

ENSURING SAFETY AND PROTECTION OF PERSONAL DATA ON THE INTERNET: ISSUES OF SELECTION OF OPTIMAL RESEARCH METHODOLOGY

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Abstract. This article explores the methodologies and legal challenges associated with personal data protection within the global information space. We examine the limitations of relying solely on specialized research methods and techniques. We argue that personal data protection issues require a more comprehensive, multidisciplinary methodological approach.

The primary goal is to analyze the selected methodological strategies and evaluate their effectiveness.

The subject of the study is to analyze the issues of methodological approaches in legal research on personal data protection.

We analyze a philosophical framework that seeks to deepen the understanding of personal data protection issues, addressing legal and ethical dimensions. We aim to contribute to the broader discourse on data security and privacy through various lenses, including legal, technological, and philosophical perspectives.

The study focuses on four analytical methods for developing legal technologies to protect personal data internationally. A systematic analysis of personal data as a legal phenomenon, functional analysis within the framework of legal regulation, sociological and psychological approach, and axiological analysis to understand the meaning and evolution of personal data protection rights. These approaches aim to create a unified concept of legal technology for personal data protection, which makes it possible to identify new types of data, study the components of legal technology in detail, and increase the efficiency of legal regulation.

Keywords: personal data protection, information, cybersecurity, Internet, methodology, research methods, research methodology, personal information, identification

ИНТЕРНЕТ ЖЕРІНДЕГІ ЖЕКЕ ДЕРЕКТЕРДІҢ ҚАУІПСІЗДІГІН МЕН ҚОРҒАУЫН ҚАМТАМАСЫЗ ЕТУДІ: ОҢТАМАЛДЫ ЗЕРТТЕУ ӘДІСТЕМЕСІН ТАҢДАУ МӘСЕЛЕЛЕРІ

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Аннотация. Мақалада жаһандық ақпараттық кеңістіктегі дербес деректерді қорғаудың құқықтық мәселелерін зерттеу әдістемесінің негізгі тәсілдері қарастырылады. Аталған мәселе бойынша әдебиеттерге шолу жасалды. Зерттеу әдістері туралы мәліметтер жалпыланған және жүйеленген. Дербес деректердің ақпараттық қауіпсіздігін қамтамасыз ету мәселелерін түсінудің кемшіліктері зерттеудің белгілі бір жеке әдістері мен тәсілдері тұрғысынан ғана көрсетілген. Авторлар интернет желісіндегі дербес деректердің қауіпсіздігін және қорғалуын қамтамасыз етудің тиісті әдіснамалық тәсілді таңдау негізінде басқаша толыққанды зерттеу мүмкіндігі жоқ деген қорытындыға келеді. Жұмыста дербес деректерді қорғау мәселелерін шешу үдерісінде оның философиялық түсінігіне негізделіп таңдалған әдіснамалық тәсілдің мүмкіндіктері мен перспективалары алғаш рет егжей-тегжейлі талданды.

Зерттеу объектісі интернет желісіндегі дербес деректерді қорғаудың құқықтық технологиясын зерттеу әдістемесінің мәселелері мен мүмкіндіктері болып табылады.

Зерттеу пәні интернет желісіндегі жеке ақпаратты қорғауды құқықтық зерттеулердегі әдіснамалық тәсілдердің ерекшеліктерін талдау болып табылады.

Біз алға қойған мәселені шешудің гипотезасы мен жаһандық ақпараттық кеңістіктегі дербес деректерді қорғауды құқықтық реттеу мәселелерін зерттеудің әдіснамалық плюрализмге негізделуі және әдіснамалық тұрғыдан жан-жақты болуы керек деген ережені ұсынамыз, өйткені осылайша ғана алынған нәтижелердің ең үлкен ғылыми негізділігіне қол жеткізіледі.

Зерттеу жаһандық ауқымда жеке деректерді қорғаудың құқықтық технологияларын әзірлеудің келесі төрт аналитикалық әдісіне бағытталған: дербес деректерді құқықтық құбылыс ретінде жүйелі талдау, құқықтық реттеу шеңберіндегі функционалдық талдау, параметрлерді анықтау бойынша социологиялық және психологиялық зерттеулерді реттеу және деректерді қорғау құқығының мәні мен эволюциясын түсіну үшін аксиологиялық талдау. Бұл тәсілдер деректердің жаңа түрлерін анықтауға, құқықтық технологияның құрамдас бөліктерін егжей-тегжейлі зерделеуге және құқықтық реттеудің тиімділігін арттыруға мүмкіндік беретін дербес деректерді қорғаудың құқықтық технологиясының бірыңғай тұжырымдамасын жасауға бағытталған.

Түйінді сөздер: жеке деректерді қорғау, ақпарат, киберқауіпсіздік, Интернет, әдістеме, зерттеу әдістері, зерттеу әдістемесі, жеке ақпарат, сәйкестендіру

ОБЕСПЕЧЕНИЕ БЕЗОПАСНОСТИ И ЗАЩИТЫ ПЕРСОНАЛЬНЫХ ДАННЫХ В СЕТИ ИНТЕРНЕТ: ВОПРОСЫ ВЫБОРА ОПТИМАЛЬНОЙ МЕТОДОЛОГИИ ИССЛЕДОВАНИЯ

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Аннотация. В статье рассматриваются основные подходы к методологии исследования правовых проблем защиты персональных данных в глобальном информационном пространстве. Сделан обзор литературы по указанному вопросу. Обобщены и систематизированы данные о методах исследования. Показаны недостатки понимания вопросов обеспечения информационной безопасности персональных данных только лишь с позиций тех или иных частных методов и приемов исследования. Авторы приходят к выводу о невозможности полноценного исследования обеспечения безопасности и защиты персональных данных в сети Интернет иначе как на основе выбора надлежащего методологического подхода. В работе впервые подробно проанализированы возможности и перспективы избранного методологического подхода, основанного на философском его осмыслении в процессе решения вопросов защиты персональных данных.

Объектом исследования выступают проблемы и возможности методологии исследования юридической технологии защиты персональных данных в сети Интернет.

Предметом исследования является анализ специфики методологических подходов в правовых исследованиях защиты личной информации в сети Интернет.

Гипотезой разрешения поставленного нами вопроса мы представляем положение о том, что исследование вопросов правового регулирования защиты персональных данных в глобальном информационном пространстве должно быть основано на методологическом плюрализме и быть методологически комплексным, так как только таким образом достигается наибольшая научная обоснованность полученных результатов.

В исследовании основное внимание уделяется четырем аналитическим методам разработки правовых технологий защиты персональных данных в глобальном масштабе: системный анализ персональных данных как правового явления, функциональный анализ в рамках правового регулирования, социологические и психологические исследования по определению параметров регулирования и аксиологический анализ для понимания смысла и эволюции права на защиту данных. Данные подходы направлены на создание единой концепции правовой технологии защиты персональных данных, позволяющей выявить новые виды данных, детально изучить составляющие правовой технологии и повысить эффективность правового регулирования.

Ключевые слова: защита персональных данных, информация, кибербезопасность, Интернет, методология, методы исследования, методология исследования, личная информация, идентификация, правовая защита, правовые технологии.

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Introduction

The legal system lacks a unified framework for personal data protection, facing issues with unclear terminology and underdeveloped classification systems. There is a notable gap in research on individual rights regarding personal data protection and the effectiveness of relevant normative documents. The discourse remains vague, and studies on data protection laws are insufficient. Scholars' views on personal data protection are diverse — they overlook international data exchange and related technological challenges. Despite partial attention in areas like legal theory and civil law, a comprehensive approach to data protection has yet to be formulated.

The foundation of the study depends on selecting the proper methodology. The selection of proper methodology is crucial to validate the results. These findings are essential for shaping international regulations and strengthening normative provisions.

This study addresses the **issues and possibilities of research methodology** for legal technology for personal data protection.

Materials and methods

The **subject of the study** is to analyze the issues of methodological approaches in legal research on personal data protection.

Firstly, we evaluate the scholarly exploration of the topic across general theoretical and

sector-specific research. Secondly, we establish foundational methodological guidelines for further development. This includes an analytical and synthetic review of existing methodological approaches. It includes philosophical, psychological, sociological, linguistic, historical, and legal perspectives — for studying personal data protection within national and international legal frameworks.

Our goal is to develop a comprehensive, integrated methodological approach. The study evaluates the potential and limitations of these methods. The system analysis method was utilized, underlining the necessity for complexity and completeness in all future research in this area.

In our **hypothesis**, we assert that examining legal regulations for personal data protection should be grounded in methodological pluralism and cover the comprehensive approach.

The study primarily draws upon seminal scholarly works, legal statutes, and published and unpublished legal practices.

We argue that the methodological grounds combine empirical evidence with theoretical insights. The empirical evidence includes factual data, legal acts, and normative documents. Furthermore, we consider methods for synthesizing, organizing, and processing knowledge to derive outcomes and their application in legal theory and practice [1,2].

We deduce the applicable methods for

studying the legal regulation of personal data protection. We agree with other scholars in categorizing potential methods into two principal groups: 1) philosophical, formal logic, linguistic, sociological and psychological approaches, and 2) multidisciplinary legal analysis approaches. This categorization helps systematically address the complexities of the study subject [3].

Findings and Discussion

The literature discourse uniformity in personal data protection tends to a limited range of research methodology elements in the Data Protection Law.

Primarily, researchers on personal data protection posit their methodologies on two key aspects. First, the general methodological orientation is dictated by a specific legal system. Second, the model of the right to personal data protection is defined in national legal doctrine and legislation.

The common law system traditionally pays more attention to case law. Vital to note that a generalization of the practice of national courts, including courts of constitutional jurisdiction [4] and the European Court of Human Rights (ECHR) [5], is also characteristic of the civil law legal system. In conditions of insufficient volume of “judicial material” to be studied, attorneys of the civil law system also pay increased attention to the method of summarizing the legal practice of extrajudicial bodies [6], including state regulation [7].

Some authors generally relate personal data protection issues exclusively to technical methods and techniques only mediated by law. For example, U.S. scholars' findings are based on a fairly developed legal doctrine [8], but this is also typical for representatives of the legal doctrine of continental Europe [9].

Some opinions take positions of agnosticism since the growing share of modern technologies for processing personal data (big data, data mining) negates the ability of an individual to control information about an individual [10].

Formal logic methods² are generally prevalent in the civil law system. For example, the formal logic method implies analyzing effective law [11] and drafts of the European legislation [12], or other national legislation. Concerning the drafts, the basics of legal modeling are also allowed [13]. The formal logic method is closely related to defining concepts and identifying the essential features

of individual legal structures. Furthermore, it depends on that national legal doctrine and the specifics of national legislation.

One viewpoint suggests that sources of law protecting personal information stem from legally recognizing a fundamental right to private rights [14]. Access to personal data is sometimes linked to the broader right to personal freedom. It correlates with the right to information self-determination and IT rights [15]. This right is sometimes considered as an independent constitutional right, even if not explicitly stated [16], and exists as a widely acknowledged concept [17]. Positive legal regulation is viewed as a way to bridge the gap in implementing natural law [18] — and the methods of studying legal protection of privacy and personal data protection are considered similar to some degree. However, differences are noted in the various scope of legal protections [19] and ambiguity in the definition of “personal data” [20], among other significant reasons.

The formal logic method is predominantly used in the civil law system [21]. However, recent studies from continental Europe align more with the common law system [22].

In developing legal systems, like those in Eastern Europe, comparative law is frequently applied, particularly concerning cyber-environment personal data regulation [23], such as “the right to be forgotten” (*Droit à l'oubli*).

Some researchers explore non-traditional methods like ethical approaches to study the legal regulation of personal data protection [24].

While various methods exist, there is a lack of unified methodological approaches, sporadic use of system analysis, and underestimation of integrated approaches in studying legal problems of cyber-environment personal data regulation. Legal sources include international acts, treaties, constitutional acts, and soft law. We believe at least two prominent scientific and legal research directions regarding this concern exist.

Firstly, there are studies focused on protecting subjective rights in civil law, including those from the Soviet Union's lifespan. While not entirely outdated, these works offer foundational conceptual approaches still being developed in modern civil law. They mainly address the definition and content of subjective civil rights to personal information and other fundamental civil rights issues.

Secondly, there are contemporary works on law theory, civil law theory, and the intricacies

² Deduction and induction

of civil legal relations. These works also encompass modern regulations of specific types of rights to personal data protection.

1. Philosophical, formal logic, linguistic, sociological and psychological approaches

1.1. Philosophical Approach

Various philosophical schools provide grounded contributions and consistency. Yet scientific research often leans towards dialectical methods for their comprehensive ideological, evaluative, and heuristic benefits. Hence, although methodological diversity is valued, the empirical application favors the structured approach of dialectical materialism.

The research on “personal data” as a conceptual category reveals challenges in capturing the subject matter. It raises the debate of absolute versus relative truth. The absolute truth is a synthesis of relative truths, given that truth is pragmatic, and underlines the need for empirical studies on personal data protection to enhance data security.

Moreover, the dialectical principles of interconnectedness and evolution advocate for a proactive and evolving legal analysis. This approach aims to shift the dynamics of privacy protection, anticipate future challenges, and recognize the growing role of state and societal intervention [25].

The universal connection principle in legal studies is crucial in identifying similarities and differences³ within personal data categories. It aligns with the dialectical idea of the unity and struggle of opposites. That idea highlights how legal frameworks for personal data protection seek to balance conflicting interests. The balance between an individual's right

to privacy and societal information needs underscores personal data's contradictions, creating new legal standards. Understanding these contradictions is essential for grasping the direction of developing legal protections for personal data. Additionally, the principles of materialist dialectics, which consider the transformation of quantitative changes into qualitative ones, hold methodological importance for studying personal data. It requires examining personal data's qualitative and quantitative assessment, addressing the legal system's role in aggregating individual characteristics. Such aggregation enhances the ability to identify individuals precisely — thus distinguishing them within the framework of legal regulations.

The dynamic nature of personal data protection exemplifies the dialectical progression of superseding outdated types with newer ones. This nature perpetually resolves some contradictions while generating new ones. The philosophical concepts, such as the individual versus the collective and form versus content, are pertinent. The category of “purpose” underpins the creation of a personal data protection regime, significantly influencing its legal framework, as observed in international regulations^{4, 5, 6, 7, 8, 9, 10}. Furthermore, materialist dialectical concepts like “system”, “structure”, “actuality”, and “potential” play a crucial role in the analysis of online legal regulations concerning personal data exchange. However, relying solely on a general philosophical framework is inappropriate for addressing the complexities of personal data protection regulation.

³ Types and subtypes

⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). URL: <https://eur-lex.europa.eu/eli/reg/2016/679/oj> (Date of access: 05.01.2024)

⁵ Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences, OJ 2016 L 336/3 (Umbrella Agreement US). URL: https://eur-lex.europa.eu/eli/agree_internation/2016/2220/oj (Date of access: 05.01.2024)

⁶ Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis - Final Act - Joint Declarations - Declarations - Agreement in the form of an exchange of letters. URL: [https://eur-lex.europa.eu/eli/agree_internation/2008/178\(1\)/oj](https://eur-lex.europa.eu/eli/agree_internation/2008/178(1)/oj) (Date of access: 05.01.2024)

⁷ Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22012A0714%2801%29> (Date of access: 05.01.2024)

⁸ Agreement between the European Community and the Government of Canada on the processing of Advance Passenger Information and Passenger Name Record data. URL: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:JOL_2006_082_R_0014_01 (Date of access: 05.01.2024)

⁹ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108). URL: <https://rm.coe.int/1680078b37> (Date of access: 05.01.2024)

¹⁰ Withdrawal Agreement: Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. As endorsed by leaders at a special meeting of the European Council on 25 November 2018. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12019W%2FTXT%2802%29> (Date of access: 05.01.2024)

1.2. Formal Logic Approach

The formal personal data protection logic approach incorporates predicate logic¹¹. It ensures accurate legal analysis, avoids logical flaws, and substantiates conclusions and practical recommendations [26]. The logical method allows for delineating the content and scope of critical concepts like “personal data”, “personal information”, and “personalization”.

Induction and deduction imply the analysis of isolated facts about legal regulation of personal data protection. This analysis is gathered through various empirical methods to uncover broader patterns and causality.

The classification method represents a specific case of inductive reasoning. G.Chelpanov explains that, in logic, classification is traditionally seen as sorting objects into groups based on shared characteristics [27]. This grouping ensures that each group holds a well-defined position relative to others [28].

Consequently, classification emerges as a formal logic method for organizing data as it pivots on similarities or differences among the data elements. For instance, classifications can be natural — based on intrinsic characteristics or artificial, arbitrary attributes, as noted by E.Chumanov [29]. We agree that adapted classification methods can be effectively applied in legal contexts — especially for the right to protect personal data, organize legal knowledge, and facilitate in-depth analysis. While classifying personal data rights is theoretically and practically valuable for understanding their transfer and protection, not all classifications offer equal insight or interest.

The comparison method distinguishes “personal data” from related legal concepts, like information about legally protected individuals. It also supports developing concepts and categories within the Data Protection Law and similar contexts.

Content analysis, an inductive method with structured rules, involves detailed object and hypothesis selection, sign and attribute definition for qualitative assessment, and indicator identification for analyzing an object's traits. It aids in defining personal data protection laws and addresses scenarios like cross-border data transfer and non-resident data processing. While crucial for delineating privacy interference limits, its effectiveness and reliability may vary.

The shift towards more prevalent deductive reasoning, from general principles to specific

instances, demands a solid foundation. It comprises a comprehensive generalization of current legal practices for personal data management, advancement in scientific theories, and accumulation of diverse empirical data. Also, it includes not soft law but influential information on identification methods and privacy demands.

The system analysis method utilizes philosophical and logical research methods. The system analysis proves its handiness when exploring legal technology for personal data protection. It assists in developing a unified legal technology concept, specifically in formulating the categorical framework, identifying structures, and examining various elements within this realm. Our study leverages systemic-structural cognition to assess legislation effectiveness on personal data protection. It maps personal information access to societal needs for foundational solutions and formalizes data protection legal research with mathematical logic [30].

These applications underscore the method's utility in addressing complex legal frameworks and personal data protection.

1.3. The Linguistic Approach

The linguistic approach represents another method in legal research — especially Ludwig Wittgenstein's concept of language games. According to L.Wittgenstein, the meaning of a word is defined by its usage within language [31]. This perspective suggests that the rule of law, as an abstract construct, manifests human thought — an idea expressed through linguistic forms. A.Cherdantsev argues that for law, language is not just a tool but an intrinsic aspect of the rule of law's existence [32]. What is not articulated in language or explicitly stated in legal statutes remains unrecognized. This implies that the rule of law exists and evolves within the confines of language. Given this framework, the linguistic approach encompasses aspects like philology, linguistics, etymology, etc. This approach holds significant potential in addressing the challenges of legal regulation concerning personal data protection on the Internet [33].

The etymological approach supports the concepts and categorical framework of “legal technology for personal data protection” and “legal practice for personal data protection”. This approach facilitates the precise differentiation of personal data as an object

¹¹ Non-contradiction, induction, and deduction

of legal regulation from related phenomena, systems, and processes, such as other personal information and details on a citizen's private life.

The linguistic method extends beyond the philosophical-logical structure, permeating various psychological, sociological, genetic, and informational dimensions. Linguistic units and the structures derived from them are viewed as fundamental elements of legal technology. They are considered types of logically significant tools closely linked with information or technical means — thus representing a crucial aspect of the resources employed in legal technology for personal data protection.

Most axiological characteristics of a specific legal technology for protecting personal information are possible only in verbal form at the first stage. Therefore, in some situations, only a linguistic approach is generally applicable. Also, the primary legal approaches to improve the efficiency and quality of legal technology for protecting personal data — such as lawmaking and interpretation, are unthinkable without a linguistic approach. The linguistic approach can serve as the ground for identifying a person by its properties: voice and its main properties. The properties are timbre, rate of speech, diction, accent, the lexical material used by the person, the logical relationships of the spoken text, etc.

Furthermore, these linguistic elements are vital for subjects and participants in legal activities, primarily for personal data protection. Their effective use requires theoretical understanding and tactical verbal implementation in practical scenarios.

1.4. The Sociological and Psychological Approaches

We recognize the critical importance of sociological and psychological methods in personal data protection. Sociological methods are particularly effective in determining the extent of two contrasting societal and personal dynamics. The societal demand for increasing information about individuals and the individual's corresponding need to safeguard their private lives.

Comparative analysis, document analysis, legal source synthesis, sociological observation, surveys, interviews, testing, expert evaluations, and modeling can also be applied. While logical and linguistic approaches provision foundational concepts, the sociological perspective imbues these concepts with substantive quantitative and qualitative dimensions.

Document analysis and surveys often

closely align with psychological approaches. It sometimes overlaps and leads some researchers to categorize empirical methods into two groups. The first group consists of diagnostic methods like interviews, observations, questionnaires, tests, expert surveys, analysis of work outcomes, and self-observation. The second group aligns more with experimental research methods. It involves tactics like consciousness manipulation, emotional and motivational influence, informational influence, stimulating consultations, game methods, and activation of independent actions [34]. Studying documents might involve analyzing monographic literature to grasp different authors' perspectives on the research problem and selecting the research object.

The survey method can be implemented through interviews or questionnaires. The underutilization of the “cross-questioning” method in legal science is also worth noting. We find it valuable for researching legal technology in personal data protection.

Scholars categorize methods for analyzing results obtained from psychological and sociological empirical research into two main types: qualitative and quantitative methods. These methods might be structural-systemic or functional-structural in their analytical approach [34–39].

While closely related to sociology, psychology stands independently. This approach considers society's legal system in terms of the human element — individuals with specific feelings, emotions, knowledge, abilities, goals, motives, and interests [26]. The method includes studying mental states, which psychologists categorize as relatively stable and enduring, temporary (situational), or periodic [40].

The psychological methods aim to discern the specific “trace” left on an individual's psyche by legal interventions in private life [41]. Such methods encompass observation¹², psychological experimentation, conversational techniques, analysis of human activity products, biographical methods, and diagnostic tests comprising specially designed questions and tasks.

Moreover, the application of psychological methods to personnel assessment is promising. Biographical assessments, arbitrary oral or written evaluations, results-based assessments, group discussions, standard and matrix evaluations, employee grouping, testing, ranking, paired comparisons, profiling, critical

¹² The purposeful and systematic observation and recording of mental activities and their conditions.

incident analysis, structured or unstructured individual discussions, and self-assessments and reports can be applied.

We believe the most significant practical outcomes will likely arise from a symbiotic integration of these universal approaches grounded in a unified philosophical perspective. This holistic approach promises to yield comprehensive insights and practical solutions.

2. Multidisciplinary Legal Analysis

We must consider multidisciplinary legal approaches that are particularly apt for our study. These approaches typically include the comparative legal method, the historical and legal approach, social (socio-legal) experimentation, analysis and generalization of law enforcement (judicial) practices, legal modeling, and various technical methods.

2.1. Comparative and Historical Legal Analysis

Comparative legal analysis studies legal norms, communities, institutions, industries, and systems within which these norms operate across different legal systems [42]. We believe that neglecting the experience of different legal systems, particularly from the civil law, Commonwealth of Independent States, and generally developed countries, would be a significant oversight in drafting and evaluating legislation for personal data protection — as international legal experience on personal data protection contributes to various national legal frameworks. By applying comparative law, we can explore issues such as establishing and enforcing regulations on protecting rights to personal information integrity — particularly in cross-border transfer, storage, collection, processing, and preventing violations of legally protected interests.

Awareness of past legal achievements and shortcomings is handy in shaping adequate modern legal regulations [43]. The historical-legal approach involves analyzing legal phenomena from different eras and countries. Each has unique historical, mental, and other factors [44].

Analyzing the historical development of personal data protection reveals different approaches to lawmaking in criminal, civil, family, and procedural law. While legal norms from different worlds are unlikely to be directly applicable today, understanding the evolution of personal data laws enhances our insight into the interplay between law and its social determinants. This is crucial from

the perspective of the epistemology of legal technology for protecting personal information in the global information environment.

A notable trend is the gradual shift from private to public domain, signifying an increasing prioritization of social needs over individual rights. This shift may enhance social development efficiency but potentially at the expense of individual well-being and rights.

2.2. Judicial Practice

Judicial practice is acknowledged as significantly influential in developing jurisprudence and legislative processes. However, its concept and extent within international law remain debatable [45]. In civil law, the role of judicial practice in protecting personal data subjects' rights and interests is currently too limited to facilitate drawing broad conclusions.

The European justice system has notable judicial practices, especially in the ECHR. Beyond international and regional court practices, a significant body of non-judicial law enforcement practice warrants examination. Promising generalization practices include: 1) personal data operators ensuring the safe exchange of personal data, 2) national government bodies specializing in personal data rights protection, and 3) public organizations and civil communities advocating for personal information protection in the cyber environment.

In the context of the Chinese legal system, a detailed empirical study by [46] provides insights into criminal sanctions for identity theft in Shanghai. The study analyzes 507 case judgments from Shanghai courts to assess the severity of punishments following new judicial interpretations by the Supreme People's Court of China in 2017. The findings indicate stricter criminal penalties post-2017, reflecting a more robust legal response to identity theft in an increasingly digitalized society. The study also highlights judges' discretion in sentencing, revealing a disparity between formal criminal law and its application. This discrepancy points to flexibility within the judicial process despite the law's prescriptive strictness.

A social (legal) experiment is recognized as a unique method for obtaining comprehensive and objective data on applying specific legal rules. However, the legality of such experiments, mainly concerning personal data rights and protection and their permissible boundaries, is a subject of consideration. Legal experiments serve as a means to test the outcomes of newly implemented legal rules in this area. These tests are conducted over a specific period, within

experimental sites and under specially created conditions, to enhance the legal regulation of public relations [47].

Promising legal experiment areas include: 1) focusing on the technology of global information networks, starting with local personal data protection trials, and 2) exploring the psychology of individuals involved in personal data transactions. This covers both practical field experiments and theoretical laboratory studies. The global network's cross-border nature presents challenges in evaluating the results of these experiments.

2.3. Modeling method

The modeling method, applied in legal studies, deserves individual consideration. Typically utilizing mathematical, graphical, psychological, and other scientific tools, a model is a mentally conceptualized or materially realized system. It represents or reproduces the study object, allowing for its substitution in a manner that provides a “novel understanding of this entity” [48].

In our research, it is beneficial to differentiate various models, such as descriptive and normative models. Descriptive models detail the characteristics and parameters of securely collecting, processing, storing, and transmitting personal data and forecast its future track and outcomes. On the other hand, normative models control and shape this process, establishing its core elements and vector.

It is also essential to differentiate the models into deterministic and stochastic. In deterministic — when all factors are clearly defined, and their values are known in advance. For example, for certain types of transfer of personal data in local networks, their collection and storage. In stochastic models, there is an element of uncertainty, which considers the possible probabilistic distribution of the values of factors and parameters that determine a particular development process and, to a greater extent, can be used in analyzing the flow of personal data in the global information environment (i.e., cross-border transfer).

Building and training models that map information on data personal exchange may benefit state bodies and their personnel. It may oversee and enforce personal data legislation. These models could be case studies and similar practical activities (i.e., scrum-planning [49]). Similarly, simulation models designed to protect personal information in various scenarios, such

as interactive challenges, can have significant practical value for subjects of personal data.

Conclusion

In this article, four primary methods emerged as crucial for analyzing complex systems.

First, the systemic analysis focuses on personal data as a distinct legal reality and protection object.

Second, functional analysis allows assessing personal data protection within the regulatory system.

Third, the combination of sociological and psychological research methods identifies crucial parameters for regulating and implementing mechanisms for personal data protection.

Fourth, axiology reveals the significance of this technology for personal data rights, outlining its development and improvement patterns.

These methods ensure the depth and complexity of legal research, contributing to developing a unified legal methodology framework for personal data protection. The methods facilitate the proposal of new definitions, identification of essential characteristics, and analysis of this legal phenomenon's role and place among other legally protected objects.

Formal and logical techniques within system analysis can suggest previously unidentified personal data types. Additionally, a detailed examination of legal technology components and the specificities of personal data flow and protection in the cyber environment will be achievable.

Ultimately, technical methods should also be mentioned. Technical tools are handy for collecting and processing information about organizing secure personal data exchange processes and ensuring compliance with legal storage requirements. These methods are applicable in scenarios where systems theory, information theory, and management optimization theory are utilized. Furthermore, cyber-physical systems are handy in information processing.

Finally, the thorough application of this complex methodology will guide the remediation of legal regulation shortcomings and enhance the efficacy of norms establishing the legal protection mechanism for personal data in the global information space across law-making, systematization, interpretation, and various forms of legal practice.

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