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Public legal regulation of digital transformation of education

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5.1.2. Public Law (State Law) Sciences

GENERAL OVERVIEW OF THE DISSERTATION

Relevance of the research topic. The development of modern society has moved to a qualitatively new stage, which is associated with the digital transformation of public relations, entailing the setting of new goals and objectives to improve constitutional state institutions, in connection with which the relevance of the work is explained by the following factors.

Firstly, the Russian Federation has adopted and is implementing strategic documents directly related to the formation of the information society and its digital modernization. Concepts related to the regulation of public relations in the information society and influencing the digital modernization of the state have been introduced into the domestic system of legal regulation and are receiving legal content. Education is one of the leading sphere in the development of the state, its institutions and society. Education as a fundamental sphere of state and public life in the context of the digital transformation in the Russian Federation is of high importance for human potential and sustainable national development.

Strategic changes aimed at modernizing public and state space are based on the field of education as the most important sector of digital transformation of the social sphere. The creation and implementation of national and federal programs related to the digitalization of the educational environment have become one of the most important state priorities reflected in such documents as: The Strategy for the Development of the Information Society in the Russian Federation for 2017-2030¹, the Executive Order On the National Development Goals of the Russian Federation through 2030². These documents are fundamental in setting goals and objectives for the development of the digital transformation of the Russian education system. For the present, the National Education Project³ has been developed and is functioning as a basic strategic document for the digital transformation of Russian education.

¹ Collection of legislation of the Russian Federation. 2017. No. 20. Article 2901.

² Collection of legislation of the Russian Federation. 2020. No. 30. Article 4884.

³ Passport of the national Education project (approved by the Presidium of the Presidential Council for Strategic Development and National Projects, Protocol No. 16 dated December 24, 2018) // System "ConsultantPlus".

Secondly, the high level of dynamics of civilizational processes in education raises a number of theoretical and practical issues from the point of view of public law sciences, including the science of constitutional law. Such issues affect the right to receive education at various levels, as well as guarantees of its implementation. On the one hand, these processes have a significant impact on the development and functioning of the traditional educational process (large blocks of the functioning of the educational system are undergoing digital changes), on the other hand, a new educational environment in a digital format is emerging. These processes are not mutually exclusive, but, on the contrary, complement the existing educational model of the digital component. These aspects of the modernization of education require a legal understanding of the ongoing processes.

Sensitive factors in the implementation of strategic changes through digitalization processes in education are the factors of correlation of such changes with the current constitutional rights of citizens to education and the implementation of their guarantees. The model of the studied strategic changes is of particular importance for legal analysis. This model is based on the design and strategic form of the introduction of technological changes through the adoption of legislative acts and subordinate legal acts issued by the executive power.

Thirdly, given the high level of stability of public-law relations, a well-founded legal analysis of such relations is required from the point of view of measuring the current constitutional paradigm in the field of the right to education as one of the basic social human rights by assessing the legal balance of traditional and digital educational models. The digital transformation of education belongs to one of the main national development goals of the Russian Federation. This fact justifies the need for a public legal analysis of the regulatory framework for its implementation.

Finally, the relevance of the study of processes in education on the example of the study of the legal regulation of digital transformation of education lies in the fact that, to date, no attempts have been made in domestic legal science to explore aspects of modernization of education in the context of digitalization processes directly affecting the principles of the realization of rights and guarantees in the field of education, taking

into account the latest constitutional changes⁴ and the implementation of project and strategic documents.

The purpose of the research is to assess the impact of the digital transformation of education as one of the national development goals of the Russian Federation on the realization of the right to education and guarantees of its receipt in the context of the formation of an information society by identifying the public legal content of the processes under study.

This purpose determined the list of **objectives** set to achieve it:

- to trace the evolution of legal regulation of the education sphere in the period preceding the digital transformation of education;
- to identify the basics of public legal regulation of digital transformation of education;
- to identify the current trends in the legal regulation of the digital transformation of education;
- to analyze the features of public legal regulation of digitalization of the educational environment;
- to consider the digital educational environment in the mechanism of digital transformation of education;
- to identify and formulate the features of the public legal regulation of the right to education and its guarantees in the context of digital transformation.

The object of the research is the social relations that develop in the process of public legal regulation of the digital transformation of education.

The subject matter of the research includes a set of legislation, secondary legislation and project-strategic acts affecting the current regulation of the digital transformation of education in the Russian Federation, decisions of the Constitutional Court of the Russian Federation and scientific sources on the problems of research.

The degree of scientific development of the research topic. In Russian legal science, issues related to the study of the right to education and the mechanisms of its

⁴ The Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation dated March 14, 2020 No. 1-FKZ On Improving the Regulation of Certain Aspects of the Organisation and Functioning of Public Authority // Official Internet portal of legal information <http://www.pravo.gov.ru> . March 14, 2020.

guarantee have been considered and analyzed at various times. In particular, these issues have been studied by such scientists as: N.L. Vorontsova, L.N. Vasilyeva, E.S. Kananykina, S.A. Kocherga, Yu.A. Kudryavtsev, S.A. Mashenko, I.F. Nikitina, V.V. Spasskaya, O.V. Stulnikova, V.M. Syrykh, V.I. Shkatulla, E.S. Chugunova, M.V. Smirnova, O.A. Teplyakova, I.V. Tyapkina and others.

Some aspects of the human right to education have been studied by such domestic researchers: V.V. Boitsova, L.D. Voevodin, D.A. Golovanov, T.V. Guseva, A.N. Kozyrin, Yu.A. Tikhomirov, E.V. Slesareva, O.N. Stolbushinskaya, A.V. Bogdanov, I.F. Nikitina, V.V. Rybakova and others.

Constitutional law and theoretical legal studies in recent years have dealt with various aspects of the right to education. For example, G.A. Davtyan attempted a constitutional study of the right of citizens of the Russian Federation to education (2012); the constitutional right to education and guarantees of its realization by children with special social status in the Russian Federation were studied in the doctoral dissertation by T.N. Matyusheva (2012); A.V. Bondarevsky comprehensively examines the essence and principles of the right to education (2013); research of S.A. Mashenko is devoted to a comparative legal study of the right to higher education in Russia and Germany (2015). Special attention was paid to the analysis of the study of educational legislation and its evolutionary transformation in monographic studies (including collective ones) L.V. Andrichenko, V.L. Barankov, B.A. Bulaevsky, N.V. Putilo, N.S. Volkova (2015); certain aspects of the modernization of domestic education in the context of the development of the digital economy are reflected in the collective monograph edited by V.A. Vaypan and M.A. Egorova (2019).

It should be emphasized that there are practically no actual studies of the legal analysis of the digitalization modernization of Russian education. In particular, general legal studies of digital processes include: the study of the phenomenon of law in digital reality by T.Ya. Khabrieva and N.N. Chernogor (2018), the study of the legal concept of robotization edited by Yu.A. Tikhomirov and S.B. Nanba (2019), theoretical and legal analysis of information and digital constitutionalism in the Russian legal space by

I.A. Kravets (2020). One of the fundamental topical theoretical studies in the field of the evolution of human rights in the digital age are the research of E.V. Talapina.

Some aspects are considered in dissertation research of non-legal topics, for example, I.N. Terkulova's research is devoted to the digital environment as a pedagogical condition for positive socialization of students in French-speaking countries (France, Canada); the study of difficulties and prospects of digital transformation of education is conducted in a collective monograph edited by Ya.I. Kuzminov, I.D. Frumin (2019).

The theoretical basis of this research includes fundamental researches of scientists in the field of theory of state and law, constitutional law: M.V. Baglay, N.A. Bogdanova, N.V. Varlamova, Yu.A. Denisov, V.D. Zorkin, I.A. Kravets, E.V. Talapina, A.V. Polyakov, T.Y. Khabrieva, L.I. Spiridonov, I.A. Umnova-Konyukhova, V.I. Kruss, I.L. Chestnov, V.E. Chirkin and others.

The methodological basis of this research includes general scientific and special legal methods. General scientific methods include analysis, synthesis, formal-logical and systemic-structural methods; special legal methods: historical-legal, formal-legal and others.

The chosen research methodology is based on the analysis, commenting and interpretation of the norms of legislation, regulatory legal acts. Also, the methodological basis is the content of public relations, the actual social conditions of the digital transformation of education. The basic concepts in the field of social relations under study are highlighted using the method of analysis: digital transformation of education, digital educational environment, digital modernization of the Russian educational environment, information society, information space, the features of their public legal application are outlined. These concepts have been clarified using the synthesis method. Various elements and public legal features of digitalization of the educational environment are also connected through the synthesis method.

The historical-legal method is used to study the evolution of the right to education in the post-Soviet period and to consistently identify the stages of development of legal regulation of this right. The formal-legal method is used to analyze regulatory legal acts,

strategic documents and other sources about the digitalization of the educational environment and the public legal aspects of its regulation.

The scientific novelty of this research lies in the fact that for the first time the aspects of the digital transformation of domestic education have been comprehensively studied from the standpoint of public law sciences through the analysis of both regulatory legal acts and strategic documents. On this basis, the author's position on the content of public law regulation of the studied sphere is formulated; the legal features of digitalization of the educational environment are highlighted and systematized. A comprehensive assessment of the public legal regulation of the digital transformation of education is proposed.

The legal regulation of the mechanisms of digital transformation of education has been analyzed for the first time in the direction of achieving the indicators of "digital maturity" of education, taking into account the national development goals of the Russian Federation.

For the first time, a public law approach to the unified legal framework in the education system has been formulated and justified, taking into account the digitalization of the educational environment. The results are obtained on the basis of a comprehensive analysis of the latest changes in the norms of the Constitution of the Russian Federation in education sphere, regulatory legal acts and strategic documents.

It is concluded that an integrated approach to the formation of a regulatory framework is a factor in achieving the national development goal for digital transformation. In this case, guarantees of accessibility and free education will include regulation of their digital content. The results are obtained by analyzing the problems of implementing guarantees of free preschool, basic general and secondary vocational education in the context of digitalization.

The main results of the study and the provisions submitted for defense:

1. In the process of studying the evolution of the right to education in the post-Soviet period, the author identifies four stages in the development of its public law regulation:

1) the stage of formation and reformation of legislation on education in the new constitutional paradigm (1991-2000). This stage is characterized by the formation and development of a new normative and legal regulation of public relations in the field of education, based on the constitutionally enshrined principles of a democratic and rule of law state, where the highest value is a person, his rights and freedoms;

2) the stage of correctional legislation (2001-2012), which included, on the one hand, the development and adoption of important conceptual documents regarding the implementation of the constitutional right to education and their guarantees, but, on the other hand, does not contain a structured unified regulatory approach to the modernization of existing legislation on education;

3) the modernization stage (2012-2018) of the development of educational legislation includes the adoption of a new unified Federal law On Education in the Russian Federation (2012), which consolidated the fundamental basic principles and rules of law of the previous stages of the development of national legislation, the implementation of the program provisions of the existing strategic documents on education;

4) the stage of legal regulation of the digital transformation of education (from 2018 to the present), related to the innovative needs of Russian society in the education sphere, as well as technological changes in the information society, implying a gradual transition to a digital society and the state.

2. The author concludes that the public legal content of the processes of digital transformation of education presupposes the regulation of the digitalization of the right to education and guarantees of its receipt in the digital environment. It also assumes guarantees of education through the provision by the state of the necessary digital mechanisms for access to digital educational opportunities in a unified educational environment. For the formation of a knowledge society in the Russian Federation, one of the main indicators of achieving the national goal of digital transformation of education is the creation of a system of rules of law for its public legal regulation. Therefore, the regulation of the digital transformation of education implies the actions

of public authorities to form a legal framework for the modernization of education through the adoption of regulatory and strategic documents.

3. The public legal regulation of the digital transformation of education includes a set of rules of law in the field of modernization of education in the following projections:

1) ensuring the implementation of the constitutional right to education by digital means in the information society;

2) guarantees of the implementation of the rules of constitutional law on the accessibility of education through regulation of ways, means, mechanisms and rights of access to digital educational infrastructure;

3) the establishment of a unified legal framework for the education system (including lifelong learning), provided for in paragraph "e" of Article 71 of the Constitution of the Russian Federation, in relation to digital regulation in education.

4. The analysis of legal acts regulating the processes of digitalization in the Russian Federation has shown that in the system of current legal regulation, these acts define concepts involving the development of information and communication technologies based on national interests. These include: "digital transformation", "information society", "information space" and "knowledge society". The digital transformation of education is one of the fundamental directions of ensuring national interests, defined in the Strategy for the Development of the Information Society, and refers to the goals of forming a knowledge-based space.

It is established that the constitutional basis for regulating the digital transformation of education is:

1) the rules of law concerning the development of human potential in which the basis for the legal regulation of issues of digitalization of education becomes the fundamental constitutional basis for human development, human rights and freedoms (Articles 2, 18, 19, 29, 43, 44 of the Constitution of the Russian Federation);

2) the rules of law affecting the development of the welfare state, implying the building of systemic relationships of the right to education through the concept of the

welfare state (Articles 7, parts 2-3 of Article 43, Part 4 of Article 67.1, Article 75.1 of the Constitution of the Russian Federation);

3) the rules of law regarding the implementation of the principle of federalism, including the implementation of this principle in the formation of a general regulation of the digital educational environment (Articles 5, paragraph "e" of Article 71, paragraph "e" of Part 1 of Article 72 of the Constitution of the Russian Federation).

5. The public law regulation of the right to education and guarantees of its receipt includes several levels of such guarantees: constitutional, legislative guarantees at the federal level, legislative guarantees at the level of the federal subjects (including the constitutional level). Taking into account the national goals for the development of the information society established by the President of the Russian Federation and strategic national priorities, the designated mechanism for the implementation of state guarantees in the educational environment is complemented by a set of rules of law in the field of digital transformation of education.

The public legal regulation of the right to education and its guarantees in the context of digital transformation should be reflected by additional amendments to the Federal Law On Education in the Russian Federation. These amendments should include the creation of a common cluster of principles and development objectives in the field of digital transformation of education. It is necessary to create a system of rules of law that consolidate the implementation of these principles and objectives in the Russian Federation. At the same time, it is necessary to take into account the jurisdiction of the Russian Federation and federal subjects.

6. The analysis of the public legal regulation of the digital transformation of education at the current stage of its implementation has revealed the following problems: regulation of the digitalization of education by subordinate normative acts on strategic planning, terminological fragmentation of concepts and definitions, as well as the lack of clear regulatory boundaries for the delimitation of subjects of competence in the field of education, taking into account constitutional changes. An integrated approach to solving the identified legal problems involves the following areas:

- terminological unification based on the results of the implementation of all projects to create a unified educational space in the digital environment;
- creating a unified legal regulation of digitalization within the framework of the unified legal framework of the education system, including lifelong learning;
- formation of flexible regulatory and legal mechanisms for regulating the digital educational environment at all levels of education.

In addressing these issues, legal regulation should be aimed at implementing constitutional principles and guarantees in education. Constitutional amendments introduced by the Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation dated March 14, 2020 No. 1-FKZ On Improving the Regulation of Certain Aspects of the Organisation and Functioning of Public Authority, concerning the details of the subjects of competence, predetermine the approval of the unified legal framework of the educational system, taking into account the national goals of the development of the information society, in accordance with the above directions.

7. The implementation of legal guarantees for the accessibility of education in the context of its digital transformation includes the formation of the following categories of the rules of law:

1) the rules of law regulating the mechanism of digital implementation of educational activities and ensuring equal conditions and access to education for students, including the platform of the digital educational environment;

2) the rules of law ensuring the functioning of an information and communication educational platform at the federal level with an appropriate admission system based on the principle of equality of participants in educational relations;

3) the rules of law regulating the information, telecommunications and technological infrastructure of digitalization of education with its functional support at the federal level;

4) the rules of law establishing, in accordance with paragraph "e" of Article 71 of the Constitution of the Russian Federation, a unified legal system for regulating

education in the digital environment based on the federal digital platform within the framework of unified federal standards.

8. The analyzed problems of the implementation of guarantees of accessibility and free of charge of preschool, basic general and secondary vocational education in the context of digitalization allow us to identify the main legal vectors of digital transformation of the studied elements of the mechanism for ensuring such guarantees:

1) the digital transformation of education is an integral process of the modernization of the state development of the Russian Federation. Within the framework of this process, the right to education and guarantees of its receipt and other constitutional mechanisms for guaranteeing human and civil rights and freedoms have a digital dimension;

2) the accessibility and free of charge of preschool, basic general and secondary vocational education have a digital dimension, including indicators of the "digital maturity" of the educational environment, and are inextricably linked to the constitutional principle of the welfare state;

3) constitutional guarantees of accessibility and free education during the period of digital transformation imply the creation of a federal infrastructure of the digital educational environment, including all necessary elements of its functioning, including ensuring access to this infrastructure for the subjects of the Russian Federation on the basis of the constitutional principle of the unified legal framework of education.

The theoretical significance of this research consists in the proposal to substantiate the conceptual apparatus of digitalization of national education from the point of view of public law sciences. The legal significance of the concepts included in the public legal regulation of the digital transformation of education is highlighted and justified, the mechanisms for the realization of the right to education during the digital transformation of state institutions and information society are determined. The proposed theoretical justifications and theses can be used in further scientific research of the legal sphere of digitalization processes.

The practical significance of this research lies in the possibility of applying the proposals formulated by the author to improve the rules of law and provisions of the

project and strategic documentation, modernize domestic legislation on education in accordance with the requirements of digital development, as well as taking into account the implementation of the adopted constitutional provisions of 2020. The results of the research can be used in other law-making and law enforcement activities in the Russian Federation, as well as in teaching disciplines of the public legal cycle and other legal disciplines.

The proposals contained in the study in the field of public legal regulation of digital transformation of education can be used to create a conceptual approach to the legal regulation of digitalization of education in the Russian Federation, in the new legislative regulation of the mechanisms of digitalization of education, legal regulation of further development of the educational sphere, as well as applied in the practical professional activities of government agencies and officials.

The provisions of the dissertation research can be used in the development of textbooks for courses in public law sciences.

Approbation of the research results

The study was completed at the School of Public Law of the Faculty of Law of the National Research University "Higher School of Economics". On the topic of the research the author published 4 scientific articles in journals, included into the HSE University list (list D), with a total volume of 2.25 printed sheets. The personal contribution of the author of the research – 2.25 printed sheets.

The results of the research are reflected in the author's publications, speeches at scientific conferences including International conference "Education Environment for the Information Age" (EEIA-2021), June 2021, used in the framework of round tables, in the process of interaction with relevant committees of the Chambers of the Federal Assembly of the Russian Federation (for example, when preparing the Federal Law of December 30, 2021 No. 472-FZ On Amendments to the Federal Law "On Education in the Russian Federation, December 2021), as well as in the course of the author's work at the Ministry of Education of the Russian Federation.

The structure of the research. The research consists of an introduction, three chapters, including seven paragraphs, a conclusion and the list of references.

CONTENTS OF THE RESEARCH

The **introduction** substantiates the relevance of the chosen topic of the dissertation research, analyzes the degree of its scientific development, sets the purpose of the research, defines its object and subject, defines the objectives of the research, describes the theoretical basis of the research and its methodology; reveals the scientific novelty and practical significance of the research, indicates the forms of approbation, the theoretical and practical significance of the research results obtained. The introduction includes the main results of the study and the provisions submitted for defense.

The first chapter "Digital transformation of education as an object of public law research" consists of three paragraphs and is devoted to the study of the evolution of legal regulation of education in the post-Soviet period, the definition of the public law content of the processes of digital transformation of education in the current period of modernization of the social sphere and the achievement of national development goals of the Russian Federation, as well as the formulation of trends in legal regulation of digital transformation education.

In the first paragraph "The evolution of legal regulation of education in the post-Soviet period" the historical and legal prerequisites for the development of legal regulation of education in the designated time period are considered. The author conducts a study of the regulatory framework for the development of legal regulation of the right to education and the mechanism of its guarantees, consistently analyzes the stages preceding the actual legal processes of the current period of technological modernization of education.

The conclusion about the regularity of the legal regulation of digitalization processes in education sphere is substantiated and argued. The author highlights such successive stages in the development of legal regulation of education as: the stage of formation and reformation of legislation on education in the new constitutional paradigm (1991-2000); the stage of correctional legislation (2001-2012); the modernization stage (2012-2018) and the stage of legal regulation of the digital

transformation of education (from 2018 to the present). As part of the study of these stages, their analysis is carried out, as well as documents that influenced the fundamental directions of digital modernization of education are being studied.

The paragraph focuses on the legal analysis of the provisions of the strategic documents of the relevant periods, which defined the goals of the development of domestic education, formulated on the basis of the implementation of the constitutional right to education and guarantees of its implementation.

The author examines the significance of the provisions of Federal Law On Education in the Russian Federation, which have become fundamental for the formation of prerequisites for the modernization of the Russian educational environment in terms of legalizing the use of information and communication technologies necessary for the development of domestic education and its infrastructure.

The above stages of legal regulation in education sphere demonstrate the historical and legal context of the evolution of legal regulation of digital transformation of education in the Russian legal system. The analysis showed that the complex of the above historical stages of the formation of domestic legal regulation, taking into account the development of information technology and the gradual formation of a digital society, predetermined the current stage of modernization of education.

The author notes that in the Executive Order On National Goals and Strategic Objectives of the Russian Federation through to 2024 No. 204 dated May 7, 2018⁵ education is defined as one of the areas in which relevant national projects are being developed. The tasks set in the Executive Order currently have normative specification in such documents as: the Passport of the national Education project; the resolution of the Government of the Russian Federation On conducting an experiment on the introduction of a digital educational environment No. 2040 dated December 7, 2020⁶; the resolution of the Government of the Russian Federation On the State Information System "Modern Digital Educational Environment" No. 1836 dated November 16,

⁵ Collection of legislation of the Russian Federation. 2018. No.20. Article 2817.

⁶ Collection of legislation of the Russian Federation. 2020. No.50. Article 8240.

2020⁷; the Order of the Ministry of Education of the Russian Federation On approval of the Target Model of the digital educational environment No. 649 dated December 2, 2019⁸. All of the above documents were further developed in a systemic relationship in Executive Order On the National Development Goals of the Russian Federation through 2030 No. 474 dated July 21, 2020⁹, which defined digital transformation as one of the main goals of national development, including the achievement of "digital maturity" of key sectors of the economy and social sphere, including the number of education.

The author concludes that despite certain difficulties in the development of public legal regulation of the education sphere in the period under study, many of the problems in terms of the formation of legal regulation of the constitutionally established right to education and its guarantees have been solved, which allows for the implementation of the tasks set within the framework of achieving the national goal of digital transformation of education, taking into account constitutional requirements.

In the second paragraph "Digital transformation of education: public legal content" the conceptual apparatus of digitalization of education is considered and formulated. Innovative and technological changes in almost all spheres of modern society are in many ways ahead of their regulatory regulation. At the same time, the introduced technological models penetrate the social sphere much faster than the awareness of society and the state of the need to regulate them in some way. In this regard, education, as one of the most knowledge-intensive sectors of the social sphere, is becoming a key area of application of the developed technologies and digital transformation.

The author points out the special specificity of the conceptual apparatus in the legal regulation of the digital modernization of national education. Such modernization is based in the documents under study on goals and objectives related primarily to the digital component, which is not properly fixed in legislative acts for the current period. It is established that many terms from the studied documents are not unambiguous and are presented in the system of current legal regulation as a draft. At the same time, the

⁷ Collection of legislation of the Russian Federation. 2020. No. 47. Article 7538.

⁸ The official Internet portal of legal information <http://www.pravo.gov.ru> , December 25, 2019.

⁹ Collection of legislation of the Russian Federation. 2020. No. 30. Article 4884.

principles used in such documents have a well-established legal nature (for example, the principle of personality-oriented education, the principle of freedom of teaching) and are inherently linked to the foundations of the constitutional system of the Russian Federation. Thus, taking into account the considered documents, the peculiarity of the public legal research of the stated issues is justified.

The author notes that the provisions of the Strategy for the Development of the Information Society in the Russian Federation for 2017-2030 introduce the most important legal terms that are directly related to the regulation of the processes of digital transformation of education. The key ones, according to the author, include such as: digital transformation, information society, information space, knowledge society. These concepts form the legal configuration of the information society, which is based on the foundations of the constitutional system of the Russian Federation and assumes its further development in other documents. It is emphasized that the introduction of these concepts into legal circulation does not always imply their legislative detailing at the initial stages of strategic goal-setting. Such detailing is progressive in the implementation of certain provisions of the projects. Strategic goal-setting is aimed at intensifying the modernization of socially significant socio-economic relations, which includes the educational environment.

In the third paragraph "Trends in the legal regulation of digital transformation of education" the current state of regulation of public relations in the field of education and digitalization of education is considered. The formed directions of their legal regulation are considered.

The right to education in the information society is being developed through the establishment of additional mechanisms for access to its implementation in the digital environment. In this regard, the dissertation formulated and substantiated the author's vision of trends in the legal regulation of digitalization processes in education sphere. The following are highlighted as the main trends:

1) the trend of conceptual legal regulation of digitalization processes in education related to the implementation of the provisions of the Federal Law On Strategic Planning in the Russian Federation, the Information Society Development Strategy for

2017-2030 and other legal acts affecting the regulation of digitalization of the educational environment in the information society;

2) the trend towards additional regulation of the processes of digital transformation of education. The legal regulation of digital processes in education goes beyond the framework of the federal project "Digital Educational Environment" and assumes broader legal regulation in educational legislation;

3) the trend towards a mixed regulation of terms and concepts of digital transformation of education in current legal regulation: a feature of such regulation is the terminological uncertainty in the legal regulation of the digital mechanism of access to the realization of the constitutional right to education.

Considering the indicated trends in aggregate, the author comes to the conclusion that as part of the further regulation of the results of national projects (including their constituent units – federal projects), additional processing of all project documentation will be required to introduce a unified terminology in the field of legal regulation of digitalization of education. The result of the described implementation of the digital content of guarantees in education sphere through the introduction of information and telecommunications infrastructure of the educational environment at the federal level should be the adoption of amendments to Federal Law On Education in the Russian Federation.

The second chapter "Mechanisms of digital transformation of education and their regulation" is devoted to the study of public law features of regulation of digitalization of education, including their analysis on the example of legal regulation of the digital educational environment in the mechanism of digital transformation of education.

In the first paragraph "Features of public legal regulation of digitalization of the educational environment" the specifics of legal regulation of digital transformation of education are analyzed, taking into account the current state of achievement of the national development goals of the Russian Federation, enshrined in project and strategic documents. It is shown that such regulation is based on the provisions of Article 2 of the Constitution of the Russian Federation as a goal-setting in the development of any

public legal process. First of all, according to the author, the norms of this constitutional provision are implemented through the basic principles laid down in the Strategy for the Development of the Information Society of the Russian Federation for 2017-2030: ensuring the rights of citizens to access information and ensuring freedom of choice of means of obtaining knowledge when working with information.

The improvement of regulatory and legal regulation in the field of digital transformation of education at the current stage of state and legal development is determined by strategic goal-setting. The study indicates that the creation of conditions for the formation of a knowledge society in the Russian Federation and the development of human potential are defined as strategic goals. The author notes that the issues of the development of the information space are inextricably linked with the mechanism of realization of the right to education, and, consequently, the most important legal feature in regulating the digitalization of education will be the systemic relationship in constitutional norms designating the position of a person, his rights and freedoms as the highest value (Article 2 of the Constitution of the Russian Federation), the welfare state (Article 7 of the Constitution of the Russian Federation), the right to education (Article 43 of the Constitution of the Russian Federation), the right to freedom of receiving and distributing information (Part 4 of Article 29 of the Constitution of the Russian Federation) and the establishment of a unified legal framework for the system of upbringing and education, including lifelong learning (paragraph "e" of Article 71 of the Constitution of the Russian Federation).

Thus, the public legal features of regulating the digital transformation of education should be based on constitutional rules in the following areas:

1) human potential development. Thus, the fundamental constitutional basis for human development, his rights and freedoms becomes the basis for the legal regulation of digitalization of education (Articles 2, 18, 19, 29, 43, 44 of the Constitution of the Russian Federation);

2) building systemic relationships of the right to education through the concept of a welfare state (Articles 7, parts 2-3 of Article 43, Part 4 of Article 67.1, Article 75.1 of the Constitution of the Russian Federation);

3) the implementation of the principle of federalism in the formation of the general regulation of digital transformation of education (art. 5, paragraph "e" of Article 71, paragraph "e" of Part 1 of Article 72 of the Constitution of the Russian Federation).

In the context of the study, the author determines the nature of the given grounds for applying the proposed model of the legal features of digitalization of the educational environment. The creation of a legal mechanism that integrates the modernization of education with the information and communication function of the state is a key factor in the evolution of the right to education and its guarantees during the development of the information society and the knowledge society. The author substantiates the conclusion that the studied process of legal regulation of digital transformation of education is based on the norms and principles affecting the educational process and includes issues of ensuring information security, personal data protection, and stability of information digital platforms.

The second paragraph "Public legal regulation of the digital educational environment in the mechanism of digital transformation of education" examines how digital modernization of the educational environment affects the legal mechanisms for the realization of the right to education. The author analyzes the legal regulation of the introduction of the digital educational environment within the framework of the digital transformation of education.

The system of guarantees created by the state authority in education sphere in the context of the development of the information society is complemented by guarantees at the information and digital level. According to the author, the state digital modernization involves taking into account existing information threats and risks, taking into account the constitutional guarantees of individual rights, the security of society and the state; as well as focusing on the principles of information openness and confidentiality.

Based on a comprehensive study of the provisions of the Constitution of the Russian Federation, the norms of federal legislation, the provisions of project and strategic documents, as well as a doctrinal analysis of the existing public legal guarantees of the right to education, the author's position on their implementation in the

process of digital transformation of education is formulated. The author comes to the conclusion that the public legal regulation of digitalization processes in education is primarily aimed at:

1) ensuring the implementation of the constitutional right to education by digital means in the information society;

2) guarantees of the implementation of the rules of constitutional law on the accessibility of education through regulation of ways, means, mechanisms and rights of access to digital educational infrastructure;

3) the establishment of a unified legal framework for the education system (including lifelong learning), provided for in paragraph "e" of Article 71 of the Constitution of the Russian Federation, in relation to digital regulation in education.

Thus, the legal formalization of the digital educational environment in the mechanism of digital transformation of education is an additional element in the implementation of existing guarantees of realization the right to education and access to it, taking into account the achievement of national development goals.

The third chapter "Problems of public law regulation of the right to education in the context of digital transformation" is devoted to the analysis of regulation of the establishment of unified legal foundations in the education sphere, taking into account the digitalization of the educational environment, as well as the study of the implementation of guarantees of accessibility and free pre-school, basic general and secondary vocational education in the context of digital transformation.

The first paragraph "The regulation of the establishment of unified legal foundations in the education system, taking into account the digitalization of the educational environment" examines how the entry into force of the constitutional norm on the establishment of unified legal foundations in the education system of the Russian Federation is reflected in the public legal regulation of the digital transformation of education.

The author notes that with the adoption of the amendment to the Constitution of the Russian Federation, an additional provision was assigned to the jurisdiction of the Russian Federation, which fixed a new vector of regulation of the educational

environment, namely the provision of paragraph "e" of Article 71 of the Constitution of the Russian Federation, which refers to the jurisdiction of the Russian Federation the establishment of unified legal foundations of the education system, including lifelong learning.

The legal regulation of the digital transformation of education under study began before the adoption of the constitutional amendment, however, according to the author, it is necessary to consider the state regulation of digitalization processes in education, taking into account the introduction of the constitutional rules on the unified legal foundations of the education sphere. The principle of a systematic approach to legal modernization is based on taking into account the current legal regulation, including the implemented strategic documents. When creating a unified legal framework for the education system it is necessary to take into account the provisions of the implemented strategic programs within the framework of the development of the information society and the digital economy.

The research of strategic documents in the field of digital transformation of education shows possible models of legal regulation of digitalization processes in education as a whole. It seems important which mechanisms of digital technology implementation will directly affect the relevant constitutional rights, and how these rights will be regulated in terms of new legal regulation after the completion of the relevant national and federal projects. In this regard, special attention should be paid to the need to solve the problems outlined above in the following areas:

- terminological unification based on the results of the implementation of all projects to create a unified educational space in the digital environment;
- creating a unified legal regulation of digitalization within the framework of the unified legal framework of the education system, including lifelong learning;
- formation of flexible regulatory and legal mechanisms for regulating the digital educational environment at all levels of education, which implies the formulation of sufficient discretionary powers of subjects of educational relations based on the principle of academic freedoms.

As part of the regulation of the legal foundations of education, it will be necessary to introduce basic concepts in the field of digital content of the educational process. The analysis of the studied documents indicates the need for additional legal monitoring of the achieved project goals and a set of measures implemented within the framework of all national and federal projects and strategies in the field of education. The result of such monitoring should be the development of a bill on the unified legal framework for education.

The second paragraph "Implementation of guarantees of accessibility and free of charge of preschool, basic general and secondary vocational education in the context of digital transformation" examines the problems of implementing guarantees of the right to education on the example of guarantees of accessibility and free of charge of preschool, basic general and secondary vocational education.

According to the results of the study, the implementation of a gradual digital filling of these guarantees is noted through the introduction of information and telecommunications infrastructure of the federal educational environment. Within the framework of the national Education project, issues related to guarantees of accessibility and free pre-school, basic general and secondary vocational education in the context of digitalization are taken into account and resolved both at the initial stage of experimental design and in its subsequent development in regulatory legal acts to achieve these goals and objectives. As can be seen from the current regulatory documents in the field of financing projects for the digitalization of the educational environment, budget expenditures are laid down on the amount provided for in the project documentation. The conclusion is substantiated that the regulation of the processes of digital transformation of education on a permanent basis outside the framework of projects should be reflected in legislation and become an additional legal mechanism for guaranteeing the realization of the right to education, taking into account the achievement of "digital maturity" of education sphere.

Public legal regulation of the digitalization of education is largely provided not only by federal legislation on education, but also by legislation regulating various aspects of information law, including issues of information security, personal data

protection and other areas related to digitalization processes. At the constitutional level, this can be seen by the example of the attribution to the jurisdiction of the Russian Federation of the unified legal foundations of the system of upbringing and education, including lifelong learning (paragraph "e" of Article 71 of the Constitution of the Russian Federation).

Guaranteeing the accessibility of the considered levels of education is complemented by a digital dimension. The author proposes to consider such a digital dimension through the current legal provisions in the field of digital transformation of education. As the analysis of this regulation has shown, guarantees of the accessibility of education in the information society include the formation of the following categories of legal norms:

1) the rules of law regulating the mechanism of digital implementation of educational activities and ensuring equal conditions and access to education for students, including the platform of the digital educational environment;

2) the rules of law ensuring the functioning of an information and communication educational platform at the federal level with an appropriate admission system based on the principle of equality of participants in educational relations;

3) the rules of law regulating the information, telecommunications and technological infrastructure of the digital educational environment with its functional support at the federal level;

4) the rules of law establishing, in accordance with paragraph "e" of Article 71 of the Constitution of the Russian Federation, a unified legal system for regulating education in the digital environment based on the federal digital platform.

The **conclusion** summarizes the results of the research.

PUBLICATIONS ON THE TOPIC OF THE RESEARCH

On the topic of the research the author published 4 scientific articles in journals, included into the HSE University list (list D):

1. *Korneev A.A.* Constitutional and legal dimension of the federal project "Digital education environment" // *Domestic and Foreign Pedagogy*. 2021. No. 3 (76). Vol. 1. P. 80-90.
2. *Korneev A.A.* Current trends in the regulation of the digital educational environment in the Russian legal system // *Domestic and Foreign Pedagogy*. 2021. No. 5 (78). Vol. 1. P. 43-51.
3. *Korneev A.A.* Digital educational environment in the context of the digital transformation of education: development of the legal framework // *Domestic and Foreign Pedagogy*. 2022. No. 2 (83). Vol. 1. P. 175–183.
4. *Korneev A.A.* The management of digital transformation of education in the context of the implementation of constitutional amendments // *Courier of Kutafin Moscow State Law University (MSAL)*. 2024. № 5 (117). P. 208-215.