

LEGAL CULTURE IN INFORMATIONAL SOCIETY: PECULIARITIES AND PROSPECTS OF DEVELOPMENT



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Abstract. The article is devoted to the actual issues of the interconnection of the achievements of information technologies and the level of legal culture as a person who applies these technologies and the whole society.

Based on the results of the research, the author substantiates his own concept, which is as follows:

- firstly, information technologies are increasingly used in all branches of social life and stop this process impossible;
- secondly, as a counteraction to inappropriate use of

information technologies, it is necessary to introduce a system of measures for the formation of the information and legal culture of the individual and society as a whole as a set of knowledge that combines the axiological and ontological philosophical dimensions of lawful activity and behaviour in the modern information society.

Keywords: *information society, information technologies, legal informatics, legal culture, legal awareness, cybercrime.*

Introduction

Relevance of research topic

Modern society cannot be imagined without the use of information technology - computers, gadgets, mobile communication, the Internet, and even "smart" household appliances, surround us at work, at home and during the rest. The next step the creation of "artificial intelligence", which, according to scientists, will help a person in solving global problems of the life of society. However, in addition to the technological component of this process, there is another, in my opinion, no less important or even more important than the first one. This is the legal culture as a decisive part of the general culture of using the achievements of the technical process. For example, the technology of decay of the nucleus can be used both in power engineering and for the creation of weapons of mass destruction. Similarly, information technologies can be used both for creating comfortable living conditions for a person and for committing offenses that are now called "cybercrime". Thus, the primordial philosophical question of "good and evil", in the context of the right culture of the application of the achievements of information technology, is and stands more than ever acute.

Different aspects of the process of transformation of legal culture in the modern conditions of the establishment of the principles of the functioning of the information society and the factors that affect it, were investigated by domestic and foreign experts in the fields of philosophy of law, computer science, sociology, law and other sciences. In particular, it is necessary to allocate works: E.V.Ahranovskoi, M.A.Aibazovoi, A.A.Arhuianovoi, Yu.P.Bytiaka, A.B.Venherova, O.O.Hanzenka, L.M.Herasinovi, V.V.Horlynskoho, M.R.Hranta, O.H.Danyliana, O.S.Domina, O.P.Dzobania, I.M.Zabary, M.M.Ibrahimovoi, O.V.Kaplii, N.Iu.Kovalenka M.V.Kostytskoho, T.Iu.Kotrykovi O.L.Lukash, Yu.A.Melikhova O.V.Mynkovych-Slobodianyuk, E.V.Nadyhynoi A.P.Ovchynnikova S.H.Onopriienko, F.Paulo and others.

At the same time, despite the fact that these and other authors investigated various aspects of information technology as a socio-cultural phenomenon, the issues connected with the definition of the level of influence of these technologies on the legal culture of the individual and society as a whole at the current level of development of scientific knowledge has not yet been found proper attention.

Presenting main material

Today in the legal circles and not only the discussion about the necessity of development of legal culture and legal consciousness, rarer - the general culture, and even less often - social and individual consciousness was discussed. Thus, it is believed that the development of legal culture, although it is an important factor, is far from being the basis of the state-building processes of modern Ukrainian society.

At the same time, legal culture is a derivative concept of general culture, the essence of which from the axiological point of view can be represented as a set of legal concepts, oriented on the conscious perception of the rules of behaviour established in society, universally recognized human values and ideals, which in turn forms the legal consciousness subjects of legal relations in all branches of life of society.

A similar position is also observed by some other lawyers who characterize the legal culture as a system of views, assessments, beliefs, and beliefs about the importance, necessity, social value of legal rights and obligations that form a positive relation to law, legality, the rule of law, and ensure social behaviour in legal sphere, speaking methods of legal regulation of social relations, based on the intellectual-psychological attitude to the rule of law [1, p. 21].

It is worth accepting, because, based on one of the main postulates of ontology - "being determines consciousness", the meaning of the concept of right culture depends largely on the ideological component of social justice, which in turn is a derivative of the technological, economic, social, cultural, moral and other directions of genesis of society.

It would be possible to consider the legal culture of the lawyer and the legal culture of the ordinary citizen separately, but given the development of information technologies (hereinafter - IT) and their influence on various social processes, one can foresee that the difference between the legal culture of the above categories of persons will be reduced, therefore such a distribution seems to be unpromising.

This is confirmed by all existing legal electronic systems, which are usually created by engineers, not by lawyers. Lawyers in turn, in order not to be left alone, are forced to study and master the IT more deeply, are

directly connected with the law or are not connected at all. Consequently, there is some convergence between lawyers and technical specialists in the field of information and communication technologies.

It is no accident that at the end of the last century a special branch of science - legal informatics was formed, on the one hand, it is one of the areas of informatics, and on the other, it is an applied legal science that studies the law and legal system of society from information positions. Professor A. Vengerov, describing the subject of legal informatics, noted that he has "the information concept of law, that is, the doctrine of the informational nature of law," while information and legal activity is a new direction in legal activity [2, p. 74].

It should be noted that due to IT, today in Ukraine it becomes possible to create e-government, e-democracy, electronic legal databases and other electronic systems, access to which is open to all categories of citizens, regardless of state borders, nationality, profession.

However, one should agree with V. Gorlinsky, who believes that the realities of human life from the standpoint of the phenomenon of safety as an object of axiological reflection, suggests the need to develop a new axiological paradigm, which corresponds to a new organization of public administration based on the use of information technology [3].

Indeed, the historical experience of the genesis of human civilization shows that the introduction of advanced technologies, it means "two sides of the medal", on the one hand, are new benefits and opportunities, on the other hand, negative phenomena that are often accompanied by criminal manifestations, as in relation to an individual and social group, as well as humanity as a whole.

Thus, the side effect of the spread of IT technologies was the emergence in the domestic legal science and legislation of the terms "cybercrime", "hacker", "computer scam", "theft of machine time," etc. In particular, the term "cyber security" is used in the "Doctrine of the Information Security of Ukraine" [4], "cyber security" and "cyber defence" - in the Law of Ukraine "On the Fundamentals of National Security of Ukraine" [5], "cyberattack", "cyber intelligence", "cybercrime", "Cyber-threat", "cybersecurity" - in the "Strategy of National Security" [6].

So, recently employees of the Department of Cyberpolicies of the Ministry of Internal Affairs of Ukraine exposed a criminal group, which, in the guise of participating in online trading currency pairs (binary options), using a number of created web resources ("binex. Ru", "binex. Ua", "binex.kz") . Applying a number of methods of psychological influence and specially created programs, fraudsters aimed at customers for the maximum amount of contribution to their account and conducted a series of operations that led to the loss of money by the client [8].

Problems of combating crime have long gone beyond the legal space of individual states, becoming a form of threat to international law and order and stability on a global scale.

For example, recently, the House of Representatives of the US Congress unanimously adopted the Cybercrime and Response Bill on cyber threats, according to which Washington would have to impose sanctions on individuals, organizations and foreign states for cybercrime against the United States. Such a move, as reported in the media, is intended to protect US elections and critical infrastructure of the country from "sponsored by foreign states of intentional cybercrime" and will provide a basis for deterrence and response to future cyber-attacks against the United States [9].

Activation of cybercrime is a cause for concern in our continent, in particular, according to the European Convention on Cybercrime, the following are attributed to unlawful actions:

- illegal access of the computer system (Article 2);
- illegal interception of technical transmissions of computer data, which are not intended for public use (Article 3);
- intentional damage, destruction, deterioration, change or concealment of computer information without the right to do so (Article 4);
- intentional serious impediment to the functioning of the computer system by the introduction, transmission, damage, destruction, deterioration, replacement or concealment of computer data (Article 5);
- manufacture, sale, purchase for use of devices, including computer programs created or adapted for the purpose of committing unlawful actions (Article 6);
- the introduction, modification, destruction or concealment of computer data, which leads to the creation of invalid data for the purpose of deception or similar dishonest behaviour (Article 7);
- deliberate commission of actions leading to the loss of property of another person (Article 8) [10].

In my opinion, the invention and application in practice of IT at no time can blame ideologues, designers and implementers the idea of an information society ("knowledge society"). It is not possible to stop technical progress, but it is possible and necessary, as a counteraction to inappropriate use of IT, to introduce a system of measures for the formation of the information and legal culture of the individual and society as a whole as a set of knowledge that combines the axiological and ontological philosophical components of lawful activity and behavior in the information society.

Unfortunately, it is necessary to agree with Judge of the Court of Appeals of New Zealand G. Hammond that this direction of combating the criminal use of IT, at this time is not sufficiently investigated and, consequently, scientifically theoretically and legally not defined properly. It is a fact that even the very notion of "legal culture in the information network" has no philosophical and legal definition or legal interpretation [11, p. 167].

Thus, in connection with the development of information technologies, one can identify such promising directions of development of legal culture in Ukraine:

1. Development of informational culture, which involves knowledge, free and effective use of Internet technologies. It is necessary to emphasize here the legal WEB-consulting, which in fact is not yet in Ukraine; the further formation of paid and free legal databases, the promotion of electronic legal journals and virtual bookstores specializing in legal literature; development of electronic legal libraries; Conducting teleconferences on topical issues of jurisprudence.
2. The next important direction is increasing the level of use of the latest computer systems. This requires more qualified knowledge and the use of technical tools and software to optimize the use of information resources and software capabilities in various branches of jurisprudence.

3. Of particular importance for the legal culture are the formalization of legal information, the application of formal logical methods in the law, the integration and synthesis of other scientific knowledge and practical skills, which is determined primarily by the level of intelligence of the individual.
4. A somewhat specific but very important component of the legal culture is the spiritual component, that is, the level of spirituality. No processes in Ukraine - neither state-building, nor socio-economic programs nor legislative activities - will not work until an emphasis is made on personal development.
5. But the main ability of a modern lawyer is the ability to find the necessary information, to analyse and properly generalize it, to draw accurate conclusions. Of course, such analytical abilities depend on many factors - external and internal: the genetic program, education, the quality of education, social conditions, the type of activity, and others, which ultimately determine the level of consciousness of the individual and, consequently, the level of his culture, in particular legal.

Thus, as a result of the development and impact of the latest information technologies, one can rely on the development of a legal culture, and most importantly, on the new modern perception of legal culture as a complex of ideological notions and professional knowledge, which involves raising the intellectual and spiritual level of the individual, its analytical abilities, free and efficient use of modern IT and computer systems.

It seems that the basis of the state-building processes in Ukraine should be, first of all, the true freedom of its citizens. This implies freedom of choice in the broadest sense - legal, cultural, ideological, socio-economic, etc. Freedom of choice is also the basis of legal culture, which should not be imposed "from above", but "crystallize from the middle" of the social environment.

Famous teacher and philosopher Paulo Freire in his work "Formation of critical consciousness" correctly notes that the problems of society can be solved only if people form a critical attitude to reality, the development of their ability and ability to be Subjects, and not objects state-building and culture logical process.

Conclusions

From the axiological point of view, the legal culture as a derivative concept of the general culture should be regarded as a system of legal values (forms, norms, orders and institutions), understandings and guidelines that reflect in a philosophical and legal form the state of freedom and social values of mankind, society.

Special branch of science - legal informatics, on the one hand is one of the branches of informatics, and on the other, - an applied law science, investigating the right and legal system of society from information positions.

The historical experience of the genesis of human civilization shows that the introduction of advanced technologies, it means "two sides of the medal", on the one hand, are new benefits and opportunities, on the other hand, negative phenomena, which are often accompanied by criminal manifestations, both in relation to the individual and social groups, and humanity as a whole.

It is not possible to stop technical progress, but it is possible and necessary, as a counteraction to inappropriate use of IT, to introduce a system of measures for the formation of the information and legal culture of the individual and society as a whole as a set of knowledge that combines the axiological and ontological philosophical dimensions of lawful activity and behaviour in the information in society.

Despite the individual negative effects of the development of the latest IT, one can rely on the development of legal culture, and most importantly, on the new modern perception of legal culture as a complex of ideological ideas and professional knowledge, which involves raising the intellectual and spiritual level of the personality, and analytical abilities.

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