

# EDITORIAL

**Dear Readers and Authors,**

Advances in technologies have made it clear that the whole paradigm of social constructs is bound to change dramatically. At this very moment of the development of the humanity our perception of life, our mindsets are adjusting to this new reality. Artificial Intelligence (AI) technologies implementation is gaining momentum, redefining customary activities. There is no doubt that such innovations make our lives easier, however, fast pace of development and integration, that are often ahead of proper regulation, tend to lead to the emergence of new threats to society and an individual. This issue of the journal sets the task of highlighting such threats and challenges that might undermine our understanding of things.

**Animesh Kumar Sharma and Rahul Sharma** speak about one of the most relevant issues, namely generative AI that is capable to create almost anything in any sphere: texts, images, music, etc. On the one hand, it is useful. On the other, many questions arise. These include challenges to intellectual property, privacy, personal data protection, cyberbullying, deep fakes and many others. Besides, not only does the regulation matter, ethics and moral are also high on the agenda. As well as the fact that any text, including contracts — texts that have been inherently created by lawyers — can be generated not only by human mind, but with the help of chatbots and various modern language models, which may interfere with the very nature of many professions, legal profession being one of them.

Amid the development of generative AI and other digital tools, data breach is becoming a more frequent crime often targeting personal data and sensitive information. As easy as it becomes for an ordinary person to get access to different information, it seems much easier for criminals to commit cyber-attacks. As **Niharika Raizada and Pranjali Srivastava** mention, India is one of the most affected countries, especially when it comes to health industry. Electronic health records are at high risk since the legislation is yet to be developed properly, as well as healthcare infrastructure. Still, there is a question of why to target health data in the first place. The authors provide a comprehensive analysis of the situation in India, focusing on various cyber

threats, types of cyber-attacks, relevant legislation. Although the article primarily discusses the Indian experience (with a brief outlook on the problem in the US and EU), the ideas expressed can be of interest to any legislator and academia as the dangers and hazards that emerge in this regard are global.

**Artur N. Mochalov** discusses personal data from quite an unusual perspective. The information that individuals provide is stored in an organization that later might want to have more understanding of the client. This leads to the so-called digital profiling when by means of latest digital technologies and AI they process and analyze the data possible to obtain from the local storages, public resources and cross-references with other organizations drawing conclusions about similar groups of people, similar patterns of behavior, similar interests and the like. This process is also known as data mining and often fails to comply with the legislation related to personal data protection.

Such data can be mined through mobile applications that users download. As a rule when starting any application they agree to the terms of use and some other terms that include their consent to share specific information with other persons (interests, likes and dislikes, etc.). But the use of mobile applications poses other threats to the user, namely of criminal nature. **Arseniy A. Bimbinov** considers criminal risks that may arise while using different applications supporting the ideas expressed with the result of the survey conducted among different groups of young people. The research showed that many do not comprehend that some actions performed online are of criminal nature, the data they share may be at risk of breach, they may become victims of an array of offences.

Protection of private investment through bilateral investment treaties (BITs) in the modern day conditions is undergoing changes, in particular in cases involving member states of Shanghai Cooperation Organization. Analyzing the international investment arbitration cases involving the SCO states, **Ren Yanyan and Zhao Zhixin** not only define the most urgent issues but rather focus on a specific clause. At the core of their analysis is the Most-Favored-Nation (MFN) provision, namely its evolution, different approaches to its implementation and inter alia some difficulties of the MFN interpretation in China.

State sovereignty is another topical issue that requires reconsideration amid new challenges that the world has recently faced. **Sergey M. Zubarev and Denis B. Troshev** regard public law enforcement of state sovereignty as

a complex and multidimensional construct and examine the concept both in its broad and narrow sense. First, it is a combination of law making and law enforcement intrinsically intertwined with legal culture and legal consciousness, the balance of public and private interests, the rights and freedoms of citizens in the current geopolitical environment. Second, public law enforcement of state sovereignty is quite limited by statutory regulation and the way it is implemented. Still, it is possible to say that legal culture and consciousness are inherent in public law enforcement and can be a supportive tool, primarily through purposeful legal education activities provided for different groups of society.

Legal profession per se aims not only at internal activities but at external as well. **Natalia A. Abramova and Polina E. Marcheva** discuss the necessity to develop legal rhetoric skills in two languages: in Russian and in English. One major benefit is the facilitation of international cooperation and conservation of historical and cultural heritage. The ability to implement effective intercultural communication is of paramount importance for a highly qualified professional as it is relevant for different environments, for example, in the courtroom, where lawyers might have a challenge to use a different language, let alone the rules of a different system of law. Legal, linguistic, ethical elements of courtroom arguments require careful consideration and bilingual competence itself might be an extremely useful tool. In delivery of international student exchange programs bilingual training may be highly beneficial for a foreign student aiming to acquire such competences and wishing to advance in their profession.

The Academic events section features **Evgeniy V. Malyshkin** overview of the Conference titled “Thought as an Event: in Memory of Alexander Isakov” organized and hosted by St. Petersburg Academy of Postgraduate Pedagogical Education named after K.D. Ushinsky. The conference, which was also a tribute to Professor Isakov, focused on array of legal and philosophical issues developed in line with the Isakov’s interests.

**Anastasia N. Mitrushchenkova**

Cand. Sci. (Philosophy), LLM

Deputy Editor-in-Chief