

PERAET 2021**International Scientific Conference «PERISHABLE AND ETERNAL: Mythologies and Social Technologies of Digital Civilization-2021»****LEGAL INFORMATIZATION AS AN ELEMENT OF MEDIA MYTHOLOGY: HISTORICAL ROOTS AND MODERNITY**

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Svetlana.Mitina@novsu.ru**Abstract**

The article is devoted to the problem of the social significance of the formation and development of the legal information space in Russia on the example of the Novgorod region experience. In the course of the comparative-historical analysis, the regularities of the formation of the legal segment of the information space since the XIX century are revealed. An assessment of the historical experience of information carriers' development influence on modern legal information resources provided by electronic means of communication is given. The author demonstrates the level of ensuring the communication space of the XIX century. The assessment of the media space current state is based on the analysis of information resources of law enforcement agencies. The author comes to the conclusion about the insufficient level of "legal media space" development, which is clearly inferior in terms of influence on society by means of communication of the XIX century. The redundancy of the legal informatization tools at the present stage does not always meet the requirements of practical significance. Based on the study of publications in the Novgorod Provincial Gazette and Commemorative Books of the Novgorod Governorate, conclusions are drawn about the degree of legal awareness of the population of the Russian province in the second half of the XIX century (materials are presented for the first time). The study findings can be used in legal practice aimed at improving the effectiveness of state policy in the field of legal informatization and ensuring the constitutional right of citizens to receive information.

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1. Introduction

Informatization of the legal space in Russia is a state-approved task that has been being solved over the past twenty years to meet social needs for information communication between society and the state. Legal informatization is impossible without its main participants – state bodies, citizens, and public institutions. The part of the civil society acts as a customer who needs complete and objective information of a legal nature. For its part, the state ensures the creation and functioning of a mechanism for informatization of the legal sphere due to its own interest in satisfying the public interest and establishing a dialogue with citizens on legal issues through the use of the information environment.

The constitutional proposition of the Constitution of the Russian Federation (Article 29) imposes on the state the obligation to implement guarantees of the right of citizens to freely receive information. Informatization of the legal sphere takes place within the framework of the implementation of the Concept of legal informatization of Russia, 1993 (Decree of the President of the Russian Federation, 1993). The regulatory framework for creating a platform for information dialogue between the state and society consists of laws aimed at regulating the information environment, as well as federal target programs that provide for the informatization of all elements of the state mechanism (Law of the Russian Federation, 1991, No. 2124-1; Federal Law, 2006, No. 149-FZ).

Informatization of the judicial system is an illustrative example of the open information legal space extension to the practice in the application of law (Kontseptsiya, 2019). In modern conditions, the entire Russian law enforcement system faces the task of providing information and legal support for constitutional guarantees of citizens' rights. The extent to which the country's power institutions and legal system are ready for an open dialogue with society can demonstrate the level and quality of informatization tools.

The state policy in the field of informatization of the legal space is based on the principle of clear differentiation of types of information according to the user's criterion. The information that state and local government bodies are required or can provide to the population, should meet the needs of citizens for state and municipal services and the task of legal education (Federal Law No. 324-FZ, 2011). It is obvious that such an approach to regulating the boundaries of the open legal space facilitates the functioning of power institutions but hinders the dynamics of the dialogue between society and the state. Expanding the boundaries of the public legal information space is an urgent task of the modern state.

2. Problem Statement

The problem of guaranteeing the right of citizens to receive information of a legal nature is reduced not only to satisfying the interests of citizens in the sphere of state and municipal services. The task of ensuring the openness of legal procedures in the field of application of law remains unresolved entirely.

Based on the analysis of the strategy for the development of the information space in Russia, experts defined trends in the rapid development of information-and legal resources of the Ministry of Justice of the Russian Federation, official information and legal system “Legislation of the Russian Federation” (Trojan, 2020, p. 30). However, it should be borne in mind that interpretation of legal acts in

most cases is clear only to professional lawyers. Also important is the factor of accessibility to the public of the content and practice of official interpretation of legislation. Keep in mind that legal information is rapidly becoming a product of the media environment these days. The media environment, in turn, is characterized by the intensification of information exchanges, the involvement of completely different participants in “public communications” (Kiuru & Krivonosov, 2018). “On the Internet” there are many unofficial sites specializing in the interpretation of legislation. The problem is that citizens try to get the necessary legal information from any available sources, including the so-called “haphazard Internet media” (Guess et al., 2021). Experts describe the Russian practice of checking facts from unofficial sites as the one being in its infancy. People who are well-versed in modern media technologies are at the same time completely disoriented in the information flow (Kazakov, 2018, 2019).

Official websites of state and law enforcement agencies are not popular enough. There is no objective analysis of the level of public satisfaction with the content of websites of state and municipal bodies as sources of legal information.

3. Research Questions

The following questions are being investigated by the author:

What factors determine the development of the legal information space?

What were the most effective tools for satisfying public interest in legal information in the 19th century?

What are the disadvantages of the modern legal media space that reduce its influence on public opinion?

4. Purpose of the Study

The purpose of the study was to identify the historical experience of the formation of an open legal information space, which makes it possible to identify typical for Russia and effective and ineffective tools of legal informatization, that affect the level of public confidence in legal institutions.

5. Research Methods

The methodological framework of the research includes a systematic analysis of the practice of forming the information legal space in Russia, which is expressed in an interdisciplinary approach to solving the problem of determining the most effective tools for legal informatization. The comparative-legal method makes it possible to assess the legal regulation and practical state of the information environment at the regional level. The comparative-historical method serves as a basis for identifying the experience of the formation and development of the information legal environment during the Judicial reform of 1864 and determining the relevance of this experience for modern legal practice.

6. Findings

In modern conditions, legal informatization is recognized as the main tool for forming a single information legal space. At the same time, the media environment becomes a source of “matrices” for the formation of legal informatization tools. In the conditions of total informatization of all spheres of public life, the law could not avoid the tendency to switch to “automatic mode”. At the same time, the issue of preserving the legal significance of a self-regulating institution that is independent of information carriers and develops under the influence of a dialogue between society and the state becomes relevant. Depending on a certain historical epoch, such a dialogue becomes active or fades out. In the latter case, the right takes on the features of an “automatic construction”. The actualization of the goals and tasks that faced the legal system and the state mechanism of Russia in the middle of the XIX century today emphasize the cyclical development of society, state and law.

The great judicial reform of 1864 proclaimed the creation of an open court with procedures that were understandable to the entire population, allowing public participation in legal proceedings. This marked the beginning of the formation of an open legal information space. The legislative body, that ensured the implementation of the government's reforms, was huge. It was very difficult to understand the legislation and avoid mistakes in the course of applying the law and even just in its execution. Therefore, a huge burden on the legal education of the population fell on the provincial press, as the most accessible source of information on the ground. The Provincial Gazette of the XIX century is incomparable in terms of information saturation with the modern press. The trends of increasing the volume of the so-called “unofficial part” (Shevtsov, 2020, p. 177) of the publication noted in the analysis of the local press of other regions at the beginning of the twentieth century were characteristic of the Novgorod Provincial Gazette already in the middle of the XIX century. In fact, the provincial newspaper compiled a whole volume of information, most of which had legal content.

Opening the newspaper, the reader got acquainted with the newly issued laws, imperial decrees, departmental orders, orders of the provincial administration, information about the content of the agenda of zemstvo assemblies meetings and city dumas, as well as with the lists of voters to various institutions and self-government bodies, the schedule of meetings of courts and other “official” places, and finally, with various legal announcements.

Even if the layman had no intention of obtaining information about the state of material support for the transfer prisoners, as a reader of the newspaper, he received this information as well. For example, in № 44 of the Novgorod Provincial Gazette for 1864, a circular of the Ministry of Internal Affairs was published, addressed to the heads of provinces on the issue of the amount of feed money for exiles and transit prisoners during their stops in prisons. The full text of the appeal to the governors contained an explanation of the opinion of the state council on the appointment of an increased amount of feed money. The level of openness and accessibility of information of a departmental nature is striking (Novgoroskiye Gubernskiye Vedomosti, 1864, p. 351). In the same way, information was published on the amounts released for the maintenance of the police from the treasury, from zemstvo fees, from city revenues, from the insurance fee (Novgoroskiye Gubernskiye Vedomosti, 1864, p. 330).

Special mention should be made of the practice of public interpretation of legislation by publishing explanations of a particular normative act in the provincial press in order to ensure its uniform and correct application. It explained not only the procedure for putting into effect large legislative blocks, for example, Judicial statute, but also the application of individual acts (Novgoroskiye Gubernskiye Vedomosti, 1865), for example, concerning the collection of payments for city duties (Novgoroskiye Gubernskiye Vedomosti, 1865).

The availability of departmental information was marginal. So, in the circular of the Ministry of Internal Affairs published in № 38 of the provincial Gazette of 1864, the interpretation of the norms concerning the order of maintenance of prison premises was given. In the text of the circular, it was reported that from the information available in the Ministry of Internal Affairs, it turns out that in most of the prison premises, the space under the floors is not covered with earth and remains empty. As a result, the prisoners get the opportunity to set up tunnels. To prevent the prisoners from any possibility of escaping, the governors were instructed to make sure that the empty spaces under the floors in the premises were immediately filled in (Novgoroskiye Gubernskiye Vedomosti, 1864).

Circulars of the Ministry of Internal Affairs were published without fail with instructions to the provincial administration and police departments to eliminate shortcomings in the application of legislation, for example, in enforcement proceedings on debt penalties: "... the ministry very often sees unsatisfactoriness in the orders of local authorities and the police on the production of penalties, and deviations in cases of this kind from the laws" (Novgoroskiye Gubernskiye Vedomosti, 1864, p. 287).

With the introduction of the Judicial Charters of 1864, the Novgorod Provincial Gazette became an 'information platform' for covering the procedure for the formation and practice of new judicial bodies. Regularly published reports from the courtrooms could not meet the requirements of implementing the principles of transparency and openness of the judicial process (Novgoroskiye Gubernskiye Vedomosti, 1868).

Along with the Novgorod Provincial Gazette, another information resource was the collection of the Provincial Statistical Committee "Commemorative Books of the Novgorod Province". It published not only information about the composition of the judicial and administrative bodies, but also criminal statistics, accompanied by a detailed analysis of indicators by type of crime, by class or gender of criminals, by the age of convicts (Commemorative Book, 1874).

Thus, in the middle of the XIX century, statistical reports of law enforcement agencies, information on judicial practice, a wide range of information about participants in civil turnover were publicly available. Moreover, all this was presented to the public through a minimum number of information carriers, which guaranteed a wide coverage of the informed. It is not for nothing that experts consider the press an information resource by which one can judge the level of development of society (Maadyr & Sedip-ool, 2020).

In modern conditions, the mechanism for ensuring legal awareness of the population is incomparably more complex. On the one hand, the variety of information tools is obvious. On the other hand, today there is no universal information resource. The fragmentary nature of the information presented on the websites of state and municipal bodies forces users to search for content. A significant part of the information that was in the public domain in the XIX century is now classified as departmental

and not subject to publicity. This problem is also characteristic of the websites of officials and organizations designed to ensure the connection of the state with civil society institutions. Thus, official information about the plans and results of work on the portal of the Commissioner for Human Rights for the Novgorod Region or on the website of the Coordinating Council for Informatization of the Novgorod Region has not been updated since 2018.

On the websites of law enforcement agencies, information concerning wanted persons is placed in a separate tab and does not attract the attention of users. It should be recognized that law enforcement agencies actively use social media to promote their activities. However, the most popular information, for example, about the results of the consideration of court cases, is not fully published, not regularly, and in most cases it is depersonalized.

We should not assume that the problems of implementing the principles of openness and transparency of legal procedures are characteristic only for Russia. Sharp discussions about the boundaries of the autonomy of the judiciary and mechanisms for ensuring transparency, publicity and, at the same time, legitimacy of judicial practice are shaking the jurisprudence of the European Union (Mak, 2018). The problem of manipulation of media by state institutions and political parties is constantly in the public eye (Levitskaya & Fedorov, 2020). The issues of uniformity of interpretation of EU and international law norms in procedural practice, access to justice remain debatable (Daminova, 2017; Komarova, 2017). For American justice, the problem of the independence of the judiciary remains relevant in the conditions of “strife between the branches of government”, fraught with a crisis that can damage the courts themselves, citizens, and the nation as a whole (Baylson et al., 2019, p. 16).

7. Conclusion

Comparison of the experience of the formation of the legal information space of Russia in the XIX century and in modern conditions allows us to identify the main problems of modern practice of ensuring public access to legal information. First, the press, as a universal platform for posting information in the XIX century, has given way to the Internet, which implies the need for an interested user to possess certain Internet search skills.

Second, the “information array” on the Internet is subject to division into numerous segments, for which individual state and municipal bodies are responsible. The content filling depends on the departmental characteristics of the Internet resource. There is no single information vector that can simplify access to the elements of the information array.

Third, state bodies act as monopolists in determining the right to make public the information at their disposal, most of the Internet resources are available only within the framework of departmental use. This problem especially concerns the work of courts and investigative bodies. It should be recognized that in the XIX century that the volume of information available to the public regarding judicial and investigative practice, despite the lack of technical means of its dissemination, was more significant both in terms of volume and content.

Fourth, the experience of public interpretation of legislation, characteristic of the XIX century, is not in demand today. Acts of official interpretation of the law produced, for example, by the Supreme Court of the Russian Federation or the Constitutional Court of the Russian Federation, are addressed to

the bodies implementing the application of the law and are published in special publications that the majority of the population does not use.

As a result, it should be recognized that the redundancy of the tools of legal informatization at the present stage does not always meet the requirements of relevance, practical significance and the needs of society. This gives grounds to evaluate the open legal information space as an example of media mythology.

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