

## Review

*Review*

УДК: 342, 347

DOI:10.17323/2713-2749.2024.2.148.169

# Digital Platforms in the Focus of National Law



**Ludmila Konstantinovna Tereschenko<sup>1</sup>,  
Olesya Evgenievna Starodubova<sup>2</sup>,  
Nikita Alekseevich Nazarov<sup>3</sup>**

<sup>1, 2, 3</sup> Institute of Legislation and Comparative Law under the Government of the Russian Federation, 34 Bolshaya Cheremushinskaya Str., Moscow 117218, Russia,

<sup>1</sup> Adm2@izak.ru

<sup>2</sup> olesyastarodubova@gmail.com

<sup>3</sup> naznikitaal@gmail.com



## Abstract

The paper contains an overview of the research workshop *Digital platforms: new environment for collaboration* at the Institute of Legislation and Comparative Law under the Federal Government (ILCL) on 23 April 2024, and findings of the expert survey *Digital platforms in the focus of national law*. Presentations by participants were systematized by the authors of the overview around the most relevant subjects related to digital platform operations: general issues of digital platform regulation; digital platforms' impact on human rights; digital platforms in public administration; digital platforms in private law, criminal law and specific branches. The workshop was attended by researchers representing the Institute of Legislation and Comparative Law, Kutafin Moscow State Law University, National Research University–Higher School of Economics, Moscow State University, Russian Academy of National Economy and Public Administration under the President of Russia, Plekhanov Russian University of Economics, Orenburg State University, Siberian Federal University, Gubkin Russian State University of Oil and Gas, Saint Petersburg University of the Interior Ministry, MTS Joint-Stock Company, etc. Legal themes under discussion included the legal nature of digital platforms; digital platforms' impact on the economy, public admin-

istration, human rights and the underlying changes to their amount and content; associated risks; digital platforms and anti-trust regulation; networking effect of digital platforms; labor relations and platform employment; labor right protection and digital platforms; dangers of discrimination related to digital platforms.

---



### Keywords

digital platforms; platform economy; data economy; platform employment; crowd-funding platforms; recommendation technologies; personal data; artificial intelligence; data security; discrimination; trusted technologies.

---

**For citation:** Tereschenko L. K., Starodubova O.V., Nazarov N.A. (2024) Digital Platforms in the Focus of National Law. *Legal Issues in the Digital Age*, vol. 5, no. 2, pp. 148-169. DOI:10.17323/2713-2749.2024.2.148.169

The research workshop *Digital platforms: new environment for collaboration* was held at the Institute of Legislation and Comparative Law (ILCL) on 23 April 2024. Below is the review of the Research Workshop “Digital Platforms: New Environment for Collaboration” and Findings of Expert Survey

## 1. General Issues of Digital Platform Regulation

In opening the session, the workshop moderator L.K. Tereschenko, Senior Researcher at the ILCL, Doctor of Sciences (Law), Associate Professor, Honored Lawyer of Russia, Russian Academy of Sciences expert, has noted that digital change has brought about numerous new things and phenomena that did not exist before, just as associated relations. It would be safe to say these include digital platforms created and operating in both private and public domains. In the private domain, digital platforms tend to be viewed as a business model for online connectivity between sellers and buyers to exchange products, services and information. With digital platforms at the core, the market structure is changing. Digital platforms are transforming the way markets operate by exercising new forms of clout on the market, competition and human rights. While downplaying the role of law, digital platforms take the regulatory initiative, only to replace law in a number of cases for specific agents, with both consumers and sellers in a weak position vis-à-vis platform owners.

A.A. Efremov, Senior Researcher, ILCL laboratory for IT regulation and data protection, Doctor of Sciences (Law), Associate Professor, discussed the legal nature and prospects of platform law.

The speaker has underlined digital platforms were a key vector of the Data Economy national project. He has noted that the term “digital platforms” has made its way to the national legislation, with the relevant bylaws developed in absence of the generally acknowledged approach. Digital platforms are collaborative tools for agents of public relations permeating all spheres of life: economic, cultural, public administration, with expansionary trend affecting both the regulatory mechanism and its components and the implementation of human rights.

The speaker has identified the following approaches to the definition of platform law:

- comprehensive inter-system regulation supported by international law;
- specific local regulation applicable to specific platforms (ecosystems).

He has outlined the development prospects of platform law:

- digital platforms as a tool of geopolitical and economic struggle: prohibitions and competition of extraterritorial jurisdictions;

- standardization of requirements to digital platforms at the legislative level within specific countries, harmonization of regulatory approaches within the framework of international organizations;

- promoting public regulation, especially as part of anti-trust, consumer protection, personal data and labor laws.

A. Minbaleev, Head, Chair of information law and digital technologies at Kutafin Moscow State Law University, Doctor of Sciences (Law), Associate Professor, RAS expert, discussed in his presentation the legal nature of digital platforms.

He referred to the example of China, a leading economy in terms of IT development, with the Chinese government not so much regulating the relations themselves as defining the operating rules for key digital platforms that implement these relations. The government will appoint the main operators in the given field, establish the underlying operational requirements and accomplish deregulation by delegating some authority to define policies in a number of aspects including meta-universe, personal data, artificial intelligence, trusted technologies etc.

Russia has adapted much the same practice, with specific issues resolved by major digital platforms followed by subsequent integration. This way of regulating information relations is the legacy of the fact that major digital platforms actually develop and revolutionize technologies and technology-related relations.

Restricting digital platform operation is another vector of public regulation visible in anti-trust policies, human rights and personal data protection and e-trade.

The speaker has suggested a number of ways to conceptualize digital platforms in legal terms: object-based approach: digital platform is a complex set of information relations bringing together several information objects such as ITC network, websites, data systems, information technologies, information, data. Comprehensive regulation: provisions governing all information objects are equally applicable to regulation of digital platforms.

Legal fiction based models:

A) agent-based approach: digital platform is regarded as person at law and a party to legal relations — information, civil, labor, etc. — and can have a set of rights and duties. This model is questionable, its advocates comparing it to the concept of e-person.

B) digital platform as information environment for collaboration between the said agents acting on the basis of certain resources with involvement of various social media and other resources. It is possible to clearly identify the range of agents and objects of information environment: agents — software developers, business agents integrated into the digital platform, users, service providers ensuring operation of digital platforms. This approach is legally convenient as it allows to single out the entire range of agents and objects and to regulate the underlying relations on this basis.

It is crucial to define digital platforms in legal terms. The relations involved in their operation should be regulated on the basis of concepts and objects existing in the legislation.

P. Kabytov, Acting Head, ILCL laboratory for IT regulation and data protection, Candidate of Sciences (Law) , discussed the specific status of digital platform operators.

The speaker has noted that digital platform operators possess specific rights or powers that are quasi-public in terms of impact on users, whether they offer goods and services or post content via the platform or consume these goods, services and content. In particular, digital platform operators impose mandatory rules on users (of indefinite range), exercise coercive power, resolve disputes between platform users (sellers and buyers).

Due to deviations in platform operator behavior including those resulting in violation of rights and legitimate interests of users, there is a need to introduce requirements to specific parts of platform rules to be checked

for compliance with legislation, as well as to set the basic principles of the procedure established by operators to challenge coercive action and dispute resolution policies.

A. Antopolsky, Associate Professor at the Plekhanov Russian University of Economics, Candidate of Sciences (Law), discussed in his presentation the question of conceptual framework for digital platforms. He has noted that a legal definition should be based on clear and, importantly, usable (operable) criteria allowing to distinguish digital platforms from other information systems. Meanwhile, most definitions used in official documents fail to meet these criteria.

The speaker also emphasized that the risks related to digital platforms in the public domain include overcentralized governance processes. These risks have not been adequately addressed. While in a compact, decentralized system, defects constantly faced by ordinary users (private individuals and lower-level employees) could be easily identified and removed, they will often remain hidden for system operators and developers in a more complex centralized system.

## **2. Digital Platforms' Impact on Human Rights**

V. Naumov, Senior Researcher, Information Law and International Data Security Desk, Institute of State and Law of the Russian Academy of Sciences, Head, Intellectual property and ITC section and Managing Partner, Nextons Saint Petersburg office, Doctor of Sciences (Law), focused on the issue of exercising the right to refuse digital platform technologies.

The rapid pace of technological change radically transforms social relations resulting in a new dimension of digital divide between generations, only to pose a challenge to mankind maintained by digital platform owners. The loss of energy that once emanated from human communication affects the foundations of human relations. Global propaganda of digital life and digital services results in existential threats in the context of geopolitical risks and influences (as users originally relied on Western digital platforms, there are issues of migration to analogous domestic platforms).

As always, the legal system is a laggard, with legal and technical terms out of grip with the reality. The legal academic community does not take part in multi-disciplinary discussions. The use of digital platforms largely follows in the wake of fashion while the regulatory plans for digital change outlined in strategic planning documents fail to be implemented in full.

The speaker reported the findings of a survey related to the right of choice of technologies conducted among daily users of digital technologies [Fedotov M.A., Naumov V.B. et al., 2024: 8–28]. The issue of refusal of digital technologies is becoming critical. The current priority of technological communication with the government without involvement of human operators — from the integrated portal of public and municipal services (functions) to the GosTech integrated nationwide digital portal — is causing serious concern even among users with a high level of computer literacy and good knowledge of digital technologies.

As a matter of conclusion, V. Naumov has identified the areas where the right to refuse digital technologies can be implemented:

- amending Federal Law No. 149-FZ “On Information, Information Technologies and Data Protection” of 27 July 2006 (the most organic way);

- amending Federal Law No. 152-FZ “On Personal Data” of 27 July 2006;

- amending Article 10, Federal Law No. 135-FZ “On Protection of Competition” of 26 July 2006 (Article 10 “Prohibition to abuse a predominant position”). Where man interacts with technologies, he is objectively a weaker party (though not in the economic sense), and there is discrimination.

M. Bundin, Associate Professor, Chair of administrative and financial law at Lobachevsky National Research University of Nizhny Novgorod, Candidate of Sciences (Law), discussed the issue of personal data protection with regard to digital platforms.

The theme of platform regulation is closely related to that of platform-based personal data processing, with the transparency of the underlying data processing algorithms and the competition of legal grounds for data use being among the most fiercely debated issues. The Roskomnadzor repeatedly recalled the need to draw a distinction between the legal grounds for processing personal data of different legal nature — the terms of service and personal data owner’s consent to process the data. The terms of service is a type of private law contract between the service owner and the user amendable under civil law whereas personal data processing consent is a public law instrument that allows the owner of information to define and/or change the legal regime applicable to information (personal data). The final goal of the Roskomnadzor is to introduce constraints on consents to process personal data that providers tend to impose indiscriminately as the terms of service.

However, it is worth recalling that online services are often free, only to be later monetized by service owners through possible use of users’ per-

sonal data for other purposes. Any restrictions on such “secondary” use will therefore backfire on users as platform owners will be unable to offer services for free.

It is high time to discuss in detail and elaborate on the issue of delineating legal grounds of the terms of service and consent to personal data processing with regard to digital platforms and online services, especially those offered for free.

E. Diskin, Candidate of Sciences (Law), Researcher at the National Research University—Higher School of Economics, argued that censorship at digital platforms is a form of discrimination.

E. Savchenko, Researcher at the ILCL department of social law, analyzed the impact of digital platforms on human rights. When discussing the impact of digital platforms on human rights, one has to remember that a digital platform is above all an information system; however, in view of the current progress of information technologies, there is a need to specify this definition given in the Law “On Information, Information Technologies and Data Protection”. Digital platforms — for instance, in the cultural domain — change the format of sharing cultural values through the so-called “digital rights”, one of which is the right of access to digital platforms in the cultural domain, something that, as some researchers believe, can be viewed as access to the Internet. However one can have access to the Internet but be deprived of information, for example, on digital platforms in the cultural domain created by executive authorities, public, commercial and non-profit organizations for concerted action to implement people’s constitutional right of access to cultural heritage and participation in cultural life of the country. For this reason, the speaker believes, the access to digital platforms is part and parcel of the right of access to information in the Internet.

Convergence of digital platforms and human rights significantly transforms the content of labor relationships as observed in the following presentations.

T. Korshunova, Candidate of Sciences (Law), Senior Researcher at the ILCL law and social security department, discussed the main trends of extending employment and social guarantees to digital platform workers, in particular, engaged in delivery and taxi services in some countries (Italy, Norway, Germany), and made a presentation of newly-published guide *Judicial Practices and Development of Labor and Social Security Law* [Korshunova T.Yu. et al., 2024: 3–248].

S. Kamenskaya, Candidate of Sciences (Law), Senior Researcher at the ILCL law and social security department, noted the increasing importance of social protection of those working at digital platforms without the status of workers in the classical (traditional) sense and identified the issue of voluntary adhesion of self-employed and other individuals with non-typical forms of employment to the social insurance system.

M. Stepanov, Candidate of Sciences (Law), Associate Professor, Senior Researcher at the ILCL department of legal theory and multi-disciplinary studies, discussed digital platforms in the context of protecting individual labor rights.

The speaker noted that digital labor platforms vividly exemplify the impact of digital technologies on the processes of recruiting, organizing and managing the participation of staff in production operations. Because of problematic regulation of platform employment, Russia still does not have specific law in this domain. At the same time, there is an urgency to regulate these relations to protect labor rights of individuals. Meanwhile, it should be borne in mind that regulating platform employment on the basis of existing labor law provisions can be damaging to the development of this economic segment.

### **3. Digital Platforms in Public Administration**

O. Stepanov, Senior Researcher at the ILCL center for judicial law, Doctor of Sciences (Law), Professor, analyzed the prospects and risks of implementing the Government as Platform concept.

The development of the Government as Platform Concept is closely related to operating parameters of the Universal Biometry System (UBS), with a platform solution for the UBS expected to be developed on the voluntary basis. Meanwhile, the standard biometry potential is currently rather restricted. As a result of attacks on personal data storage and identity thefts, the UBS is extremely slow to develop. Moreover, the doctrinal discussions often suggest that personal data theft is used not only to get credit in a fake name but also by terrorists in an attempt to legalize the origin of criminal funds via “unduly charitable donation” that could be made via a stolen digital identity with a full set of digital profile attributes. Here we deal with spoofing made possible by the technical opportunity to mask one set of data with another via substitution and falsification of the ordinary sample.

The UBS development prospects will be considerably brighter if the system is positioned in one package with the universal identification and au-



thentication system (UIAS) as a federal register of digital economic agents rather than a system for managing biometric data and a remote authentication platform.

A. Kalmykova, Candidate of Sciences (Law), Senior Researcher at the ILCL department of administrative law and process, described the experience of regulating the use of digital platforms in the supervisory and licensing domain in EEU member states.

As a result of reform, supervisory and licensing operations, with exception of certain aspects, have become fully electronic. In terms of its functionalities, the control and supervision portal is actually a digital platform enabling supervisory authorities to communicate between themselves and with business agents, as well as allowing communication between those subject to supervision. In particular, the multi-functional portal allows to monitor supervisory operations. While the term “digital platform” is not applied to the service, it is defined as a combination of information systems related through common algorithms and allowing agents to communicate between themselves. As a matter of conclusion, A. Kalmykova has noted that a legal fiction is not applicable to digital platforms in the public domain, with the latter to be viewed exclusively as an object of regulation. This approach is also shared by EEU member states.

V. Lagaeva, Postgraduate Student, Chair of information law and digital technologies, Kutafin Moscow State Law University, discussed in her presentation the details of legal regulation of digital platforms in the area of public control (supervision).

As was argued by D. Gvozdetsky, Senior Lecturer, Chair of state law and criminal law at the Plekhanov Russian University of Economics, digital platforms significantly simplify information communication between government and individuals in routine operations of the federal executive agencies. Moreover, these software products, along with other innovative solutions, are also reflected in the National Economy of Russia projects including those used in agency-level law-making primarily at the stage of developing legal solutions at the federal and lower levels.

Development of digital platforms is outlined in a number of public programs and concept papers (for example, the draft concept of the shared national environment for collaboration between all parties to the law-making process in drafting regulatory solutions developed by the Ministry of Economic Development and supported by other federal executive agencies).

In analysis of the dynamics of law-making solutions in the context of introducing innovations into the law-making cycle, the speaker also noted that the issue of more sophisticated software products based on the algorithmic mechanism for drafting standard law-making solutions is expected to be discussed in the near future (5-10 years) as part of implementing state programs (concepts) at relevant venues of the federal executive agencies.

#### **4. Digital Platforms in Private Law**

S. Chekhovskaya, Candidate of Sciences (Law), Senior Researcher at the ILCL center for private law, noted the role of digital platforms as a networking method for market participants.

The digital component is fully integrated into the modern market structure. There is a need to study the functional role of digital platforms in trade turnover as market networking organizers. As a way of economic networking, digital platforms operate so that market agents communicate through access to a specifically created IT system as a combination of integrated digital services for collaboration between all stakeholders under the rules set by the operator. The procedures envisaged by the rules are fixed and implemented by the underlying algorithm. To use the digital platform, market participants thus need to comply with both technical connectivity requirements and the rules of conduct.

The information environment for collaboration between market participants associated with technological infrastructure implements the principal advantage of the digital platform as a model based on user data collection, something that allows to maximize the value of multiple user cooperation and higher amount of user data available. These aspects affect the choice of legal means for digital collaboration between market agents: it is critically important to address legal issues of access to the platform, security/confidentiality of digital economic operations, use of special contractual patterns etc.

E. Obolonkova, Candidate of Sciences (Law), Senior Researcher at the ILCL center for private law, stressed the importance of digital platforms for attracting residents of the territories with special terms of doing business, and offering a shared service to all such territories.

The federal law makes it possible to create in Russia a range of territories with special terms of economic development because of the country's vast expanses and varying geographic and economic conditions in regions. With no major difference in either qualifications required for a resident status in

such territories or available preferences, the doctrine allows to pass a general law defining the principles of their operation. While this initiative is not yet implemented, it will be of practical benefit to create a shared digital platform for such territories, something that will allow potential investors to select a territory with optimal terms of doing business on the basis of required parameters and to file electronic documents for acquiring the resident status. In the current context, this will boost investment activities and reduce financial costs for both investors and public authorities.

M. Tsirina, Candidate of Sciences (Law), Senior Researcher at the ILCL, presented an analysis of digital change for alternative resolution of disputes.

The list of LegalTech solutions include the technologies for more efficient administration of justice which is currently among the most demanded domains for innovative technological tools. These cover different platforms and applications for facilitating and optimizing the administration of justice, as well as technologies for alternative dispute settlement that are similar in many respects to those for better administration of justice.

The progressive introduction of information technologies at mediation courts (including international business arbitration tribunals) has been encouraged by the development of automated management of legal proceedings. Today public courts in a number of industrial economies, such as the United States, Canada, part of the EU states, South Korea, Japan, Indonesia, exhibit trends for optimizing dispute resolution procedures including where the parties use legitimate innovative web-based judicial technologies whose progressive and inevitable development is significantly affecting international and national arbitration practices also based on rather active use of alternative mechanisms in the form of ADR and ODR remote e-technologies.

The principal difference of online dispute resolution (ODR) from classical conciliation and arbitration lies in the use of e-venues for online examination of disputes (so-called technological online dispute resolution platforms that comprise computer software (including to draft, send, receive, store, exchange or otherwise process a message, ensure security of the relevant data and operation of a network of sellers and buyers involved in exchange of goods), databases, websites, domain names, systems). Online dispute resolution provides the parties with an opportunity to control the procedure and engage, apart from the arbitrator, a mediator (neutral party acting as the technological platform administrator) to technically assist with dispute resolution. This process assumes that dispute resolution

(including initial registration, neutral appointment, oral hearings and discussions) largely takes place online with possible involvement, apart from the third party, of the “fourth party”, a special application (artificial intelligence) that will create for “disputing parties a range of opportunities along the lines of the third party’s role in the conflict”. While the fourth party can act from time to time as neutral mediator by automating the negotiations in the course of dispute resolution, it will often play the role of a neutral third party to assists in the search of settlement options”.

Online dispute resolution is a promising mechanism with prospects of future development (as regards providing the parties with variable terms of transition to online dispute resolution stages: online negotiations via both ODR platforms and face-to-face meetings or online broadcasts; access to the system for targeted “big data” processing; ensuring protected access to “electronic deliberations rooms”; using algorithms for automatic online resolution of standard disputes etc.).

## **5. Digital Platforms in Criminal Law**

O. Zaitsev, Senior Researcher at the ILCL Center for criminal law and criminal procedure, Doctor of Sciences (Law), Professor, presented an analysis of the impact of new digital technologies on rights of the parties involved in criminal proceedings.

The criminal procedure is facing a phased transition from paper to electronic documents to be created on digital platforms in the law enforcement system. The priority of trusted data over paper files will allow to abandon paper altogether, with all processes transferred to the digital paper-free format. This transition should be stipulated by non-interference of third parties with criminal proceedings; protection of rights and personal safety of the parties in the event of personal data leakage etc.

E. Yamasheva, Researcher at the ILCL Center for criminal law and criminal procedure, discussed several aspects of digitizing penitentiary system in Russia.

The digital change is one of the main vectors identified in the 2030 Penal (Penitentiary) System Development Concept. Under the Concept it is envisaged to create and develop data collection and processing systems, with AI to be used for secure decision-making (including video content analysis to forecast the behavior of convicts and penal system staff). The Federal Penitentiary Service has made a decision to digitize 380 correctional facili-

ties, with a facial recognition system to be introduced for video monitoring at the FPS offices and facilities.

The personal identification technology is already used today at checkpoints of correctional facilities to enhance security. In the future, intelligent data analysis for processing information in the penal system will improve the safety of convicts and staff through stronger information support of facilities and offices, and better forecasting and planning of work with the accused and convicts including to stop crime.

However, in the penal system AI will require normative regulation of both operational aspects and protection of rights, liberties and legitimate interests of individuals since its uncontrolled use could be harmful in many respects, only to result in disclosure of personal data, discrimination and more severe implications. With legislative amendments and comprehensive legal support of AI referred to in the National Artificial Intelligence Development Strategy, there is also a need to improve the penal law.

## **6. Digital Platforms in Specific Spheres**

M. Drozdova, Candidate of Sciences (Law), Associate Professor at the Saint Petersburg State Transport University, examined aspects of regulation of digital logistical platforms.

I. Bashlakov-Nikolaev, Candidate of Sciences (Law), Associate Professor at the Russian Academy of National Economy and Public Administration, discussed the aspects of anti-trust regulation of digital platforms and its possible solutions.

I. Tselovalnikova, Candidate of Sciences (Law), Associate Professor at the Russian State University of Justice, noted the peculiarities of investment platforms in the digital environment.

The workshop was followed by the expert survey *Digital Platforms in the Focus of National Law* to identify a consensus among highly skilled specialists on the most controversial and crucial regulatory issues related to digital platforms.

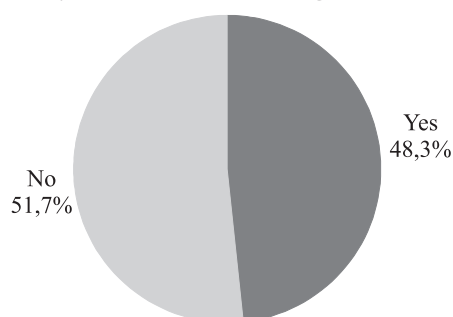
### *Survey methodology*

Almost one half of 60 respondents specializing in this sphere (48.3%) had an academic degree or status, the main age groups being 36–50 years (38.3%); 26–35 (23.3%); 51–70 (20%); under 25 years (18.4%). The re-

spondents were from the following domains: science and education (54.2%); students (both master degree and postgraduate) (18.6%); public (municipal) servants (10.2%); business (10.2%); lawyers and other legal practitioners (6.8%).

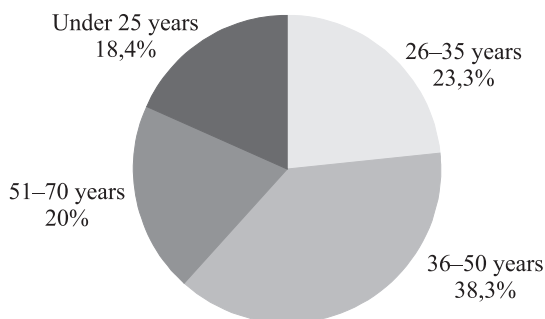
The survey was carried out in two formats: onsite and online (by completing either a paper form at the event or online Yandex Form<sup>1</sup>). The respondents were proposed 11 questions<sup>2</sup> related to regulation of digital platform and 3 questions on personal status. Those responding onsite could leave their comments (see Fig. 1–11).

**Do you have an academic degree/status?**



*Fig. 1*

**What is your age?**



*Fig. 2*

<sup>1</sup> All questions assumed the choice of only one option. The respondents were allowed to complete the form only once and vote online until 1 May 2024.

<sup>2</sup> There was one question which, if answered positively, was followed by two more questions.

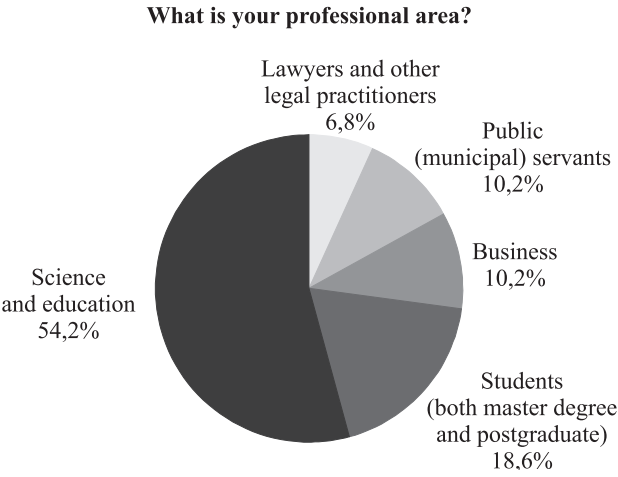


Fig. 3

*Survey findings*

A majority of respondents (65%) answered negatively to the first question **“Are digital platforms, information platforms, information systems and digital ecosystems identical concepts?”**.

It was stated in comments to negative answers that some concepts are wider than others. Thus, a digital ecosystem may include a number of digital platforms. Moreover, it was stated in comments that these concepts differ in terms of content and purpose.

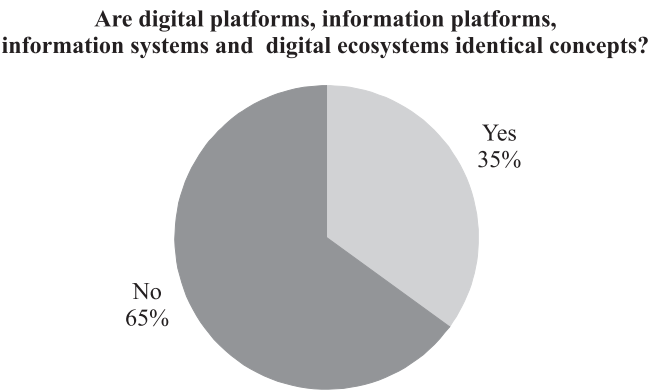
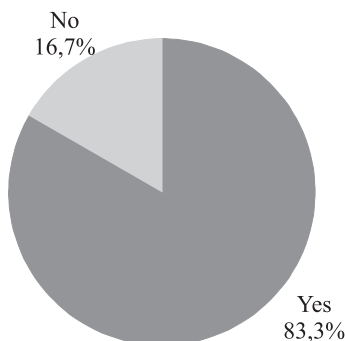


Fig. 4

The second question **“Do digital platforms need specific regulation?”** on the rationale of regulation has yielded a vast majority of positive answers

(83.3%), with the respondents noting that special regulation is required only for legal relations concerning: 1) protection of the weaker party; 2) technical regulation; 3) anti-trust issues; and 4) extent of digital platforms' use. As such, specific provisions can standardize regulation of digital platforms by way of excluding or constraining agency-specific aspects.

**Do digital platforms need specific regulation?**



*Fig. 5*

The next two optional questions were designed to specify the second, with respondents asked to choose the nature of regulatory change: **“Will amendment of effective regulations suffice or is there a need to draft a federal law on digital platforms?”**.

As the survey showed, a majority of respondents were in favor of the second regulatory option. They noted in comments that the would-be federal law on digital platforms will allow to regulate these activities accurately and comprehensively but will require to amend the bulk of legal instruments for coherence with the effective regulation. More detailed regulation of specific groups of digital platforms is to be equally addressed by bylaws.

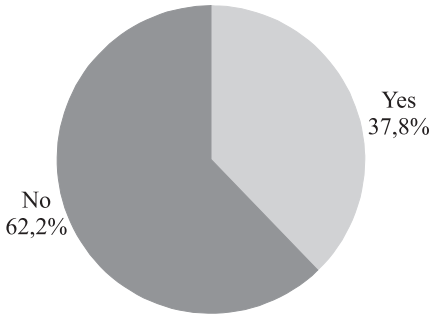
Some respondents argued that the would-be law should cover the issues of service provision and underlying dispute resolution, censorship and prohibition of access to specific digital platforms. However, it was argued in some comments that a federal law on digital platforms was premature.

The third question was **“What is the impact of digital platforms on the economy?”**, with a majority of respondents (56.7%) believing there were both pros and cons while 41.6% noted a positive economic impact of digital platforms. Some respondents, while noting a generally positive impact on the economy, argued for more strict government control. As observed in comments, the economic upsides were: 1) easier collaboration between



users; 2) broader area for collaboration; 3) stronger demand and supply of goods and services. The downsides were: 1) possibility of hacking the user infrastructure; 2) unequal user treatment, discrimination; and 3) violation of the institution of public agreement.

**Will amendment of effective regulations suffice?**

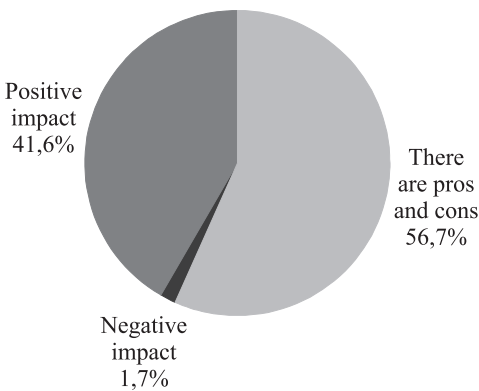


**Will there be draft a federal law on digital platforms?**



*Fig. 6*

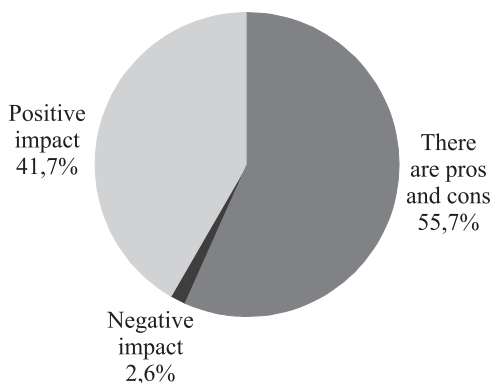
**What is the impact of digital platforms on the economy?**



*Fig. 7*

The fourth question was more specific: **“What is the impact of digital platforms on public administration?”**. With a majority of respondents (55.7%) noting both pros and cons, 41.7% answered that digital platforms had a positive economic impact. The upsides of digital platform impact on public administration as observed in comments included: 1) lower maintenance and development costs of state information systems; 2) operational openness of public authorities; 3) lower bureaucracy. The downsides included data security and data leakage risks.

**What is the impact of digital platforms on public administration?**



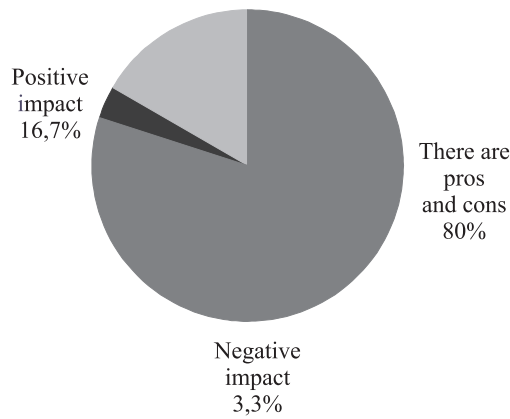
*Fig. 8*

The fifth question was: **“What is the impact of digital platforms on human rights?”**. While a solid majority of respondents (80%) noted pros and cons, only 16.7% believed the impact to be positive. Respondents noted in comments possible violations of human and civil rights and interests, especially since it was actually impossible to put a stop to personal data processing. Meanwhile, recommendation technologies at digital platforms based on personal data processing had a positive rather than negative impact. Adequate regulation of these technologies is therefore more preferable than banning them altogether.

An overwhelming majority of respondents (80%) answered positively to the sixth question **“Do children need more protection when using digital platforms?”**. Moreover, they noted in comments that stronger parental control and higher protection within the system were needed.

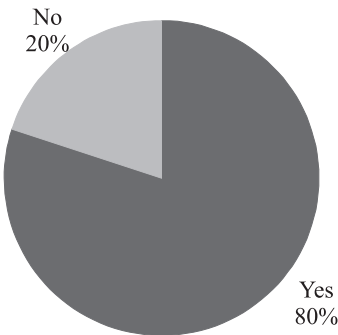
A majority of respondents (90%) answered positively to the seventh question **“Do human rights (including personal data) need more protection at digital platforms?”**.

**What is the impact of digital platforms on human rights?**



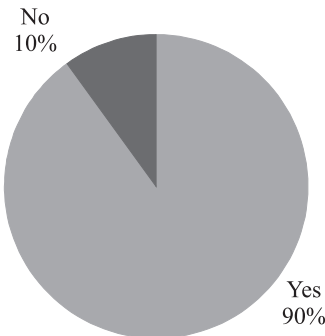
*Fig. 9*

**Do children need more protection when using digital platforms?**



*Fig. 10*

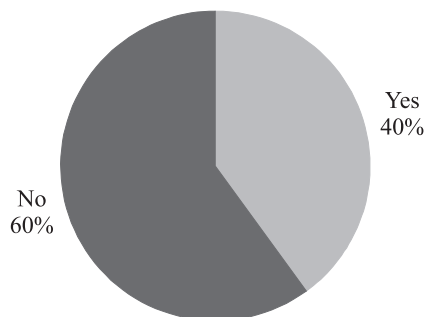
**Do human rights (including personal data) need more protection at digital platforms?**



*Fig. 11*

A majority of respondents (60%) answered negatively to the eighth question “**Did you face any form of discrimination when using digital platforms?**”

**Did you face any form of discrimination when using digital platforms?**

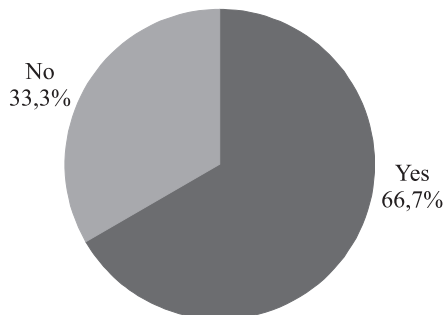


*Fig. 12*

An absolute majority of respondents (66,7%), however, answered positively to the next question “**Do digital platforms need to be subject to more anti-discrimination measures?**” Respondents believe that discrimination is non-transparent, implicit and shady since, for example, there is no feedback; true reasons of service denial and dynamic pricing mechanisms are unknown etc.

In their comments, respondents specified the following additional measures to amend the law: 1) a special authority to consider digital platform related disputes; 2) specifying requirements to recommendation services including to disallow the use of specific personal data; and 3) allowing to collect sensitive personal data only if consented by the person in question.

**Do digital platforms need to be subject to more anti-discrimination measures?**

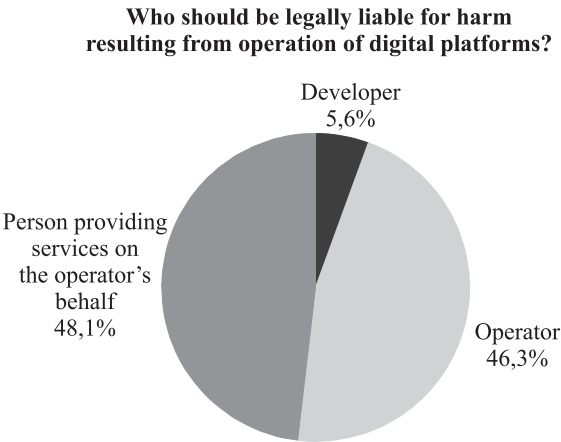


*Fig. 13*

The tenth question was: “**Who should be legally liable for harm resulting from operation of digital platforms?**”. It has raised the worst controversy as offline respondents<sup>3</sup> were allowed to choose only one option in answering other questions while in this case several reply options were possible<sup>4</sup>. While the answers split into two large groups without sizeable difference between them, a relative majority of experts (48.1%) believe that only the person providing services on the operator’s behalf should be legally liable.

Moreover, the comments did not reveal any common approach to the grounds for legal liability. Some believe that legal liability always result from the caused harm; others, only depending on the degree of proven guilt; still others, that the economic sector and contractual relations with the contractor also had a role to play.

In addition, respondents noted in their comments that the developer can only be liable by way of recourse under the contract with the digital platform operator.



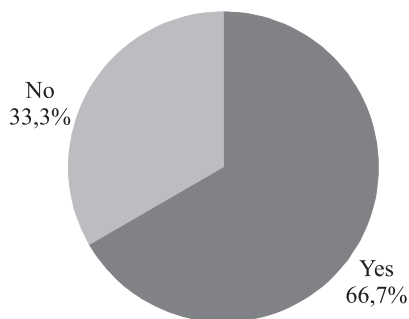
*Fig. 14*

A majority of respondents (66.7%) answered positively to the last (eleventh) question “**Do labor law provisions need to be amended under the impact of digital platform operations?**”

<sup>3</sup> Those voting online could not give more than one answer for technical reasons.

<sup>4</sup> The respondents who gave two answers (approximately 10% of all those surveyed) were not counted in the total sample. A vast majority of them would choose two persons: person providing services on the operator’s behalf and the operator (owner) himself.

**Do labor law provisions need to be amended  
under the impact of digital platform operations?**



*Fig. 15*



## References

1. Fedotov M.A., Naumov V.B. et al. (2024) The Right to Refuse Digital Technologies: Outcomes of an Expert Survey. *Trudy po intellektualnoy sobstvennosti=* Works on Intellectual Property, vol. 48, no. 1, pp. 8–28 (in Russ.)
2. Korshunova T. Yu. et al. (2024) Judicial Practices and Development of Labor and Social Security Law: a guide. Moscow: Kontrakt, 248 p. (in Russ.)

---

## Information about the authors:

L.K. Tereschenko — Doctor of Sciences (Law), Chief Researcher, Honored Jurist of Russia.

O.E. Starodubova — Researcher.

N.A. Nazarov —Junior Researcher, Postgraduate Student.

The article was submitted to editorial office 23.05.2024; approved after reviewing 23.06.2024; accepted for publication 28.06.2024.