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Identification of the substantial characteristics of law in the digital age

Sergey B. Zinkovskiy  

RUDN University, Moscow, Russian Federation

Odintsovo branch, MGIMO University, Odintsovo, Russian Federation

 zinkovskiy-sb@rudn.ru

Abstract. The article discusses the need for new approaches to legal research, driven by the introduction of digital technologies into public life. Under these conditions qualitative changes in consciousness and methods of human worldview formation, virtualization of social relations and their value basis, and transformation of cultural identity acquire the significance of typological features of law in the digital age. Digital reality is a special human “habitat” that changes the direction of the evolution of the human brain and consciousness; in combination with social experience, it alters the type of human thinking and worldview; creates conditions for the transformation of the value basis of culture, the splitting of human individuality and cultural identity; virtualizes a significant part of social relations; gives rise to a new structure of society and new forms of social inequality. These directions of evolution of social practice, social relations, their value basis, consciousness, and human worldview, being expressed in law, acquire the significance of its typological characteristics, in which the phenomenon of syncretism manifests itself in a new, unique form. The typological feature of law is its fused, inseparable expression of a complex of natural, biological, and social regularities governing human and social development, as well as technical regularities conditioned by the integration of elements of the digital environment and non-biological resources into human consciousness. The law of the digital age considers value not in the individual, but in their identity, acceptable from the perspective of the official authorities. The legal assessment of this identity is associated with the emergence of a new group of objects of legal regulation—human virtual interpretations of legally significant social meanings. The digital age is giving rise to new forms of social division, the criteria of which are the degree of human integration into virtual space and the human attitude toward technology as a means of production. This results in the reflection in law of new groups of social interests, changing its essence.

Key words: typology of law, worldview, digital environment, virtual, syncretism, cultural identity

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Идентификация сущностных характеристик права в цифровую эпоху

С.Б. Зинковский  

Российский университет дружбы народов, г. Москва, Российская Федерация
Одинцовский филиал МГИМО МИД России, г. Одинцово, Российская Федерация

 zinkovskiy-sb@rudn.ru

Аннотация. Обосновывается необходимость использования новых подходов к исследованию права, обусловленных внедрением цифровых технологий в общественную жизнь. В этих условиях качественные изменения в сознании и способах формирования мировоззрения человека, виртуализация общественных отношений и их ценностная основа, трансформация культурной идентичности приобретают значение типологических характеристик права в цифровую эпоху. Цифровая реальность – это особая «среда обитания» человека, которая меняет направленность процесса эволюции человеческого мозга и сознания; в сочетании с социальным опытом изменяет тип человеческого мышления и мировосприятия; создает условия для трансформации ценностной основы культуры, «расщепления» индивидуальности человека и его культурной идентичности; виртуализирует значительную часть общественных отношений; порождает новую структуру общества и новые формы социального неравенства. Эти направления эволюции социальной практики, общественных отношений, их ценностной основы, сознания и мировоззрения человека, будучи выраженными в праве, приобретают значение его типологических характеристик, в которых в новой уникальной форме проявляет себя феномен синкретизма. Типологической характеристикой права становится слитное, нераздельное выражение в нем комплекса природно-биологических и социальных закономерностей развития человека и общества, а также технических закономерностей, обусловленных интеграцией в человеческое сознание элементов цифровой среды, небιологическими ресурсами. Право цифровой эпохи считает ценностью не конкретного человека, а приемлемую с точки зрения власти его идентичность, юридическая оценка которой сопряжена с появлением новой группы объектов правового регулирования – виртуальных интерпретаций человеком юридически значимых социальных смыслов. Цифровая эпоха порождает новые формы социального деления, критериями которого становятся степень интеграции человека в виртуальное пространство и отношение человека к технологиям как к средствам производства, а следствием – отражение в праве новых групп социальных интересов, меняющих его сущность.

Ключевые слова: типология права, миропонимание, цифровая среда, виртуальный, синкретизм, культурная идентичность

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Introduction

A typological characterization of law within a specific cultural and historical era is based on its essential features. The combination of these features enables the construct of a general typology of law and the development of an understanding of each identified type. These features include the nature of the understanding of law at different stages of historical development, forms of law, its structure, mechanism of its action (Muromtsev, 2021:363), the social purpose of law, the social interests it expresses, the nature of people's worldview and consciousness, the spiritual and material characteristics of social relations, and, finally, the specifics of cultural identity, reflected in the natural, social, and technological environments where law operates. Typological features of law extend beyond its intrinsic properties; they also manifest in worldview, social practice, and the biological (especially genetic) patterns of human and social development.

“Modern civilizational changes, global social transformations, and changes in the technological way of life of society give rise to many effects, manifested, among other things, in social regulation” (Khabrieva, 2021:6). At the beginning of the 21st century, social and humanitarian research has shifted its perception of digital spaces. Whereas these spaces were once viewed as information carriers, modern scholarship now interprets them as communication spaces (Horst & Miller, 2012; Blank & Reisdorf, 2012; Van Dijck, 2013), and “electronically mediated forms of life” (Winner, 1997). Digital reality is grounded in the physical world and analog culture, yet it simultaneously generates new cultures and social practices, where participants in communication are assigned distinct social roles and identities (Boellstorff et al., 2012; Jones, 2002). In this regard, the characteristics of digital communication become integral to understanding social processes (Bryzgalina, 2023).

Taking this into account, the study aims to determine how qualitative changes in consciousness, methods of worldview formation, virtualization of social relations and their value foundations, and transformation of cultural identity gain significance as typological characteristics of law in the digital age.

Methodology and materials

The methodological foundation of this study is the cultural-historical approach to law, which considers law as an integral element of societal culture in its diverse and concrete historical forms. The specific substantive characteristics of the digital age as the research object required examining social relations where individuals interact within both analog and digital worlds, using communication theory from its cybernetic, phenomenological, semiotic, and socio-psychological perspectives. The study's focus on the typology of law, a fundamentally theoretical concept, called for engaging with philosophy and analyzing the extensive philosophical literature on digital

age issues. Additionally, considering both social and natural patterns of legal development necessitated incorporating findings from the neurosciences, particularly neuroanthropology.

Research results and discussion

1. Qualitative changes in consciousness and worldview formation in the digital age.

Digital reality creates unique human “habitats” where human consciousness is shaped by numerous factors (Khalin, 2018). Elements of this environment often become more integral to a person’s daily life than their immediate social surroundings (Pishchalnikova, 2018). Modern scientific literature has advanced the hypothesis that digital reality is changing the course of human evolution, potentially hindering the development of the human brain (Markov, 2013). Individuals tend to use information without striving to understand it fully, often disregarding its quality. Communication in digital spaces is marked by the standardization and simplification of non-verbal forms, which impacts the human psyche.

These changes appear natural and consistent with the logic of the evolution of thinking connected to advancements in communication tools. In the pre-literate era of human existence, speech was the dominant mode of communication and the means of shaping worldviews (McLuhan, 1962). Humans lived in an auditory environment and were constrained by the brain’s processing capacity when receiving information.

At a later stage in human development, the advent of writing overcame these limitations by (a) shifting the primary communication medium to vision, enhancing the importance of sight as a means of perceiving text, and subsequently (b) amplifying the role of symbolic forms in information transmission overall. Humans create culture through a variety of “artificial sources of stimulation” used to interact with each other—such as images, models, photographs, music, signs, symbols, and mass media (Gibson, 2002).

As information about the surrounding world accumulates and digital technologies develop, a new communication medium – the digital environment – emerges, capable of storing and transmitting vastly more information than traditional written sources. However, the human brain, historically adapted to processing the volume of information found in written texts, struggles to meaningfully manage the much larger and faster flow of digital information. Objectively, this situation presents two options: ignoring some information or changing how it is presented and processed to match the characteristics of the source. The latter is more productive but often leads to individuals receiving simplified, ready-made information that requires little analytical effort.

From a neurophysiological perspective, this simplification conserves brain energy, making information assimilation more convenient and less demanding. The downside, though, is a reduction in brain activity associated with critical thinking, knowledge systematization, and the capacity to construct a comprehensive worldview. Thus, the method of information acquisition shapes and alters a person’s worldview.

Paradoxically, the digital age foregrounds syncretism in human consciousness, where digital elements superimpose on social experience, reshaping thinking (Parshin &

Akhlibininsky, 1996). Unlike the linear thinking of the analog era, digital age cognition is networked and fragmentary, presenting scattered information clips instead of a holistic picture and limiting critical understanding (Petrova, 2022). Since worldview entails values guiding behavior and interactions, this narrowing dilutes, distorts, and replaces this value frameworks. Hence, the digital environment and the ways humans obtain information significantly influence the transformation of individual values and worldview (McLuhan, 1964).

Another aspect of the “new” syncretism in human consciousness is seen in the development of technologies that compensate for deficits in individual bodily functions (such as prosthetics and cardiac pacemakers), which may eventually lead to technologies that modify the human psyche itself (Clark, 2004). The intertwining of the brain with non-biological resources reflects a joint evolution of the natural, social, and technical realms (Latour, 2005). Thus, the individual emerges as an open system, assuming specific social roles within social relations.

In the digital era, human consciousness is undergoing qualitative changes (Lektorsky, 2018). On the one hand, it is becoming more primitive compared to the pre-digital era, creating new opportunities to manipulate cognition, emotions, and behavior through legal regulation. On the other hand, it expands the state’s capacity to recognize individuals as bearers of novel social roles within the legal framework established by the state.

This shift aligns with research on cyberculture and digital technology’s influence on cognition and identity, highlighting increased syncretism – where external digital stimuli blend with internal cognitive processes – often leading to diminished individual autonomy and more fragmented, reactive thinking (Clark, 2008). The open system nature of the individual now extends beyond biology to include technological mediation, reshaping social and legal dynamics.

2. Virtualization of social relations and value structures in the digital era

The “fusion” of an individual with the digital environment means that, while continuing to exist in the real world, they simultaneously fulfill assumed social roles in virtual reality (Leshkevich, 2022). Networked thinking becomes the foundation of their online existence. The individual extends beyond their real-world capabilities, supplementing biological, including neurophysiological, functions with technological enhancements. In the digital environment, they effectively create a modified copy of themselves, which, unconstrained by real-world limits, can embody any value orientations and participate in various social communication practices within the virtual space (Welsch et al., 2020). This digital copy mirrors all the individual’s biases, complexes, and distorted perceptions of themselves and their surroundings.

In the physical world, the individual is a distinct social unit with a clear identity. In virtual spaces, however, they can possess multiple, sometimes conflicting, identities. Their digital identity is characterized by uncertainty (Katrechko, 2004), further complicated by the use of pseudonyms or “nicknames” that anonymize an individual and blur individuality, which normally anchors social relations. Consequently, the law in the

digital age tend to value not the specific individual but the identity sanctioned or recognized by authorities.

In this regard, the following pattern emerges as a factor shaping the specifics of legal regulation: immersion in virtual space is often motivated by the desire to resolve problematic social meanings. An individual either attempts to alter the environment or context of a real-world problem by transitioning to alternative forms of existence or constructs their own interpretation of the problem through the virtual world, abstracting from its hostile aspects. This personal reinterpretation effectively renders the problem meaningless to the individual, though it remains significant for the state or law (Ivanenko, 2009). Legally, this gives rise to a new category of regulated objects – virtual human interpretations of legally significant social meanings – meaning law in the digital age may need to extend its focus beyond just behavioral acts.

The integration of people into virtual space is uneven and fosters a new social structure that includes: a) people connected solely to real space but consciously limiting virtual engagement, b) people detached from both real and virtual spaces, c) people attached to real space but consciously limiting virtual engagement, d) people equally engaged in both, integrating real and virtual, and e) people fully absorbed in virtual environments, minimizing their real-world functions (Misra & Stokols, 2012). Each group possesses unique social interests, and neglecting these in law risks excluding them from legal protection. Therefore, understanding law as a representation of social interests requires incorporating these new varieties into legal regulation.

The virtualization of life leads to novel functionalities and moral deformations, enabled by the lack of physical contact and the typical duties and restrictions of direct interactions (Szecsi & Koller, 2017). Individuals shape their environment, which, in turn, shapes them – they become driven by online algorithms (e.g., the pursuit of followers and likes inherent to virtual spaces). These dynamics transform value systems, creating the foundational values for behavior in virtual spheres:

1. The value of the path to information – in the digital environment, the process of searching for and acquiring information becomes equivalent to cognitive ability itself. Whereas in the real world the value lies in the path taken to reach it.

2. The value of algorithmization of activity – in digital environments, solving problems by following templates or algorithms is favored over creative approaches. This value inherent to the virtual world in direct opposition to the value of human activity in the real world.

3. The value of the “right to online self-determination” (Belli, 2017) – individuals consider themselves entitled to mislead other participants in online communication about their real social status, deliberately distorting perceptions of themselves.

4. The value of the “new trust” – information received from the digital environment is often accepted as true without evidence, with individuals perceiving it similarly to how they trust signals from their own brain.

Another consequence of the virtualization of social relations is the desocialization of individuals (Kolyadko, 2022) and the emergence of new forms of social

inequality. Even proponents of globalization, now facing its crisis, have noted that individualization – manifested as immersion in virtual space as a form of isolation from society and a means of severing uncomfortable social ties – does not increase individual autonomy. Instead, it deepens dependence through increased subordination to structural coercion and universal standardization. This dependence stems from forces beyond individual control and broad uncertainty in status, communication forms, and methods (Bauman, 2005). The process logic is straightforward: the desire for individualization entails the loss of certain forms of sociality. Thus, in the digital age, technology supplants the social essence of humanity and its life activities. Yet, it is precisely social interaction that ensures full individual development. When a person is “disconnected” from analog social communication, a threat of disintegration and disunity emerges (Toffler, 1997).

In turn, this creates opportunities for the state, represented by ruling social groups, to employ a broad array of tools to subordinate social life to their interests. In the digital sphere, such tools include metadata, which is an integral part of digital reality (Hui, 2016; Lovink & Hui, 2016). Individual actions in the digital environment – such as search queries, visiting specific websites, downloading files, and commenting on posts – are quantitatively aggregated and utilized by the state to serve the authorities’ interests. In particular, the state relies on these data for implementing various social engineering projects (Clough et al., 2015; Zhuravleva, 2018), while in the digital age, technological oligarchs also influence this process (Noble, 2018). Metadata thus functions as an effective channel for monitoring individual behavior and every action taken – a phenomenon described as the “digital shadow” (Hildebrandt, 2008).

Ultimately, the digital age is marked by the emergence of a new form of social inequality, dividing society into a technologically advanced minority led by technological oligarchs, and a technologically limited majority (Ossewaarde, 2019). The social interests of these groups profoundly alter the nature of law as a typological characteristic.

3. Transformation of cultural identity and its impact on the typological features of law in the digital age

The digital age is characterized not only by changes in social structure but also by a transformation of the fundamental features of culture that collectively form its identity. These include system-forming principles, traditions, and values underlying culture, the causes and foundations of social conflicts, specifics of worldview, and other dimensions of human existence, notably changes in the parameters of social space and time.

In contemporary society, traditional culture is undergoing a deformation (Bauman, 2005:65–70; Lazarevich, 2015:198; Laing, 2002:104), acquiring mosaic forms (Mol, 2008: 44–46) that align with new channels of individual socialization and novel methods of transmitting values and ideological models (Stepin, 2011:61–63). This mosaic culture contributes to atomization of all human activity, making cultural identity dynamic and uncertain, which triggers conflicts among its various components – religious, linguistic, ethnocultural, historical – and leads to a crisis of

cultural identity itself. Digital technologies exacerbate the massification and radicalization of these processes (Trufanova & Khan, 2022). Consequently, an individual's affiliation with a specific group united by shared values, a system-forming factor, weakens (Semenenko, 2017:312), mirroring similar patterns in the crisis of collective cultural identity (Astafieva, 2010). Fundamentally, the problem of cultural identity centers on the division between “us” and “them,” the attitudes toward members of other cultures, and the conflicts arising in intercultural interaction.

V.S. Stepin defines culture as “a system of information codes that consolidate historically accumulated social experience, acting upon various types of activity, behavior and communication – and therefore, all social structures and states generated by them – as supra-biological programs” (Stepin, 2001:342). Thus, cultural identity is determined by a combination of natural-biological factors (such as genetics) and social factors (including language perception, social norms, traditions, religious elements, and habits) (Trufanova, 2022:41–49). Contemporary studies (Han & Ma, 2014; Sfera & Osorio, 2014) suggest that just as suprabiological elements of cultural identity may have biological underpinnings, social factors can also provoke changes in an individual's biological characteristics. Within the relatively young discipline of neuroanthropology, which examines cultural differences through brain processes, studies reveal that social skills acquired in differing cultures activate distinct neural circuits. This is particularly evident when comparing the brain activity of representatives from Western individualistic cultures and Eastern, collectivist legal cultures.

The results of neuroanthropological research have led to bold conclusions that cultural characteristics are deeply intertwined with genetics, suggesting that the social aspects of humans are, to some extent, syncretic with natural and biological. In the digital age, cultural identity is formed not only within a specific sociocultural environment but also within the digital spaces, where two processes occur simultaneously: a) traditional aspects of cultural identity – such as religious and ethnocultural elements – are modified and distorted; and b) new dimensions emerge, including invented social roles that predetermine virtual identities and membership in various online communities.

Several socio-cultural factors, shaped by the development of the digital environment, currently influence the trajectory of legal development in the near and medium term. The first significant factor is the technological revolution in communications, which has accelerated the pace of time and compressed space (Evstafyev, 2024:38–39). Unlike previous eras, where societies, states, and legal systems developed asynchronously, the flow of historical time today is global and uniform, disrupting the former harmony within national sociocultural frameworks. This accelerates inequality and exacerbates unevenness in social development on a global scale. Consequently, less developed states may experience contradictory and distorted developmental processes, as legal forms evolve faster than social relations and public consciousness. Such divergence may lead these societies to reject political and legal models proposed by more developed countries, further intensifying the crisis of law in the near future.

The compression of space in the modern world is transforming the significance of distance in social relations. Major logistics projects, such as the North-South corridors and the Belt and Road Initiative (BRI), are being implemented worldwide. These projects create fundamentally new interdependencies among regions composed of typologically diverse and sometimes incompatible cultures, while simultaneously offering these cultures immense opportunities for modernization – a process for which they are often unprepared. Combined with the resistance of states whose interests are threatened by these developments, and the historical pattern of logistics as a destabilizing factor in social relations, it is reasonable to anticipate that law will face unprecedented interstate and civilizational conflicts, for which current legal frameworks offer no adequate resolution tools.

A practical example of the consequences of accelerated time and compressed space can be found in the lives of modern migrants. Whereas analog societies saw migrants quickly lose touch with their native culture, the digital age enables continuous connection, for instance through mobile phones. This ongoing connection creates obstacles to migrants' integration into the host country's culture and assimilation of its values and behavioral standards. Consequently, influencing migrants' cultural identity to achieve national migration policy goals becomes nearly impossible, leaving migrants unable to fully adapt while retaining a “friend or foe” mentality.

The second factor shaping legal development linked to the digital environment is megalopolitan cosmopolitanism. The modern world is dominated by megacities, which require specific governance forms and corresponding legal regulation models. While the city's system-forming role in social relations is not new, its current ideological and structural complexity is unprecedented – modern megacities exist simultaneously within a unified socio-economic and socio-political space. Digital communications provide people with real-time access to information about their culture, values, and heritage, enabling them to recreate cultural connections and reproduce cultural patterns representative of their native socio-cultural communities. This leads to cultural identity being formed without direct, face-to-face contact with members of the corresponding cultural tradition. The multiculturalism of large cities collides with the cultural re-identification of their residents, making cultural identity problematic and unstable, poised between globalist cosmopolitanism and localized cultural nurturing (Trufanova & Khan, 2022:92).

Thus, the relative homogeneity of the socio-economic and socio-political characteristics of megacities across different countries generates “the effect of a false understanding of socio-cultural universality, a denial of the factor of civilizational identities” (Evstafyev, 2024:40). This situation creates risks such as misguided legal objectives, incorrect assessments of conflict sources in social relations, and limitations in preventing and resolving these conflicts and other social problems. Therefore, in the near future, the ability of societies and cultures to critically reassess the ideological foundations and objectives of legal regulation – distorted by the effects of megalopolitan cosmopolitanism – will become a crucial factor in the development of law.

Finally, a third factor associated with the digital environment and shaping legal development is the intensification of intercultural contacts facilitated by digital inclusion. Unlike the analog world, where cultural interaction was typically localized and limited by physical distance, the digital environment eliminates these barriers, enabling individuals to engage with representatives of typologically diverse and sometimes incompatible cultures “here and now.” This immediate and pervasive interaction increases the frequency and intensity of intercultural conflicts, provoking phenomena such as “culture shock” (Oberg, 1960) and aggression.

Conclusion

Digital reality represents a unique human habitat that (a) alters the evolution of the human brain and consciousness, integrating natural, biological, and social laws with technical laws shaped by digital environment elements; this creates a new, inseparable amalgam of these factors, forming a distinctive typological feature of modern law.

(b) combines with social experience to change human thinking and worldview towards a fragmented, clip-on thinking model, diverging from a systemic worldview to a narrowed, simplified understanding of reality.

(c) creates conditions for new forms of social division based on individuals’ degree of integration into virtual spaces and their attitudes towards technology.

(d) compresses space, accelerates time, and transforms global interdependencies through major logistical initiatives; these create new regional interrelations, often with incompatible cultural vectors, amplifying risks of conflicts rooted in civilizational differences.

(e) generates large urban centers under the influence of digital communication and introduces complex cultural re-identification processes; cities’ multiculturalism intertwines with individual re-culturation, contributing to unstable, cross-cutting identities – caught between global cosmopolitanism and local cultural preservation.

These directions in the evolution of social practice, social relations, their value foundations, human consciousness, and worldview acquire typological significance in law, manifesting syncretism in a new, unique form. Specifically, the inseparable fusion of natural, biological, social, and technical laws, the latter conditioned by integrating of digital environment elements and non-biological resources into human consciousness, becomes a defining typological feature of law.

The law of the digital age addresses a new mode of thinking characterized by fragmentation, clip-based processing, and a narrowed, simplified worldview. Bearers of this mindset – legal personalities – possess qualitatively new traits that significantly affect how the law values individuals. Such legal personalities, integrated into digital environments, have multiple identities, some unaligned with their actual characteristics. Digital identities are blurred, fragmented, and undefined. Cultural identity itself is transformed to encompass natural-biological (notably genetic), social (language, traditions, values), and virtual components (fictional social roles, follower phenomenon, traits and virtual statuses linked to online community). Consequently, the

law now values not individuals per se but identities accepted by official authorities, giving rise to a new category of legal objects: virtual interpretations of legally significant social meanings.

Finally, the digital age new social divisions based on (a) levels of integration into virtual space and (b) attitudes toward technology as a productive resource. These divisions result in new social inequalities and reflect shifting social interests within law, altering its essence as a typological feature of this social phenomenon.

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About the author:

Sergey B. Zinkovskiy – PhD in Law, Associate Professor of the Department of Theory of Law and State, Law Institute, RUDN University; 6 Miklukho-Maklaya str., Moscow, 117198, Russian Federation; Associate Professor of the Department of Public Law, Odintsovo branch, MGIMO University; 3 Novosportivnaya str., Moscow region, Odintsovo, 143007, Russian Federation

ORCID: 0000-0001-6494-0542; SPIN-code: 8662-8904; Scopus ID: 57194431845

e-mail : zinkovskiy-sb@rudn.ru

Сведения об авторе:

Зинковский Сергей Борисович – кандидат юридических наук, доцент кафедры теории права и государства, юридический институт, Российский университет дружбы народов; Российская Федерация, 117198, г. Москва, ул. Миклухо-Маклая, д. 6; доцент кафедры публичного права, Одинцовский филиал МГИМО МИД России; Российская Федерация, 143007, Московская область, г. Одинцово, ул. Новоспортивная, д. 3

ORCID: 0000-0001-6494-0542; SPIN-код: 8662-8904; Scopus ID: 57194431845

e-mail: zinkovskiy-sb@rudn.ru