

REGULATORY ORDER IN THE CONTEXT OF STATE DIGITAL TRANSFORMATIONS

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Abstract. The regulatory order in the context of digital transformations of the state is considered from the standpoint of managerial and academic approaches. According to experts representing the managerial approach, the regulatory order represents a form of social relations between individuals and social groups interacting about their standard and quality of life, therefore, the digital transformation of the state is aimed at improving them through the use of information and communication technologies. Representatives of the academic approach consider the digital transformation of the state from the standpoint of the value basis of the content of norms and regulatory mechanisms: along with legal norms and external control in the form of censorship, the regulation of the digital space is carried out by ethical control in accordance with the norms of self-organization - respect for each other network actors and the reliability of information provided.

Keywords: regulatory order, digital transformations of the state, mechanisms of social regulation, social control

JEL Classification: H83, R58, D02

INTRODUCTION

Currently, digitalization covers all spheres of society's life, which gives rise to numerous disputes among scientists and experts regarding the methods of regulatory control of this process. This is because their interpretations of the essence of the regulatory order differ.

Experts, as representatives of the political elite, believe that the regulatory order represents a form of social relations of individuals and social groups interacting about their level and quality of life as ways of realizing life opportunities. Therefore, digital transformations in the state sphere are interpreted by experts from the perspective of using information and communication technologies and artificial intelligence to improve the level and quality of life of citizens in various spheres, primarily education and medicine. The effectiveness of management also depends on these technologies, as they contribute to the rapid exchange of information, its "openness," which facilitates the monitoring of the implementation of government decisions.

Scientists offer a broader interpretation of the concept of regulatory order, which allows answering the question of why individuals and social groups obey norms and what is the basis of this obedience. According to researchers, the regulatory order is a form of social relations in which purposefully rational individuals and groups are guided by common rules and expect that their needs and interests will be satisfied within the framework of existing norms and control. Accordingly, the digital transformation of the state is considered by scientists from the standpoint of the value basis of the content of norms and mechanisms of regulatory control.

MAIN CONTENT

Thus, the different approaches of scientists and experts to the methods of digital transformation of the state are caused by differences in the interpretation of the essence of the regulatory order. These approaches can be defined as managerialist and academic. According to the managerialist approach, the regulatory order is a prescription aimed at ensuring the needs of individuals and social groups, and control over its execution. The academic approach involves considering the regulatory order from the perspective of the legalization of norms that have a value basis, due to which individuals and social groups not only submit to external control due to the threat of sanctions but recognize their significance. In this case, the regulatory order is supported not so much by prescription and prohibition as by the recognition of the significance of norms, which ensures agreement in society regarding their legalization and methods of control. Consequently, the stability of the regulatory order depends on its mechanisms—social control and legitimation, which are in a relationship of functional dependence.

The difference in the interpretation of the regulatory order, demonstrated by the managerialist and academic approaches, directly concerns the digital transformation of the state.

According to the managerialist approach, control in the digital space is carried out in relation to the information being prepared and disseminated through censorship. It is defined as *"control by official (secular or spiritual) authorities over the content, release, and distribution of printed materials, the content (performance, display) of plays and other stage works, film, video or photographic works, works of fine art, radio and television broadcasts, and sometimes private correspondence, in order to prevent or limit the dissemination of ideas and information deemed undesirable or harmful by these authorities"* (Knyazev, no date). The norms regulating censorship activities are enshrined in laws and aimed at prohibiting extremist activities, causing harm to the development and health of children, and disseminating personal data of individuals who have not given their consent.

The norms of legal control of information dissemination in the digital space are restrictive and prohibitive in nature, as demonstrated by the actions of Roskomnadzor (Russian Federal Service for Supervision of Communications, Information Technology and Mass Media), which can *"block websites at the request of the Prosecutor General's Office without a court order. Any site can be blocked in just an hour if its content is extremist in the opinion of the prosecutor's office"* (Dzyaloshinskaya, 2019, p. 44). However, these actions are recognized by experts and the public as fair *"in relation to child pornography, drugs, suicides have proven their effectiveness. This is a deterrent for owners of other Internet resources, including those with content produced by users themselves, and it is an incentive to pay closer attention to what users post and to check groups and public pages for compliance with the law"* (Bfm.ru, no date).

However, experts face a number of difficulties in the legal control of information in the digital space. On the one hand, this is caused by the specifics of the information and communication environment. In particular, its anonymity creates difficulties in identifying the subject responsible for disseminating information. Another difficulty is related to the legal status of the information disseminator if it is presented by unofficial sources: a blogger may be a subject without professional education, and their degree of responsibility is not normatively established, making it difficult to qualify. Moreover, many actions that are prohibited by law can hardly be recognized as such in the digital space. Therefore, some experts believe that legal control regarding intellectual property,

privacy protection, and respect for human dignity is limited in the digital space, and due to the anonymity of disseminated information, the regulatory framework lagging behind technological development, and the procedural specifics of sanctions, such control is generally ineffective.

Consequently, an important task of legal control is the compliance of the content of norms and sanctions with the specifics of the development of the digital space, but its implementation is currently difficult.

Representatives of the academic approach emphasize the limitations of legal norms establishing responsible dependence and their control in the digital space and note that they should be supplemented by self-organization norms that define the boundaries of spontaneous decisions of subjects in the network community. Self-organization norms in the digital space are objectified in such rules as respectful attitude towards each other in the communication process and the presentation of reliable information. Their basis is values such as freedom, respect for human dignity, and inviolability of private life.

Currently, some proponents of the academic approach believe that the regulation of the digital space can be carried out through the formation of a new value system based on the values of information and knowledge. This position is related to the answer to the classical question: is the information society a new stage of social development or is it another stage of the post-industrial society caused by technological development? In answering this question, one important argument can be made: a new stage of social development is accompanied by a change in social structure, and currently this is not happening.

The contradictory nature of value attitudes, demonstrated by various subjects of the digital space, is caused by subcultural diversity, the consequence of which is various lifestyles. This occurs as a result of the constant differentiation of activities as a consequence of an increasingly complex social environment. In the digital space, network actors can only expand the boundaries of presenting their activities more quickly and increase the number of followers. However, the differentiation occurring within it leads to the restriction of spontaneous actions and adherence to self-organization norms in a situation of information freedom. A high level of consumer awareness inevitably increases competition among network actors and the quality of services they provide in the form of reliable information.

Consequently, self-organization norms, such as the respectful attitude of representatives of the network community towards each other, are formed depending on the stability of the norms of responsible dependence. According to researchers, the problem of the relationship between a high degree of freedom and the formation of norms of social responsibility is resolved when the individual themselves decides on the necessity or restriction of access to network information and the degree of their participation in the communication process. This is possible in the case of building rational relationships in the digital space based on the principle of the importance of the information received and awareness of the tasks for its use.

Currently, self-organization norms in the digital space are studied in the form of ethical principles for regulating the interaction of network actors within the framework of "*information ethics (studies moral problems arising in connection with the development and application of information technologies); computer ethics (the question of right and wrong use of information in the information society); cyberethics (the philosophical area of ethics relating to computers, covering user behavior, what computers are programmed to do, and how this affects individuals and society as a whole*" (Malkova, 2001, p. 114). The ethical principles considered by various branches of knowledge are

objectified in the rules of presenting reliable information and respectful attitude towards each other by network actors, based on the values of freedom of action, respect for human dignity, and inviolability of private life.

Ethical control, as a mechanism for regulating self-organization norms in the digital space, is formed in the form of self-organization norms and social responsibility. Self-organization norms are reduced to the basic principles - respectful attitude of network actors towards each other and reliability of the information provided. They depend on the stability of the norms of responsible dependence - rational relationships based on the principles of the importance of the information received and awareness of the tasks for its use. Violation of these norms is followed by negative sanctions: exclusion of an individual from the network group as a result of condemnation of the behavior of one of its members or condemnation of actions in the form of reviews about them in chats, discussions in the same groups. They are aimed at awareness and formation of the individual's social responsibility for their behavior in the digital space and social networks.

CONCLUSIONS

Ethical control, as a mechanism for regulating self-organization norms in the digital space, is formed in the form of self-organization norms and social responsibility. Self-organization norms are reduced to the basic principles - respectful attitude of network actors towards each other and reliability of the information provided. They depend on the stability of the norms of responsible dependence - rational relationships based on the principles of the importance of the information received and awareness of the tasks for its use. Violation of these norms is followed by negative sanctions: exclusion of an individual from the network group as a result of condemnation of the behavior of one of its members or condemnation of actions in the form of reviews about them in chats, discussions in the same groups. They are aimed at awareness and formation of the individual's social responsibility for their behavior in the digital space and social networks.

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