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THE IDEA OF HUMAN RIGHTS: FROM THE ANCIENT WORLD TO THE DIGITAL AGE

Abstract

The purpose of the article is to identify the features of the development of the idea of human rights, starting from the Ancient World, and on this basis to show its significance in the digital age. To achieve this goal, the conceptual foundations of the idea of human rights and their reflection in political and legal thought at different stages of the evolution of society and science are analysed. The subject of the study was the concept of human rights. The study was conducted on the basis of post-non-classical scientific methodology, including constructivism. The formal-legal and comparative-historical methods are also used.

According to the results of the study, it is concluded that in the conditions of modern technological development, digitalisation is becoming a challenge to the idea of human rights, a threat to individual freedom, and therefore it is necessary to develop and implement new legal mechanisms that would guarantee the full implementation of fundamental rights and freedoms, provide the necessary balance between individual freedom and public security. In this context, the legal consolidation and practical implementation of the principle of formal equality become important.

Keywords: human rights and freedoms, the idea of human rights, the principle of formal equality, digitalisation, digital technologies.

Introduction

The idea of human rights is the fundamental idea of law, which is supported in this status by representatives of various scientific fields. This idea determines the understanding of the essence of law as a regulator of public relations, as well as the limits of its possible interference in the lives of citizens. Human rights derive from human nature itself, which is inherently dualistic (Clapham, 1993). On the one hand, a person is a biological being, an integral part of the surrounding world, and on the other hand, he acts as a subject of social relations. A person as a natural and at the same time as a social "element" of society acts as a subject of activity-objective, material-production and spiritual activity. The inseparable characteristic of his dualistic nature, defining his essence, is the integrity of humans. This integrity determines the needs, aspirations, goal-setting, that is, the interests of a person in certain natural and social goods that determine the content and means of his struggle for conscious rights, both natural, given from birth, and acquired.

In modern conditions, there are deep social transformations associated with the impact of new technologies and the transition to a new technological order caused by them (Pashentsev, 2020). Among the so-called "big four" (bio, nano, cognitive and digital technologies), digitalisation still occupies a leading position. Digital technologies, actively implemented in all spheres of public, social and private life, significantly

change its important parameters. The mentality and legal consciousness of a person change, his behaviour models are transformed. This actualises the knowledge of the essence and dynamics of the legal status of a person and his dignity as an absolute philosophical and legal dimension of a person.

The ongoing modifications also affect the sphere of human rights. Scientists write about the emergence of a new generation of rights, conventionally referred to as "digital rights". At the same time, the concept of digital rights does not find a common understanding in the doctrine; it remains controversial. At the same time, digitalisation creates opportunities for the unlawful restriction of the fundamental rights and freedoms of the individual, which was clearly manifested in the conditions of the coronavirus pandemic. With the help of digital technologies, the state receives effective tools that allow it to control not only the behaviour of an individual but even the course of his thoughts. There are risks not only for the established and internationally recognised system of human and civil rights and freedoms but also for the very essence of law as a regulator of public relations. In this regard, the scientific and doctrinal analysis of the idea of human rights, the peculiarities of its development, which allows creating a methodological basis for the full realisation of these rights in the digital age, is of great importance.

Methods

The methodological basis of the research is the principles and approaches of post-non-classical science, which is based on an interdisciplinary synthesis involving the use of methods from various fields of scientific knowledge. The methodology of constructivism is used, according to which the legal sphere of society, including the very idea of human rights, acquires its characteristic features not only due to objective social development but also due to existing scientific approaches and concepts that construct a type of legal regulation through its description and study. In this regard, an important contribution to the conceptualisation of the idea of human rights is made by modern theoretical and legal science.

In the course of the research, the laws of dialectics were used, which allowed us to consider the idea of human rights from the standpoint of unity and the struggle of opposites to show the inconsistency of the process of its implementation in the conditions of digitalisation.

Using the formal-legal method, the norms of the current legislation that enshrine the fundamental rights and freedoms of a person, as well as the norms of the law of past historical periods, in the content of which the peculiarities of the genesis and development of the idea of human rights were revealed, are studied. Using the comparative-historical method, a diachronic comparison of the idea of human rights at different historical stages of its implementation is carried out.

Genesis and Development of the Idea of Human Rights

The prerequisites for the origin of the idea of human rights have their roots deep in the history of the Ancient East, in the era of the slave-owning system. Preserved cultural monuments, such as the Laws of the Babylonian King Hammurabi, ancient Indian monuments of culture and political and legal thought: Arthashastra, the Laws of Manu, Ramayana and Mahabharata contain instructions on "social" support for certain categories of subjects: orphans, widows of fallen soldiers, soldiers who were injured, etc., and also establish, along with rights, personal duties certifying the class character of a person's status.

The caste approach to assessing the value and dignity of a person is reflected in the oldest written source in history – the economic and political-legal treatise of Ancient India "Arthashastra", dating back to the end of the IV century B.C., the authorship of which is attributed to the wise

brahman Kautilya King Chandragupta (Struve, Baykov, Kalyanov, & Larin, 1993).

At that time in India, according to the Treatise, there were four main "castes" – estates, the first three of them are the highest castes: *brahmins* – representatives of the clergy and priests; *Kshatriyas* – the military class; *vaishya*s – merchants, large landowners. They were called "twice-born", emphasising their knowledge of the sciences, or *Aryans*. The "laws for them" established a certain hierarchy within these higher castes, prescribed their duties and rights (section 1, chapter III). The fourth caste consisted of *Sudras*, or representatives of the lower strata of the population, workers, artisans, dependent farmers and others, who are "legally" obliged to serve the higher castes (Struve et al., 1993).

Thus, in the Arthashastra, along with a division of responsibilities at the same time spelt out and form relationships between the four castes, also defined property rights castes.

A significant legal document, the first Charter on human rights in the history of mankind, is the so-called "Cyrus Cylinder" (539 B.C.), the provisions of which are reflected in the Universal Declaration of Human Rights adopted by the UN General Assembly on December 10, 1948.

It is known that in 539 B.C., the Persian King Cyrus the Great conquered the city of Babylon in 539 B.C., where he gave freedom to slaves and captive jews, proclaimed racial equality, the right to worship their gods. His rulings were written in cuneiform script on a cylinder of baked clay. Cyrus' ideas on human rights became the property of philosophical and legal thought in ancient India, Greece and Rome, where the ideas of "natural law" subsequently arose.

The liberation of slaves by Cyrus in Babylon was a local phenomenon and could not lead to the global abolition of slavery as a social phenomenon. But this historical monument has become a vivid manifestation of the humanistic idea of human rights, which determines its political and legal significance.

Further, it is appropriate to note that the satisfaction of the material needs of society according to the economic theory of Adam Smith and developed in Marxism is a universal sociological determinant of the material and production activity of people by its nature and action. At the same time, a person acts as a concrete and practical subject of both productive forces and industrial relations at the same time. Consequently, "the essence of the human," as Karl Marx (1955) writes, "is not an abstract inherent in a separate individual. In its reality, it is the totality of all social relations" (p. 3).

According to the materialist doctrine, each stage of the division of labour determines the social relations of individuals, at the same time, the content and forms of manifestation of their interests correspond to their relation to the historically existing three forms of property: tribal, ancient, feudal, and the division of labour and private property are identical concepts, the first of them refers to the labour activity itself, and the second – to the distribution of labour results.

The significance of the division of labour as its impact on the entire structure of social relations in a specific historical epoch – the division of labour, the embryos of which rested in the natural life of individual families, covers in its development the collectives of families and society as a whole, generating specific interests of an individual family and the inevitable common interests arising from the common needs of coexistence and self-preservation.

The joint living of ancient people who rose from the realities of the primitive communal system, when the "social" division of labour went beyond the purely natural essence of man and began to penetrate into the sphere of production, the content of which was the manufacture of the simplest tools of labour, and created the prerequisites for the appropriation of the results of labour by individuals or their groups – clans. The social nature of labour and the private nature of the appropriation of its results gave rise to antag-

onism in society, the desire and struggle of the exploited strata for their rights.

The division of labour was the basis for the emergence of private property and had a serious consequence of the formation of new relations between people – the relations of domination and slavery. Along with the objects of the material world, the slave was considered as a thing, the property of the owner, that is, only from the point of view of his natural essence. Man as a natural and social being is "destined for higher freedom" (Hegel, 1977, p. 325). However, the ancient peoples of the Two Rivers, both the Greeks and the Romans, have not yet risen to the concept of absolute freedom, awareness of their own self and their right to freedom. The spirit of the people, as the highest form of knowledge, as its social consciousness, was formed during the geological time scales in close interaction with geographical and climatic conditions.

The practical manifestation of the elements of developing self-consciousness, the desire for freedom, already in ancient times, were bloody wars in which slaves tried to achieve freedom, recognition of their natural rights by their struggle, because "every right in the world must be obtained by struggle" (Iering, 1874, p. 12). At the same time, the tragic finale of the slave revolt in Rome under the leadership of Spartacus in the I century B.C. is six thousand slaves crucified along the roads. Such a bloody massacre will be repeated nineteen centuries later in the French city of Lyon and on "Bloody Sunday" in St. Petersburg on January 9, 1905, when workers came out for a peaceful demonstration for recognition of their, first of all, economic and social rights.

The interests of private owners and the interests and rights of the working masses in any historical epoch have always been at opposite poles of the social aspirations of the antagonistic classes. Wars and revolutionary movements in the struggle of man for his rights accompanied the entire history of the development of human civilisation, during which the *desire for freedom* was strengthened as a qualitatively new "spiritual state that became a being alien to all drives" (Hegel, 1977, p. 325).

Gradually, the idea of freedom in its development reaches the degree of objectivity of both legal and moral reality. Thus, the birth of Christianity for its followers, "not to be slaves", became a reality, although slavery as an international phenomenon persisted in the Middle Ages. Moreover, even the US Constitution of 1787, progressive in its basis, for a long time preserved the importation of slaves into the country, providing the country with cheap and disenfranchised labour.

It should be noted that historically existing views about the legality of slavery, about the legal nature of slavery and domination were based on the understanding of man only as a natural being, from the position of only his physical strength.

Slavery, as well as serfdom, along with other forms of depriving a person of his fundamental social rights, legally means alienation of the individual and his substantial being, but even in this case, a person retains the absolute right to be freed because he, as a subject of Kant's (1965) moral law, is an end for himself and cannot be considered as a means for others (p. 275). Moral substantiality includes the rights of individuals to a peculiarity, which here acts as an external form (external way) of the existence of the moral itself.

Therefore, the identity of the universal will and the special will, as the unity of the concept of will and its existence, characterises the developing individual will to the level of universal, determines the dialectical relationship of duties and rights: a person has rights by virtue of a moral principle, since he assumes duties not under compulsion, unlike the phenomenon of duty. Therefore, a person who has no duties has no rights.

In historical terms, England became the birthplace of the first three industrial revolutions, starting from the second half of the XVIII century, thanks to a number of engineering and tech-

nical solutions and inventions. This was also facilitated by the official consolidation of human rights, which allowed attracting talented inventors from other European countries. So, already in 1215, to resolve the socio-political contradictions that arose, the Magna Carta was adopted, which established a number of legal rights of subjects and became a symbol of political freedoms. The English Petition of Rights (1628) and the Bill of Rights (1689) expanded the personal, economic and political rights of subjects, and at the same time, limited the power of the monarch, transferring greater powers to parliament.

In the last third of the XVIII century in England, the industrial revolution originated and covered the first half of the XIX century, thanks to the widespread use of certain technical innovations in the textile industry and metallurgy and steam energy. It spread to other countries of the world (the USA and Europe), and in the second half of the 19th century acquired qualitatively new features: it turned into the technological revolution due to its success with great discoveries in the natural sciences, primarily in physics, mathematics and chemistry. There was a process of creating a continuous production and, at the same time, the growth of productive labour, contributing to the assertion of superiority in the economy of the capitalist production system. Strengthening the economic positions of the bourgeoisie also led to its political domination, and the pursuit of profit and the accumulation of wealth in the hands of the ruling class led to increased exploitation of the growing class of workers. All this also meant a complete revolution in the state of civil society, the formation of new economic conditions, which began with the industrial revolution in England with the invention of the steam engine, the world-historical significance and which the main result was the birth of the proletariat.

The brutal suppression of the Lyon workers in France due to uprisings for economic demands (1831-1834), the Chartists speech in England (1836), who put forward political demands in the field of suffrage along with the demands for shortening the working day, marked the beginning of the labour movement in world history and meant an increased consciousness of the proletarians in defending their rights and legitimate interests, forcing the authorities to make concessions.

Thus, the important consequences of the industrial revolutions were the destruction of the traditional foundations of society, its urbanisation and a sharp increase in labour productivity on the basis of industrialisation – the transition from the feudal way of organising labour to the machine one. Two antagonistic classes were formed – the industrial bourgeoisie and the proletariat. The exploitation of the working people, especially the working class, has also intensified, which naturally gave rise to an irreconcilable class struggle of the workers for their rights.

Industrial revolutions, having an impact on the established way of life, gave rise to new value relations in society and new needs, which – being realised as socio-political-economic and spiritual interests of workers – motivated their struggle for their rights. It must be admitted that the appearance of the Soviet state on the world stage stimulated the expansion of the rights and freedoms of the working class in the West.

The decisive progress in the implementation of human rights as the idea was achieved by the adoption of a number of international legal instruments on human rights after the Second World War, where the fundamental one was the Universal Declaration of Human Rights (Sieghart, 1986). It was during this period when women's rights were formalised, which had not yet been fully enshrined in law in all countries (Garkavchenko, Maistrovich, Pashentsev, & Mirzalimov, 2019).

Human Rights in the Context of Digitalization

Over the past quarter of a century, information technologies and communication net-

works, including the Internet, actively cover all spheres of human activity and society. Digital technologies are penetrating into historically established traditional relations and institutions of society.

The fundamental human rights guaranteed by international legal acts and the constitution of the country, with the development of modern technologies, receive new ways of their existence, expression and implementation. The emerging forms of relations between a person, society and the state – based on the introduction of information and communication tools and technologies – are called digital rights for short, which can be understood as human rights to access and use computer networks, the right to free communication and expression of opinion, the right to inviolability of the private information environment, etc.

The Okinawa Charter of the Global Information Society, adopted by the heads of eight leading powers, including Russia, in Japan on July 22, 2000, proclaims the goals of information technologies to ensure sustainable economic growth, increase public welfare, promote social harmony and the full realisation of their potential in strengthening democracy, transparent and responsible governance, human rights, the development of cultural diversity and the strengthening of international peace and stability.

The Charter establishes the need to coordinate the actions of States to create safe and crime-free cyberspace, which, as we believe, is of crucial importance in protecting human rights and freedoms from international organised crime.

The "Open State" project implemented in many countries expands the right of citizens to discuss issues concerning practical activities of public authorities and contributes to improving the efficiency of their activities. The use of digital technologies opens up new prospects to implement the targets of the "open government". It hence ensures comprehensive consideration of public opinion when the government makes socially significant decisions. This creates a new direction of communicative interaction between a person and the state, which increases the level of a person's legal personality, its ability to exercise its rights and legitimate interests.

An important direction of using new information and telecommunications systems is associated with the expanding introduction of "digital medicine" technologies into the practice of medical institutions of a state, which give access to the achievements of leading medical clinics in the implementation of medical measures online, the organisation of advanced training courses for medical personnel, as well as individual medical consultations for individual citizens.

A pronounced socially significant aspect of digital technologies is their significant effectiveness in the implementation of the educational process using telecommunications means.

An important feature of the fourth industrial revolution is the formation of a new basis for the development of the entire society, a new way of life and the digital economy. However, in these conditions, there is a tendency to reduce jobs. At the same time, there is a growing need for qualified personnel with knowledge of modern technologies. The growth of unemployment exacerbates social tension in society and requires the development and implementation of a new concept of social security of the population and provides for its significant expansion.

So, along with the positive aspects of applying new information technologies in public life, there are also negative trends. In particular, the instrumentalisation and the formal teaching of politics and law lead to a break from their moral foundations, alienation of a person and entail a colossal threat to the unlimited power of the technocratic bureaucracy over the course of social development, which is also expressed in the dynamics of the human rights system. These trends observed in the socio-political life of the political and legal sphere have not yet become a fait accompli, but they have the potential to turn into reality. As Jurgen Habermas (2007) notes: "The politician becomes the executive body of

the scientific mind, which under specific conditions carries out the objective pressure of the techniques and auxiliary means, as well as optimal strategies and management prescriptions" (Habermas, 2007, p. 139).

The Internet and other telecommunications networks play an increasing role in the formation of an extra-spatial and timeless form of personal identification. It moves the centre of the human socialization system from the real environment to the virtual environment. These phenomena serve as a prerequisite for the emergence of narcissism and the mythologization of social life, and the collapse of the integral system of personal identity. In contrast to these negative trends, it should be pointed out that the true identity of a person can be formed only in the conditions of real joint work in a specific subject environment in live human communication and in space-time intervals.

Personality and Its Rights in the Context of Globalization

The globalization of communication processes based on digital technologies is changing life orientations, interests and values, as well as the psyche of the individual. This dynamic is due to the fact that with the advent of global connections through the Internet, traditional mechanisms for transmitting moral values in local elements of society are being destroyed: in the family, educational institutions and labour collectives. At the same time, the spatio-temporal, "vertical" (from generation to generation) transmission of socially significant moral information, value orientations, folk traditions and customs are replaced by timeless and extra-spatial forms through Internet technologies. Consequently, there is a threat of the emergence of an autonomous individualized personality and the negative self-identification of a person (Beck, 2000).

The problem of identity and its perception by the individual himself in the conditions of digital technologies is of interest from the perspective of both philosophy and individual or social sciences, including law. Self-identification of a person is directly related to the formation of individual and social legal consciousness, the development of models of law-abiding behaviour and legal culture in general.

A man as a person is immersed in a system of multifaceted and multilevel social relations, and therefore the identity of a person acts as a comparative characteristic of people in the integrity of a qualitatively defined social environment. Therefore, it is necessary to recognize that the industrial revolution – which destroyed the traditional foundations of society – also changes the essential qualities of a person and his value orientations (Pashentsev, 2021).

The task to counter negative trends emerging in the new digital reality requires the intensification of work on the cultivation of folk traditions, customs and moral values of people, such as patriotism, collectivism, brotherhood, equality and justice, etc., while strengthening the freedom of will of the individual.

In this regard, the need for the development of new approaches to the study of legal consciousness and legal psychology in legal science is becoming more acute. On the other hand, the existing regulatory framework does not meet the emerging prospects for studying the brain. Approaches to legal policy, legal consciousness, law-making, the implementation of the law, etc., also require a radical update. The fundamental question here is to what extent the individual retains the freedom of its will and to what extent intelligent machines influences the human consciousness and controls people.

It must be said that these studies, although the results are striking in their significance, are at their initial level in terms of the volume of data obtained: science today has not yet given decoding of possible neural connections and their significance in the behaviour of the simplest living objects with several dozen neurons. It is appropriate to note here that the human brain consists of more than 100 billion neurons. About the

same number of stars includes our Galaxy, i.e. the visible part of the Universe. Interestingly, the use of the modern Hubble space telescope gives this estimate, respectively, the number of Earth-like planets in our Galaxy is estimated by a number with eighteen zeros. Each neuron is connected to about ten thousand other neurons. Therefore, even only paired neural connections are equal to ten raised to the power of 15. This is the number of the simplest "thoughts" that can arise in the human brain. This circumstance makes us understand that the ongoing research of neural connections is still in an embryonic state.

However, today there are "mundane problems" of the correlation of human rights and the rights of supervisory authorities to access and use confidential information recognized as such by international acts and included in the fundamental human rights, and reflecting the generally significant problem of the dialectical relationship of personal, public and state interests.

UN General Assembly Resolution No. 68/167 of December 18, 2013, "The right to privacy in the digital age" states that the pace of technological development, along with the expansion of people's rights to access information, simultaneously "increases the ability of governments, companies and individuals to track, intercept and collect information that may violate or infringe on human rights, especially the right to privacy, enshrined in Article 12 of the Universal Declaration of Human Rights and in Article 17 of the International Covenant on Civil and Political Rights...".

The Resolution notes the possibility of access and use by the supervisory authorities of States of confidential personal information in compliance with their obligations under international human law. Fundamental human rights and freedoms, such as the inviolability of private life, the right to secrecy of correspondence, telephone conversations, freedom of speech, freedom to receive and disseminate information, as well as the obligations of States to protect human rights, are enshrined in international legal acts and the Constitution of the country. In connection with this circumstance, there is a subjectively perceived priority of individual rights in the state-established system of correlation of rights, duties and duties. Turning to the general philosophical interpretation of this problem, we cannot but recognize the legal and moral significance of this issue. The essence of the emerging problem is reduced to the establishment of the limits of the legal boundaries of the individual's rights, the functional framework of his legal status (Malakhov & Aznagulova, 2021). We believe that an adequate answer to this question can be established by clarifying the meaning and significance of the legal status of the individual, its functional role in sociological praxiology, where the central concept is activity and where human freedoms and rights as their substantial basis have the unity of the physical and spiritual.

In the light of the above, the interpretation of the concept of meaning, the clarification of its epistemological role in socio-political and legal discourse is of particular importance.

From the point of view of understanding the legal status of an individual, the meaning and its meaning should always be considered in close connection with the question of the essence of law as such. A holistic, systematic approach to the knowledge of the legal status of an individual allows us to delve deeply into their deep essence, the historically determined meaning and meaning of norms, to find out their universal value.

It seems to us that we should pay attention to the essential point that the legal status of an individual as a social phenomenon has a political character and reflects concentrated, mutually agreed personal and state interests. Therefore, the clarification of the meaning and significance of the legal status of an individual involves the establishment of cause-and-effect, spatial-temporal, political-economic, socially-conditioned connections in the existence of the national state and humanity as a whole.

The significance of human rights is their praxeological characteristic and consists primari-

ly in the fact that in their functioning, they give a qualitative certainty of society as a moral unity, concrete integrity. At the same time, the actual human rights themselves, filled with concrete content at each historical moment, represent an integral formation in the system of public relations so that the possibility of progressive, stable development of society as a multidimensional and multilevel phenomenon is based on the dialectical unity of the rights and duties of a person and a citizen. This is achieved by a certain structural organization of basic human rights and freedoms.

The Structure of Human Rights in the Digital Age

The structure of human rights is determined by the structure of the legal system and society itself. The formula "what is society – what is law" has been practically implemented since ancient times. The content of human rights is connected with the main sphere of public life: material and industrial, economic, political, social, spiritual, cultural. It is the sphere of material production that has a determinative influence on the whole set of human rights. This connection also determines the diversity of human rights in terms of their essence, significance and types of guarantees.

The central place in the structure of the legal status of an individual is occupied by his rights. When systematizing them in legal science, the concept of three generations of human rights is sometimes used: personal (civil and political), socio-economic and cultural, collective (abstract-universal human rights), which have found political and legal recognition in the course of civilizational development. With a systematic approach to the status of the individual, it is human rights that are the system-forming factor around which all other components crystallize. This point is of fundamental importance since the status of an individual is, first of all, a complex multi-level functional system that interacts through many channels with all spheres of public life and structural components of the legal system of the state.

Referring to the concepts of "the structure of society", "the structure of law", "the structure of human rights", etc. in the political and legal discourse, it is necessary, first of all, to give an interpretation of the concept of the structure itself.

Many researchers correlate the concept of structure with the concept of a system from a modern point of view, although they do not reveal the hierarchical subordination of these two concepts, which gives rise to large differences in the content and scope of the concepts of "structure" and "system". This fact creates considerable obstacles for clarifying both the concept of the legal system itself and its structure and, consequently, the meaning of the legal status of an individual. The main disadvantage of this approach is the uncertainty of the boundaries of the concept of a legal system when its content can be set subjectively in contrast to its objective social foundations, which have a praxeological and axiological essence. More reasonable, in our opinion, is the definition of the structure as a certain aspect, a side of the system itself.

The structure of the legal system of society is not completely determined by its elemental composition, a formal indication of the existence of relations between them, stability, integrity (which in itself is very important). We believe that to determine the structure of the system, one of the main issues is to clarify the spatial-temporal hierarchy of its components and the hierarchy of the legal system itself in the system of public relations. With such a substantial approach, the structure appears as an internal form of the system.

Discussing the issue of the structure of the legal system, we can state that the components of the legal system, as its essential parts, in interaction with each other and the external environment, determine the way of existence of the system as a whole. Then, we can understand the structure of the legal system as its internal form,

the way of existence of the content of system. D. A. Kerimov (2001) holds a similar point of view, arguing that "the structure is nothing but the internal form of the whole, then, consequently, its elements are moments, connections, blocks of the organizational structure of this whole" (Kerimov, 2001, p. 197).

Being a substantive approach, our position on the structural composition of the legal system requires clarification in relation to functional systems, which can also include the external side of the legal system because their structural organization, as a rule, contributes to a certain achievement of the target result. However, the internal form of the legal system, being its essential feature, as a way of existence of its content, is devoid of internal dialectical contradictions and has no internal reasons for the development. Therefore, we consider it necessary to include in the content of the structure of a social phenomenon an additional feature that defines a hierarchical, logical-functional and value line-the relationship between the components of the system, which, in our opinion, can be achieved only by introducing the feature "conscious human activity", which is expressed in the corresponding components of the legal system. Such an approach would mean that the legal system, for example, includes not only ontological and epistemological aspects but also has praxeological and axiological content, since value as such has a certain meaning only in the practical activities of people and their associations (Mises, 2004, p. 334). Thus, the legal status of an individual becomes a subordinate factor in the formation of the integrity of the legal system itself, where the latter belongs to a higher hierarchical level, which in turn represents part of more general integrity – national society.

The central place in the structure of the legal status of an individual is occupied by his rights; when systematizing them in legal science, the concept of three generations of human rights is sometimes used: personal (civil and political); socio-economic and cultural; collective (abstract-universal human rights), which have found political and legal recognition in the course of civilizational development. With a systematic approach to the status of the individual, it is human rights that are the system-forming factor around which all other components crystallize. This point is of fundamental importance since the status of an individual is, first of all, a complex multi-level functional system that interacts through many channels with all spheres of public life and structural components of the legal system of the state.

To define the concept of a system as a key problem of the system approach, it is necessary to search and formulate its system-forming factor – an integral and decisive component of it. There are reasons to believe that the system-forming factor is an essential internal element of organic systems that characterizes its purpose – a functional role in the composition of certain integrity. Therefore, we can say that the meaning and significance of the legal status of a person concretize its place in the legal system of the state and, in interaction with morality, connect it with social reality, where it acquires a higher ontological content in the hierarchically existing order of phenomena, and the need for its implementation, introducing an additional point to the stability of the latter.

Therefore, the consideration of the categories of meaning, system, structure from the political and legal point of view allows us to establish the hierarchical relationship of a person, society and the state. This leads to an understanding that the legal status of an individual is not self-sufficient in the entire system of public relations, and human rights, concretized in each historical epoch, are the essence of his good as one of the necessary elements of the sustainable functioning of society itself.

The emergence and development of human rights in different epochs and in different societies went inextricably with the genesis of the principle of formal equality, which underlies the libertarian-legal understanding of the law and the state, based on the Hegelian definition of law as

the existence of freedom (Nersesyants, 2017, p. 144).

In the practical implementation of relations in the triad "man-society-state", it is not a formal commitment to the idea of freedom, development and transformation of it in the specific historical conditions of material production and the spiritual state of society into a life-affirming force of legal views, moral beliefs, but the unity of morality and law-into the fundamental and highest principle of the public and personal life of people. It is in this direction that Kant's thesis that human rights are "the most sacred thing that God has on earth" can be implemented (Kant, as cited in Alekseev, 2015). This thesis acquires a special meaning and significance due to the ambiguous nature of the influence of digital realities on the moral and legal state of the individual.

In this regard, we can state the fundamental role of the principle of formal equality for the full implementation of the idea of human rights in the conditions of modern technological development. The active use of this principle, including as a methodological basis, allows us to find the facet that is important for the full realization of rights and freedoms, their protection from unjustified restrictions with the help of modern digital technologies.

Conclusion

The dialectic of the universal and the specific is clearly reflected in the system of human rights. It is important to find a balance between universal rights and freedoms that have been enshrined in international law and an individual's traditional legal status that corresponds to the values and historical development of each particular national culture.

In the context of modern technological development, the digitalization of social relations is becoming a challenge to the idea of human rights, a threat to individual freedom. In this regard, it is necessary to develop and implement new legal mechanisms that would guarantee the full implementation of fundamental rights and freedoms, would ensure the required balance between individual freedom and public security. The resolution of emerging contradictions between the social life, world and global consequences of the introduction of new technologies and the implementation of legal regulation of naturally emerging new relations put on the agenda the development and implementation of a long-term research program for the development of legal policy and legal ideology aimed at modernizing the regulatory framework for regulating economic, political and social spheres in the modern world.

In this context, the legal consolidation and practical implementation of the idea of formal equality become particularly important. It is the formal equality guaranteed by the current law that makes it possible to ensure the full implementation of the idea of human rights and freedoms in the conditions of new technological challenges.

Technological development, including digitalization, does not cancel or change the fundamental legal idea – the idea of human rights, technological development preserves it as a fundamental legal value. By creating new risks for it, they also create new opportunities that allow ensuring the implementation of human and civil rights and freedoms on the basis of the principle of formal equality.

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