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CONTENTS

THE POLITICAL PROCESS IN RUSSIA

<i>Zaslavsky S. E.</i> Russian Party System: Current State and Dynamics of Development	261
<i>Monahov D. N., Pronchev G. B.</i> From a Digit to the Digital Society	277
<i>Abramova M. A., Goncharova G. S., Kostyuk V. G.</i> Theoretical Models of Ethnopolitics in Modern Russia	285

PROBLEMS OF EURASIAN AND POST-SOVIET COOPERATION

<i>Amiantov A. A., Grachev-Vorontsov A. V.</i> Trends in the Development of Inter-Parliamentary Cooperation (On the Example of the CIS Inter-Parliamentary Assembly)	293
<i>Ivanchenko V. S., Chimiris E. S.</i> Russian Language in the Post-Soviet Space as a Factor of Politics	305

INTERNATIONAL RELATIONS AND WORLD POLITICS

<i>Khoperskaya L. L., Pshenichnaya N. Y.</i> Coronavirus: The Foreign Political Dimension	316
<i>Morozov I. L.</i> Legal Basis of State Management Decisions in the Field of Russia's Information Security: Politological Analysis	331
<i>Primova E. N.</i> On the Peculiarities of German Cooperative Federalism	339
<i>Yan Jie, Czin' Zhu.</i> Economic Interests of Russia and China in the Central Asian Region: Comparative Analysis	347

OUR AUTHORS	352
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AUTHORS' GUIDELINES	354
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LEGAL BASIS OF STATE MANAGEMENT DECISIONS IN THE FIELD OF RUSSIA'S INFORMATION SECURITY: POLITOLOGICAL ANALYSIS

Analyzing the process of evolution of the Russian regulatory framework governing state policy in the field of information security, the author notes the growing threats of an information and political nature, both external (the creation of cyber weapons by advanced countries) and internal (the growth of social tension, in which any information occasion can become a trigger for the transition to political protests). The Russian leadership began to pay special attention to the information sphere with the coming to power of Vladimir Putin, as reflected in the adoption and editing of a significant body of documents that demonstrate a commitment to prohibitive and protective tactics. The author draws attention to the need of a dialogue between the government and civil society and suggests strengthening educational modules related to information policy and security in the educational programs of Russian universities.

Key words: *information, security, law, politics, Russia, Internet.*

Given the crucial importance of the information sphere for the stability and effectiveness of the state management processes, the regulatory framework of modern Russia regulating this sphere is characterized by a systematic and relatively comprehensive nature of regulated issues, although it needs further development and is constantly being improved. The most important regulatory legal acts regulating the process of making management decisions in the field of information security in modern Russia include:

- The Constitution of the Russian Federation as the main law of direct action, regulating the most general principles and approaches in the field of information security of the state, as well as protection of the interests of people and civil society [9];
- Documents of a conceptual and doctrinal nature [1; 13; 19; 20];
- State programs [7];

- Federal laws, Regulations, and Decrees regulating the activities of the most important state institutions involved in the implementation of information security measures [2; 16; 17; 14];

- Laws, Decrees, and Regulations governing certain issues of Russia's information policy in the field of information security [3; 22; 5; 15].

The key element in determining the directions and content of management decision-making in this area is the "Information Security Doctrine of the Russian Federation," which is: "a system of official views on ensuring the national security of the Russian Federation in the information sphere" [1]. The basic principles of this normative legal act set out the main guidelines for the authorities to develop and implement programs within the framework of the state information policy in order to ensure the security of Russia.

Information security in this document is described as "the state of protection of [Russia's] national interests in the information sphere, determined by the totality of balanced interests of the individual, society and the state" [1]. The advantage of this formulation is a systematic, holistic approach designed to harmoniously take into account the interests of all actors in the information and communication process. According to the doctrinal document, the following main threats are identified in the information sphere:

- an uncontrolled cross-border market for information turnover, which individual actors in the international system can use, among other things, to achieve their aggressive geopolitical goals;

- means of informational and psychological influence developed by special services of some countries aimed to destabilize the socio-political situation of other countries in order to undermine their sovereignty and territorial integrity;

- foreign countries are increasing their efforts to work with the Russian population (primarily young people) in order to undermine the traditional spiritual values of Russia;

- terrorist organizations have mastered modern information technologies to promote extremist ideologies in the political consciousness of social groups and individuals;

- Russia's personnel and technological lag behind the leading states in the field of information security.

The latter point is of particular interest for the educational activities of Russian universities – it seems appropriate to introduce and strengthen in the training programs the competence of countering information threats of a political nature, including the ability to timely recognize the information threat, develop and implement measures to neutralize it.

It is stated in the doctrinal documents of the Russian Federation that the international competition for the possession of information resources (including the right to uncontrollably and freely sell information products on the territory of other states) will increase, Russia in this regard can try to disconnect from the

global market information products and information services. As noted by the American expert Sh. Harris: "The US is rapidly increasing its ability to dominate cyberspace... Information about how much money the United States plans to spend on the offensive component is classified» [8. P. 27].

It can be assumed that Russia will be the target of an information attack by foreign states, because in recent years it has indicated its right to return to the status of world great powers, independently determine its foreign policy and domestic policy, and influence world markets in order to protect its economic interests. The Russia's information field may come under attack from the outside in the form of a gradual introduction of social and spiritual-cultural values and norms of behavior that are historically alien to the peoples of Russia.

The legal framework of democratic Russia, that was formed in the early 2000s, initially assumed the existence of broad civil rights and freedoms in the information sphere, provided citizens through the media institute with access to a fairly wide range of data that allows them to inform the public about the activities of state authorities and local self-government bodies, which was supposed to facilitate the fight against corruption, abuse of official powers and other abuses in the state and municipal spheres [2]. The Constitution of the Russian Federation (Articles 23 and 24) explicitly guaranteed citizens the right to personal and family secrets, privacy of private life, secrecy of correspondence, telephone conversations, postal, telegraph and other communications, while at the same time obliging state and municipal bodies to provide citizens with "the opportunity to get acquainted with documents and materials directly affecting their rights and freedoms" [9].

The change in the vector of information policy in Russia, seriously concerned with the issue of information security, has been marked since 1999 and has further developed in the direction of tightening control over information flows, restricting the privacy of citizens' lives, and activation of foreign propaganda. Objectively, this can be explained by the increased efforts of the state to combat separatism and terrorism, to defend national interests in foreign policy and the need to counter information attacks from other countries. Political regime in the time of V. V. Putin's presidency is characterized by an increased attention to the information sphere and organization of information security. It's evident that V. V. Putin clearly understands the key importance of information as a tool of political management in the realities of the modern world. His first steps to strengthen power were to establish control in the media sphere of Russia, and then build a system for broadcasting politically significant information to a mass audience of foreign countries [11; 12; 6].

Dmitry Medvedev (President of Russia from 2008 to 2012, Chairman of the Government of Russia from 2012 to 2020) also paid considerable attention to the information policy. On his initiative and support, the state program of the Russian Federation "Information society" (2011-2020), the Federal target pro-

gram “Electronic Russia” and others were adopted. D. A. Medvedev’s position is assessed as consistently and fundamentally aimed at the widespread introduction of information technologies in the work of state and local government bodies, in the educational and industrial processes, improving the “computer literacy” of the population, and creating opportunities for civil society structures to more widely use the latest information technologies most accessible to their interests. As a result of this approach, in the field of information policy and information security, Russia implemented several state programs designed to increase the country’s competitiveness in the global economy, make the image of Russia attractive and positive in the perception of both its own citizens and foreign audiences [7; 13].

A new cycle of development of normative legal base of Russia in the field of information security management began with the return of Vladimir Putin as Russian President in 2012. A number of laws that significantly extend the capabilities of law enforcement agencies’ access to private information and their ability to block unwanted state information in the media environment were adopted in later years. The most resonant in this series were Federal Law No. 398-FZ of December 28, 2013 “On amendments to the Federal law “On information, information technologies and information protection” (known in the media as the “Lugovoi law”); Federal law No. 374-FZ of July 6, 2016. “On amendments to the Federal law “On countering terrorism” and certain legislative acts of the Russian Federation regarding the establishment of additional measures to counter terrorism and ensure public security,” Federal law No. 375-FZ of July 6, 2016 “On amendments to the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation regarding the establishment of additional measures to counter terrorism and ensure public security” (the last two laws were figuratively called the “Yarovaya law”).

Law enforcement bodies of Russia got the possibility of extrajudicial blocking of sites (by order of the Prosecutor General of the Russian Federation), containing calls for unsanctioned protests and imposing an obligation on the operators of electronic communications for long-term storage (date subsequently adjusted for technical reasons) of information on all activities of its users, the law imposed a ban on the use of non-certified RF encryption of the transmitted information, which effectively meant a complete ban on privacy.

The current evolution of Russian legislation in the field of information security is influenced by socially resonant events that acquire potential political significance. One of the latest examples was the tragedy in Kemerovo, when on March 25-26, 2018, 60 people, including 41 children, were killed in the “Winter Cherry” shopping center. If the traditional media reacted with restraint to the coverage of the tragedy, the social networks began to spread information about the concealment by the authorities of the “true” number of victims, which, as the Kemerovo residents assumed, was much more than the officially announced figure, there were also rumors about the alleged mass ritual murder of children disguised as a

fire. Spontaneous rallies held in Kemerovo contributed to the resignation of the Head of the Region A. Tuleyev. One of the relatives of the victims, I. Vostrikov (who lost four children and wife in the fire), with the help of social networks attempted to create a protest movement “Great Empire” in order to put pressure on “corrupt officials” responsible for such disasters in Russia.

The “Winter Cherry” tragedy revealed the insufficient effectiveness of the information response of state authorities to such emergencies, which can become a point of social generation of public discontent developing into a political protest. A few days after the tragedy, the State Duma of Russia returned to the discussion of the previously postponed draft Law No. 430597-7, which provides for amendments to the Federal law “On enforcement proceedings” and the Federal law “On information, information technologies and information protection.” This document was signed by the President of Russia on April 23, 2018 after passing all the stages. According to the innovations, the term of implementation of prohibitive measures against information distributed on the Internet “discrediting the honor, dignity or business reputation of a citizen, or the business reputation of a legal entity” was significantly reduced [4].

Legislative initiatives of a more radical nature have also emerged. For example, on April 25, 2018, Deputy of the Legislative Assembly of Saint Petersburg A. Anokhin proposed a draft Federal Law “On the protection of citizens from the negative impact of the Internet online communities that harms human health and development” [23], the meaning of which was to introduce strict identification of users of online communities, and the allowed time of stay in them for adult citizens was limited to three hours a day and was completely prohibited for minors.

Such a legislative initiative can be perceived as a curiosity and the probability of its support was initially very low, but it can be assumed that such actions are aimed at probing public sentiment in order to determine the boundaries to which civil society can allow restrictions on the rights to freedom of information and communication. In the same period, the Federation Council developed amendments to the Administrative Code of the Russian Federation, introducing a penalty for citizens in the form of a fine for spreading false information. Moreover, one of the authors of the legal initiative, Senator I. Gecht, directly pointed [10] to the response to environmental protests that intensified in Russia in 2018.

Russian national legislative initiatives to manage the sphere of information security increasingly conflict with the principles of human rights and are beginning to cause opposition from the relevant structures. For example, the Human Rights Council under the President of the Russian Federation strongly recommended rejecting the draft Federal Law “On amendments to article 101 of the Federal law “On information, information technologies and information protection” [2], which had passed its first reading at the moment. The bill introduces the concept of “Organizer of information dissemination in the Internet,” and obliges them to create their official representative offices in the territory of the Russian

Federation to enable users of the social networks to appeal to such offices with statements about the presence in social media of illegal information, the offices are supposed to consider such statements within 24 hours and remove such information from the public access, at the same time retaining copies of such information on the server within three months; provide federal authorities with reports on the user's requests received and their response to them. Experts of the Presidential Human Rights pointed to the vagueness of the legal wording in above draft law and warned of the possible international complications, since the amendments affect the interests of foreign owners of social networks.

On the basis of the reviewed documents, it can be concluded that the Russian framework [21] regulating management decisions in the field of information security can be described as developed, covering a wide range of actions of the individuals, civil society and the state, of a pronounced prohibitive and regulatory nature. The evolution of the regulatory framework is taking place in the direction of expanding the scope of regulation, the appearance of additional rules and prohibitions and tougher sanctions for their violation. At the same time, a number of legal definitions, for example, the definition of extremism, are deliberately left in an unclassified state, which allows them to be used as widely as possible for making convictions and restraining orders. The Russian leadership sees the main potential threats in the information sphere not so much in cyber threats of a military nature (unauthorized interference in the control systems of troops, individual units of military equipment, or technologies of dangerous industries), but in the free dissemination of political propaganda nature, potentially leading to the loss of legitimacy of state authorities and their loss of control over the Russian population.

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