



Editorial
UDC 34:004
EDN: <https://elibrary.ru/iwwubp>
DOI: <https://doi.org/10.21202/jdtl.2024.1>

“Digital turn” in legal research

Ildar R. Begishev

Kazan Innovative University named after V.G. Timiryasov, Kazan, Russia

Anna K. Zharova

National Research University «Higher School of Economics», Moscow, Russia

Elizaveta A. Gromova

South Ural State University (national research university), Chelyabinsk, Russia

Maksim V. Zaloilo

Institute of Legislation and Comparative Law under the Government of the Russia, Moscow, Russia

Irina A. Filipova

National Research Lobachevsky State University of Nizhny Novgorod, Nizhniy Novgorod, Russia

Albina A. Shutova

Kazan Innovative University named after V.G. Timiryasov, Kazan, Russia

The topic of digitalization and technologization of social relations and public administration, caused by the scientific and technological progress, has become ingrained in the academic legal framework. It now predominates, which can be seen in the rapid growth of publications and scientific events worldwide; in the amount of funding for innovative research in both developing and advanced countries; in laws being drafted and adopted in the field of high-tech industry; in strategic documents approved at the highest national and international levels and aimed at the development of the information society, artificial intelligence and other technologies. Digitalization has become a relevant and promising direction in several areas. The orbit of this “digital turn” has also involved the academic sphere, whose traditional methods and tools have been enriched by digital technologies, significantly influencing the system and research techniques of social sciences and humanities.

The demand for scientific research and new results in this direction is confirmed by the high interest in the Journal of Digital Technologies and Law and its publications covering the problems of digital technologies and law. During the first year of its operation,

This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (CC BY 4.0) (<https://creativecommons.org/licenses/by/4.0>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.

the Journal published four issues of the first volume, which included 48 scientific articles. Their authors were Doctors of Science (30), Candidates of Science (12) and specialists, practicing lawyers, experts, and young researchers (15). In total, 57 authors from 19 countries (Australia, Belarus, Bulgaria, China, Egypt, Great Britain, Hungary, India, Iran, Italy, Kazakhstan, Malaysia, Netherlands, Nigeria, Russia, South Africa, Spain, USA, and Uzbekistan) published their original articles in the scientific journal in 2023. The website of the journal was visited by representatives of more than 120 countries during its first year of operation (Fig. 1).



Fig. 1. Geography of visitors of the Journal of Digital Technologies and Law website (as of 1 March, 2024)

The Journal seeks to actively interact with leading Russian and foreign researchers and specialists who develop methodological and technological issues in the new research areas of law and digitalization, evolution stages and prospects for their future transformation.

The analysis of the Journal of Digital Technologies and Law publication activity shows, on the one hand, the diversity and convergence of the presented scientific approaches to digital technologies and law; and, on the other hand, the predominance of several basic research areas. One of them is the algorithmization of regulation, which implies the increased use of artificial intelligence algorithms in social regulation and in managerial decision-making. Closely related to this dominant area is another one – personalization of regulation due to the introduction of automation in data processing, including personal data, based on digital technologies, big data among them. It should

be noted that cybersecurity and data breach prevention are going to be highly relevant, especially with the further development of artificial intelligence. There is competition and convergence of humanitarian and technical (technological) knowledge.

New technological achievements, current solutions and products expected this year may lead to further changes in our world and its perceptions. The social relations established and regulated on the basis of law are changing under the influence of the technological factor. These changes will continue in the future, leading to the emergence of new spheres of social relations, and, accordingly, possible subjects of legal regulation. This will inevitably prompt legal scholars to seek answers to new questions about legal response, optimal ways and effective means to harmonize relations, gain protection from the negative impact of digital technologies, and minimize risks. Legal doctrine is actively responding to these issues and is ready to offer new ideas and concepts in the context of emerging trends in the society and state development.

In the light of digital and technological trends, law is changing too. It is relevant to recall the recent discussions about creating a digital (info-communication) code in some states, projected and adopted strategies and laws on artificial intelligence, experimental and special legal regimes for innovation and new regulatory sandboxes, digital currencies and decentralized finance, tokenization, etc.

Summarizing the Russian and foreign literature, researchers explore the methodological aspects of the formation and development of new interdisciplinary areas caused by the “digital turn” in fundamental legal science. It is encouraging to note that such a turn is becoming attractive for historians of law who use promising scientific approaches. The first issue of 2024 opens with the article “Digital History of Law: Principles of Methodology” (**Svetlana Lonskaya, Russia**), devoted to new directions in studying the past of law and state using digital information and communication technologies and tools. This research will be of interest not only to historians, but also to legal theorists, because it substantiates at the theoretical level the basic methodological principles of a new interdisciplinary direction in socio-humanities – the digital history of law. The work also shows the heuristic potential of digital technologies in the historical-legal studies, shapes the contours of historical-legal source study, and demonstrates the possibilities to expand the understanding and knowledge of historical-legal facts, phenomena, and processes.

Many people know that “neural network” and “artificial intelligence” are the words of the year 2023. The emergence of generative artificial intelligence has greatly impacted human life. ChatGPT became widely known for its impressive abilities in self-learning, natural language production and comprehension, which led more than a thousand experts, including Tesla and SpaceX CEO Elon Musk and Apple co-founder Steve Wozniak, to publish an open letter in which they called on ChatGPT developers, Open AI, to impose a moratorium on further artificial intelligence training. The year 2024 will see continued

rapid growth of such technologies and, accordingly, new regulatory issues will arise in this area due to new challenges and risks in the development of generative artificial intelligence and the emergence of more complex models of other types of artificial intelligence.

The topic of artificial intelligence remains central for lawyers. This issue of the Journal poses the questions of the legal regulation of artificial intelligence and the possibility of using algorithms in lawyers' professional activities. Lawyers continue discussing whether high-tech algorithms can replace a highly professional lawyer or they should perform only optional (auxiliary) functions, whether algorithms can be used in justice (law enforcement) and whether the latter can be automated. These and many other questions are posed in the article "Algorithms, Sociology of Law and Justice" (**Fernando Galindo, Spain**), which reveals the achievements of sociology of law through the principles of communicative and communicational theories of law. These achievements allow creating a system or programs that help to solve legal conflicts. The article emphasizes the complexity of developing legal solutions based on artificial intelligence in the administration of justice, as well as the problems that arise when applying the advances of sociology of law for creating and interpreting laws.

A special study is devoted to the issues of artificial intelligence regulation in China, its advantages and disadvantages in comparison with the main legal models established in the modern world (**Irina Filipova, Russia – Uzbekistan**). The race for leadership in the field of artificial intelligence determines a high interest in studying and comparing the advanced approaches in terms of the level of digital technologies development and their legal regulation. The Chinese approach plays a significant role in this sense, as it creates the basis for exporting artificial intelligence throughout the Global South and in the countries participating in the One Belt, One Road initiative. The comparison of the Chinese approach with the competing European, American and Asian models is noteworthy.

Artificial intelligence development has stimulated the transition from a commodity economy to an impression economy as a new socio-economic stage, focused on creating positive and unforgettable emotions in customers as a source of a company's value and competitive advantage. New and more effective sales practices used by large companies have begun to take into account data generated and processed by emotional artificial intelligence. The sales practices generated on this basis cause ambiguous assessments of ethical and legal nature, as they can influence a buyer's decision-making process. This is especially important when the current legislation leaves the emerging questions unanswered. The article "Impact of new technologies on economic behavior and consumer freedom of choice: from neuromarketing to neuro-rights" (**Ludovica Sposini, Italy**) identifies trends in the emotional artificial intelligence development and assesses possible risks of limiting the freedom of economic behavior and decision-making. The paper examines in detail the consumers' decision-making

process through the prism of new approaches in economics, psychology and law and identifies ethical problems arising from the use of neuromarketing methods in relation to fundamental values. The main emphasis is placed on protecting a consumer from ungrounded influences of modern digital technologies.

The research on interdisciplinary aspects of digital technologies continues with the article "Use of artificial intelligence in the activities of religious associations and control over them" (**Svetlana Popova, Russia**), which touches upon the main areas of interaction between law, religion, ethics and digitalization in the context of artificial intelligence application. The basic ethical principles of using digital technologies in the activities of religious organizations are studied; gaps in the legal regulation of missionary activity under the digital modernization are identified; the role of control, supervision and management in the religious sphere is defined by establishing legal responsibility for the consequences of decisions made by artificial intelligence and minimizing the risks of its application.

The article on natural language processing and personal data in artificial intelligence systems (**Ilya Ilin, Russia**) familiarizes readers with the definition and legal regime of personal data as part of a linguistic corpus; qualification of voice as personal data in different jurisdictions; the limits of ensuring the legality of personal data processing as part of natural language processing technology; mechanisms of using personal data to pay for digital products based on natural language processing.

Digitalization of the economy, fintech, digital currencies of the states, decentralized finance and cross-platform solutions remain in the focus of researchers from different countries. For example, over 100 countries are considering options for creating national digital currencies. In most of them, the issue is being discussed at the expert level; several states are at the research or development stage, and some are at the testing stage. Today, digital currencies have been fully implemented in more than 10 countries, mainly small Caribbean states, Nigeria, etc. There are pilot versions of digital currencies in India (digital rupee), China (digital yuan), Uruguay (digital peso) and others. In 2024, there will be even more pilot platforms of national digital currencies as their launching is planned by Singapore, Brazil, Hong Kong, Thailand, etc.

In the current issue of the Journal, several studies are devoted to this topic. They compare different approaches to financial technologies regulation, taking into account the level of innovation and trajectories of the fintech market. Of interest in this regard are the rapidly developing territories, which include the special administrative regions of Guangdong – Hong Kong – Macao Greater Bay Area, where a peculiar system of legal response approaches and methods is being developed that has no analogues in the modern world. A comparative legal study (**Yaroslava Kuchina, China**) is devoted to analyzing this unique experience of regulatory policy and regulation system formed in the south of China.

Convergence of financial law and digital technologies pushes states to search for improved mechanisms of financial and legal regulation of social relations under

the new reality and modern concepts. One of them, gaining more and more popularity, is the concept of metaverse, which in the future, as experts predict, will have its own economic system using digital currencies. In the light of this concept, the financial and legal policies of some states are already beginning to change in order to enhance their socio-economic potential and consolidate their leadership positions in terms of digital development. In this issue of the Journal you can find reflections on the prospects of legal regulation of transactions in metaverse from the standpoint of financial control and monitoring (**Maksim Sitnikov, Russia**).

The possibilities of information and communication technologies serve as the basis for tax monitoring mechanism and risk-oriented approach as its characteristic, as well as the features of organization and conduct of preliminary tax control. At the same time, the development of other institutions, including new institutions of tax law and tax legislation in general, will be conditioned by the pace of creation and application of new information and communication technologies used in tax relations and adjacent spheres. The issues of tax and legal doctrine, retaining its theoretical importance under the economy digitalization, continue the discussion in this area, as undertaken in the articles of some researchers (**Olga Lyutova, Russia**).

One of the articles in this issue (**Edit Sápi, Hungary**) closely intertwines a whole set of questions related to the development of social networking platforms, artificial intelligence and tokenization, viewed through the prism of creativity and author's moral rights. Copyright law also often faces the challenges of technological progress. This is especially true for author's moral rights, the protection of which is ambiguous: it is poorly harmonized at the international level, while implying greater reflection at the level of national legislation, which is the case in a number of states. At the same time, the effectiveness of the protection of such rights is often debated. The violation of author's moral rights is much more difficult to quantify in terms of the damage caused, in contrast to the simpler quantification of economic rights. This article answers questions such as whether the author's moral rights in the digital environment are consistent with their original purpose; the nature of moral rights; the relationship between the author's moral rights and social media platforms, the author's moral rights and artificial intelligence technology, and the author's moral rights and a non-fungible token.

The issue of the Journal is concluded with a systematic review of research on innovation and digital transformation in justice (**Pedro Correia, Sandra Pereira, João Bilhim, Portugal**). The review adapts and applies to the legal field a heuristic model for studying innovation in the public sector, thus presenting a research map and the main trends in the digitalization of justice for the years 2001–2022. The work is based on current theories and approaches in accordance with the PRISMA protocol, which defines the order, criteria and parameters of the research.

We hope that the next issue of the Journal of Digital Technologies and Law will be of interest to a wide range of readers, and the articles that have been reviewed,

edited and published will serve as an example for those potential authors who are ready to demonstrate their promising scientific results and developments in the field of innovation and law on the pages of our Journal. In order to further form the international dialog and space for scientific communication, we are open for cooperation with leading and young Russian and foreign scholars, experts, practicing lawyers. We will gladly publish their ideas on improving the current and developing new approaches to solving the problems of legal regulation and protection of social relations in the sphere of digital technologies.

In the previous year, the Journal of Digital Technologies and Law received the **DOAJ Seal** of Approval, awarded to scholarly journals that demonstrate best practices in open access publishing. This confirms that the journal meets the publishing standards and ensures transparency and reproducibility of research results. In a short period of time, the Journal has been fully indexed in the databases of the world largest libraries and leading universities, included in the catalogs of high quality peer-reviewed open access journals, became available on the portals of scientific electronic libraries and academic publication platforms. Electronic version of the Journal is also available on the website of the Garant legal reference system online database (Fig. 2).

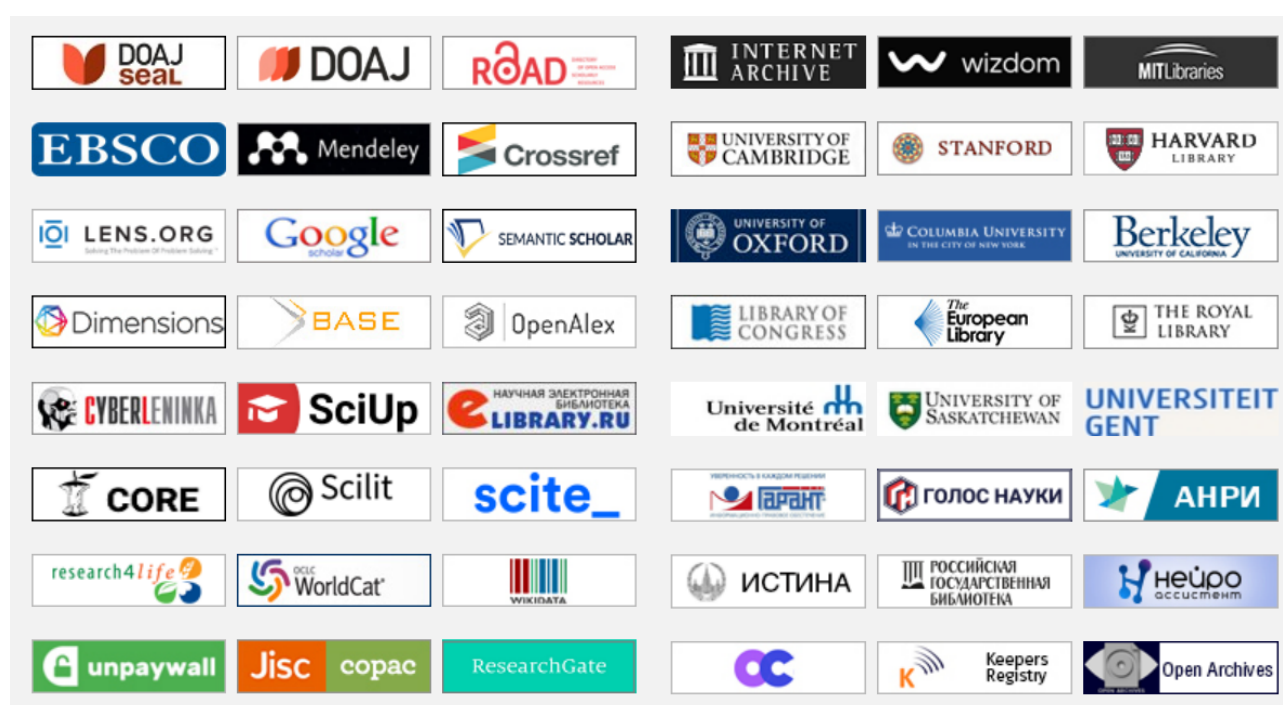


Fig. 2. Journal of Digital Technologies and Law indexed in the largest international and Russian citation databases, catalogs, libraries and open repositories (as of 1 March, 2024)

We thank the authors, reviewers, editorial staff, and ambassadors of the Journal, members of the international Editorial Board and readers for their cooperation and growing interest in our periodical. These are important indicators of the success of our work.