Digitalisation in Civil Law: Digital Reputation

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Abstract

[Purpose] The study aims to explore new aspects of digitalisation, the formation of a legal regime for the use of services for the preservation and transmission of information and their impact on digital reputation.

[Methodology/approach/design] The main methods of research were analysis and synthesis, dialectical method, method of deduction and generalisation. Alternative approaches to the preservation and transmission of information that affect the digital reputation of citizens are emphasised.

[Findings] The directions of the development of legislation for the formation of civil society's reputation to digital services and legal regime, as well as effective mechanisms for the use, transfer and preservation of information in the field of civil law are determined. The quality of digital services for the citizens of the Republic of Kazakhstan, as well as their legal protection in the field of informatisation, is addressed in this study. A brief review of international acts in the information sphere and their application in foreign countries in the context of human rights protection in the conditions of digital transformation was made.

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Measures that are taken to increase the digital trust of citizens in the course of the introduction of new technologies into public life were considered.
[Practical implications] The results of the study may be useful in the development of new norms of civil law by responsible officials taking into account the introduction of new technologies to ensure effective digitalisation of all processes in society, which will increase trust in innovative processes in society and thus affect the digital reputation in general.

Keywords: Digital Technologies. Information Rights. Personal Data Protection. Electronic Interaction. Information Security.

INTRODUCTION

Digitalisation has encompassed all spheres of modern life. A service using electronic technologies has become an independent object of civil law. Technologies have created new conditions of interaction between subjects of civil law. In addition, these processes have influenced the formation of different types of digital trust in the sphere of public services, shopping, tourism, transport, and education. The research relevance is determined by the need to analyse the impact of different types of trust on the digitalisation of society to regulate it through legal mechanisms. The introduction of information technologies necessitates new digital rights, such as the human right to information, access to the Internet and information security. However, to date, the legal regulation of information rights is underdeveloped. The existence in the legal systems of various states of norms aimed at regulating information provides an opportunity to analyse their effectiveness in practice.

Personal data protection significantly contributed to the general European law and the national law of the European Union states. Several documents were adopted at the international level to regulate information rights: Resolution adopted by the General Assembly No. 68/167 "Right to Privacy in the Digital Age" (2013); Organisation for Economic Co-operation and Development (2024); "Protocol Amending the Convention for the Protection of Individuals Concerning Automatic Processing of Personal Data" (2018). The Committee of Ministers of the Council of Europe highlighted international human rights standards in situations that may lead to restrictions on their right to access information and freedom of expression. For the protection of personal data in certain industries and technologies, the Council of Europe adopted the "Guidelines on the Protection of Individuals Concerning the Processing of Personal Data in a World of Big Data" (2017). The adoption of these documents is due to the need to implement the principles of privacy, anonymity, and ethical use of data in the information system, where the importance of the individual in the Big Data system is conditioned and the risks of re-identification of personal data are assessed. In the context of digital trust and digital reputation, the issue of cybersecurity occupies an important place. To ensure the security of the personal data of

European Union citizens, the General Data Protection Regulation was approved by the Council of Europe in May 2018 (BUSINESS ASSURANCE, 2021).

With the advent of the digitalisation of all life processes, the question of the protection of the information rights of citizens has become an issue. Zheksembayeva et al. (2020) analysed the structure of rights that have a technological, technical, and procedural legal basis. They concluded that the introduction of new norms in constitutional law and the separation of the institute of information law into a separate system is necessary. In their opinion, such an approach should provide a comprehensive solution to the problems of protection of information rights, both at the international and local levels. Zhaubassar et al. (2023) argue that civil society needs transparent public policy, including in the area of digitalisation of services. All areas of public spheres including health, education, and procurement should be guided by the rules of digital governance. An independent judicial system, freedom of the press, and active citizenship must be in place to implement these ideas in the country. Online services such as public procurement, and access to jobs in law enforcement, judiciary, and health care should minimise corruption in the state, which in turn will lead to the transparency of all processes in the country.

Imamanazarova (2023) based the study on the case of Uzbekistan and Kazakhstan on the introduction of new digital methods of information transmission and storage, covering international requirements and recommendations on the procedures and rules of electronic document management. The study studied the application of electronic digital signatures in the conclusion of smart contracts, as well as the introduction of alternatives to electronic digital signatures, such as QR codes, fingerprints, and scanning handwritten signatures, which provide a level of protection for electronic documents. Wirtz (2021) studied different aspects of digital business including new business ideas with the introduction of innovative technologies. In particular, he focused on the study of Google/Alphabet and the features of its business. Focused on digital business models such as business-to-consumer and business-to-business. He addressed such concepts as big data, cloud computing, smart digital homes and applications for consumers of goods and services and their place in the Internet of Things (IoT) system.

The study of the mechanisms of adaptation of the population to digital conditions of life, such as artificial intelligence, smart contract, cryptocurrency and their legal regulation in the conditions of modern life is of very global importance. The authors attempted to assess this phenomenon and new rules of regulation of digitalisation processes. The study aims to explore the need to study the various forms of digitalisation and the role of digital trust in the formation of digital reputation during the use of various services for safe storage, transmission and retention of information, and the formation of a legal framework to regulate these relations.

MATERIALS AND METHODS

To study the topic in-depth and comprehensively, a range of academic articles published in international journals and anthologies on topics related to the ways and legal levers that address the issue of digitalisation in the civil law system and directly affect digital reputation in civil society were analysed.

International legislation was analysed, such as Resolution adopted by the General Assembly No. 68/167 "Right to Privacy in the Digital Age" (2013); Organisation for Economic Co-operation and Development (2024); Protocol amending the Convention for the protection of individuals concerning automatic processing of personal data (2018); Recommendation CM/Rec 2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries (2018); "Guidelines on the Protection of Individuals with Regard to the Processing of Personal Data in a World of Big Data" (2017), European Union Regulation on the General Data Protection Regulation (BUSINESS ASSURANCE, 2021). The sources of secondary legal materials include materials such as studies, published articles, and news of electronic media. Interdisciplinary, analytical and systematic approaches are used, as well as analysis of materials of international organisations, analysis of legal documents of the Republic of Kazakhstan, such as the Constitution of the Republic of Kazakhstan (1995), Civil Code of the Republic of Kazakhstan (General part) (1994). As a result of the introduction of new digital services in Kazakhstan, new legislative acts have been adopted, such as Law of the Republic of Kazakhstan No. 88-V "On Public Services" (2013), Law of the Republic of Kazakhstan No. 370-II "On Electronic Document And Electronic Digital Signature" (2003), Law of the Republic of Kazakhstan No. 401-V "On Access To Information" (2015), Law of the Republic of Kazakhstan No. 418-V "On Informatization" (2015), Law of the Republic of Kazakhstan No. 94-V "On Personal Data and Their Protection" (2013). To improve all digitalisation processes and international rankings, Kazakhstan implements a strategic state programme "Digital Kazakhstan" (RESOLUTION OF THE GOVERNMENT…, 2017).

The dialectical method was used to analyse the international practice of applying the legislation to exchange information in the field of personal data protection. The comparative analysis was used to examine relevant aspects of the international practice of information protection in the field of civil law and its legal regulation. The analysis method was used to identify gaps in the legislation of the Republic of Kazakhstan in the process of implementation of digital technologies. The ways of solving these problems were identified considering the norms of the current international law and internal regulations, developed programmes and innovations. The synthesis was used to form the main directions for achieving the digital trust of civil society in the Republic of Kazakhstan. The deduction method was used to form a conclusion regarding the need to introduce innovative mechanisms of access to the latest digital technologies into practice in Kazakhstan. The generalisation method was used to identify the problems of international cooperation in the system of cyber security. The main functions of state management and control in the process of introducing digital technologies

in the Republic of Kazakhstan and their integration into the civil process to raise the digital reputation among the population of the country were deduced.

RESULTS

Modern authentication and security standards should be implemented to ensure the reliability and legal significance of electronic documents. The use of electronic digital signatures is a key element that ensures the identity of the signatory and the integrity of the document. It is important that digital signatures comply with international standards and are recognized as legally binding in court proceedings. Electronic document security includes the use of advanced cryptographic methods to encrypt stored and transmitted data. This helps to prevent unauthorized access and ensure the confidentiality of information. Regular software updates and the use of strong key management systems are an integral part of security. Public authorities should develop and implement regulations that govern the use of electronic documents, define authentication procedures, and establish security requirements. These acts should ensure compliance with modern international standards and take into account the specifics of national legislation.

Globalisation of all processes in the world has accelerated the introduction of digital technologies in the field of civil law. The digital revolution has led to the emergence of new types of civil relations, which have created the basis for the adoption of legal acts regulating these relations at the international level. In general, digitalisation offers great opportunities for the realisation of human rights, but along with the positive aspects, it also poses threats to their realisation (Table 1). The accessibility of digital technologies and the security of their operation shape the notion of digital reputation.

Positive impact on human rights	**Negative impact on human rights**
The right of citizens to information and its protection, and to appeal to state and other authorities of the country was implemented. Strengthening of the interaction of all civil society institutions. Improvement of social and economic rights in education: availability of online training courses. Implementation of cultural human rights.	Increase in digital inequality among the population. Low level of education and lack of skills in using digital services. An insufficient level of protection of private information was observed. An increase in criminal offences using modern digital technologies.

Table 1 – The impact of digitalisation on human rights
Source: compiled by the authors based on Khamdamova (2020).

The emergence of new forms of civil law transactions taking into account digital technologies has led to the need to regulate the relations that arise from their conclusion. In addition to the introduction of legal norms, contract law needs the improvement of information and communication technologies (ICT). Innovations in the legislation indicate the formation of new digital civil-law relations, which depend on the development of the digital economy, private entrepreneurship and small business, the reduction of state participation in the economy, the protection of private property rights, the process of privatisation of state property and the improvement of investment relations. Digital contracts resulted in the use of new terms in the legislation, such as offer, public offer, acceptance, revocation of acceptance, auction, and auction rules. Electronic contracts have acquired the legal form of civil expression of will, which is made through digital electronic platforms with the help of electronic digital signatures and electronic payments at all stages of contract conclusion. At the same time, documents recorded in electronic form are equated with paper documents and are proof of the conclusion of the transaction (RUZINAZAROV, 2022). One of the forms of civil law transactions that are made with the help of digital technologies is e-commerce. Despite this peculiarity, electronic contracts represent a group of civil law contracts that must meet the requirements of the Civil Code. To ensure the safety of electronic documents and electronic communications, it is necessary to provide security for all participants of the transaction directly through the legal implementation of the norms and rules of this process. A large number of participants implies a large number of rights and obligations that must meet certain standards. These may be the state represented by authorised public authorities, consumers of Internet services, producers of these services, as well as legal entities that ensure the operation of telecommunication networks, e-commerce systems, and banks.

With the rapid development of digital technologies, cybersecurity is extremely important to protect personal and organizational information from cyber threats. One of the key practices is to use complex and unique passwords for each account. It is recommended to create passwords with a combination of uppercase and lowercase letters, numbers, and special characters and avoid reusing the same password across different platforms. For convenience, you can use password managers to help you store and generate complex passwords. Another important measure is to activate two-factor authentication (MFA), which adds an extra layer of protection by requiring verification of identity through a second factor, such as a code sent to your phone or biometrics. This should be set up on all accounts that support this feature, especially for important services such as email, bank accounts, and social media. It's also important to keep your software, including operating systems, applications, and antivirus software, up to date to protect against known vulnerabilities and threats. Enabling automatic updates will help you get all the necessary patches in a timely manner without having to manually check for updates.

Digitalisation in civil law introduces several potential risks and negative consequences. One significant risk is data privacy and security. As more legal

processes and records become digital, the threat of data breaches and unauthorized access increases. Sensitive personal information, including legal records and financial details, could be exposed to cyberattacks if not properly safeguarded. Another concern is the digital divide, which can exacerbate existing inequalities. Individuals who lack access to technology or digital literacy may find it challenging to access legal services and information, leading to unequal treatment in legal matters.

Cybercrime and fraud are also major risks associated with digitalisation. The ease with which personal and financial information can be compromised online increases the likelihood of identity theft, online fraud, and phishing attacks, potentially undermining the integrity of legal processes. Dependence on technology is another issue. Overreliance on digital systems can make legal processes vulnerable to technical failures, such as system outages, software bugs, or compatibility issues. Such disruptions can affect the timely delivery of justice and the overall reliability of legal services. Evidentiary challenges arise with the digitalization of evidence and records. Digital evidence is susceptible to manipulation or alteration, and maintaining the integrity and authenticity of such evidence can be complex. Ensuring a clear chain of custody for digital evidence is crucial but can be more difficult compared to traditional methods.

Transitioning to new electronic forms of commerce requires great trust from consumers of services (NURALIEVICH e BAKHRAMOVNA, 2022). The widespread use of information technologies, electronic transactions, and automation in the sphere of civil law relations, makes it possible to make transactions and register rights to real estate, without the physical presence of the parties. A transaction made using information interaction is recognised as an electronic document equivalent to a paper document if it is signed with an electronic signature. To render legal force to an electronic signature, the parties to the transaction must make some kind of interaction. This can be an electronic message from a specified e-mail address or a registration in a personal cabinet on the platform where the transaction is made. However, in this form of transaction, most often there is no physical personification of the participant in the legal relationship, which may lead to the abuse of rights and obligations of the participants, as well as lead to the criminalisation of the process. Electronic transactions can be protected by SMS notifications, a unified biometric system can be used to identify the persons expressing the will, with the help of an autopayment system set up in a commercial bank (ZHUMADILOVA et al., 2023).

The transition from one cycle of economic development to another is always marked by the birth of new technologies. This leads to changes in labour productivity, economic relations, and renewed demand for products. Digital transformation implies the formation of new infrastructures such as data transmission, processing, and storage. The rapid development of ICT based on online services has created the Collaborative Consumption (CC) policy. According to some studies, participation in CC is motivated by economic benefits as well as positive attitudes towards such activities, which in turn builds digital reputation (HAMARI et al., 2015). Loyalty is of foundational importance for sharing platforms. Interaction on the site is shaped by the responsiveness,

reliability, simplicity and efficiency of the platform. CC is growing with the increasing number of internet and mobile phone users. Today, such services are not standardised and are based only on mutual trust between the client and the service provider (AKHMEDOVA et al., 2020).

The massive spread of the Internet was the beginning of the distinction between the categories of producer and consumer, sender and receiver in digital services. However, mobile internet use was made possible by companies such as Apple, Amazon, Google, Facebook, YouTube, and Twitter. Through innovative technologies, they have conquered not only the information space but also created platforms for commerce. The rules for using these platforms dictate the conditions of interaction at different levels. Today, the use of artificial intelligence is a hot topic, which in turn will bring changes in the process of digitalisation. The expansion of data processing capabilities together constitute the IoT. Automation of data processing is used in economic, political and social spheres and together make up the big data. Trust in algorithmicisation implies that there are disadvantages to using platforms (LATZER, 2021). To attract more and more customers to digital services, big companies are innovating. By going online for different issues, artificial intelligence processes a large amount of data and thus not only simplifies all sales processes and brings profit to companies, but due to cost reduction, raises the overall trust in services. This allows for the creation of ecosystems where consumers can move from one service to another without difficulty (CHUNG et al., 2020). According to McKinsey research, successful companies generate most of their revenues by creating a single integrated system through which any customer need can be met. The USA and China are prime examples of such ecosystems functioning. Statistics on the performance of large American companies (Google, Apple, Facebook and Amazon) and Chinese companies (Alibaba, Tencent, Baidu and ByteDance) show the effectiveness of providing services through ecosystem platforms (Figure 1).

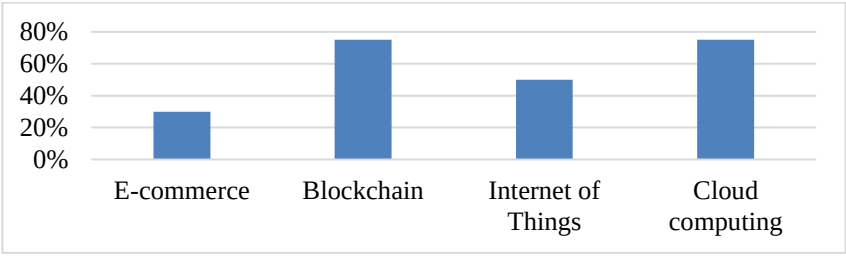

Figure 1 – Provision of services through digital platforms in the US and China

Source: compiled by the authors based on Nurieva (2022).

One of these companies is Amazon, whose online shopping covers more than 40% of all online shopping in the United States. Another company is Google, whose search engine, handles over 90% of internet searches worldwide. Facebook and Google's advertising offices generate revenue directly through online advertising. The platforms on which these services operate facilitate the provision

of services to customers without moving from one account to another. At the same time, 70% of consumers surveyed expressed a positive attitude towards this type of service (NURIEVA, 2022). Due to the development of digital technologies, new interactions between people, artificial intelligence, and various devices for transferring information are emerging. In the context of these interactions, trust becomes a technology that facilitates the integration of various physical devices into the digital world. As a result of this interaction, digital trust criteria such as privacy, reliability, accessibility, accessibility, transparency, honesty, non-repudiation, authenticity, and convenience have been formed (TING et al., 2021).

The introduction of new technologies, such as blockchain and smart contracts, into civil law presents both challenges and opportunities. Challenges include legal uncertainty due to regulatory frameworks lagging behind technological developments, difficulty in understanding and implementing these technologies, security and privacy issues, and integration and standardization issues. There are also difficulties in resolving disputes related to the immutability of blockchain records and the automatic enforcement of smart contracts (Amelin et al., 2021). However, these technologies also open up new opportunities. The blockchain provides a high level of transparency and trust, and smart contracts automate the execution of transactions, reducing the need for intermediaries and costs. Technology can improve transaction security, simplify international transactions, and reduce administrative costs. They can also drive innovation in legal services and reduce the cost of contract management and dispute resolution (Spytska, 2023).

Digitalisation significantly impacts access to justice and the resolution of disputes arising from digital transactions. It enhances access by making legal resources and services more available to a broader audience. Online platforms facilitate easy access to legal information, advice, and services, breaking down geographical and financial barriers that traditionally limited access to justice. In terms of dispute resolution, digitalisation introduces online dispute resolution (ODR) mechanisms, which provide efficient and cost-effective methods for resolving conflicts. These mechanisms often include online arbitration, mediation, and negotiation tools that streamline the process of settling disputes without the need for physical presence. ODR systems offer the advantage of quick resolution, reduced costs, and the ability to handle a high volume of cases simultaneously. However, challenges also arise. The reliance on digital platforms for dispute resolution can exacerbate inequalities for individuals lacking access to technology or digital literacy. There are concerns about the security and privacy of online transactions and the effectiveness of virtual hearings compared to traditional methods (Apakhayev et al., 2017; Kakeshov et al., 2023).

Social media is not only a source of entertainment content, but can also serve as a platform for business, educational programmes and government policies. Today, more and more people in Kazakhstan are taking part in online transactions, in particular online shopping, where consumers come into direct contact with sellers of goods and services. It is predicted that shortly more than 50% of sales will be made in social networks. Experts from Mail.ru Group, Google and Forester analysed the users of social networks. In the course of the

research, a survey was conducted among the population of Kazakhstan aged 14-35 regarding their use of social networks and their trust in them (Figure 2).

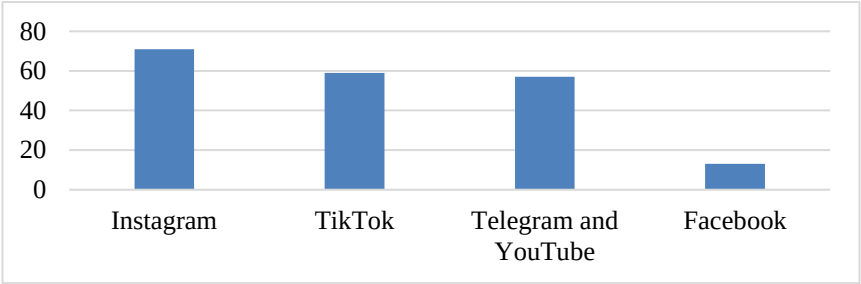

Figure 2 – The degree of trust of Kazakhstanis in social networks

Source: compiled by the authors based on Profit (2023).

Digital transformation is at the heart of Kazakhstani development strategy. The leaders in the field of digital transformation have summarised their results for 2023. Achievements in different sectors of life were noted and innovative projects for the future were provided (Table 2).

Industry	Achievement
Ministry of Labour	Implementation of a pilot project in pensions for public sector employees
Ministry of Education	Digitalisation in the field of financing in pre-school, secondary, technical and vocational education
	Implementation of the digital teacher project
	Digitalisation of information on the learning process and college diplomas in the eGov Mobile application
Ministry of Internal Affairs	Registration and deregistration at the place of residence, driver's licence and vehicle registration, issuance of an individual identification number, issuance of a temporary residence permit to foreigners
	Cybercrime programmes
	Together with the Ministry of Education, video surveillance was installed in 7,833 schools across the country
	PUSH notifications on the award of educational grants
Ministry of Science and Higher Education	Issuing digital certificates based on the results of Qaztest testing
	Digital certificate of recognition of foreign diplomas
Ministry of Defence	Issuance of digital certificates of authenticity of diplomas
	Automatic online registration of residence at the age of 17

	Automatic registration and de-registration with the military
Ministry of Justice	Automatic deferment from the army for students, people with disabilities and citizens with a criminal record
	E-saraptama in the field of digitalisation of forensic science
	E-saraptama in the field of digitalisation of notarial services
	Digitalisation of voting in condominiums
Ministry of Health	Mobile application "eDensaulyq" in the field of healthcare, where every citizen can see medical information

Table 2 – Results of the "digital transformation"
Source: compiled by the authors based on Profit (2024).

The main principle of the strategy is to provide services to people. Regardless of age, or social or financial status, the people of Kazakhstan should receive the necessary public services, including in digital format. According to experts on digital transformation, it should be carried out with the help of new technologies (Table 3).

Technology	**Implementation specifics**
IoT and cloud technologies	IoT systems operate in real-time and are powered by devices and cloud platforms where they are processed
Information security	The Cyber Shield 2 strategy includes training for cyber security specialists and the issue of joining the Convention for the Protection of Individuals concerning Automatic Processing of Personal Data is being considered
Artificial intelligence	Implementation of artificial intelligence in public services
Robotisation	Promoting the introduction of robotics by attracting specialists in this field and implementing educational strategies for the younger generation
Electronic document management	Electronic document management systems are used for storing and recording notarial documents, tax documents, mobile banking, delivery services, E-accreditation, and E-apostille

Table 3 – Technologies of "digital transformation" in the Republic of Kazakhstan
Source: compiled by the authors based on Profit. (2024).

State bodies should coordinate the activities of entities in the area of access to and processing of information. To improve legislation in Kazakhstan, a draft law on the responsibility of public bodies for unlawful restriction of the right of access to information has been developed. The draft law aims to introduce state control, strengthen the responsibility of public bodies in the sphere of access to

information; ensure openness of information and dissemination of information; and create necessary conditions for access to information for persons with disabilities (THE LIABILITY OF PUBLIC…, 2024). Currently, there are many online platforms, such as Instagram, Facebook or Twitter, where people, by creating personal accounts, can save personal photos, videos, and private correspondence, which in total creates digital assets. The existence of cloud services such as iCloud, Dropbox, and Google Drive allows us to store large amounts of videos, photos, and music without cluttering up personal space. However, much of this data is personal data and this fact can be regarded as a constitutional right to privacy (Abdrasulov et al., 2015). The law on the protection of personal data can also be applied to them. Classically, personal rights are not hereditary rights and are not subject to inheritance. However, based on the private initiative of notaries and companies specialising in digital services, digital assets are inherited in the same way as any other type of asset. The practice of inheritance of digital assets and its application includes four aspects: heirs inherit according to inheritance law; application of digital service contracts; non-transferable licences and successors in title; and application of data protection law and privacy rights after death (Table 4).

Inheritance by law	Heirs inherit all assets (digital and tangible) that can be inherited
Digital services contracts	Transferred to the heirs, unless otherwise specified in the contract. Heirs get access to the account based on the law of inheritance
Issuance of licences and successors	For digital services provided through a licence, as well as licences to use copyrighted material, heirs inherit the rights of the deceased to the extent they are transferable
Law on the protection of personal data	Providing access to digital information to heirs constitutes the processing of personal data

Table 4 – Legal aspects of inheriting digital assets
Source: compiled by the authors based on A. Berlee (2017).

The analysis reveals several key findings regarding the potential of digital technologies to enhance transparency and accountability in civil law processes. The integration of blockchain technology into legal systems shows significant promise due to its decentralized and immutable nature. Blockchain can provide a transparent and verifiable record of legal transactions and documents, reducing the risk of fraud and corruption. For example, property transactions and contract management can benefit from time-stamped and tamper-proof records, ensuring that all parties have access to the same, unalterable information (Spytska, 2022). Open data initiatives also play a crucial role in promoting transparency. By making legal data publicly accessible, such as court decisions and legislative processes, these initiatives empower citizens to understand and monitor the workings of the legal system. This transparency fosters greater public participation and trust, as individuals can hold the legal system accountable for its

actions. Digital technologies can streamline legal processes, reducing administrative burdens and improving efficiency (Alraggad et al., 2024).

However, insufficient consideration was devoted by lawmakers to the legal consequences of digital inheritance. At the legislative level, there are no norms that would allow notaries to include in a will a clause on the inheritance of the deceased's digital accounts and access to them. As an alternative to handing over the data to the heirs, the creation of a "digital vault" or the use of already existing password managers (LastPass, Password) where clients can store their data has been suggested. The Royal Dutch Association of Civil Law Notaries supported this initiative (BERLEE, 2017). Digitalisation technologies have also affected the legal system. The term "digital lawyer" or "digital judge" has emerged. A database of court decisions can be searched using search query algorithms with common data analysis programmes such as Lex Machina, Legal Analytics, and Ravel Law. An e-court website is a digital court where the judge makes the decision himself in a digital format. Various laws, bills, and judgements handed down by national and international judges, as well as commentary on these judgements can be found in digital format. Thus, lawyers have increasingly turned to search engines where they can trace various legal databases through hyperlinks (JANSEN e SCHREINER, 2023).

Digitalisation in civil law raises several ethical implications, particularly concerning privacy, data protection, and algorithmic bias. As legal processes increasingly rely on digital technologies, the handling of personal data becomes a central concern. Ensuring robust data protection measures is critical to safeguard individuals' privacy and prevent unauthorized access or misuse of sensitive information. The collection, storage, and processing of personal data require adherence to stringent privacy standards to protect individuals' rights. This involves implementing effective security protocols, transparent data management practices, and ensuring compliance with data protection regulations. Algorithmic bias in automated decision-making processes is another significant ethical issue. Digital systems, including those used in legal contexts, can unintentionally perpetuate or amplify existing biases if not carefully designed and monitored. This can result in unfair treatment or discrimination against certain groups based on biased data or flawed algorithms (Kerimkhulle et al., 2023).

Analyzing the experiences of China and the US can provide Kazakhstan with significant benefits. Both countries are leaders in technological innovation and digital transformation, offering valuable lessons on integrating advanced technologies like blockchain and artificial intelligence into legal and economic systems. Their well-developed policy frameworks and regulatory approaches can serve as models for Kazakhstan in crafting its own regulations to address digitalisation and cybersecurity effectively. Studying the economic impacts of digital transformation in China and the US can help Kazakhstan understand how to leverage technology for economic growth and innovation. Additionally, examining the challenges faced by these nations, such as data privacy issues and algorithmic bias, can aid Kazakhstan in preemptively addressing similar concerns in its digital systems. Furthermore, insights from China and the US can assist Kazakhstan in strengthening its position in global digital and trade networks,

fostering international collaboration, and enhancing its global digital presence. By applying these insights, Kazakhstan can better navigate its own digital and legal transformations (Ginters, 2020).

The International Institute for Management Development (IMD) World Digital Competitiveness Ranking (2023) was introduced to evaluate the ability of countries to introduce and use digital technologies in business structures and the public sector. The ranking defines digital competitiveness according to the following factors: knowledge, technology, and future readiness. The ranking is designed to identify methods for effective implementation of digitalisation. According to the results of the ranking for 2023, the United States is in the lead. European countries such as Denmark, Switzerland, the Netherlands and Finland are in the lead. Asian countries such as Singapore, China, Hong Kong, and the Republic of Korea also show high performance. According to research by the IMD World Competitiveness Centre, the leading countries in the world, such as the USA and China, demonstrate different strategies for digital transformation in business, government and society. The Chinese version is based solely on government initiatives, while the American model is oriented towards attracting private sources of funding. The Western European practice is based on the implementation of the General Data Protection Regulation (GDPR). Despite the different approaches to digitalisation, the effectiveness of digitalisation was found to depend largely on public trust (IMD BUSINESS SCHOOL, 2021).

The potential for using digital technologies to enhance the transparency and accountability of civil law processes is substantial. Digital technologies like blockchain and open data initiatives can bring significant improvements to the legal system. Blockchain technology, with its decentralized and immutable digital ledger, can be a powerful tool for enhancing transparency and accountability. Every transaction or legal document recorded on a blockchain is time-stamped and tamper-proof, ensuring a transparent and verifiable record of all actions. This can reduce instances of fraud and corruption, as all parties involved have access to the same unalterable information. In civil law, this could mean more transparent property transactions, contract management, and even court proceedings.

Open data initiatives can further promote transparency by making legal data readily accessible to the public. This includes court decisions, legislative processes, and other legal documents. By providing open access to this information, citizens can better understand the workings of the legal system and hold it accountable. Open data can also foster greater public participation and trust in the legal system. The integration of these technologies can streamline legal processes, reduce administrative burdens, and improve efficiency. For instance, digital ledgers can automate the verification of documents and contracts, reducing the time and resources needed for manual checks. This not only speeds up legal processes but also minimizes the potential for human error (Diegtiar et al., 2023).

In Europe, the Gaia-X initiative is being intensively implemented to create a data ecosystem. All members of society are interested in its formation. The project represents the use of secure data sharing, to co-operate in the implementation of artificial intelligence in the European data infrastructure. Data sharing should be built on mutual trust, accessibility, and security and promote

innovative programmes. Through such standards, data is handled following the European GDPR, bringing together different service providers and consumers into an ecosystem (FEDERAL MINISTRY FOR ECONOMIC AFFAIRS AND CLIMATE PROTECTION, 2024; UNITED NATIONS, 2020). The United Nations is concerned about human rights in the process of digitalisation, and artificial intelligence. The High-Level Group on Digital Cooperation supported the Secretary-General's initiatives on mechanisms for building a digital society and economy based on trust, security and stability.

DISCUSSION

Application of civil legislation to relations arising in virtual space (Internet), transactions concluded using electronic or other technical means, realisation of goods using electronic means of communication, rules of circulation of digital money (cryptocurrency), legacy of digital assets – all these issues require scrutiny.

In the example of the United States, American scholar McCarthy (2015) demonstrated how relevant the issue of transferring digital assets after the death of the owner is today. The researcher demonstrated how relevant the issue of transferring digital assets after the death of the owner is today. These can be photos, videos, emails, playlists, stored medical records, social media accounts, online bill payment systems, bank accounts and sites such as PayPal or other shopping sites. People, in most cases, are unaware of their digital assets and accordingly do not make a will for them. As a result, their heirs cannot access important information. It is worth adding that to manage the digital data of a deceased person, legislation is needed to authorise legal ways of management, clarifying the rights of heirs to access such assets. Otherwise, the information may be lost to an uninherited estate. Kshetri (2017) examined blockchain technology as an alternative to cybersecurity and information privacy. The information storage system makes blockchain more efficient compared to cloud services and creates significant barriers for attackers. Its implementation has benefits for the economy and overall security. The challenge for the government is to provide a legal framework for the implementation of this innovation. Chen and Yu (2024) examine blockchain in the context of sustainable development in China. They compare green experiments in the country's electricity sector, where it is a key mechanism in the practice of digitalisation. In their view, blockchain technologies can provide institutional trust between transacting parties. It is possible to summarise that the emergence of new technologies leads to new kinds of relationships. Lack of regulation can lead to abuse. At this stage, digital reputation acts as a foundation for these interactions.

Studying the mechanism of action of the digital platform BlaBlaCar, Mazzella et al. (2016) identified the mechanism of the impact of digital tools on the level of interpersonal trust in general. They believe that economic progress has been made possible by the emergence of different types of trust, which indicates the emergence of a new form of economy. With the emergence of digital

platforms, the so-called sharing economy has become increasingly prevalent. Many big firms such as Ola, Lyft, and Juno have adopted this model as a basis. However, some problems have hindered the development of the sharing economy. According to Cheng et al. (2021), people are hesitant to participate in such sharing due to a lack of trust and insecurity. One example of successful use is Airbnb's service, which is operating in 220 countries. Han et al. (2022) tracked the statistics of user registrations in different cities. In 2020, Airbnb generated 750 million rental registrations in different cities around the world. However, due to the growth of the platform, other related problems have arisen which triggered the policy of self-regulation. For the firm to be successful, cooperation with local authorities and communities is essential. According to Ter Huurne et al. (2017), the actors of the collaborative consumption economy (seller, buyer, platform) must come together during the interaction due to mutual trust, which minimises the risks when using the platform. Agreeing with the authors, it is possible to summarise that the concept of trust is quite broad and goes beyond the usual business reputation. Despite the existence of problems in the practice of using sharing platforms, this form of economy takes a leading position among innovative forms of interaction, which indicates the trust of the population in this kind of service (Zhexembayeva et al., 2023).

Heugas (2021) addressed the interesting topic of the protection of individual rights in the use of new ways of digitally reproducing people. Modern tools such as holograms, deepfakes or virtual reality use images of real people to create digital reproductions. The legislative framework lags far behind the development of technology. Comparing the means of protecting individual rights in jurisdictions in the US and Europe, two areas are favoured. US jurisdictions prioritise free speech and posthumous image rights as public domain. Jurisdictions in Europe limit such rights to moral judgements that damage a person's dignity even after death. In any case, depicting a person without their consent in any form of representation, even in virtual reality, would be considered a violation of individual rights. It is worth agreeing that modern technological advances are amazing in their diversity. Virtual reproduction of people in the context of human rights protection has two aspects: legal and moral. Therefore, to address this issue, it is necessary to address the traditional views of people. The COVID-19 pandemic accelerated the processes of digitalisation in the law enforcement system, particularly in the organisation of a digital platform for courts. Nohara (2023) traced the history of digitalisation in the judicial structure of Japan. Due to circumstances, the courts had to adapt quickly to the new working environment. Despite the end of the pandemic worldwide, digitalisation continues to be successfully introduced into all areas of operations. To ensure a more convenient and accessible use of digital technology, it is necessary to develop a system based on continuous updates, such as collecting and analysing accurate data. A case study in Japan examined the implementation of Microsoft Teams technologies in the litigation process. According to the author, such use saved time for judges and litigants. The realities of modern society have accelerated the processes of digitalisation. All spheres have been subjected to digitalisation without exception. However, it is necessary to ensure an individual approach for each sector. In

particular, it concerns the work of the courts, it can be added that the transparent work of the court should be ensured not only by the automation of processes but also based on individual judgement.

The modern world is surrounded by global processes of digitalisation. Soon, it will cover all spheres of humanity's existence. Technologies have expanded to such an extent that today it is impossible to ensure security and protection from unauthorised use and collection of information. The development of technology dictates new rules and laws for society. In this aspect, it is important to ensure a balance between the protection of individual rights and the public interest. Digitalisation has increased its impact on growth and job creation in the economy. Pūraitė et al. (2020) investigated the topic of implementation of fundamental international norms in the system of information rights. At the international level, several documents have been adopted for the effective implementation of digital technologies. The European Commission has created the European Digital Single Market Strategy on the implementation of digital technologies and services in the development policy of the European Union. They outline the strategies that involve affordable and secure access to digital services, the development of appropriate structures to ensure the functioning of technologies, increasing digital literacy and skills of different segments of society. According to the authors, the introduction of information technologies into all structures of civil society, including the state, is one of the factors of sustainable development. In agreement with the authors, it should be noted that the security of access to the Internet and digital services is an important aspect of digital reputation. The automation of processes has gone beyond the boundaries of a single country and has reached a global scale. Accordingly, the creation of a safe space requires the adoption of coordinated norms based on international legislation.

The information revolution has found its place in the field of human rights. However, most norms in the field of human rights protection were adopted before the introduction of digital technologies. Adaptation of international and national law is the fundamental task of modern law-making. Considering the trends of the development of electronic communications in civil turnover, it is advisable to make electronic form an independent type of transaction. The participants of civil legal relations will have the right to choose which form of transaction to use: ordinary or digital. Thus, digital rights in the sphere of information interaction and access to the Internet will not contradict fundamental human rights.

CONCLUSIONS

In the era of digital transformation, the state and society as a whole need to create a focused strategy for the effective functioning of the digital ecosystem. The implementation of projects on the use of digital technologies requires a comprehensive approach and protection at the state level. The introduction of digital technologies into the institution of law also requires legal regulation,

since an electronic document is equated to the written form of any legal document. In the public law sphere, electronic document management is widely used.

The secure use of electronic document management in turn affects the increase of digital reputation and trust among users. Therefore, for more secure use of electronic services, it is necessary to develop and implement an electronic accounting scheme and provide limited access to the system using magnetic cards, passwords, and fingerprints. Document authentication is an important point for the successful functioning of document management. To create an ecological ecosystem in electronic document management, it is necessary to apply methods to ensure the authenticity of electronic documents, such as the introduction of rules of procedure for the creation of electronic documents in the document management system; stable procedures for the relationship of electronic documents with physical documents; management of electronic and non-electronic documents in a mixed document management system; creation of a repository for each document with limited access to it. At the national level, to ensure legitimate verification of the authenticity of electronic documents, it is necessary to amend the Civil Code of the Republic of Kazakhstan, as well as the Law that directly regulates the creation of an electronic document with an electronic digital signature. It is also crucial to ensure legal regulation in the sphere of notarization of transactions when obtaining electronic digital signature certificates. The study found that in civil law, the civil law form of service provision using digital technologies acts as a means of individual regulation of social relations and is therefore an integral part of civil law. Particular consideration should be given to legal issues related to digital inheritance. Digital assets accumulated during a lifetime have no legal representation in legal documents and provide complexity in inheritance. However, both the heir and the testator know little about the possibilities of realising their right to digital assets.

The development of digital literacy programmes for the population is essential, considering international experience. State policy should be aimed at attracting and training specialists in the field of information security. Thus, the importance of mechanisms to protect human rights in a world of digital transformation cannot be overestimated.

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