legitimacy, social inequality deviant behavior, the legitimization of public relations, restraining the social discontent of the masses with by means of the repressive apparatus (I.L. Chestnov), as a result of which the population loses faith in the law and begins to be guided by the illegal motivation of behavior [20, p. 112, 115].

2. Improving the methodology of research and modeling of reality, which is based on a convergent system in the unity of traditional, non-traditional and new methods, where dialectical-materialistic is the leading method, supplemented by ICT, BigDate, multidisciplinary method. Transdisciplinary methodology – synthesis of methodologies of natural, technical and social sciences, combining achievements of science, technology, art, culture of construction, design of the imaginary and desired world.

3. The need to adopt regulatory legal acts only after preliminary economic and social expertise with the determination of efficiency and effectiveness.

4. Socialization, humanization and democratization of law require legislative consolidation of the role

of civil society and its institutions, the creation of a law enforcement mechanism for their use.

5. Electronic, "smart law" through the technicalization, algorithmization of legal actions, the implementation of legal services by digital platforms increases the quality and relevance of legal activity.

6. Improving legal education requires combining practice-oriented training and civic-patriotic education, active inclusion of information and communication technologies (ICT), the formation of competencies, professional skills, mastering foreign and artificial languages, improving ideological training.

7. The use of digital services, computer (virtual) simulators, the association of lawyers, economists, mathematicians, IT specialists for the effective solution of socio-economic problems, negative consequences of digitalization by creating hackathons, clusters, mobile applications, which will help in creating a sought-after innovative Legal Tech product.

8. To determine the strategic vector of legal development of the XXI century, there is a need to create a macrotheory of law, including legal doctrines through the prism of ICT, materials of comparative jurisprudence, data from legal psychology, legal hermeneutics, axiology, sociology, conflictology, theory of lawmaking and law enforcement in electronic modification.

It should be recognized that state and law are rapidly developing and changing in the new information, digital conditions. There is no meta-theory of the digital society of the XXI century, the consequences of decisions have not been calculated, including those made by means of modern technologies. The vectors of legal development are changing, the strategy, legislation, legal practice, i.e. the entire legal reality, are being improved. The legal lawlessness at the international level is intensifying, legal regulation is becoming more complicated. With unprecedented pressure from the West and the United States on Russia and Belarus, economic sanctions, the supply of modern weapons to Ukraine, the systems of international and national Russian and Belarusian legislation come into conflict with each other. Politics, according to V.I. Lenin, once again becomes a concentrated expression of the economy, forced to act contrary to the law, bypassing it. The principle of economic expediency at the international level is being replaced by political and ideological dictatorship.

A sign of the strength of the state is its unity, trust between the government and the people. Corruption, abuse of power undermine its authority, the support of the population, reduce the creative potential of lawful behavior, replace the law with illegal regulators. Positive law that does not take into account customs, traditions of

the past, natural human rights, moral, religious, political norms, based on violence, administrative resource, can only imitate effective governance [21, p. 43–45]. The possibility of realizing the law depends on the political will of the power structures, the legitimacy of the state apparatus and the belief of the masses in the legality and fairness of their actions. Every state has such sovereignty that can protect at the economic, political, military, spiritual and ideological levels.

The social and democratic nature of the law can be realized only in a consolidated society with revived national values, a transparent electoral system, and a strong civil society.

An important condition for building a digital state is the actualization of lawful behavior of citizens.

It is necessary to develop a state strategy and tactics of lawful behavior, turning it into the main subject of jurisprudence and public practice; create a mechanism at the state level that stimulates the lawful behavior of citizens, including economic, social, psychological determinants.

A state-organized society, economically, politically, socially, legally, and spiritually developed, objectively contributes to the growth of social activity and legitimacy of citizens. Their actions are directly proportional to the state's concern for the people and the effectiveness of public administration [22, p. 165].

The new digital reality needs its objectification, improvement of the content, reformatting of the law at the doctrinal, legislative, law enforcement levels.

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