THE ROLE OF BIG DATA ENTITIES IN THE FIELD OF LAW

[1]SAPARBEKOVA JAZIRA, [2]OMAROVA AIMAN, [3]MALIKOVA SHOLPAN

[1]Senior Lecturer at the Department of Civil Law, Civil Procedure and Labor Law, Al-Farabi Kazakh National University, Almaty, Kazakhstan
[2, 3]Professor at the School of Law and Public Administration, NAO University 'Narxoz', Almaty, Kazakhstan
Email: [1]Zhake9344@mail.ru, [2]abomarova17@mail.ru,[3]msholpan7876@gmail.com

Abstract - The article is dedicated to big data, which is increasingly taking center stage not only in the field of law but also in other areas. The processes of digitizing various relations and the shift to a data-driven economy raise questions related to the transformation of relevant legal regulation through the development of new legal regimes in the field of data and the optimization of existing legal regulation. Particularly important are the relations in which the processing or circulation of big data takes place.

Keywords - Big Data, Subjects, Digitization Processes, Legal Regime.

The mastery of Big Data, depending on one's subjective point of view, can be considered either one of humanity's greatest achievements or one of its biggest challenges. Undoubtedly, the advent of Big Data has enabled companies to offer new solutions based on individual consumer preferences, while allowing consumers to receive a new personalized product that best satisfies their desires.

Despite earlier technological capabilities, the term "Big Data" only began to be actively used in the last decade. This term, initially coming from the exact sciences and programming, has sparked and continues to spark many debates: what exactly should be understood by Big Data? How "big" must such data be? What processing criteria can we use? How depersonalized should such data be? Unfortunately, the global community has not yet reached a consensus on this issue, which means that the question of defining the boundaries of the lawful use of Big Data remains with individual states.

In addition, Big Data is usually understood not so much as the information itself, but as the combination of information and technology (as a set of methods for processing large volumes of data from various sources).

Speaking about the place of Big Data entities in the field of law, it is one of the important and complex aspects of modern legal regulation. Big Data is a set of data characterized by large volume, variety, and high processing speed. The collection, storage, processing, and use of such data affect many areas of law. As Big Data entities, all parties interacting with large data are recognized. They are:

- Data owners (users) are the primary source of personal data;
- Data collectors (providers, organizations) are companies that collect and analyze data (for example, social networks, banks, e-commerce platforms);
- Data processors are entities that use data through algorithms, AI, or analytics.

Government agencies monitor the legal circulation of data and carry out oversight.
In general, Big Data can be regulated from a legal perspective as follows: a) In terms of personal data protection (as a subject of law, a person). Big Data is often based on the collection of individuals' data. Here, the Law of the Republic of Kazakhstan "On Personal Data and Its Protection" applies. Data must be collected with the consent of the individual.

a) In addition, the "right to be forgotten," data deletion, and restrictions on processing are among the fundamental rights.
b) As information law, that is, Big Data regulates information security, data storage, and transmission. This means data encryption; security of information systems; measures against cybercrime.
c) As intellectual property law. Analytical products created through Big Data (via AI), algorithms — can be objects of copyright.
d) According to economic and corporate law. That is:

- Monitoring the use of data by companies for commercial purposes;
- Monopolistic position (for example, Big Tech companies like Google, Meta);

Protecting competition.In criminal law. That is: illegal collection, sale, and use of data; interference with private life; Big Data-based crimes such as deepfake and phishing.
Big Data is closely related to cross-border data flows. Here: GDPR (EU's General Data Protection Regulation) serves as a model; Russia, China, and the USA each have their own legal framework for handling data; Kazakhstan is also trying to align with international standards (for example, the Digital Kazakhstan program).

In this regard, it would be appropriate for our country as well to establish certain legal regulations and

impose restrictions when working with data, similar to China and the United States. In this regard, the following tasks can be set for the legal application of Big Data subjects in society: Legally establishing Big Data ethics; neutrality and transparency of algorithms; legal restrictions on automated decision-making; clearly defining who owns the data.

By enshrining Big Data ethics in law, we can align with our President's focus on digitalization in his address. As for the neutrality and transparency of algorithms, let's first consider their definition. The neutrality and transparency of algorithms are very important concepts nowadays, especially when artificial intelligence (AI) and automated decision-making systems are widely used. In other words, neutrality means that algorithms should not give preference to any group, race, gender, age, religious beliefs, or social status when making decisions. For example, if a bank's loan algorithm gives loans to men more often and to women less often, then this algorithm is not neutral, meaning it is biased. And transparency means showing clearly and openly how the algorithm works, what data it uses, and based on what rules it makes decisions. For example, if you are not given social benefits but cannot understand why the algorithm made that decision, then this is a non-transparent system.

Big Data can influence the legislative process in several ways. In particular, the consequences of adopted decisions can be assessed based on output data (consumer activity, number of committed offenses, number of registered transactions or new legal entities, etc.), which show the impact of new regulations at the micro level (individual citizens, legal entities, etc.). Moreover, the use of Big Data allows, within the framework of legislative activities, modeling the outcomes of introducing new norms and evaluating their consequences based on certain indicators.

It can be concluded that there is a difference both in legal regulation and in the moral approach to Big Data as an object of regulation. In the European Union, Big Data is viewed through the lens of rights – rights to privacy, the right to information, and others, whereas in the United States, it is primarily considered as a tradable and commercializable asset. Moreover, the American model can be characterized by a high degree of self-regulation, unlike the centralized European approach. It is still unclear how Big Data is perceived in Russia: through the lens of rights or as an asset. However, it is clear that Russia is currently leaning towards developing its own data management model, ensuring complete centralized internal control over its use.

Big Data entities are not only technical or business structures; they are recognized as legal entities and are obliged to comply with legal norms when handling data. The legislation of the Republic of Kazakhstan is developing in this direction, but keeping up with international experience and new technologies is an important task.

Directions for the development of a generally permissive legal regime for big data have been identified, particularly regarding the need for clear regulation of the processing of data not restricted in circulation. In relation to the permissive regime, criteria for determining the good faith use of training data have been highlighted. In the area of an obligatory legal regime for data, issues of ensuring information security have been considered. The study of types of legal regimes will allow for identifying possible directions for changes in domestic legislation in areas related to the processing and circulation of big data and the application of Big Data technology.

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