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New Technologies, Artificial Intelligence and Formation of Platform Law¹

I would like to dwell on the evolution of the latest trends in the development of modern digital law, which directly affects constitutional law of every country.

The first of this group of sciences brought to life by new technologies at the end of the twentieth century in Russia and in the world as a whole was recognized as the legal science of information law. Further, the process of "digitalization of law" proceeded at an accelerated pace. Based on the requirements of the modern economy, three concepts - artificial intelligence, digital technologies and system-based approach - have become the three pillars on which the latest trends in the development of modern economics and law are based. It is carried out today on the basis of promising technologies ("emerging technologies"),

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where the economy is the driver, the digital technologies are the instruments, and the law is the regulator of this drive.

In the conditions of sharply changing living conditions of people, it became necessary to modernize the current law in accordance with the new social relations that are formed in the networks. This was demanded most of all by the interests of economic development and new information and communication means, such as the Internet, information and communication technologies, and cellular networks.

Professor L.V. Goloskokov defined network law as "the doctrine of networks, which is a system of norms that regulate public relations in electronic networks of various types and (or) with the help of electronic networks, securing the legal content of the construction and functioning of the network"². Network law ensures the effective integration of law with electronic networks, due to which speed is achieved, including in real time, accuracy, the possibility of direct and feedback legal communication and legal certainty of the decisions made, which makes it possible to ensure the automation of information and communication technologies within the strict framework of the law³.

Thus, we observe how naturally and in accordance with the objective development of scientific and technological progress, and above all economics, information law, digital technologies

² Goloskokov, L. V. On the essence of network law / L. V. Goloskokov // Network law and finance: collection of articles. scientific. tr., Russian Federation, M., 2011 / Academy of Budget and Treasury; editorial board A.P. Albov. M., 2011.S. 8.

³ Goloskokov L. V. Theory of network law / L. V. Goloskokov; under scientific. ed. A. V. Malko. SPb.: Jurid. Center Press, 2006.S. 191.

and system-based approach - contributed to the emergence and development of modern network law.

The evolution of information law as a new legal institution and the emergence with its participation on the basis of digital technologies of the network law quite logically led society to a new stage - the formation of another new direction in modern law - platform law⁴. Three main factors have catalyzed the rapid success of this trend:

1. The emergence of a variety of platform economic models that have gained great importance in the global economy;
2. Technological features of digital platforms, which have become one of the triggers of the current stage of the scientific and technological revolution; and
3. Their inextricable link with the explosive development of artificial intelligence.

Networks, an important characteristic of which is the consistency embodied in their structures, entered platform structures, making the platform structure even more ramified and complex, digitized, and at the same time, due to artificial intelligence, more large-scale, flexible and manageable.

This could not but affect the emergence of qualitatively new features of the law formed to serve platforms.

⁴ Most recently, the first articles on this topic have appeared in foreign scientific journals, and they contain only references rather than legal analysis of this phenomenon, more often on economic than on legal topics: Kenney M., Zysman J. The Rise of the Platform Economy // *Issues in Science and Technology*. 2016. Vol 32. N3. Pp. 61, 65; Label O. The Law of the Platform // *Minnesota Law Review*. 2016. Vol. 101. P.89; Kotyal S.K., Grinvald L.C. Platform Law and the Brand Enterprise // *Berkeley Technology Law Journal*. 2017 / Vol.32. Pp. 1135-1182.

The integration of four basic components that led to synergy (economy, system-based approach, the latest digital technologies, AI) required the development of legal regulation of platform entities.

At the same time, platform law seeks to break out of the framework of the national legal space, which has become narrow for it, into the vastness of integration associations, acquiring international and global scales. It is ready to apply and borrow comprehensively, effectively integrate into itself, and use all the useful qualities and legal achievements of its predecessors. These are traditional legal instruments adapted to modern conditions, and elements of information law, as well as useful properties of network law.

Thus, in the basic understanding, at the initial stage of its formation, the digital platform is more a tool of economic than social interaction. Moreover, if at first it was more involved in the on-line production and sale of digital software products, then gradually the platforms are moving to the off-line business associated with more and more diverse products, services and the search for fundamentally new promising areas of production - “the next new things” (the following generations of innovative products).

Platform law is a set of legal norms that govern public relations related to the operation of (digital) platforms. These are primarily platform solutions and cross-platform interaction. The legal platform is a basic element of the still emerging new

direction in the development of law. It provides the integration of systems of innovative digital technologies and artificial intelligence, based on the latest achievements of interdisciplinary scientific knowledge, systematically applied in practice.

In turn, on the basis of legal platforms, platform decisions are made and implemented in the most ambitious activities in the most important areas of the life of society. Such decisions can be implemented at the level of regions, states, integration associations and even on a global scale. They no longer fit into the tight framework of the constitution, national law and traditional sovereignty, which are forced to make concessions.

The variety of legal platforms and platform solutions based on them, as a result of legal practice, are filled with legislative and by-laws, as well as judicial practice, precedents and ultimately are combined into a complex generalizing concept of platform law.

It is still in the stage of formation, while the science of platform law is trying to develop a doctrinal strategy for its improvement and further development.

On the basis of various platforms, complex systems of platforms are formed. They can be called super-platforms, acquiring a global influence, quite comparable to very large states. They are “new cores of business” that combine technical, technological, digital, information, economic and legal platforms. They naturally integrate into a single, large scale and qualitatively more complex system.

Hybridization processes take place when a previously purely digital platform corporation begins to combine both online and offline processes. They produce and sell both digital programs and a variety of products and services and activities, as a rule, the most promising, technological and science-intensive.

At the same time, they cover very wide segments of the regional, integration, and sometimes the global market. The question arises of the understanding by economists and lawyers of the new phenomenon of multilateral platform markets and their impact on the sovereignty of states and their constitutional law.

Moreover, they are being reborn into a fundamentally new integrated legal, economic and political phenomenon - ecosystems. This is now the subject of our special study.

This also applies to integration organizations and their supranational legal regulation. And this, at the same time, is already practically new forms of oligopoly and super monopoly, which also require innovative legal understanding and regulation at the national, integration and international levels ...

Therefore, within the framework of national constitutional law, there is no way for us or our leaders, or peoples of other countries to hide from these problems.