



Information Communication Technologies and Legal Education Correlation in Russian Federation and European Union

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Abstract

World changes its cover day by day not only economically but also socio culturally, since the technological inventions directs the time flow on the basis of stipulated factors. Daily updates on technological sphere force the information communication technologies to dynamical improvement. It is obvious fact that, the modern global arena does not exclude the education particular with legal education which giving the direction state legislative policies in the face of professional lawyers who gets pro level legal education. Correlation among education, legal science and information communication technologies is undeniable from the perspective of adaptation of enumerated spheres to the challenges of modern world. The first part of paper is dedicated to the identification of relations and effects to each other of ICT and legal education. Analysis on well known lawyers' papers and judicial practices opens the scene for deep approach on finding exact results. As a continuous of paper, authors aiming to handle the practices of prior State and organization which regulates the pulse of global arena. The talk is going about Russian Federation and European Union, since taking into upon the scale of effectiveness of hegemonies and instead of comparing state-state based analysis, authors makes innovatory approach with handling examples from State-Organization couple. Main tasks are finding core points of prior legislations of both topic objects. Moreover, the possible ways of interrelations between ICT and legal education, and dig out the fruitful results from these correlations and implementation to syllabus of education institutions.

Keywords: ICT, civil law, European Union, legal education

Evaluation of technology affected not only socio cultural affairs but also legal matters which are playing huge role in community. Considering fact that, systematization of development of ICT does not wait for new changings or additions to domestic laws of countries. That is the reason, legal education which is the main factor of "human capital" of legal science tries to catch the development of ICT every single day. It can be occurred the question on relevance between legal science ,ICT and their effects to each other. The answer is quite simple and obvious. Whether in both procedure human plays the main role either in procedure of preparation of legal documentation or programming of ICT.[1. Dudin M.N., Shakhov O.F., Shakhova M.S., Rusakova E.P., Sizova Y.S. (2019)].

Today, the global market is being rebuilt by digitalizing all areas of business. Digitalization has affected not only business, but also the main fundamental roots of business projects, which are called education. The global market is polarized by these effects, both Western and Eastern. The education sector also gets its share of this change.Sociocultural factors play the role of a link between education and the digital world, since from the Golden era of philosophy in Greece to the Millennium, the person remains at the center of the entire developed cycle. Human development and integration in the digital age, people began to use digital tools not only to communicate with each other, but also for numerous fruitful purposes, such as business relations, e-Commerce, education, and even in Law.

In this article, the authors try to analyze the relationship between modern jurisprudence and ICT tools in two hegemonies-the European Union and the Russian Federation. Moreover, the authors analyzes the main regulatory and statutory acts which correlates with ICT in EU and RF. However, as fresh legal act General Data Protection Regulation (GDPR) is still on the core point because of its actuality and scale of jurisprudence. [2. Shamsuvaleeva E.Sh., Kashapov R.I (2012)]

European Union politically and judicially fully crates its own regulatory acts and norms which in some cases affects the society not only locally (at the country level) but also regionally even internationally. European Union as a pioneer organization can not deprived itself from modern challenges on data protection and privacy. It is not surprising fact that GDPR is accepted as etalon even for the countries which are not located in the territory of EU. The most eye catching factor is about the scale of GDPR that affects the tourists that situates within the borders of EU regardless of their nationality.

Education sphere in the face of legal education highly relates to the data protection and privacy affairs.



GDPR puts and defines the scale of parties as following:

- Universities, educational organizations that locates in EU
- Institutions which uses the personal data from the borders of EU
- recruits the people (students) from EU.

GDPR puts number of restrictions to institutions in regard with students personal data and protection of privacy. Here talk is going about the information relating to an identified or identifiable data subject. For instance, all institutions should notify the current and future students on operation of personal data. For sure, all students are aware the online systems of universities which give good opportunity to them on keeping in touch with academic staff. Furthermore, it is possible, the student can confront the online dialogue between computer and them as following: "The system is asking to operate your personal data and we are kindly ask you to familiarize with our privacy policy". This kind dialogue appeared after adoption of GDPR and this is one of the good side of it. So far, institutions are not allowed to share or send to the third parties unless there is consent. Assuming that the student gave his or her consent on the operation of data, even in this situation institution is not allowed to operate data for negative purposes.[3. Kuznetsov, M. N. & Chumachenko, I. N. (2018)]

Coming to the legal education and GDPR relations, the authors handles the judicial practice (case study) which is the quite bright explains the final idea of importance and sufficiency of stipulated regulation. While we are describing the legal students, the first portrait comes to our mind as a person who deals with the only law and written legal document. Here situation is getting complicated because data protection and privacy is a bit new for legal science, considering fact that there is limited number of documents on enumerated topic.

Maximilian Schrems v. Facebook Ireland is one of the bright and well designed judicial practice which opens the whole scene for comprehension of data protection and usage of data in daily life by big companies as Facebook. Maximilian Schrems is a citizen of Austria, law student who used Facebook since 2008 as an active user. His activities against Facebook divided into 3 part: the first complaint he made on activities of Facebook to the Irish Data Protection Commissioner in 2011. As a result, the company was investigated under European law and obliged to delete number of files. It was the first glory of Mr.Schrems against the one of the biggest company. In second level, he did not stop his performance and made a top stance with filing the company to Irish DPC again. He aimed to prevent the company to transfer the data from EU to USA in the frame of USA's PRISM mass surveillance program. His legal base was European Union data protection law. that prohibits the data transfer from non EU member states, whether the company can guarantee the term of "adequate protection". However, he confronted the rejection of his complaint by DPC with the clarification of "frivolous and vexatious". Mr. Schrems appealed to the Irish High Court for judicial review on passive approach of Irish DPC. At first glance, it looks like a losing of case but Irish High Court decided to resolution of the case under the article 8 protection of personal data of the Charter of Fundamental Rights of European Union. Coming to the last level, Court of Justice of European Union (CJEU), there was offer by finding solution on case namely term of "adequate protection to refer the executive decision 2000/520/EC which was also called EU- US Safe Harbor Principles. [4.Rusakova, E.P., Frolova, E.E., Ocaqli, U., Kupchina, E.V. (2019)]

But Mr.Schrems also argued the offer since he alleged that Safe Harbor Principles also violated his basic right of privacy, data protection and there is no compliance with equal trial under the Charter of Fundamental Rights of European Union. As a result of court hearing, the decision was jaw dropping since Mr.Schrems reached and realized all claims: "national supervisory authorities still have power to examine EU-US data transfers despite fact that there is Safe Harbor decision by EC, the second is Safe Harbor decision is not void anymore since it gives chance to third party to interfere the state's internal affairs.

However, Mr.Schrems' active work did not limited at the level of CJEU since after adoption of new regulation and right after coming to force on 25 May 2018, he applied to Irish DPC against Facebook again under the fresh regulation requirements which is called GDPR. The main claim was the force by two big companies towards users to share their personal data. Total amount of complaints was 3.9 billion EUR. GDPR played great role on his legal practice and he continued to sue companies as Amazon, Netflix, Spotify, YouTube. He established non profit organization with the naming of noyb.eu and continues his active role in EU legal designation of data protection and privacy sphere. As visual from the context, legal base on protection and privacy issues can lead to the bright future of students in the example of Max Schrems.

Russian Federation is one of the pioneer countries for its foundation on ICT and education. Correct harmonization of data protection and privacy allowed to the State for finding proper way to solve the disputes which arise from the privacy affairs and the effects to the education system. As starting the



global pandemic due to the Covid 19 virus (coronavirus) in the world, Russian authorities started to take the exact measures for preventing the young generation from the infection. It effected the education and the working term of universities. The institutions changed the formation of conduction of classes from in person to online form and it gave chance to third parties to collect the data and share with third parties. Russian Federation regulates it within Federal Law on Personal Data (No. 152-FZ) which requires data operators to take "all necessary organizational and technical measures required for protecting personal data against unlawful or accidental access". [5.Akhmetov A.S. (2017)]

Coming to the conclusion on the stipulated issue, it is enough to mention that either personal or institutional data is not in safe regardless the existence of vast number of binding rules and regulations since third parties are interested in the corruption of data for the their own purposes. Students are not also excluded from this range since in they are occupying the crucial place in education chain. Either European Union or Russian Federation attempt to make great their defence system on corruption of data but it is quite difficult problem for them as visual from the examples of online programs, platforms, and Big data matters.

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References

- [1] Dudin M.N., Shakhov O.F., Shakhova M.S., Rusakova E.P., Sizova Y.S. (2019) Digital technologies as a driver of intellectual stratification of human resources socio-economic inequality. International Journal of Recent Technology and Engineering. T. 8. № 2. C. 4436-4440.
- [2] Shamsuvaleeva E.Sh., Kashapov R.I (2012), Didactic problems of training sessions using electronic educational resources, Bulletin of the Peoples' Friendship University of Russia. Series Informatization of Education, 4, pp.114-118
- [3] Kuznetsov, M. N. & Chumachenko, I. N. (2018). Digital Rights – Novels in Russian Legislation. Economic problems and legal practice. (4). 97-100. (in Russian).
- [4] Rusakova, E.P., Frolova, E.E., Ocaqli, U., Kupchina, E.V. (2019) Possibilities Of Enforcement Procedure Of Foreign Arbitral Awards In Russian Federation And People's Republic Of China. 5th International Conference on Advances in Education and Social Sciences Abstracts & Proceedings of ADVED 2019. pp. 285-290.
- [5] Akhmetov A.S. (2017). The role of information technology in legal education, Bulletin of the Karaganda University.