



Research article

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Illaria Lavrentyevna Bachilo – the Founder of Informational Law in Russia

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Keywords

Concept of the informational legislation development,
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Abstract

Objective: to assess the scientific contribution of Illaria Lavrentyevna Bachilo into forming the science of informational law in Russia; the role and significance of I. L. Bachilo's scientific works for the Russian informational law.

Methods: the methods used in the work are: retrospective scientific and bibliographical analysis, analysis and synthesis, comparison and cross checking, bibliographical study of documents.

Results: a brief analysis of scientific activity of an outstanding researcher Illaria Lavrentyevna Bachilo was carried out; the most significant works were described, which, in the authors' opinion, appeared to be fundamental in the formation and development of the science of informational law.

Scientific novelty: the article presents the main stages and achievements of I. L. Bachilo's academic life and reflects the personal estimations and impressions of the authors, formed during mutual work with Illaria Lavrentyevna Bachilo.

Practical significance: the information presented in the article will allow scientists, especially young researchers, to get acquainted with the personality and activity of a prominent scientist, a deep and intelligent person, whose memory will always dwell with the hearts of the people working in the Section of Informational Law of the Institute of State and Law of the Russian Academy of Sciences.

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Introduction

Illaria Lavrentyevna Bachilo was born in Leningrad in 1926; she graduated from Minsk Juridical Institute. Her PhD thesis in 1955 was devoted to the topic “State governance functions in the sphere of cultural and enlightenment work and education” (Theory of state and law). During several years, Illaria Lavrentyevna worked in a publishing house for social-economic literature as a Scientific Secretary of “The History of the USSR” Journal¹, and since 1968 – in the Institute of State and Law of the USSR Academy of Sciences, where in 1980 she defended a doctoral thesis in administrative law on the topic “Legal issues of organization of structures and their functions in the system of Soviet state governance”².

Results

At various periods, the sphere of scientific interests of I. L. Bachilo included the theory of administrative law, the methodologies of classification of state governance functions ([Bachilo, 1972](#)), executive bodies, and methods of applying classifiers of functions in the process of forming the legal status of governmental bodies and improving their structures, organization and legal regulation of the process of informatization in the society, including the information process in the state governance structures ([Bachilo, 1969](#)). Her most significant contribution was made into solving the legal issues of forming the informational resources of the country and their use in the state governance, provision for citizens' rights, research of the structures and functions of executive power in the USSR and later Russia. But probably the main sphere of scientific life of Illaria Lavrentyevna was informational law.

¹ Bachilo Illaria Lavrentyevna: information about a member of the Scientific Editorial Board of the “Constitution of Russia” Internet project (in Russ.). <https://constitution.garant.ru/about/soviet/bachilo/>

² Bachilo Illaria Lavrentyevna. <https://igpran.ru/news/4464/>

The first proposals on forming an informational law were made by a law theoretician A. B. Vengerov in the mid 1970s. At that time, the USSR Academy of Sciences already had a group of specialists researching the legal issues of automated control systems, headed by I. L. Bachilo. Her most significant works of that time are: "Functions of control bodies" ([Bachilo, 1976](#)); "Organizational-legal issues of ACS" ([Bachilo et al., 1979](#)); "Organization of Soviet state governance" ([Bachilo, 1984, 1980](#)); "Liability in governance" ([Bachilo, 1982, 1987](#)); "Executive power in the Russian Federation. Problems of development" ([Executive power in the Russian Federation, 1998](#)).

On the initiative of Illaria Lavrentyevna Bachilo, in 1998 the Section of Informational Law of the Institute of State and Law of the Russian Academy of Sciences was formed, which functioned under her guidance till 2015. She was the author of the first tutorial on Informational Law, which had several re-editions. Illaria Lavrentyevna defined the very notion of "informational law" ([Bachilo, 1992, 2001a](#)) as a branch of law ([Bachilo, 1999b](#)), as a field of legal science ([Bachilo, 2012a, 2002](#)), and as an academic discipline ([Bachilo, 2016a](#)); she contributed to the formation of the conceptual framework of informational law ([Bachilo, 2013b, 2015a](#)). The important works of that period are: "Informational Law: basics of practical informatics. Tutorial" ([Bachilo, 2001a](#)); "Informational Law. Tutorial (with coauthors)" ([Bachilo et al., 2001](#)); collective monograph "Informational resources of development of the Russian Federation: legal issues" ([Informational resources of development, 2003](#)). Illaria Lavrentyevna's sphere of scientific interests included the issues of classification and harmonization of informational legislation ([Bachilo, 1999a, 1997; Bachilo et al., 2019](#)), provision of informational security at national and international levels ([Bachilo et al., 1995](#)), research of the legal regime of informational resources ([Bachilo, 2013a](#)), elaboration of the institutions of intellectual property and exclusive rights in the sphere of informational activity.

Substantiating the field of informational law, she defined its object ([Bachilo et al., 1995](#)). According to her definition, the object forming the special sphere of relations, conditionally termed informational relations, is a set of actually existing materialized results of creativity and labour, embodied in: 1) information in its diverse forms and informational resources formed on its basis; 2) means and techniques of working with information; 3) means and techniques of transmitting information along communication networks ([Bachilo, 2011](#)).

The change of paradigm in the 21st century, the development and spread of not only computers but also the technologies, reflected in the "informatization processes", naturally received an academic response. For example, under the supervision of I. L. Bachilo, Institute of State and Law of the Russian Academy of Sciences elaborated a Concept of informational legislation development, which took into account the Russian specific features ([Bachilo et al., 2005](#)). The Concept listed six groups of factors of inhibition and development of processes in the informational sphere.

1. Understanding and materialization of the phenomenon "freedom" in law as a means of social regulation and provision of freedom guarantees in informational sphere.

2. Legitimate introduction into legal relations the object of relations between subjects in informational sphere. This causes discussions, in which the only object is "information" (Civil Code of the Russian Federation: documented information and informational resources formed on its basis).

3. Goal-setting factors in informational legislations. What is prioritized when preparing and adopting new laws? Is it just the interests of profit, the contribution of the whole sector into the budget, or also other goals, first of all those of social, humanitarian, managerial character?

4. Factors of manageability of informational processes and the potential of system-forming impact of information on the sphere of governing the social, public, and individual issues.

5. Disorder of the conceptual framework, double and triple interpretation of coordinate terms.

6. Impact of the state of social environment and public-power system on the process of legal regulation of the relations in informational sphere.

It is essential that I. L. Bachilo specified the formation of international informational law, which requires a special research ([Bachilo, 2011](#)). Besides, as part of the grant of the Russian Fund for Basic Research "A human in the informational society. Legal issues", the collective of the Sector for Informational Law prepared three special volumes of "Issues of Informatization" Journal, devoted to the legal issues of the informational society, including the legal aspects of regulating the relations in the Internet and the relations associated with the creation and use of information technologies ([Bachilo, 2016c](#)) in the Russian economy³.

The advent of digital technologies could not be left unnoticed, and that is reflected in the relevant book ([Bachilo, 2012a](#)). Defining the informational society, she highlighted that it is the society equipped with such a level of information and communication technologies which become a separate social-technological resource for the society activity and development and significantly influence the paradigm of the change of its civilizational characteristics ([Bachilo, 2012a; Bachilo, 2013a](#)).

Illaria Lavrentyevna Bachilo emphasized the role of informational law as a catalyst of evolution of the legislation system as a whole ([Bachilo, 2012a](#)). It should be highlighted that Illaria Lavrentyevna, despite her supreme theoretical education, was not just an armchair scientist. She implemented many of her ideas in practice. She was a scientific supervisor of a collective preparing the draft of the Federal Law "On information, informatization and information protection", adopted in 1995, developed the concept and draft of the Federal Law "On the right to information". Under her scientific supervision, the researchers of the Sector for Informational Law developed the concept of Informational Code of the Russian Federation ([Bachilo et al., 2014](#)).

³ Bachilo Illaria Lavrentyevna: information about a member of the Scientific Editorial Board of the «Constitution of Russia» Internet project (in Russ.). <https://constitution.garant.ru/about/soviet/bachilo/>

One may assert that I. L. Bachilo initiated the formation of the scientific legal discipline "Informational Law" and founded the school of this branch of law. She substantiated the areas of humanization of the informational society, orienting the ICT processes towards provision and protection of citizens' rights, elaborated the concept of legal provision of informatization and informational security; she also carried out a full-fledged elaboration of the problem of monitoring in law.

Illaria Lavrentyevna Bachilo for a long time headed the Dissertation Council on conferring PhD (Law) and Doctor of Law degrees in 12.00.13 major "Informational Law" at the Institute of State and Law of the Russian Academy of Sciences. During her research activity, over 30 PhD (Law) and Doctor of Law theses were defended under her scientific supervision, many well-known researchers emerged.

I. L. Bachilo was a member of the Editorial Board of the "State and Law" Journal and a number of informational-legal editions in the same field. Among the awards she received for her great merits in developing legal sciences and training specialists in law, there is an Honorable Title "Honored Lawyers of the Russian Federation", an order "Solidarity", a Letter of Commendation of the State Duma of the Russian Federation.

The name of I. L. Bachilo as a prominent legal scientist is well-known not only in Russia but also abroad ([Yusupov et al., 2017](#); [Talapina & Bachilo, 2012](#); [Bachilo, 2015b](#)). During her research activity, Illaria Lavrentyevna published over 300 scientific works – articles and monographs ([Medvedev et al., 2013](#)), tutorials and textbooks ([Bachilo et al., 2019](#)). These works contributed a lot into the development of the Russian law; many of them are true achievements of the Soviet and Russian legal science.

It is worth mentioning the exceptional personal qualities of Illaria Lavrentyevna. Having passed a hard life path, she did not lose trust in people, always compassioned with other people's problems and was ready to help in all situations, being an infallibly refined, sincere, responsive and understanding person. She possessed the stamina which united completely different and sometimes incompatible people. Illaria Lavrentyevna devoted all of herself to informational law; she always found time to explain, teach, and ponder over new prospects. Her enthusiasm and devotion inspired others, attracting them to the science of informational law. Till her last day, Illaria Lavrentyevna had a clear mind, never losing the desire to work, learn, and teach.

Conclusions

The role of scientific works by Illaria Lavrentyevna Bachilo is hard to overestimate; their value will even increase with time and we believe some of her works will enter the golden fund of the science of informational law. Already in her lifetime, her works were highly estimated by the academic community; they served and are serving as the basis for other scientific research.

Illaria Lavrentyevna's ability to see the future of the science of informational law allowed her to show her followers the development trajectory of the science of informational law. Her advanced scientific thought will elucidate the way for many researchers of legal

regulation of public relations emerging during processing, accumulation, search and storage, transmittance and distribution of information, as well as creation and using informational technologies.

We would like as many people as possible, especially young researchers, to know about the origins and remember the name of one of the first scholars who "sensed", predicted and proved the formation of the new branch of law – informational law, which so persistently and significantly reveals itself in the 21st century.

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Authors' contributions

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Иллария Лаврентьевна Бачило – основоположник информационного права в России

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Ключевые слова

Иллария Лаврентьевна
Бачило,
информационное право,
концепция развития
информационного
законодательства,
сектор информационного
права,
информационный кодекс

Аннотация

Цель: оценка научного вклада Илларии Лаврентьевны Бачило в формирование науки информационного права в России; роли и значения научных трудов И. Л. Бачило для отечественного информационного права.

Методы: в статье использовались методы ретроспективного научно-библиографического анализа, анализа и синтеза, сопоставления и взаимопроверки, библиографического изучения документов.

Результаты: проведен краткий анализ научной деятельности выдающегося ученого Илларии Лаврентьевны Бачило, описаны наиболее значимые работы, которые, по мнению авторов, явились базовыми в становлении и развитии науки информационного права.

Научная новизна: в статье представлены основные этапы и достижения научной жизни И. Л. Бачило, а также отражены персональные оценки и впечатления авторов, сформированные в процессе совместной работы с Илларией Лаврентьевной Бачило.

Практическая значимость: информация, представленная в статье, позволит ученым, в особенности молодым специалистам, начинающим исследователям, познакомиться с личностью и деятельностью великого ученого, глубокого и умного человека, память о котором останется навсегда в сердцах сотрудников созданного ею сектора информационного права Института государства и права Российской академии наук.

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