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FORMATION OF THE CONCEPTUAL AND CATEGORICAL APPARATUS WHEN FIXING THE LEGAL STATUS OF A PERSON IN THE DIGITAL ENVIRONMENT

Abstract. The work is devoted to studying the process of formation of a conceptual-categorical apparatus when consolidating the legal status of an individual in the digital environment. The research is carried out in the direction of determining the nature of the influence of the process of formation of the conceptual-categorical apparatus on the nature of consolidating the legal status of an individual in the digital environment. This study is based on the works of I. L. Bachilo, N. A. Vlasenko, N. M. Korkunov and other authors.

Keywords: law, digital technologies, legal status of a person, telecommunications, internet, network, information and communication technologies

ФОРМИРОВАНИЕ ПОНЯТИЙНО-КАТЕГОРИАЛЬНОГО АППАРАТА ПРИ ЗАКРЕПЛЕНИИ ПРАВОВОГО СТАТУСА ЛИЧНОСТИ В ЦИФРОВОЙ СРЕДЕ

Аннотация. Работа посвящена изучению процесса формирования понятийно-категориального аппарата при закреплении правового статуса личности в цифровой среде. Исследование проводится в направлении определения характера влияния процесса формирования понятийно-категориального аппарата на характер закреплении правового статуса личности в цифровой среде. В основу данного исследования положены работы И. Л. Бачило, Н. А. Власенко, Н. М. Коркунова и других авторов.

Ключевые слова: право, цифровые технологии, правовой статус личности, телекоммуникации, Интернет, сеть, информационно-коммуникационные технологии

Introduction. One of the most pressing problems currently existing within the framework of modern lawmaking, and the rapid development of the digitalization of society, should be the search for the most acceptable approaches to enshrining in the legislation the entire organic set of terms that are somehow related to the development of public relations in the digital telecommunications environment.

In particular, of particular interest among domestic and foreign lawyers is the process of forming a conceptual and categorical apparatus when fixing the constitutional and legal status of an individual in a digital telecommunications environment. First of all, this issue directly concerns the subjects whose activities are supposed to be regulated in the course of their daily work in the digital telecommunications environment.

At the same time, the focus of attention of domestic and foreign lawyers developing modern legislative initiatives is the constitutional legal status of the personality of such subjects. The reason for this provision should be called the fact that it is through the legislative definition that the place and significance of each entity participating in the digital communications environment should also be determined.

Results. A circumstance of fundamental importance in this case is the need for a correct and timely determination of the place of the entire organic set of subjects of the digital communications environment in the system of public relations.

So, for example, I. L. Bachilo comes to the conclusion that an organic set of concepts and categories designed to determine the legal status of subjects of the digital communications environment has a backbone value [1. P. 14].

At the same time, from the point of view of this study, this set of concepts and categories should also determine the subject area of interests and actions of the subjects of the initiative activity of the digital telecommunications environment.

Along with this, according to I. L. Bachilo, one should also think in a timely manner about their appropriate use in the fast-flowing process of forming various semantic forms of concepts and categories designed to determine the rights, obligations and powers of the subjects of the digital telecommunications environment.

These can be glossaries, thesauri, dictionaries and encyclopedias, and each such categorical-conceptual tool will actively contribute to the emergence of due certainty in this area of rights. At the same time, it should be noted that, according to a rather productive idea of the constitutional and legal status of an individual, any definition of a given subject is one of its properties.

In the idea of the constitutional and legal status of the individual, an inextricable and highly productive connection of the idea of universality with the idea of subjectivity is carried out, with the inherent intentional ability to construct an object [2. P. 8].

At the same time, in the modern jurisprudence literature, an increasingly growing backlog of law and legislation is ascertained from the pace that is directly characteristic of the development of technologies and social relations.

The rapid and widespread introduction of technological innovations in various fields of human activity leaves practically no worthy place for generally accepted methods of legal technique in order to successfully and quickly overcome new problems.

For the law-making process, as it has been for quite a long time, the new digital realities also practically do not leave the place occupied by new law-making algorithms.

These problems are connected, first of all, with the determination of the constitutional and legal status of the personality of the key and influencing actors in the development of the digital telecommunications environment. The law in such an unusual situation is predominantly involved not so much in prevention as in resolving the adverse consequences of the misuse of the digital telecommunications environment, which, as a rule, inevitably have a so-called delayed effect.

Due to this circumstance, such consequences cannot be predicted, first of all, even by the developers of new information and communication technologies, on which the daily functioning of the digital communications environment is based.

Moreover, the occurrence of negative consequences of the misuse of the digital communications environment cannot be predicted with a sufficient degree of certainty by users or law enforcers.

On this basis, it should be suggested that the possibility of the occurrence in this connection of the detrimental consequences of the misuse of the digital communications environment can actively and quite variably contribute to the emergence of legal uncertainty as well.

The state of legal uncertainty presupposes the existence in the space of the digital communications environment of subjects of newly built public relations in the field of informatisation. It seems necessary to state that the state of legal uncertainty finds its manifestations in the absence of a clear definition, which does not allow unambiguously and timely establishing the existence of the addressee of legal norms [3. P. 9].

Along with this, it is not yet possible to introduce adequate rights and obligations in a state of legal uncertainty, which form the core of the constitutional and legal status of the individual.

Among other things, the state of legal uncertainty gives rise to a simultaneous discrepancy between rights and duties, and a simultaneous discrepancy between duties and rights. This circumstance violates the dialectical law of the unity of opposites, as a result of which the systematic functioning of the constitutional and legal status of the individual is still problematic.

As a result of the emergence of a state of legal uncertainty, the system-forming meaning, which is traditionally characteristic of concepts and categories, is replaced by a situational one. At the same time, the situational significance of concepts and categories makes it possible, at best, to single out in a given situation a special subject that functions in the general mass of actors.

Such a selection of a special subject makes it possible to designate its inherent special place and role in the system of constantly and productively developing social relations.

At the same time, it should be remembered that such concepts as “state”, “place” and “role” are already included in the dictionary definition of “status” as such, which sufficiently allows us to simultaneously analyze the “constitutional and legal status”, which still continues to inevitably remain a pronounced debatable category in modern jurisprudence.

However, it seems necessary to assume that in the course of the progressive development of modern jurisprudence, supported by progressive authors of legislative initiatives, the current position of “constitutional legal status” will be defined much more clearly [4].

Conclusion. The most convincing and pronounced trends, according to the process of unambiguous dominance of which the formation of key units of the conceptual and categorical apparatus takes place in the course of securing the legal status of an individual in the digital environment, consists, first of all, in the rapid advance of rapidly developing technologies of the capabilities of the currently functioning legal system of the country and peace.

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ARTIFICIAL INTELLIGENCE AND THE ADMINISTRATION OF JUSTICE IN CUBA

Abstract. In regards to the topic of Artificial Intelligence (AI), one can appreciate that it is no longer part of a distant future that could only be dreamed of by reading science fiction works. In the world, and in Cuba, it is already a tangible and exciting phenomenon that makes its analysis and development necessary to achieve advances in the social and economic life of the country, and thus ultimately achieve an increase in the well-being and progress of society. One cannot remain motionless in the face of the constant technological change that influences most human activities. This includes the law, where the application of technology has increased efficiency and effectiveness in very specific areas such as, for example, the fight against fraud and irregularities. Nonetheless, the legal challenges presented by AI are many, and in such diverse areas as personal data protection, equality, legal security, transparency and accountability, among others.

Keywords: Artificial Intelligence, Administration of Justice, Development, Digital Transformation, Judicial processes, Criminal Law, Technological change