

Value of Civil Law as a Regulator of Digitalization of Museums in the Russian Federation

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ABSTRACT

The modern museum is traditionally considered as the guardian of cultural and historical heritage of the society. Ambiguously, one can perceive the category of "cultural heritage" through different content based on social, cultural, economic established views. The use of information technologies in the activities of museums creates the prerequisites for the study of legal aspects in this area. The museum is now becoming an active participant in public relations, in accordance with its legal status and legal identity. The forms and procedure for the participation of museums in civil traffic in the digital space require legal regulation. Law is the guarantor of establishing a single procedure for transferring museum values to digital mode. The comprehensive influence of digital technologies provides for the creation of databases of museum objects with their description, attachment of images, and accounting operations related to the registration of new valuable items and their transfer to museum exhibitions; import and export abroad. Despite the patronage and financial support of museums the political and legal concept of the state is aimed at preserving cultural heritage, mainly through the mechanism of civil law regulation. Its exceptional value lies in the fact that civil law norms are aimed not only at regulating relations concerned with the preservation of cultural property related to museum objects, but also their circulation. The paper justifies the importance of the civil legal mechanism governing the digitalization of museum objects in the Russian Federation. The study serves a prerequisite for further analysis and identification of problems related to the adaptation of the mechanism of legal regulation of museum digitalization and its integration into social space. The scientific and practical significance of research results is the development of ideas about the features of civil and legal relations in the museum sphere related to the process of digitalization of museum objects.

Keywords: *cultural property, ICOM, interactive space, civil law, museum activities, Ministry of Culture of the Russian Federation, Museum Register, State Catalog of the Museum Fund of the Russian Federation, Automated Information System, UNWTO, COVID-2019*

1. INTRODUCTION

At the level of international and national norms based on dominant social and moral values law contributes to the fulfillment of state economic and political objectives in the field of preservation of historical heritage. The history of the development of civilizations, peoples and states is materially embodied and reflected in various objects of civil rights called cultural values. The international legal regulation and standard acts of the Russian Federation reflect two main trends with regard to the world cultural heritage:

a) Full protection and multiplication of unique objects for future generations involves not only civil, administrative, legal and criminal protection of unique objects by the state, but also the obligation of everyone to carefully preserve the historical and cultural heritage, protect historical and cultural monuments (Part 3, Article 43 of the Constitution

of the Russian Federation). As the preamble to the *Convention for the Protection of the World Cultural and Natural Heritage* adopted on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, the deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world.

b) Establishment of museums, permanent exhibitions, and the expansion of cultural exchanges, promotion of the dissemination of materials of educational, scientific or cultural nature. Taking into account the interest of every citizen in the historical and cultural past, the increase in attendance at expositions, monuments and archaeological reserve museum and the expansion of cultural exchanges in order to encourage the spiritual growth of a person, Part 2, Article 43 of the Constitution of the Russian Federation establishes the right of all citizens of Russia to be involved in cultural life and use of cultural values. In this area, ICOM – International Council of Museums

(www.icom.museum) is an international non-governmental organization representing the interests of the world museum community (museums and museum specialists) and outlining professional quality standards for the world museum community, as well as the role of museums in society as repositories of collective memory. This is reflected in the *ICOM Code of Ethics for Museums* adopted on November 4, 1986 by the participants of the 15th ICOM General Assembly in Buenos Aires (Argentina), *ICOM Natural History Museums Code of Ethics* adopted on August 16, 2013 at the 23rd ICOM General Assembly in Rio de Janeiro (Brazil), *Guidelines for the creation of an integrated unified system for ensuring the safety of museum institutions, protection and preservation of museum objects* adopted in 2014 in St. Petersburg (ICOM of Russia), as well as other international acts establishing key standards for the professional activities of museums and their experts covering the activities of museum organizations. ICOM's mission is not only to ensure progressive advance of culture and knowledge, but also to counter the illicit use of cultural property; to coordinate risk; to protect material and intangible natural and cultural heritage from the influence of a large number of negative circumstances: natural, ecological, technogenic, atropogenic, including political coups and local military conflicts [1]. In fulfilling its international mission ICOM works closely with a number of regional agencies, international intergovernmental and non-governmental organizations: United Nations Educational, Scientific and Cultural Organization (UNESCO); International Criminal Police Organization (INTERPOL); World Customs Organization (WCO); World Intellectual Property Organization (WIPO), etc.

2. MATERIALS AND METHODS

The Russian Federation, which purpose is to preserve cultural heritage through legal regulation mechanisms, determines the rules for the participation of museums in civil traffic. The civil law assumes an important role in regulating museum activities.

Museums can be created in the organizational and legal form by the state, subjects of the Russian Federation, local authorities, individuals or legal entities in accordance with the legislation of the Russian Federation (Article 30 of the Federal Law No. 54-FZ (ed.) "On the Museum Fund of the Russian Federation and Museums in the Russian Federation" dated 26.05.1996).

The legal regulation of the state registration of institutions as legal entities is enshrined in the Civil Code of the Russian Federation, Article 13.1 of the Federal Law No. 7-FZ "On Non-Profit Organizations" dated 12.01.1996, as well as the Federal Law No. 129-FZ "On state registration of legal entities and individual entrepreneurs" dated 08.08.2001 (ed. 26.11.2019). At the moment, the registration of non-profit organizations is carried out in accordance with the procedure established by the *Administrative Regulations for the Provision of State*

Services by the Ministry of Justice of the Russian Federation for the Adoption of a Decision on State Registration of Non-Profit Organizations approved by the Order of the Ministry of Justice No. 455 of 30.12.2011, through the official Internet portal of public services of the Russian Federation

(<https://www.gosuslugi.ru/16402/3/info>). Information about museums is entered in the Register of Non-Profit Organizations – Performers of Socially Useful Services (<http://unro.minjust.ru/NKOPerfServ.aspx>), which is maintained by the Ministry of Justice of Russia.

Most of the Russian museums were created as state and municipal institutions, therefore, the current legislation guarantees to ensure the financing of museums with budget funds. The current legislation and statutes of museum organizations determine the content of the rights and obligations of museums and their founders. For example, according to the norm, subparagraph 15, paragraph 7 of the charter of the Federal State Budgetary Institution *State Hermitage* approved by the Decree of the Government of the Russian Federation No. 984 of 29.11.2011, the Ministry of Culture of the Russian Federation exercises control over the activities of the State Hermitage as a founder. On behalf of the constituent entities of the Russian Federation, similar rights and obligations are exercised by authorized state bodies of the constituent entities of the Russian Federation, which are entrusted with the state regulation in the field of culture.

A significant part of museums are members of various voluntary associations: Association of Private Museums of Russia (<https://privatemuseums.ru/>), Association of Russian Museums of Memory (<https://gmig.ru/projects/assotsiatsiya-rossiyskikh-muzeev-pamyati/>), Association of Literary Museums of the Union of Museums of Russia (<https://goslitmuz.ru/projects/174/2361/>), Association of Museums of Russia (<http://www.amr-museum.ru/>), etc.

Each museum, which owns, has at the property or uses museum objects and museum collections included in the Museum Fund of the Russian Federation, should be included in the Register of Museums (<https://goskatalog.ru/>), which is maintained by the State Catalog of the Museum Fund of the Russian Federation (*Regulation on the State Catalog of the Museum Fund of the Russian Federation* approved by the Order of the Ministry of Culture of the Russian Federation No. 2012 of December 1, 2017). This consolidated list includes a complete list of Russian museums, galleries, exhibition halls, cultural centers, church museums, ensemble museums, estate museums, reserve museums, museum associations and organizations, as well as their affiliates and branches. Any institution may be included in the Register of Museums, in particular, subject to the existence of the following:

- indication for the implementation of the main types of museum activities (registration, storage, public presentation of museum objects in the Charter);
- museum objects included in the Museum Fund of the Russian Federation (including those included in the Electronic Catalog of the Museum).

The next relevant direction of state regulation in the museum sphere is the development of the civil-legal component for the protection of museum values as specific objects of civil rights [2]. The value of civil law is expressed through its main functions, which ensure the regulation of existing social relations and their further development in accordance with objective economic laws aimed at ensuring their normal functioning and preventing legal “anomalies”.

The legal foundations of museum activity are reflected in a number of theoretical and applied studies, which are determined by the specifics of their activities related to the collection, storage, accounting, cataloguing and restoration of many genuine artifacts (cultural property) – material objects, regardless of the moment of their creation, historical, artistic, scientific or cultural significance (*Fundamentals of the Legislation of the Russian Federation on Culture* (approved by the Order of the Supreme Soviet of the Russian Federation No. 3612-1 of 09.10.1992). In particular, such objects include historical values; objects and their fragments obtained from archaeological excavations; artistic values (paintings, drawings, sculptural works, artistic compositions and installations, icons, engravings, prints, lithographs, printed forms); products of traditional folk art crafts; ancient books; rare manuscripts and documentary monuments; archives; unique and rare musical instruments; postage stamps; archives, including phono-, photo, film, video archives; unique and rare musical instruments; old coins, orders, medals; rare collections and specimens of flora and fauna; other movable objects, as well as copies thereof; buildings, structures, objects and technologies having historical and cultural significance, unique territories and objects, etc.

The listed objects can be in state, municipal and private forms of ownership, most of which are museum objects and museum collections. All of them are included in the Museum Fund of the Russian Federation, are permanently located on the territory of the Russian Federation and are subject to state registration (paragraph 3, Article 5 of the Federal Law No. 54-FZ (ed.) “On the Museum Fund of the Russian Federation and Museums in the Russian Federation” dated 26.05.1996). The unique features of cultural values as objects of spiritual culture determined the special legal regime of these objects reflected in legal acts (Regulation on the export of cultural values, documents of national archival funds and original archival documents from the customs territory of the Eurasian Economic Union, Annex 8 to the Decision of the Board of the Eurasian Economic Commission No. 30 of 21.04.2015; Law of the Russian Federation No. 4804-I “On Export and Import of Cultural Property” (ed.) of April 15, 1993, Federal Law No. 64-FZ “On Cultural Property Displaced into the USSR as a Result of World War II and Located in the Territory of the Russian Federation” (ed.) of 15.04.1998 etc.).

The issues of ensuring physical integrity and safety during the organization of exhibitions, exchange and temporary transfer of artifacts, including import and export from the territory of the EAEU, have always been given serious

attention. Due to various kinds of risks, the possibility of losing the most important objects of cultural heritage has existed and will always exist. Legal regulation takes into account the main trends in public development, new management and organization of museum activities are being introduced, which is gradually becoming a modern high-tech industry.

Digitalization of all spheres of life is a real fact of life. This is accompanied by the expansion and dissemination of Internet resources and digital data tools [3]. The strategy for the preservation of museum values in digital form and the protection of world heritage (books, works of art and monuments of historical and scientific significance) from inevitable loss and the need for legal, economic and technical measures aimed at preserving the heritage is reflected in the *Charter on the Preservation of the Digital Heritage* adopted by the UN General Conference on Education, Science and Culture at its thirty-second session on 15 October 2003.

The peculiarity of museums is that at the same time they serve a universal cultural form of documenting social experience [4], custodians of the national treasure and subjects of the service market. The museum world continues to develop in new conditions, clarifying and correcting the boundaries of its professional space [5], creating visual three-dimensional models in modern art within the framework of museum reconstruction expressing the philosophical concept of rethinking reality [6].

Globalization, legal, informational, sociocultural trends of modern history, and scientific and technological progress, led to a shift from a classical museum, the expansion of museum boundaries and turned into reality the modern concepts of the “virtual museum” (“museum without walls”, “museum-show” [7], “museum-forum”, “museum-dialogue” [8]), where digital accessibility overcomes the physical distance [9].

3. RESULTS AND DISCUSSION

Globalization challenges change the essence of law, in which new institutions begin to take shape, which imposes specific tasks of functioning during the transition period on the state as a whole and on law-making bodies in particular.

Culture is an inseparable element of the existence of each person and the whole community ensuring active socio-economic development and guaranteeing the preservation of a single cultural space of the country. For the full implementation of these tasks, by 2024 Russia plans to carry out technical refurbishment of a number of cultural objects and digitalization of the cultural sphere by increasing the number of visits to cultural organizations by 15% and the number of appeals to digital cultural resources by 5 times (Passport of the *Culture* National Project (approved by the Presidium of the Council under the President of the Russian Federation for Strategic Development and National Projects, protocol No. 16 of 24.12.2018).

The renovation and improvement of the quality of the cultural environment implies that the existing organizations of the cultural industry will become modern facilities equipped with multimedia technologies and the latest communication systems. The ratio of the volume of Russian museum funds and exhibition space today is such that only a small part of museum collections can be presented to visitors; according to various estimates, this part constitutes from 3 to 10% of funds. The access to the country's unique cultural heritage will be provided through additional digitization of 48,000 book monuments – publications of the greatest cultural and historical value.

According to the World Tourism Organization (UNWTO), the annual turnover of tourism in the world until 2020 was about 4.7 trillion US dollars. International tourism accounts for 7% of world exports of goods and services [10]. The world pandemic COVID-2019 and restrictions on movement in the constituent entities of the Russian Federation (Decree of the President of the Russian Federation No. 239 “On measures to ensure sanitary and epidemiological well-being of the population in the Russian Federation due to the spread of a new coronavirus infection (COVID-19)” dated 02.04.2020) made their adjustments to the activities of all legal entities and citizens, excluding for the time being cultural domestic and inbound tourism, and predetermined the widespread entrenchment of digital technologies in the cultural information space of the whole country.

The museum industry is economically recognized as the most injured from COVID-19 coronavirus in the Russian Federation (Decree of the Russian Federation Government No. 434 “On approval of the list of the branches of the Russian economy most affected in the conditions of deterioration in a situation as a result of spread of new coronavirus infection” (ed.) dated 03.04.2020). This fact was a powerful incitement for search and forward realization of new forms of perception of cultural values by the society. The transition of a significant share of communication between people into digital and interactive forms has equally affected general cultural development. It is assumed that over the period from 2019-2024 about 600 online broadcasts of the main events in the field of culture, excursions to the largest exhibitions will be provided in Russia, which will make it possible to receive cultural services to a significant part, including the world community.

The modern museum is already inconceivable without many technical innovations and technological achievements; formed databases simplify the task of studying museum collections, compiling collections, preparing catalogues, storage and restoration documents. The state has developed a number of standards for the operation of Internet portals of cultural institutions (Order of the Ministry of Culture of the Russian Federation No. 277 “On approval of requirements for the content and form of providing information on the activities of cultural organizations posted on official websites of authorized federal executive bodies, state authorities of the constituent entities of the Russian Federation, local authorities and cultural organizations on the Internet” of February 20,

2015, Methodological recommendations for the creation and operation of sites and portals of cultural institutions of the museum type) and currently 100% of museums in Russia have their own Internet sites (Order of the Ministry of Culture of the Russian Federation No. 229 “On approval of the activity plan of the Ministry of Culture of the Russian Federation for 2019-2024” dated March 1, 2019), some museums actively use social networks to popularize and publicize their activities, thus playing a huge role in “leveling” the cultural landscape and providing access to museum collections to all Internet users [11].

In the future, museums will be able to use all the latest technological capabilities. In the digital are, the activities of museums will be aimed not only at preserving cultural objects or providing access to them; the strategy of most museums was to attract and ensure consumer interest of visitors. Museum digital spaces will be able to guarantee not only the artistic perception of a digitized object related to cultural values, but also to form it, for example, with the help of a multimedia product. The users can access the museum portal using any device that offers Internet browsing [12]. Using a video on a monitor or an image of a hologram to demonstrate museum values is already becoming the usual way to “visit” a museum.

From a legal point of view, it is impossible to finally put an equal mark between real museum artifacts and their digital copies. Internet space changes, complements and transforms reality: it is a space of mirages and simulators, where genuine and imaginary things have equal rights. “Virtuality” can be considered either as an objectively existing “world of ideas (Platonovsky Eidos)”, or, according to the Aristotelian line, as “a mental state operating in categories of current and potential” [13].

The museums of the future are aimed at the accessibility of cultural heritage to everyone, the formation of consumer interest of visitors, and modern digital technologies make it possible to achieve this. Advanced technologies (usually mobile applications) allow coordinating themselves with the virtual space. From the point of view of the use of digital and interactive technologies, avant-garde was a unique pilot project within the framework of the Memorandum of Intent (2016) signed by the A.S. Pushkin State Museum of Fine Arts and Panasonic Company during the XXV General Conference in Milan. The launched LinkRay technology allows encoding the accompanying information of museum objects using LED sources, which museum visitors can read using mobile applications and immediately receive facts and information of interest to them.

Digitalization of the economy and other spheres of public life is based on digital platforms and technologies (big data, artificial intelligence, distributed registry systems, virtual and augmented reality technologies, etc.) [14]. The content of the laws of social development inevitably requires collective action, emergence, implementation and coordination of all economic processes within a single legal framework [15].

Currently, through state and municipal procurement, more than 900 museums of the Russian Federation are united using the KAMIS electronic automated information system

(<https://kamis.ru/>) covering all areas of museum activity, taking into account world experience and standards. The system is a universal tool for working with material and virtual values, providing a comprehensive automatic solution to the main museum tasks:

- creation of integrated databases of museum collections containing various environments (texts, images, audio, video, animation) in the Internet;
- organization of virtual exhibitions, virtual museum tours with the help of an electronic guide;
- production of multimedia publications and electronic interactive publications;
- maintenance of accounting operations, catalogues, documents, consolidated databases on museum objects and registry work;
- generation of statistics on visits to online cultural objects and its sending to the Unified Interdepartmental Information and Statistical System (EMISS) by the KAMIS system (<https://www.fedstat.ru/indicator/59132>); as well as to the automated information system Statistical Reporting of the Industry of the Ministry of Culture of the Russian Federation (<https://stat.mkrf.ru/>);
- providing automatic interaction and uploading of information on exhibits with the State Catalog of the Museum Fund of the Russian Federation (<https://goskatalog.ru/>);
- processing of data on the interaction of the audience with digital cultural information resources and sending information on the facts of the interaction of the audience with the connected information resource to the specialized automated system of the Ministry of Culture of Russia – Unified Information Space in the Field of Culture (<https://all.culture.ru/>).

In the context of the development of the digital economy, the Internet is practically presented as a model of a self-governing industrial system [16], nevertheless, in order to coordinate the actions of state and municipal authorities in the field of culture and museums themselves, the Ministry of Culture of Russia maintains a list of information resources about culture (General information about the List of information resources about culture approved by the Ministry of Culture of the Russian Federation on 01.03.2019).

Since 1996, a consolidated base (state catalog) of cultural property has been maintained in Russia for the collections of all museums in the country, where the country's total museum fund accounts for about 80 million objects. Such information resources represent a collection of information and software means that provide it in the form of an array of related data having a unique address on the Internet and perceived by the user as a system of related pages. The list of resources is published by the Ministry of Culture of Russia on the portal *Культура.РФ* (<https://culture.ru/>), and is also provided in the format of open data on the industry portal of open data by the Ministry of Culture of Russia (<https://opendata.mkrf.ru/>).

The basic digital cultural information resources were developed with the help of modern museum electronic technologies, namely:

- single portal for popularizing the cultural heritage and traditions of the peoples of Russia *Культура.РФ* (culture.ru);
- digital guide platform for museums and exhibition projects in *Artifact* augmented reality (ar.culture.ru);
- portal for history popularization *История.РФ* (histrf.ru);
- portal of the National Electronic Library (нэб.рф);
- state catalogue of the Museum Fund of the Russian Federation (goskatalog.ru);
- official sites and other information resources of cultural organizations subordinate to the Ministry of Culture of Russia.

Other complementary digital information platforms can be included in the List of resources by their owners on a voluntary basis, by registering a legal entity or an individual as the owner of an information resource on the Unified Portal for Popularizing the Cultural Heritage and Traditions of the Peoples of Russia *Культура.РФ* (culture.ru) and placing the program code of the counter on the pages of the included information resource.

The activities of museums are being actively modernized in the multimedia space as part of global vision aspirations, which play a leading role in organizing cultural leisure activities of the population. Museums and art galleries have always been at the forefront of integrating and stimulating different human feelings not only to explore new ways of presenting art, but also to increase wider public interest in artifacts on display [17]. Within the framework of this trend, fundamentally new forms were created that meet the requirements of the new model of museums, the transformation touched on the very essence of museum activity (acquisition, storage and display of historical and cultural heritage).

From this point of view, the law is a tool of social development that allows the most efficient, reliable and economical solution of organizational tasks [15]. With the help of legal means, as well as technical and technological achievements, a number of traditional functions of museums have been progressively transferred to automatic online mode: accounting and stock; research; cataloguing; exposition and exhibition; publishing; restoration; printing. Internet technologies make it possible to harmonize international cultural cooperation [18] predetermining the features of the new paradigm of the digital law [19]. The value of civil law as an industry of Russian law is that it is sufficiently consistent, relevant and timely to regulate digitalization in the field of museum activity. The cultural and creative sectors are among the most affected by the current coronavirus crisis (COVID-19), and museums are no exception.

In view of the fact that the interaction of the mass audience with the information resources of the cultural sector in a pandemic occurs in a digital environment, the primary task of the state is to create and disseminate the content of virtual museums on the Internet, to provide access to advanced national information digitized sources of scientific and artistic significance. The use of digital technologies has a positive impact in the development of the sphere of scientific communications, ensuring wide access to knowledge bases, in the preservation of cultural

heritage (museum collections, library collections), etc. [20].

The normative nature of the law determines the uniformity of the rules for transferring museum objects to digital mode. The created modern museum electronic technologies provide for the creation of databases of museum objects with their description, attachment of images, and accounting operations related to the registration of new valuable items and their transfer (acts of issuance and return) to museum exhibitions; temporary use and import and export abroad.

The latest stage in the evolution of the Russian Federation dictates the need to fully involve cultural reserves in the development of social progress. Cultural heritage accumulated for centuries in museums should interact with modern society, since only in this case will it generate spiritual forces, enrich socio-cultural processes, contribute to new incentives and directions of socially significant activity [21].

The “transfer” of museum values to virtual space not only contributes to the value-civilizational approach of mutual enrichment of various cultures, but also contributes to the achievement of a number of other state tasks (Fundamentals of State Cultural Policy approved by the Presidential Decree No. 808 of December 24, 2014) such as:

- modernizing the mechanism of state protection of objects, cultural heritage of the peoples of the Russian Federation, museum objects, archival and national library collections;
- creating the integrated Russian electronic knowledge space based on digitized museum collections and the formation of an all-Russian structure that will be aimed at preserving electronic information;
- maintaining and expanding the holistic cultural space of Russia through the use of digital communication technologies to ensure continuous access of citizens to cultural values, etc.

The law has not only instrumental value (as a means of resolving social contradictions in various spheres of society), but also emancipating potential contributing to the development of an individual (intrinsic value of law) [22]. Museums use the Internet not only to provide access to information, but also to interact with visitors, receive feedback, comments, ideas and materials [23]. In the world, where the sphere of art has found itself on the border of various planes of scientific knowledge: museological, philosophical, historical, cultural, psychological, sociological, regionalist, political, ethnological [24], museums contribute not only to the craving for art, but also instill in people the skills of building a dialogue and synergy of cultures.

The tendency to expand the scope of law when establishing (forming) the limits of legal regulation has not yet exhausted itself [25]. The legislation of the Russian Federation and civilized norms in particular are aimed at guaranteeing the accessibility of cultural and creative sphere in the implementation of digital technologies and structural virtualization [26] under the auspices of the popularization of museum activities and civilizational

identity. The concept set out by UNESCO in the *Charter on the Preservation of Digital Heritage* during a particularly difficult period of development of the society in a pandemic is becoming the flagship for the implementation of the latest forms of expression and communication in a virtual environment.

4. CONCLUSION

The value, and ultimately the effectiveness of civil law as a regulator of the digitization of museum objects is determined and mutually conditioned by the implementation of the special legal capacity of museums and the regulation of the rights and obligations of such entities; the economic situation of the museum industry in the state; the legal regime of museum facilities; the application of various forms of state support aimed at preserving cultural heritage; the existence of modern legal institutions that regulate and enforce civil protection of digitized cultural property.

The difficult economic situation in the pandemic circumstances stimulates museums to “survive” by actively digitalizing museum objects and using additional opportunities to participate in private legal relations. The importance and significance of civil law regulation of the process of digitalization of museum values lies in its lability, multifunctionality and enormous opportunities provided by various civil law institutions. Civilized norms regulate in sufficient detail the entire mechanism of museum participation in public relations, including the process of digitalization of museum objects in order to increase their accessibility and preservation.

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