



**Editorial**

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# Contemporary Foreign Legal thought on the New Phenomena of Digital Transformation

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Just recently it seemed ephemeral that legal scholars and practitioners around the world would be directly involved in digitalization processes. It seemed hard to imagine that in a short period of time, the rapid leap in technology development would begin to change virtually all areas (including legal activities), making digitalization so comprehensive that it would be perceived as commonplace. One could not suppose that the increasing importance of digital competencies on the labor market would be natural; however, they have become essential for effective use and work with digital technologies. Today, we have to revise the competence-based approach to educating and training qualified lawyers and improving their qualifications, taking into account the digital economy trends that form a new regulatory environment for relations. Such concepts as “digital rights”, “digital maturity”, “technological sovereignty” and many others are deeply embedded into the legal lexicon. Lawyers, together with experts from other branches of knowledge, act in the coordinates of digital transformation, the criteria of which

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are yet to be defined, given that law is the main factor in the pace of technologization and digitalization of social relations.

In their work, lawyers are inevitably confronted with new phenomena generated by digitalization. The attitude to the latter has divided the legal world, with a certain degree of conventionality, into two groups. Some perceive it as a good thing that ensures scientific and technological progress and entails new opportunities for humanity, society and state. Others are wary of it, foreseeing the emergence of previously unknown risks, challenges, and threats to humanity, including existential ones. But no matter how we regard digitalization and its phenomena, we can say for sure that it has become a global megatrend setting new research paradigms. It unites those scholars and practitioners from different parts of the world who seek to share their experience and vision of solutions to the emerging problems, both applied and theoretical, caused by digitalization, and to contribute to the development of legal practice, science, and technology. This can be seen from the content of the Journal of Digital Technologies and Law, which has expanded the geography of the authors whose research were presented in the first issue of 2024.

Having set the bar high in 2023, the Journal continues to develop international cooperation not only by working with its ambassadors, who are renowned experts in the field of law and technology and represent the Journal in different countries of the world, but also by publishing new and noteworthy research from different countries. In this sense, the current issue focuses on reflecting the various strands of foreign legal thought influenced by digitalization. The first issue of 2024 presents the works of scholars from Australia, China, Egypt, France, India, Mali, Morocco, Nigeria, Philippines, Portugal, Spain, Tanzania, and Uganda.

This issue of Journal of Digital Technologies and Law contains scientific research of foreign legal science, which reflects on country, regional and international aspects of the convergence of law and technology, the possibilities and effectiveness of combining the internal (national) law of states and the international legal instruments. It also touches upon transformation of classical concepts, doctrines, and legal institutions in the modern conditions of digitalization. It reveals the legal and technological components of new phenomena generated by digital transformation, such as cyberspace, cyber sovereignty, sharenting, lootboxes and others, as well as the consequences of the digital transformation of law, legal problems and prospects of digitalization.

The issue opens with the article “Demarcation of cyberspace: political and legal effects of applying the concept of sovereign states’ interests” (**Yassin Abdalla Abdelkarim (Egypt)**). The study analyzes various aspects of adapting the traditional legal concept of sovereignty to current realities. It emphasizes the need to rethink this concept in cyberspace, taking into account the security requirements and the need for a disciplinary determinant of cyber sovereignty. The author shows the application of traditional and modern legal concepts of sovereignty in the new digital environment and reveals the functional significance of the concept of state cyber interests for demarcating cyberspace and defining the boundaries of national sovereignty.

Problems of sovereignty, cybersecurity risks, approaches to regulation and improving the efficiency of data management in different jurisdictions were shown in the article “Legal issues of cross-border data transfer in the era of digital government” (**Gulbakyt Bolatbekkyzy (China)**). The paper suggests that the issues of sovereignty and information localization are among the most complex in the field of transboundary data transfer and in forming transboundary trust space. The latter is recognized as an important stimulus for the development of national digital ecosystems and data exchange formats (G2G, G2C, G2B, B2B, and B2C). At the same time, it is important to strike a balance between data availability, on the one hand, and data security, on the other.

It should be noted that global data flows have already become a factor determining the sustainable development of modern international trade. The obstacles arising on this path, which hinder cross-border data transfer, often entail delays and higher prices for goods and services. The study “Using smart contracts in international commerce and prospects of further evolution of Incoterms” (**Prince FaterAudu (Nigeria), Shabih Fatima (India)**) is devoted to analyzing the prospects of international trade contracts in the light of technological innovations in trade law. It analyzes the international commercial terms governing transactions between importers and exporters and concludes that their synchronization with smart contracts can have a positive impact on the prospects for international trade and especially on export-import contracts.

In the context of international trade, the security of online transactions and cross-border payments becomes increasingly important. New technologies such as smart contracts and blockchain were supposed to increase the security of communication and cross-border information exchange. Cryptographic technologies can also solve this problem by information encoding and decoding. However, the integration of the latter into international trade, namely in the area of information and communication technology products, has raised complex regulatory issues. The issue pays special attention to the specifics of legal regulation of international trade in cryptographic products and technologies according to the World Trade Organization and regional trading agreements (**Sayed Qudrat Hashimy (India), Jackson Simango Magoge (Tanzania)**). The paper reveals the complex legal landscape being reshaped by the digital imperative to integrate cryptographic technologies into international trade.

Online transactions are becoming widespread not only at the international, cross-border level, but also in massive multiplayer online games, where virtual goods are purchased in in-game stores. The development of business models in this sphere has followed the path of such microtransactions: one may purchase the whole game or individual items in it. A new revenue model appeared, based on selling in-game (virtual) items. This phenomenon, called lootboxes, has rapidly gained momentum and globalized, which has become a legal problem in some jurisdictions. In this regard, a comparative study of legal regulation of lootboxes in different countries is of interest (**Seppy Pour (Australia)**).

Another article in this issue demonstrates the effectiveness of electronic payments as a means of transaction, but also highlights a number of legal problems that may hinder their seamless use (**Ismaila Ozovehe Haruna (Nigeria), Paul Atagamen Aidonoji (Uganda), Onivehu Julius Beida (Nigeria)**). A wide range of issues related to the work of electronic payment systems is revealed by the example of an African state with most promising prospects – Nigeria. Nigerian authorities have already taken certain steps to address the problems identified, but the authors note the insufficiency of these measures to effectively regulate the electronic payment system in the country.

Another new phenomenon considered to be a result of digitalization is sharenting. To be more precise, it is related to the spread of social networks and the Internet activity of children and their parents. It consists in posting information about minors (especially their photos and videos) on social networks, jeopardizing the fundamental rights of minors, their privacy, and generating social and legal conflicts. This issue contains a study devoted to these problems (**Francisco José Aranda Serna (Spain)**). Having analyzed the key provisions of Spanish, French and US legislations, the author determines the social and legal nature of sharenting and its legal consequences.

The article “Measures to prevent the violation of the rights of content creators in digital environment: case study of Nigeria” (**Adetutu Deborah Aina-Pelemo, Ithamar Bassey, Glorious Okeoghene Akpojaro (Nigeria)**) is devoted to determining the level of protection of the rights of content creators in social networks and to developing measures to prevent offenses in this area. By the example of the Nigerian experience, the authors examine the rights and protections provided to digital content creators under intellectual property law.

The digital format can also be used in the interests of standardization, as well as to simplify the formulation of many documents. One of the articles in this issue (**Dominique T. Molintas (Philippines-Australia)**) attempts to synthesize the main provisions of public-private partnership agreements into a general matrix that can serve as a tool for drafting such agreements, taking into account the specifics of legislation and other circumstances.

In recent years, artificial intelligence has been in the center of attention both in science and practice. This topic is also reflected in this issue (**Hamza Jabir (Morocco), Kamal Lagtati (Morocco), Denis Pohe-Tokpa (France)**). Using analytical and comparative methods, the authors identify the challenges and analyze the possibilities of ethical and legal regulation of artificial intelligence based on the experience of digital transformations in Morocco.

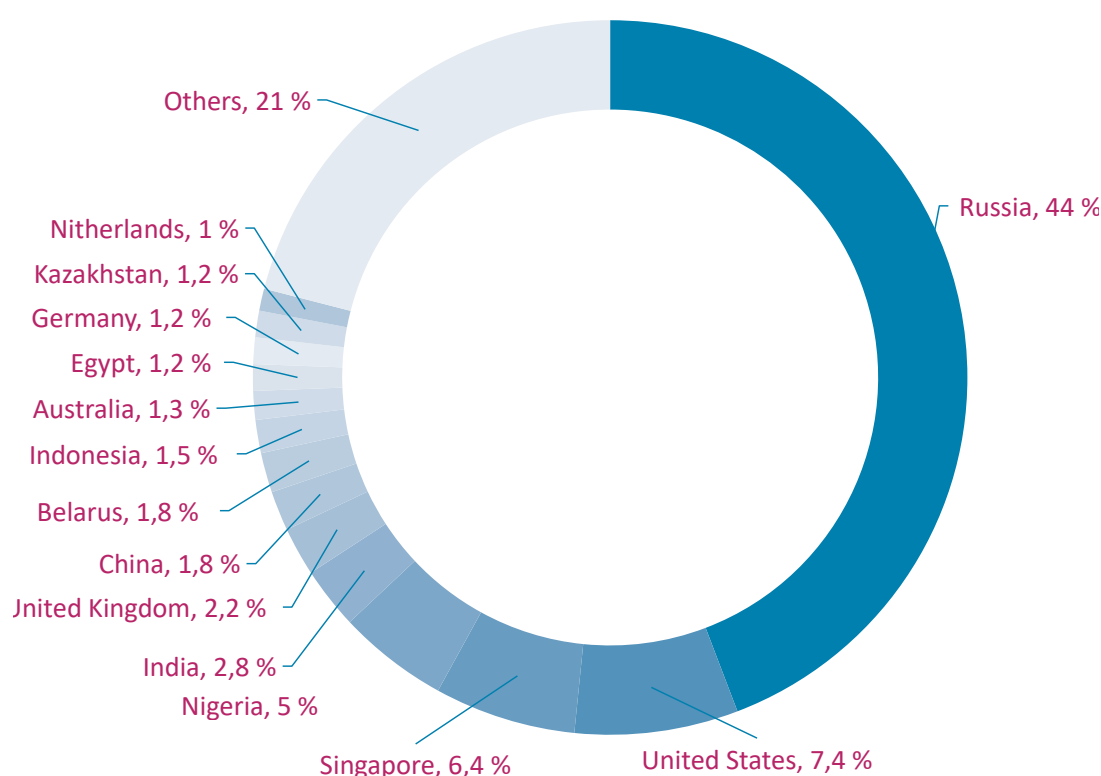
The issue concludes with a brief analytical excursion into anthroposociogenesis, presenting the evolution of humanity, various social institutions, and an understanding of the existential role of laws aimed at ensuring that societies live together in the context of technological innovation (**Djénéba Traoré, Mali – Cabo Verde**).

The presented studies show that digital transformation is associated with the problem of uneven development of digital technologies in different countries. This problem is not new, it is recognized in research in different ways, as the problem of the digital divide, digital gap, digital inequality. At the same time, its relevance remains and is in the focus of attention of foreign doctrine.

We hope that this issue of the Journal of Digital Technologies and Law will be of interest to a wide range of readers and the articles will serve as an example for those potential authors who are ready and willing to demonstrate their promising scientific results and developments in the field of innovation and law on the pages of our journal.

In this year, the Journal of Digital Technologies and Law was approved for indexing in **HeinOnline**, the world's largest database of legal research and legal periodicals. This further emphasizes that our journal meets the accepted publishing standards. We make efforts to ensure transparency and reproducibility of research results.

The demand for scientific search and new results in this field is confirmed by the high interest in the Journal of Digital Technologies and Law and the articles published in it, which cover the problems of digital technologies and law (Fig. 1).



**Fig. 1. Traffic statistics of the Journal of Digital Technologies and Law website (as of June 30, 2024)**

In order to further shape an international dialog, we are open for cooperation with leading and young researchers both from Russia and from abroad, as well as experts and practicing lawyers, to publish their ideas on improving the existing and developing new approaches to the problems of legal regulation and protection of social relations in the sphere of digital technologies.

We would like to thank the authors, reviewers, editorial staff, journal ambassadors, editorial board members and readers for their cooperation and growing interest in our periodical.