LEGAL PERSONALITY OF INDIVIDUALS IN THE SYSTEM OF DIGITAL RELATIONS: SCIENTIFIC UNDERSTANDING AND LEGAL REGULATION IN RUSSIA

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ABSTRACT

The essence of many social relations transferred from the real world to the virtual one is changed radically due to rapid development of ICT. Legislative framework of digital relations cannot get in time with digital innovations and occurs with a significant time lag. In recent years the Russian Parliament enacted dozens of bills targeted to Information Policy, Software and Communications, but the Russian Digital legislation still stays fragmented and unsystematic. It is especially clear in the context of legal personality of Natural Persons and other participants of digital relations.
The purpose of the publication is to integrate general legal approach with specific features of digital law and determine the legal personality of individuals as a basic point of legal regulations in the digital sphere.
The research methodology is based on doctrinal analysis, comparative legal and legal-technical approaches to research of texts of laws and regulations.
The article analyzes the phenomenon of legal personality of participants in digital relations, Russian and foreign legal experience. According to the author, the lack of comprehensive solutions and well-formed approaches to regulations of digital relations has long-term negative consequences. He sees the comprehensive solution to relevant problems in the united legislative act (Digital Code) aimed to common and system regulation of digital relations. Digital rights and obligations of Internet users should be legally linked, first of all, with the age and civil status of a person. At the level of laws, it is necessary to determine the requirements for identification of Internet users, the relevant criteria and procedures, to set up the system for protecting personal information and calculated data that allows identifying the person. The solution of these tasks is impossible without basic legal solutions, including the requirements for legal personality.

KEYWORDS

Natural person, individual, legal personality, legal capacity, liability, digital rights

1. INTRODUCTION

In order to build the full-fledged relations between society and the State in the digital era, the technological development should be predicted and followed by a well-thought-out, harmonious legal regulation. Only over the past decade, societies in several countries have been shaken by scandals related to illegal use of digital technologies by commercial companies and private. So, in 2018, a high-profile investigation against the Cambridge Analytica company, which collected and subsequently sold personal information about users of the social network Facebook, led to the termination of the activities of this company and casted a shadow on all Tech Giants.

The rapid development of technologies has an increasing impact on the ways and means of interactions between individuals, society and the state. The leading states awared long time ago the value of information possession and the importance of IT for the purpose to applicate the potential of that resource to the goals of public administration. In this context, Russia looks like as a “catching up” state, although due to its significant intellectual potential, primarily represented by specialists in the field of information technologies, this lag is gradually decreasing.

In the field of law and public administration, the problem of comprehending new realities is characterized by systemic problems caused by the rapid development of digital technologies caught-up by domestic legislation. The evolving circumstances represent a paradoxical situation. On the one hand, the Russian legal doctrine, due to its inertia and inherent conservatism, instead of directing the development of normative

regulation, is compelled to follow up it, trying to adapt itself to the already existing realities and assemble a single picture of law in the digital world from initially scattered and unrelated fragments. On the other hand, the legislation and subordinate regulations following the rapid growth of ICT are forced to be developed at a pace that outstrips domestic legal science, which entails a fragmentary, scattered, unsystematic regulation of digital relations.

The classical theory of law considers the law as "a set of rules governing the relations that develop between subjects about a certain object" (Talapina, 2018, p. 6), but in the digital age it needs to be changed fundamentally or at least significantly clarified. One of the main problems of law in the digital sphere is related to the determining of the essence and place of a person and personality in the world of Internet technologies. The special attention to a person as an actor of social relations is of the undeniable interest due to several circumstances. Firstly, any system of regulation is ultimately focused on human behavior. In Russian legal science, it is customary to subdivide all norms in force in society into two large groups. The first group are "social norms" which include legal, moral and religious norms, customs and traditions, etc. The second group of norms, "technical" ones, covers purely technical, sanitary, hygienic, environmental and other «non-social» norms (Matuzov, 2009, pp. 212-213). If the first group regulates relations between people and their collectives, for the technical norms the subject of regulation is the relationship between human and objects of the external world, nature, technology (relationship of the "human-machine", "human-nature" type, etc.). Secondly, information technologies change the person in his habits and features of behavior, creating a new environment of existence in which a person spends a significant part of his life and forced to adapt to. Finally, the gradual development of technologies leads to a change in the very essence of the relationship in which a person exists: despite the preservation of their subject-object character, the conditional “person” and the conditional “device” change places in them, and the person increasingly becomes an object of influence from the neural networks and artificial intelligence. The range of problems associated with these circumstances is not limited to issues of digital inequality, the availability of public services or execution of political authority, but, in its most extreme manifestation, can pose an immediate threat to the person himself, his honor, dignity, health and even life. This set of circumstances requires substantive understanding in legal science and adequate reflection in law of the place of the individual in the system of legal relations of the digital era.

2. MAIN CONTENT

2.1 Literature review

Scientific literature covers quite extensively the problems of personality in the digital space. Bell predicted changes as a result of the formation of a post-industrial society (Bell, 1973, p. 32) find their real expression in the modern world. Researchers note the paradoxical trend: due to the impact of digital technologies even methods of communication between people are simplified, the initial components of the communication itself (information, message and understanding) are degraded (Bechmann, 2000), consciousness, style and nature of decisions are radically changed (Howes, 2001, p. 42). At the same time, the Internet continues to be perceived as a space of personal freedom and freedom of expression, which leads the fear of losing privacy becoming the subject of most discussion.

The focus of scientific publications in this area concentrates, on the one hand, on the problem of the ability of legal means to protect a person in a situation when digital technologies carry out breakthrough development, on the other hand, on the dangers arising from the misuse of digital technologies by states and third parties, who have opportunities to invade citizens' privacy.

A significant part of scientific articles in the first of these categories notes the inability of national legislation to adequately protect the rights of citizens in the digital environment. The fear of scientists, in particular, is caused by the initial problem of the legal status of information posted by users on the Internet, as well as the possibility of its use by “digital giants” and authorities (Peppet, 2014; Roberts, 2015). Cyberpsychologists and cyber-criminologists are actively studying the psychological aspects of citizens' victimization in the digital sphere (Alonso & Romero, 2017; Hadlington, 2017). Many researchers strive for the creation of legal mechanisms for the protection of citizens on the Internet as the development of the normative provisions of democratic constitutions that guarantee the individual's right to privacy. So, for the United States, the specified problems are discussed in the light of the implementation of the Fourth Amendment to the US Constitution (Kerr, 2010). Since digital data stored by telecom operators make it possible to disclose a person's life (e.g., day-to-day routs, places of purchases, list of calls, etc.), researchers

pay attention to both legality of mass surveillance as whole (Golubok, 2015) and interception of data relevant to particular person (Desai, 2014). In European literature, mass surveillance on the Internet is widely discussed due to the adoption of landmark decisions on this issue by the European Court of Human Rights and the Court of Justice of the European Union (Rusinova, 2018). The recent trend has also become a discussion of the legislative aspects of face recognition technologies (FRT) (Ruhrmann, 2019).

The Russian jurisprudence, following the general trend of science, also explores the objective regularities of the influence of ICT on the legal status of an individual, however, as a rule, these issues are studied in the second place as a consequence arising from the author's interest in the problems of the information society, e-democracy, electronic government, information security, personal data protection and related phenomena of modern socio-political development. The study of literature on legal issues allows us to talk about disproportionate attention of scientists, on the one hand, to narrow problems of a civil, criminal and administrative nature and, on the other hand, insufficient general theoretical understanding of the legal personality in the system of digital relations. Oddly enough, the second statement is true even in relevance to the standpoints of information law and digital law which occupy particularly new place in the system of branches of the Russian law. Thus, most publications of both domestic and foreign authors are characterized by either superficial, generalized relation to the status of an individual in the digital era, or, on the contrary, a pinpoint attention to the sideshows and peripheral issues.

2.2 Place of a natural person among the subjects of legal relations in the digital sphere

In legal literature the issue of the subjects of legal relations is covered by the authors in different ways. The Russian academic textbooks on information and digital law are mainly based on the general legal understanding of the subjects of legal relations. V.A. Kopylov (2002) singles out legal entities, natural persons, state and municipal bodies as the general subjects of information law. A.A. Tedeev (2021) supplements the specified list including the State of the Russian Federation, regions of the Russian Federation and municipalities. However, most often, scientists, who speak about the subjects of law, differentiate them into individual and collective, paying special attention to their functional differentiation. For example, I.A. Tsindeliani (2020), referring to the traditional definition of individual and collective participants in legal relations, then refers to "virtual" or "digital personalities", robots and other special subjects of digital law, but does not integrate them into the general system of subjects of law.

For understanding the specifics of legal relations in the digital sphere a functional classification is more significant, insofar as it distinguishes producers, consumers and owners of information, information resources, information products, information services, information systems, technologies and means of their support. Functional classification can be combined with the basic differentiation of legal subjects, in which the above roles are assigned to natural persons and legal entities. Of particular interest is the establishment of the place of electronic persons (Yastrebov, 2018), artificial intelligence (Morhat, 2018), robots (Gabov & Havanova, 2018) and other participants in legal relations in the digital sphere.

Speaking about the place of individuals among other subjects of legal relations in the digital sphere, it is necessary to be based on two important theoretical premises.

First, we see it as quite controversial to single out different legal subjects for different branches of law. As S.I. Arkhipov (2005, p. 23) states, legal personality is a generic connection of a person with the rule of law, carrying out different legal functions in various types of legal relations, the subject of law is endowed with additional properties that determine the features of his legal personality, but at the same time retains its integrity regardless of the susceptibility to branch regulation. For example, the individual can act as an author, supplier, owner of information or information resource, as well as its end user. Based on the foregoing, it is important to determine how the legal personality of an individual changes when he is involved in the sphere of digital legal relations.

Secondly, we consider it fundamentally important to separate the concepts of "subject of legal relationship in the digital sphere" and "subject of digital law". All persons who are targeted by the legal norms of digital law can be called subjects of digital law, however, some individuals cannot enter into specific legal relations regulated by digital law, and moreover, it's justified in relation to some persons to purposefully introduce such restrictions. For example, minors, like all individuals, are subjects of digital rights, but their participation in certain types of relationships on the Internet can and should be limited, in particular, to ensure their morality and physical health.

2.3 Legal personality of a natural person in the digital sphere

With regard to the persons, jurisprudence traditionally operates with several concepts: "individual", "natural person", "citizen", "foreign citizen", "stateless person", "bipatride", however, in the digital sphere the attention should be paid to the both sides of the humans' essence: as a biological and as a social being what is equally important in relevance with the system of Internet relations.

The natural qualities of a person in social communication acquire a special meaning and endow him with the status of a personality. The dialectical unity of the personality structure is formed by consciousness, will and the ability to act. Each of these components in the digital space is undergoing significant change.

First of all, researchers-futurologists warn about the danger of the transhumanistic enhancement of humanity, as a result of which the “new man” will appear, created by merging his own physical body with electronic mechanisms and resulting in a wider range of certain possibilities.

Secondly, the socially conditioned structure of personality under the influence of information technologies also undergoes significant changes. V.V. Mironov (2017, p. 36) argues: "The constant use of digital technologies changes the very style of thinking of people, more and more of them acquire the so-called clip consciousness, which inevitably affects the style and nature of decision-making in the legal sphere”. Researchers predict that as cyberspace becomes more interactive, more sensual and more ubiquitous, the way in which the legislation is conceptualized and presented over time may become less and less textual (written) and more like traditional forms of expressing norms of behavior in oral societies (such as for example, song or dance) (Howes, 2001, p. 42).

Finally, the basic feature of the virtual space is expressed in a change in the very identity on the human personality. The legal sphere is traditionally inherent in the differentiation of the statuses of citizens of their state, foreign citizens and stateless persons. In a general humanistic context, in the field of respect for personal rights, this division is not significant, however, in the sphere of political life, national security, a special political and legal relationship between a person and the State acquires fundamental importance, determining the very possibility of the existence of the state, defining the essence of national sovereignty. For example, the right of the natural person to participate in the system of political relations, elections or referendem is strictly involved with the citizenship or the place of permanent residence of the person.

The issue of the Legal Personality (in Russian – *правосубъектность* (pravosub"ektnost')) of the natural person in the system of digital relations must be approached taking into account the above mentioned. Traditionally, the Russian legal science defines Legal Personality as a triunity of such components as the Legal Capacity for Enjoying Rights (in Russian - *правоспособность* (pravosposobnost')), the Capacity for Performing Juristic Acts and Duties (in Russian - *дееспособность* (deesposobnost')) and the Capacity to be held accountable for wrongdoing (delictual or criminal accountability, in Russian – *деликтоспособность* (deliktosposobnost')). Since the responsibility for any activity is close linked with the performing of Juristic Acts and considered as the obligation of a person to undergo certain deprivations of a moral, physical or material nature, delictual accountability (the ability to bear responsibility stipulated by the law for one's actions) can be considered as an element of Capacity for Performing Juristic Acts.

2.4 The Legal Capacity of the Natural Person for Enjoying Rights and Capacity of the Natural Person for Performing Juristic Acts in the Digital Sphere

The Legal Capacity for Enjoying Rights is understood as the ability of an individual to have subjective rights and legal obligations due to the law. This ability is defined as an abstract, postulated possibility of carrying out certain actions in the future. According to Part 2 of Article 17 of the Civil Code of the Russian Federation, the legal capacity of a natural person arises at the time of his birth and terminates by death.

The Capacity of the subject of law for Performing Juristic Acts and Duties means the ability of the natural person to exercise subjective rights and bear legal obligations by his personal actions. For establishing the capacity of a person in the legal sphere, it is fundamentally important to determine his age and mental state. The capacity for Performing Juristic Acts in Civil relations begins from the age of 18 when the person is considered as an adult (clause 1 of article 21 of the Civil Code of the Russian Federation), bringing to administrative responsibility is possible from the age of 16 (article 2.3 of the Administrative Code of the Russian Federation), the age of criminal responsibility is also 16 years, and for a number of crimes from 14 years (article 20 of the Criminal Code RF).

In the digital sphere, the implementation of regulatory provisions that determine the legal capacity of a natural person for enjoying rights and the capacity for performing juristic acts and duties is faced with the specific features of digital reality, what requires a solution to the problem of personal identification. At first glance, this difficulty does not concern legal capacity. But if we are talking not only about its interpreting in

Civil Law , but, for example, about Electoral Law , then the moment of capacity occurrence is inevitably linked with the person's acquisition of citizenship or a residence permit in Russia. So, Clause 10 of Article 4 of the Russian Federal Law "On Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation" provides for the possibility of participation in elections not only for Russian citizens, but also for foreign citizens permanently residing in the territory of the respective municipality (in relation to elections to local self-government bodies or participation in a local referendum). Nowadays the solution of this issue is becoming more and more urgent, because the elections are conducting more and more often in the electronic form.

With regard to capacity for performing juristic acts and duties, the situation is becoming even more complicated. Despite the relative simplicity of many actions on the Internet their commission requires users to understand the legal essence and consequences of happening, starting from the performance of civil transactions, for example, purchases on the online shops, and ending with acts bordering on the criminal law, for example, cyberbullying. The urgency of this problem is vividly emphasized by the number of pages that search engines give out to the query "child bought ... how to get the money back", which speaks of the massive nature of what is happening, but not regulated by law in many countries, including Russia.

Thus, the establishing in the digital space both the Legal Capacity of the natural person for Enjoying Rights and the Capacity for Performing Juristic Acts and Duties is required in order to ensure the admission of individuals to a wide range of social relations arising on the Internet.

First of all, it should be noted that a person can create many digital counterparts and virtual doubles on the Internet that do not coincide with objects of the real world. There is no direct relationship between an individual and his digital image: a man can impersonate a woman, a child - an adult, etc. (Howes, 2001, p. 43). Many proponents of the Net society advocate the importance of preserving the key characteristics of cyberspace as a sphere in which people are able to escape the constraints of the physical and cultural conditions of their lives, creating images of who they want to be, rather than who they are (Wilson, 1997, p. 145). As a result, there is a multiplier effect of digital technologies: there can be tens and hundreds of times more digital personalities on the Internet than there are real personalities on the planet (even if we take into account the exclusion of a significant part of the population from Internet communications).

In addition to the admission of people to freedom of self-identification, declared by the liberals, the effect of multiplication also gives rise to obvious negative aspects. The list of such problems starts with the difficulty of limiting the access of minors to resources that can harm their moral state, health and life, and ending with the need to suppress the commission of wrongdoings by subjects whose identity is difficult to establish. The identification problem can be resolved in two fundamentally opposite scenarios. According to one scenario the Internet is viewed as a zone of absolute freedom that does not allow interference by the State, Internet corporations or anyone else. On the contrary, the otherwise decision obliges the authorities to solve the problem of personal identification by providing access to the Internet exclusively by personal identifiers.

The problem of user identification arose simultaneously with the realization of the need for legal regulation of Internet relations, but so far it has not found its solution. On the technical side, the identification of a user is possible in various ways, ranging from one-factor identification by login/password and ending with multifactor verification through several interconnected channels, including verification by biometric data. At the same time any methods for solving this problem are not free from the risks of information leakage, loss of meaningful information and their seizure by third parties. Technical means can only create a legal fiction of certainty of the Internet user, but they are not able to finally identify the subject of legal relations. This legal fiction reduces the question of fact (a reliably established person) to a question of law (a person recognized as legally defined and established). In practice of modern conditions the problem of identifying the subject of legal relations is solved either by methods of Private Law (electronic signature) or methods of Public Law (admission to the Internet by identification data). The identity of the user in both cases is presumed to be established, since the identification procedure is recorded only from the formal side, and the probabilistic establishment of a personal identity is given the character of a legally reliable fact, i.e. a legal fiction is created.

In the commercial sphere the problem of user identification has been tested for a long time due to the need to ensure the commercialization of manufactured products. As an example we can mention the provision of access for users of technical products or software products through a single account that stores all data associated with a specific user (for example, Apple-ID, Google account, Huawei-ID, etc.). At the same time, this solution is not universal in nature, since in a business environment the identification is primarily aimed at obtaining funds from users and advertisers, which does not imply the absolute reliability

of information about the user. Moreover, in the case of using encryption algorithms and decentralized networks built on the principle of anonymity, it becomes almost impossible to establish the identity of users.

At the same time, we see a promising development of domestic legislation along the way of registering individuals to provide users with access to the Internet. Scientific and legislative discussion has already begun in this direction. In particular, in 2018, the State Duma of Russia (the lower chamber of the Russian Parliament) considered the draft on amending the Federal Law "On Information, Information Technologies and Information Protection" (draft No. 369029-7), which obliged owners of social networks to provide access for individuals by registering them on passport data. At the current time the implementation of such initiatives is faced with the absence of personal electronic documents of citizens of the Russian Federation, however, in the future the possibility of identification can be carried out using the portal of public services as a single access point. This procedure has already been tested in software products of commercial enterprises (Sberbank, Renaissance Insurance, etc). In addition, there is being discussed the possibility of technical creation and legislative regulation of a unified biometric system, access to which can be obtained by state bodies, local authorities, individual entrepreneurs, notaries and other organizations.

The additional problem of personal identification is closely related with the issue of acquiring rights and obligations not only under one’s own name, but under a fictitious name (pseudonym) in cases when it is prescribed by law. In accordance with Articles 18 and 1265 of the Civil Code of the Russian Federation the natural person has the right to do it, but special legal regulation of this area has not yet been developed. In their essence pseudonyms are closely related to the subject of copyright legislation which in accordance with the Berne Convention (1886) and the clause 4 of Article 1259 of the Civil Code of the Russian Federation doesn't require the need for registration or other formalities for obtaining copyright protection. The absence of clear rules led the Russian judicial practice to protecting pseudonyms and nicknames used on the Internet by means of industrial property legislation and registering these identifiers as trademarks. As a result the Russian Intellectual Property Court annually considers dozens of disputes on invalidating decisions of the Federal Service for intellectual property (Rospatent) on the granting of legal protection to such trademarks.

Another issue that needs to be addressed on the Internet is the problem of the continued existence of the virtual doubles of the natural persons even after the death of a human in the real world. Such an "experience" can have both positive (neutral) consequences (for example, the citation index of deceased authors continues to grow, despite the termination of their scientific activities) and a pronounced negative connotation (use of the good name, reputation of the deceased for illegal purposes by other people).

Already now, the legislation of some countries, including Russia, has reflected the so-called "right to be forgotten", but in the Russian Federation it is realized by the active behavior of the right holder (self-initiative approach). Thus, in 2015 the special amendment to the Federal Law "On Information, Information Technologies and Information Protection" introduced the right of a citizen (individual) to require the operator of a search engine that distributes advertising on the Internet to stop issuing information allowing access to information about the applicant. Meanwhile, taking into account the obligation of the applicant to prove the fact of violated Russian legislation, the inaccuracy, irrelevance of the information, the loss of its meaning for the applicant due to subsequent events or his actions, the discussed norm of law can be characterized rather as "an obligation to be on the Internet", but not "the right to be forgotten".

Also, modern Russian legislation does not in any way regulate the right to "digital death". This legal concept found the place in foreign legislation and been based on the understanding of the virtual double as an object of personal data relevant to particular natural person. In particular, in France, the Law on the Digital Republic (Loi pour une République numérique, 2016) imposes an obligation on online communication service providers to inform users about data sorting after their death. From our point of view the preferable way on the development of digital legislation is to establish the obligation for the internet search engine operators and any other controller of personal data to prevent human rights violations by ensuring both "the right to be forgotten" and "the right to digital death". The ensuring of this rights should not be linked with the removal of the relevant data from the Internet only by the initiation of right owner especially if such personal data revealing health or sex life, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership. The certain exceptions and derogations are possible as regards the processing of data relating to offences, criminal convictions or security measures, which are carried out under the control of official authorities.

Thus, we find significant gaps even in the basic, initial categories of the legal personality of an natural person in the digital environment, which already at the current time gives rise to problems in the implementation of many citizens' rights. A significant part of such problems is of a latent nature, they either are not realized by citizens or deliberately ignored, which in the future can create an avalanche effect of the

growth of social regulation problems, ranging from interpersonal conflicts in social networks and ending with massive leaks of personal data of users of various software products and technical products.

3. CONCLUSION

The above mentioned gaps in the Russian legislation and related problems of unsettled legal status of subjects of digital relations indicate not a lack of attention to them from legislators or law enforcers, but the high complexity of these circumstances and the resulting legal consequences. The lack of comprehensive solutions and common approaches to regulation the legal personality of individuals, as well as the legal status of other participants in digital relations has long-term negative effects. In this regard, it seems necessary to develop common legislative and law enforcement approaches based on the following key theses:

The legal personality of a person in the digital space is a natural continuation of his legal personality in the real world. In this regard, the situation requires not a simple statement of this fact, but specific, balanced decisions that take into account the peculiarities of the digital environment and resulting legal consequences with regard to the legal capacity of a person for enjoying rights and capacity for performing juristic acts and duties in the digital sphere. These decisions should be reflected in a single legislative act aimed at systemic and comprehensive regulation of digital relations (for example, the Digital Code of Russia). This act should prohibit of mass surveillance of citizens, segregation depending on their desire or ability to use the digital tools, the diminution of human rights and freedoms, which are established by the norms of international law and the Constitution of Russia, the use of AI to resolve legally significant cases related individuals, etc.

From our point of view, the legislative decision regarding the identification of users on the Internet should provide, as a maximum, generally access to the digital space or, at least, access to the most significant resources (for example, state and municipal services) through confidential personal identifiers and mechanisms that include multifactor authentication, including biometric data. Technological solutions to this problem must also find their legal legalization.

Personal identifiers of the individual who is realizing his legal personality in the digital space, including the user's name (nickname), must be protected by legal means to ensure that they can be used only by those to whom they belong. We believe discussible the solution worked out by judicial practice to protect personal data by analogy with trademarks and industrial property rights, where the legal protection is granted to registered objects holding patents. In the essence the data generation on the Internet closely related with mechanisms of copyright law, but existing copyright litigation practices were crafted in the analog age and don't take into account new technological achievements.

In addition to the regulation of personal data, Russian legislation should be supplemented with norms that determine the nature and application procedures for so-called "calculated data", which also make it possible to identify a person by ensuring the collection of indirect information. The existing realities of building relationships in the digital environment imply practically unlimited opportunities for search engines and other operators of personal data to get data generated by Internet users, while the State and its agencies in significant way limited by the legislation. These circumstances complicate the law enforcement activity, identification, disclosure and investigation of crimes and other offenses committed by Internet users.

Digital rights and obligations of Internet users should be brought into a system linked, first of all, with the age and civil status of a person. The paradox of the existing regulation is that many social relations inaccessible to minors in the real world (for example, certain goods, services and information containing age restrictions) become completely open to them in the digital space. Relations arising on the Internet require parallel solutions of legal status of individuals regarding possible administrative offences and criminal acts.

The right "to be forgotten", the right "to digital death" and other digital rights should have system reflection in national legislation along with other rights of citizens. Ensuring their protection should be the duty of the operators who processing personal data, but not the obligation of Internet users. Otherwise, the protection of digital rights becomes an unrealizable task for citizens, and the possibility of their practical implementation is negated for a reason of difficulties of law enforcement and proactive use.

Thus, in the context of the ICT rapid development, legislative regulation of the legal personality of individuals in the system of digital relations is becoming an urgent need for modern Russian society. With regret, we have to state that a person, the value of whose rights is declared as the highest priority of the modern states and societies, fades into the background despite the opportunities determined by the achievements of scientific and technological progress. The existing trend is not unique and exclusive for Russia, since the value priorities of the Internet environment are faced with a duality and inconsistency for cyberspace self-regulation that is the frightening experience for many people, who appeal for the authorities

to establish law and order even in "the space of full freedom". In the absence of any alternative developed by the humanity through its history only the states and democratic governments can be entrusted the achievement of a balance between national interests and the freedom of individuals.

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