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## **Environmental rights of citizens and legal safeguards for their protection: challenges for the future**

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**Abstract:** The purpose of the study is to analyze the environmental rights of citizens and guarantees of their protection. To achieve the results of the study a systematic approach and various scientific methods were applied, in particular: dialectical, formal-logical, comparative-legal. As a result of the conducted research, the interrelation between international environmental law and the case law of the European Court of Human Rights concerning environmental rights was considered. The study analyzed the development of the case law of the European Court of Human Rights and concluded that the European Convention on Human Rights lacks a clear recognition of the right to a healthy environment. The importance of the environment for the realization of human rights has been proven to be widely recognized in international law. The assumption that a human right to a healthy environment can arise in international law raises a number of theoretical and practical problems for human rights, with such problems arising both within and outside the human rights debate. The quality of the natural environment has been found to affect the ability of governments to uphold numerous statutory human rights. The research concludes that human rights law can make a positive contribution to environmental protection, but the precise nature of the relationship between the environment and human rights requires a more critical and deeper analysis of environmental rights issues. The article analyzes the thesis regarding the guarantee of human rights to a safe environment.

**Keywords:** environmental rights, protection of rights, environment

### **Introduction**

Legislation dealing with environmental problems is thought to only mitigate, and sometimes actually alleviate, harmful effects without addressing the root causes of planetary crises (Mai, & Boulot, 2021).

Many rights guaranteed by international human rights law are defined to include an environmental dimension. For example, the rights to a high attainable standard of health and an adequate standard of living depend on a certain level of environmental quality, and in some cases, environmental degradation or destruction is seen as a violation of these human rights. Many people, especially those living in poor communities or in developing countries, rely directly on the environment for their livelihood, and environmental problems such as pollution or global warming can directly interfere with their basic human rights. The environment often plays an integral role in the lives of indigenous communities. If the environment is damaged or destroyed, it can also affect a wide range of social and cultural rights.

International regulation of environmental issues is not a new phenomenon. Since the nineteenth

and early twentieth centuries, one can find several precedents for what is now called international environmental law. The main characteristics of contemporary international environmental law are the focus on its protection, intended for human life and not just as a useful resource, the complexity of the legal methods developed to do so (Dupuy & Viñuales, 2018).

In light of the dichotomy: on the one hand of progressive and partly principled case law and, on the other hand, of recent departures from this jurisprudence in certain respects, it becomes relevant to consider what impact the potential proclamation of a right to a healthy environment in international law might have in the case law of the European Court of Human Rights. Such reasoning is bound to have an element of speculation, but in light of the recent work of the United Nations Special Rapporteur on Human Rights and the Environment, who found, among other things, that the relationship between human rights and the environment requires greater conceptual clarity, for this is a price to pay. The European Court of Human Rights in environmental rights proceedings plays an important role (Knox, & Pejan (Eds.), 2018).

Environmental protection and general human rights are linked in two main ways: one requires some level of environmental protection as a prerequisite for protecting the integrity of people, and the other protects the cultural connection between individuals, groups, and their environment (Le, 2020).

#### *Research Problem*

The problem of this study is that environmental problems, particularly pollution and climate change, are linked to economic, social, and cultural rights, including the rights to health and water. Procedural rights, such as the right to assemble, the right to expression, and the right to information, are critical to protecting the environment. Many constitutions and a number of regional human rights frameworks include a separate right to an adequate and healthy environment, noting the inextricable link between human rights and the environment. In the last few decades, human rights advocates have increasingly challenged actions that result in environmental harm and treated it as human rights violation before national and international courts or commissions. The Human Rights Court protects human rights to the environment.

#### *Research Focus*

Environmental rights, such as the right to a healthy environment and rights to nature, play an increasingly important role in global environmental governance and protection, often failing to respond to the articulation of fundamental experiences of injustice by communities, especially those affected by severe environmental degradation caused, for example, by the type of activity or the construction of major infrastructure projects.

#### *Research Aim and Research Questions*

The purpose of the study is to guide and inspire a systematic exploration of how society is preparing for accelerated climate change and the transformation of the earth's system, to provide answers to questions about protecting citizens' environmental rights, and to make sense of how environmental protection and general rights are interrelated.

## **Research Methodology**

### *General Background*

The basic methodological assumption in ecology is empiricism. In the philosophy of science, the empirical approach to research has been formulated in the so-called standard concept of theory building and verification. The fundamental idea of the standard concept of ecological human rights is that scientific theories are systems with empirical meaning or content, that is, they are able to describe, explain or foresee the observable behavior of their objects. This means that the statements of a theory are interpreted as describing or conforming to universal patterns of observed object behavior. In addition to these basic statements, theories consist of auxiliary statements necessary to derive empirical implications. Central among the auxiliary statements are the so-called operational definitions or correspondence rules, which, by linking theoretical concepts to observable quantities, give empirical meaning or content to the theory. Among the general scientific methods, the study applied forecasting and modeling, because thanks to them it is possible to consider the development of environmental rights. Analysis (both comparative and structural) involves the classification and systematization of basic rights to man in the environment with their transformation in the future.

### *Sample / Participants / Group*

The study was conducted based on the analysis of scientific studies of human rights in the sphere of regulation of environmental relations. The main focus is on the study of the case law of the European Court of Human Rights on human rights to a safe environment.

### *Instrument and Procedures*

The methodological basis of the research consists of general scientific and special methods of scientific knowledge, in particular, comparative-legal, system-structural, statistical, method of scientific analysis and generalization, and others. Methods and techniques of scientific research are characterized by complexity. Both general scientific and highly specialized methods were used in the work.

To achieve the results of the study a systematic approach and various scientific methods were used, namely, the dialectical method made it possible to establish the relationship between human rights to a safe environment and other related categories. The formal-logical method was applied when defining the main concepts and categories that make up the content of the study; the method of system-structural analysis was applied when determining the place of environmental human rights in the system of general rights. At the research of the case-law practice the comparative-legal method was mainly applied.

### *Data Analysis*

These studies were developed using additional doctrinal methods of scientific knowledge. The study analyzed key information about the state of the environment and its impact on humans. It was learned that environmental pollution leads to the violation of the fundamental rights to a safe environment. The analysis was conducted on a specific type of environmental measures - the regulation of permissible production technologies and taxes that increase the costs of production in the sectors of trade goods.

### **Research Results**

Environmental law is inextricably linked to the environment. In turn, the term “environment” permeates scientific, political, and media discourses, but remains obscure (Dupuy & Viñuales, 2018). The term “environment” can be characterized on a scientific level, or more precisely, through the lens of ecology.

The challenges facing international environmental law have played an important role in shaping not only its organizational features but also the processes by which environmental norms are created. The complex array of different state interests, the need to institutionalize environmental negotiations or the significant role played by non-state actors in the development and implementation of environmental norms - these have influenced the sources of international environmental law. However, this impact cannot be understood without also considering an additional challenge that has a much stronger impact on environmental regulation than any other branch of international law, namely the need to cope with scientific and technological advances (Dupuy. & Viñuales, 2018).

Governments around the world prioritize human health and well-being. Local, state, regional, and international government agencies put health at the top of the political agenda. Human health crises, along with economic and security issues, dominate domestic and international legal debates. For more than six decades, the international community has recognized the human right to health in international human rights law. The United Nations (UN) General Declaration of Human Rights, adopted in 1948, declares that everyone has the right to an adequate standard of living, including food, clothing, housing necessary for the health and well-being of himself, his family, and medical care. The Constitution of the World Health Organization (WHO) affirms that the enjoyment of the highest attainable standard of health is a fundamental right of every human being (Carlarne & Depledge, 2019).

International law defines legitimate human rights to protect human health and life. However, it provides no formal mechanism for recognizing a direct or indirect link between environmental quality and human health, despite the general recognition that human health is directly related to the quality of surrounding ecosystems, such as water quality, air quality. , sanitation, agricultural productivity, and control of chemicals and toxic substances (Carlarne & Depledge, 2019)

However, the human right to health continues to be divorced from explicit recognition of human-ecosystem interactions, raising concerns about the deficit of this right (Carlarne & Depledge, 2019).

Climate change exacerbates existing health crises and adds new complexities to the relationship between environmental quality and human health. This also shows the need for a more detailed examination and disclosure of the concept of environmental quality. The term “environmental quality” includes the notion of threats to the environment and by extension to human health-from pollutants, radiation, and infectious agents, but does not take into account the less obvious but equally important losses of ecosystem services that result from ecosystem degradation. The loss of ecosystem services, including the loss of aesthetic value, which turns out to be important to psychological and physical well-being. Using this more inclusive definition of environmental quality reveals further connections

between environmental quality and human health in the context of climate change (Carlarne & Depledge, 2019).

Human rights are limited, and they are dictated by resource constraints and local priorities. The right to health is widely considered at the population level, and health resources cannot be misappropriated for personal gain. Rights become tangible only when the party concerned accepts the role of duty-bearer and recognizes the obligation to respect, protect and fulfill recognized rights. Fiscal pressures dominate decisions about the amount of content of rights, but other factors, particularly community expectations, entrenched attitudes, and sectoral dominance in the health care system, can strongly influence resource allocation choices (Jean, Kruger, & Lok, 2021).

The UN Human Rights Committee has adopted various general comments related to the environment and sustainable development, including General Comments 14 and 15 interpreting Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights as including access to sufficient, safe, and affordable water for domestic use; the prevention and reduction of exposure to harmful substances, including radiation and chemicals, or other harmful environmental conditions that directly or indirectly affect human health. These are useful and important interpretations that have also had some impact on related areas of international law. For example, Article 10 of the UN Watercourses Convention, which gives priority to vital human needs in the allocation of scarce water resources. The commentary of the UN 6th Committee to the Watercourses Convention indicates that, in determining vital human needs, special attention should be given to providing sufficient water to sustain human life, including both drinking water and water necessary for food production in order to prevent starvation. (Morris & M.-Christiane Bourloyannis-Vrailas, 1997).

From this perspective, existing economic and social rights help guarantee some of the indispensable attributes of a decent environment.

But not all environmental rights are contained in core human rights treaties. The most obvious example is the UNECE's Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters. The preamble not only recalls Principle 1 of the Stockholm Declaration and recognizes that adequate protection of the environment is essential to human well-being and to the exercise of fundamental human rights, including the right to life itself, but also affirms that everyone has the right to live in an environment that is consistent with his health and well-being, as well as the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations (United Nations, 2001).

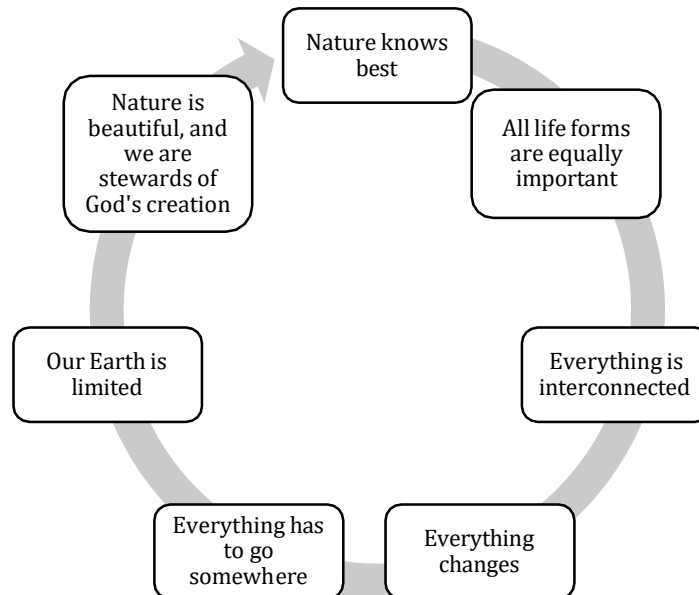
In the legal sphere, there are mechanisms or legislative instruments that can lead to the imposition of such "harsh" (and costly) regulatory restrictions on production processes that are harmful to the environment, which in turn violate human rights. The REACH (Registration, Evaluation, Authorisation, and restriction of Chemicals) regulation, which bans certain chemicals that can be produced or used in manufacturing, is one such example (Commission Regulation 1907/2006/EC of Dec. 18, 2006, Concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, Establishing a European Chemicals Agency, as cited in McDougall, 2021).

Mention must also be made of the EU Environmental Liability Directive, which ostensibly obliges member states to impose obligations to remedy damage to economic entities that cause such damage during their productive activities. Another example is the Industrial Emissions Directive (IED), which applies to production in excess of regulatory limits in the energy industry, metal production and processing, mineral industry, chemical industry, waste management, and other activities, including industrial paper or cardboard production and intensive poultry or pig farming. Under the IED, member states are required to issue permits that set conditions and limits on emissions of certain specified (Control) pollutants, as listed in McDougall, 2021).

Human rights and the environment are inextricably linked: a safe, clean, healthy, and permanent environment is essential for the exercise of human rights, while a polluted, dangerous, and otherwise unhealthy environment potentially violates established human rights. These rights are inextricably linked to environmental principles (Figure 1):

### **Figure 1**

*Environmental principles*



Source: Own development by the authors

The European system of human rights protection has recently been used by international organizations and society to solve environmental problems.

The right to a healthy environment (in various forms) is now explicitly provided for in regional human rights and environmental instruments, as well as in the domestic constitutions of countries.

Despite the absence of any reference to the environment in the European Convention on Human Rights, the European Court of Human Rights has still been able to identify a detailed and extensive body of case law on human rights to a safe environment.

Thus, as early as 1991, the European Court of Human Rights in the *Fredin* case emphasized that environmental protection was becoming increasingly important in modern society (Pedersen, 2018).

This point is not in doubt now, so much so that in the recent case *Dubetska and others v. Ukraine*, the Ukrainian government did not deny that it had an obligation to address environmental problems under the Convention (*Dubetska and others v. Ukraine*, No. 30499/03 (European Court of Human Rights, 2011), p. 95. as cited in Pedersen, 2018).

The Court's case law is now expanding on industrial pollution, noise, natural disasters, and flooding. Importantly, liability under the European Convention on Human Rights can now be triggered by the existence of a risk of harm, as opposed to applying the Convention to cases involving the award of pecuniary damages.

The Court is much more likely to rule against a state if the respondent state has not somehow implemented, applied, or complied with its own domestic environmental standards and regulations. The court is more likely to uphold an environmental claim based on a rule of law type argument (Pedersen, 2018).

The European Court of Human Rights has increasingly sought to emphasize that its jurisdiction is that of an international court as opposed to a domestic court hearing the full case. Thus, the Court has made clear that by invoking its independent doctrine of discretion when it comes to environmental decision-making, treaty states enjoy a wide degree of discretion, so the Court's jurisdiction is primarily one of oversight (Pedersen, 2018).

The subject matter of the European Court of Human Rights may not necessarily be pecuniary damages if environmental human rights have been violated, but also situations in which there is a risk of such damages. One notable example is the case of *Branduche v. Romania*, where the applicant complained of the risks he had been exposed to as a result of being imprisoned in a prison near a landfill site. Although he was not physically injured, the Court held that the applicant was entitled to information that would enable him to assess the specific environmental risks associated with the landfill (*Brândușe v. Romania*, No. 6586/03 (European Court of Human Rights, 2009), as cited in Pedersen, 2018).

In the following cases, notably *Tătar v. Romania*, the Court held that if individuals are exposed to material risks (pollution or natural hazards), the government in charge must introduce regulatory initiatives governing the licensing, launching, operation, and control of dangerous activities, including appropriate public inquiries and studies to enable the public to assess the risks and consequences

associated with the activities in question (Tătar v. Romania, p. 88., as cited in Pedersen, 2018)

No one is preventing the European Court of Human Rights from developing its case law on the regulation of environmental rights. It can be argued that the absence of a clear and specific right to a healthy environment in international law has a negative impact on the jurisprudential development of such a right. It seems that international courts and tribunals have so far contributed significantly more to the development of the environmental rights agenda than international treaty organizations since there is little likelihood that a right to a healthy environment will be adopted in a global agreement. It is useful to analyze what impact such a right might have on the European Court of Justice and its case law on environmental rights.

A possible practical analysis can be obtained by examining how the Court has so far interacted with international law in general and international environmental law. From this, it quickly and unexpectedly becomes apparent that the Court does rely on international law when interpreting the Convention. Thus, in *Loizid v. Turkey*, the Court held that the Convention must be interpreted in light of the rules of interpretation, that is, as the Vienna Convention on the Law of Treaties, and that this includes any relevant rules of international law applicable as between the parties. Moreover, when it comes to specific sets of the Court's jurisprudence, there is evidence to show that the Court is particularly keen to use international law as a basis for interpretation. (*Loizidou v. Turkey*, No. 15318/89 (European Court of Human Rights, 1996), p. 43., as cited in Pedersen, 2018).

### **Discussion**

Carlarne and Depledge (2019) point out that the projected effects of climate change on human health call into question the difference between the human right to health and the offer of an internationally recognized human right to a healthy environment. They note that the relationship between climate change and support for human health is increasingly recognized by prominent international organizations such as the WHO, which states that the sustainable health of any population over time requires a stable and productive natural environment that yields guaranteed food and fresh water supplies, has a relatively constant climate in which climate-sensitive physical and biological systems do not change for the worse and preserves biodiversity. A stable and equitable social environment (i.e., "social capital") is also fundamentally important for public health.

It should be noted that WHO is not the only international organization looking at the links between climate change and threats and entrenched human rights, in particular the human right to health. The link between climate change and human rights often becomes the basis for legal challenges in the international arena (Carlarne and Depledge, 2019).

Human rights are principles that define personal freedoms and rights (United Nations General Assembly. Universal Declaration of Human Rights. Geneva, Switzerland: United Nations, 1948, as cited in Jean et al., 2021).

The Universal Declaration of Human Rights is a modern statement on human rights developed by the UN in an attempt to achieve global agreement on a set of standards defining acceptable relationships between citizens and the state. 1948, as cited in Jean et al., 2021).

Rights generally fall into two categories. Civil and political rights concerning freedoms, including respect for the right to life, protection from abuse of state power, and respect for individual liberty. And economic, social, and cultural rights concerning rights, including the basic requirements for a decent life. Economic, social, and cultural rights, based on equality and inclusiveness, require that the needs of all members of society be met. This group of rights includes the right to shelter, clean water, sanitation, and food requirements (Jean et al., 2021).

It should be noted that the right to health is a social right. Human rights are given legal protection in international law through agreements developed by the UN.

The main agreements are the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights. Civil and political rights are subject to immediate implementation, while economic social, and cultural rights are subject to progressive realization with available resources. Rights do not exist in isolation and are interrelated and inalienable. For example, the right to health (social right) is essential to the realization of the right to live in dignity (civil right) (Jean et al., 2021).

Ratification of a UN human rights treaty gives governments the power to guarantee the recognition of rights. Signatories are required to incorporate the UN agreements into national law. Some countries incorporate a comprehensive bill of rights into national constitutions; others either have legal frameworks that automatically apply international agreements in national law or enact legislation reflecting UN agreements. Countries may make declarations about how the articles will be interpreted

locally and write reservations about the content of the rights. In addition, not all countries that have ratified UN agreements have fully incorporated UN human rights into national law. The UN is unable to enforce domestic human rights law, and the lack of norms in national law weakens the obligation of governments to establish policies and regulations to oversee the protection of rights (Jean et al., 2021).

Land rights encourage long-term investment in land. This applies to communities, households, and individuals. Communities with protected rights to their common property will manage them sustainably, such as by planting and protecting trees or limiting grazing, which will help preserve the earth. A new special report by the Intergovernmental Panel on Climate Change and Land states that unprotected tenure and limited government recognition of customary land rights can lead to increased vulnerability and reduced ability to adapt to climate change, but also recognizes that customary tenure can provide both security and flexibility in responding to climate change. Numerous studies have shown that women and men with more secure farm ownership are more likely to invest in sustainable land management practices, such as planting trees or terraces and checking levees to preserve soil and control water. Studies in Nigeria and Uganda have shown that freehold landowners are more likely to adopt practices such as agroforestry than landowners with less secure tenure systems. However, tenure security is not only determined by formal land title, it also depends on landowners' perceptions. Research has shown that farmers who hold land under traditional tenure may perceive the security of tenure and invest as much as those who hold land under formal freehold tenure (Voices, 2019).

By often forging productive alliances with environmental organizations, indigenous communities have helped spread the debate about the need for both social and environmental justice. The latter has generated discussion about the potential for establishing legal rights to nature, and this has often focused on rivers and their welfare. The concept has long historical roots. In 1993, in the Great Apes Project, initiated by philosophers Paola Cavalieri and Peter Singer, taking as their model the 1948 UN Declaration of Human Rights, they argued that “inhuman hominids” should enjoy the right to life, liberty, not succumbing. Their work convinced the governments of Spain, Britain, and New Zealand to ban scientific experiments on “superior” primates, laid the foundations for the modern animal rights movement, and highlighted the increasingly urgent need to protect inhuman creatures and ecosystems (Strang, 2020).

By setting only limits on human activities, conventional environmental laws can legalize rather than prevent environmental harm. The literature on environmental impact assessment shows that despite decades of practice, assessments rarely result in significant changes in development plans. Concepts such as “sustainable development,” “blue economy,” and the human right to a healthy environment ostensibly promote a more rational balance between environmental, economic, and social factors, but have done little to change. In contrast, the Right of Nature approaches aim to develop governance systems that preserve ecological integrity and prevent ecosystem disruption. From a Rights of Nature perspective, legal systems should recognize nature as a subject bearing rights, not as an object owned and controlled by humans. Although the motivation, scope, and modality of laws and approaches regarding rights to nature vary considerably, they all share one basic premise: nature has inalienable rights to exist, develop, and perform ecological functions. Thus, the rights-of-nature approach provides an alternative philosophical starting point, basing governance on the assumption that the rights of the living world must be respected and that human activities must be managed in such a way as to prevent the destruction of nature. Rights to nature are recognized in legal provisions at both the national and subnational levels. Such laws are diverse, often reflecting local cultural traditions and varying in scope. Most recognize that people are an integral part of nature with a shared responsibility to respect and protect natural systems. They have included a number of innovative implementation mechanisms that seek to give nature a voice and ensure community participation in decision-making in order to respect cultural connections, maintain public welfare, and protect ecological integrity. Rights of nature have also been discussed at regional and global levels. Since the 2009 UN General Assembly (UNGA) resolution, annual reports on Harmony with Nature have documented the rapid growth of nature rights laws and related initiatives. Rights of nature have also been highlighted in other UNGA resolutions, including in conjunction with climate justice and the protection of biodiversity, access to knowledge, and economic, social, and technological progress in harmony with nature. A draft Universal Declaration of the Rights of Nature was created by hundreds of civil society organizations in 2010 to strengthen human responsibilities to nature and society's shared vision of global challenges, such as climate change (Harden-Davies, Harriet & Humphries, Fran & Maloney, Michelle & Wright, Glen & Gjerde, Kristina & Vierros, Marjo, 2020).

## Conclusions and Implications

The links between environmental quality and human rights are many and varied. The quality of the natural environment affects the ability of governments to uphold numerous established human rights, including the rights to health, life, liberty, personal security, an adequate standard of living, livelihood, culture, access to information, and freedom of information. All of these rights can be violated by normal environmental changes or climate changes.

The language of rights and the notion of environmental rights seem at first to be exclusive to theoretical legal discourse, but the legal connection between the environment and human rights, such as the human right to health, raises broad questions about the responsibilities not only of lawyers and politicians but also of scientists to identify the links between environmental change and human health, to communicate these connections and to determine the appropriate role of scientists in helping politicians to form sound, general policy.

## References

- Carlarne C. & Depledge M.H. (2019). Climate Change, Environmental Health, and Human Rights. *Encyclopedia of Environmental Health* (Second Edition), 653-660. <https://doi.org/10.1016/B978-0-12-409548-9.11689-6>.
- Dupuy P.-M. & Viñuales Jorge E. (2018). *International environmental law* (2nd ed.). Cambridge University Press.
- Harden-Davies, Harriet & Humphries, Fran & Maloney, Michelle & Wright, Glen & Gjerde, Kristina & Vierros, Marjo. (2020). Rights of Nature: Perspectives for Global Ocean Stewardship. *Marine Policy*. 122. 104059. <https://doi.org/10.1016/j.marpol.2020.104059>.
- Jean, G., Kruger, E., & Lok, V. (2021). Oral Health as a Human Right: Support for a Rights-Based Approach to Oral Health System Design. *International dental journal*, 71(5), 353-357. <https://doi.org/10.1016/j.identj.2020.12.021>
- Knox, J., & Pejan, R. (Eds.). (2018). The Human Right to a Healthy Environment. *Cambridge: Cambridge University Press*. <https://doi.org/10.1017/9781108367530>.
- Le Moli, G. (2020). The human rights committee, environmental protection, and the right to life. *International and Comparative Law Quarterly*, 69(3), 735-752. <https://doi.org/10.1017/S0020589320000123>
- Mai, L., & Boulot, E. (2021). Harnessing the transformative potential of Earth System Law: From theory to practice. *Earth System Governance*, 7, 100-103. <https://doi.org/10.1016/j.esg.2021.100103>.
- McDougall, P. (2021). The Place of Labor Rights in the European Union's Environmental Policies. *German Law Journal*, 22(1), 1-30. <https://doi.org/doi:10.1017/glj.2020.103>
- Morris, V., & M.-Christiane Bourloyannis-Vrailas. (1997). The Work of the Sixth Committee at the Fifty-first Session of the UN General Assembly. *The American Journal of International Law*, 91(3), 542-554. <https://doi.org/10.2307/2954191>
- Pedersen, O. W. (2018). The European Court of Human Rights and International Environmental Law. Chapter 5 in John H Knox and Ramin Pejan (eds), *The Human Right to a Healthy Environment (CUP 2018)*, <http://dx.doi.org/10.2139/ssrn.3196971>
- Strang, V. (2020). Re-imagining the River: New Environmental Ethics in Human Engagements with Water. *One Earth* 2(3), 204-206. <https://doi.org/10.1016/j.oneear.2020.02.011>.
- United Nations (2001). *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*. Retrieved from: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXVII-13&chapter=27](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27)
- Voices. (2019). Land rights in sustainability. *One Earth*, 1 (2) (2019), pp. 155-158, <https://doi.org/10.1016/j.oneear.2019.09.005>

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## The infrastructure of the Internet services market of the future: analysis of the problems of formation

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**Abstract:** The relevance of the study lies in the fact that the Internet and various information and communication technologies have become an everyday element of human life, which opens the Internet services market to the possibility of access to a large group of potential consumers. The purpose of the study is to analyze factors and factors of a social and economic nature that influence the formation of the Internet services market and shape the trends of its further development in the future. To achieve the goal, the task of the study is to identify problems that hinder this process and ensure the effective activity of manufacturers and implementers of Internet services, and compliance with the conditions of fair competition between them. When conducting the research, general and special methods of scientific knowledge were used: analysis and synthesis; induction and deduction; generalization; modeling and forecasting. The result of the research is the conclusion that the advantages of the Internet services market, which should be optimally used in shaping it for the future, can be determined by the permanence of information about them, the unlimited placement of it, the effectiveness of using advertising, the convenience of evaluating its effectiveness, promptness and communication with the consumer internet services online. The conclusions of the research are that to create an effective infrastructure of the Internet services market, it is necessary to solve the problems that exist at the current stage: the application of effective management solutions by enterprises that provide them; the use of a client-oriented and problem-oriented approach to meeting the needs of consumers; creation of conditions of fair competition for all manufacturers and implementers of Internet services; protection of personal data of their consumers.

**Keywords:** services provided on the Internet; information and communication technologies; marketing approach; economic efficiency; supply and demand.

### Introduction

With the development of innovative information and communication technologies, the market for Internet services is booming, which allows for effective advertising and marketing activities in any business area. In addition to the formation of the digital society of the XXI century, the market of Internet services is influenced by various social and political factors, in particular, the spread of coronavirus disease in the world in 2020-2021, which entailed a large-scale economic crisis in many countries, prompting managers and business owners to actively seek effective crisis solutions to overcome and reduce the negative effects already caused by the pandemic, and prevent and develop preventive measures against such harmful phases

The mentioned challenges of the modern world for business increase the risks for business if ineffective or false management decisions are made. One of the tools to solve this problem is the development and implementation of competitive strategies through the use of information and communication technologies and the market of Internet services. At the same time, these ways of improving the efficiency of enterprises will be effective only if they are constantly developing and

improving, rapidly adapting to the rapidly changing modern world of new socio-economic and political realities of life.

In addition, a customer-oriented approach in the business of providing a variety of services is a flexible solution to ensure that consumers meet their needs and make the very process of consumption of services comfortable. However, with regard to the market of Internet services, this approach is not universal, because there remains a need to introduce new services, to effectively sell existing services, as well as to improve the efficiency and quality of the Internet services provided.

According to the above, it is necessary to make a theoretical understanding of the current state of formation of the market of Internet services, the problems arising in its activities on this path, as well as developing practical recommendations for their avoidance in the future. It should also be noted that “although these elements have been discussed in the literature, there is a lack of empirical evidence on their respective relevance” (Shala et al., 2020). Therefore, further research in a particular area is relevant.

### **Research Methodology**

When conducting research, we used general comprehensive and theoretical methods of scientific knowledge: abstraction; analysis and synthesis; induction and deduction; modeling; as well as special methods: hypothetical-deductive; prediction.

### **Research Results**

The market of Internet services of the future, according to the tendencies of its formation at the present stage, can be classified according to different characteristics, among which it is necessary to note: the nature of the services themselves; the relationship with the consumer of services; adaptation of a particular service to the buyer; the nature of demand and supply to the buyer; the place of service delivery and other important factors. Common to all types of Internet services, in particular, those for which marketing strategies are used is the focus on fashion trends that exist in society, affecting consumer demand. In such conditions, it is necessary not only to meet consumers' needs but also to provide high-quality services, high efficiency of their sales for the enterprise itself, as well as economic efficiency for a certain country as a whole. For the effective formation and development of the market of Internet services for the future, it is important to use a client-oriented or problem-oriented approach, depending on the characteristics and characteristics of a particular service. The use of the latter is advisable in cases where it is the implementation of high-tech Internet services, as well as to ensure the promotion of new types in the process of their implementation to cover new segments and develop other sectors of the economy of a particular country. It is also necessary to take into account the fact that lower-cost Internet services sell much better in both domestic and domestic markets. Differences in the speed of delivery, manageability, and availability of various communications and marketing channels, the use of the Internet has significant advantages for large national corporations and small and medium-sized businesses selling Internet services. Through the use of the Internet, significant changes are occurring in the work of intermediaries in the provision of such services, particularly international agreements. Through the use of information and communication technologies, the consumers of Internet services and their producers can be directly connected to each other, respectively, and the expediency of using an intermediary is significantly reduced. In addition, the use of the Internet gives their consumers access to a wide range, the ability to buy Internet services on the world market at lower prices, which directly affects the formation of stocks and the reduction of funds for their purchase.

Important for the formation and development of the infrastructure of Internet services is the importance of confidentiality, preservation, and protection of both the personal information of consumers to avoid violations of their personal non-property rights, and their own information, which may contain trade secrets of the company that produces or sells Internet services and become available for use by unscrupulous competitors because of the vulnerability of the Internet. This issue is particularly relevant for “electronic markets”, with agreements concluded through the Internet, the sale of goods through auctions and exchanges. The advantage of electronic auctions is that they can last for quite a long time, provided that the participants are far away from each other. Electronic auctions, as a component of the market of Internet services, has its own peculiarity, which is that the average selling price of goods or services on the national markets is higher than on the regional markets due to a large number of participants.

The results of the transition of the service market from the offline mode to functioning on the

Internet and with the use of innovative information and communication technologies should be the following:

1. reducing the cost of budgets spent on traditional ways to promote services in the market of those businesses that produce or sell Internet services;
2. increasing the level of openness, direct interaction with potential customers; increasing the effectiveness of feedback from potential consumers;
3. the possibility of reputational management and the creation of a positive image of businesses that produce or sell Internet services;
4. increasing sales in the market of Internet services by attracting a new target audience of their potential customers.

Also, in the formation of the infrastructure of the market of Internet services for the future, it is necessary to perceive the chosen direction of the enterprise producing or selling Internet services, not as a process of making a profit, but as a process of activity, such functioning, aimed at providing market quality services, in which it involves meeting the needs of consumers of these services and solving significant socio-economic problems. It is the indicated approach to the market of Internet services provided at the present stage, will make them a special economic category such type of business activity, which is aimed at obtaining a positive effect for all participants: producers, implementers, consumers, as well as to increase the rating and quality of these services for them. During the development of an assortment of Internet services and the formation of the market of their realization, it is necessary to be guided by the whole complex of the interconnected problems which should be solved for the consumer when ordering at least one of the basic services which its realizer is ready to provide. It will allow accentuating possibilities of the enterprise, which realizes the Internet services, to solve a problem professionally and qualitatively, it will open an additional possibility to get profit by granting of the allied Internet services.

With fierce competition between producers of Internet services in their development, both basic and related services, it is necessary to emphasize the peculiarities of providing these services to this particular enterprise, and clearly identify the advantages over competitors. The specifics of each highlighted advantage should be aimed at solving specific problems of the consumer or contribute to such a solution. This can be a successful justification, why this or that service is necessary (for example, only it completes the cycle of several services and allows to achieve the ultimate goal), an indication that this particular service is provided by the enterprise on a more favorable terms in comparison with competitors.

To form an effective market for the future, each Internet service should not only be a process of meeting a specific need of this or that consumer (sometimes such needs are obvious and can be solved with a number of other services), but also, as a way to solve any problem of the consumer, most often all known, but not associated with this type of services, as a solution to this problem. Thus, to explain to the consumer the advantage of Internet services, why he should spend a certain amount of money to solve a problem, which should satisfy a need that previously could be satisfied by more affordable types of services, it is necessary to identify the main problem, to solve which in general a new type of services emerged, such that are produced and implemented using the Internet and using the latest information and communication technologies.

## **Discussion**

At the present stage, the number of businesses that sell Internet services is growing rapidly, the market for them is booming but unevenly formed and developed in different countries around the world. The difficulty of variation here is not only because such professional people may be exposed to different roles and be able to facilitate their employment in different measures, but also with regard to the relative importance of good things in any country (Beecham et al., 201). The functions carried out by a particular enterprise in selling internet services can be classified into four main groups, similar to marketing functions: informational, sales, communication (promotion functions), and managerial. Thanks to the marketing functions realized by means of various WEB platforms and virtual marketing places for the realization of the Internet services, there has been a sharp increase in the use of the Internet in this market. In fact, it is a peculiar means of communication on various operations in the delineated sphere, despite the fact that it is carried out on a limited number of commodity transactions.

First of all, the said factor depends on the information about the goods that can be presented electronically; on the rules of trading via the Internet in force at a certain stage; on the security of the transactions themselves, and on the bandwidth of the Internet.

In addition, the customer-oriented approach in business, which is widespread in the provision of services, is not always applicable to those that are implemented through the Internet. For example, given the specifics of information services, it should be noted that some of them by their nature cannot be focused on the client, the consumer of services (for example, the development of complex software systems). In this case, exclusively “perceived usefulness, satisfaction, and CA (cognitive absorption)” will not be sufficient for effective implementation, which is also confirmed by scientific research, for example, regarding the factors influencing the demand of mobile service consumers (Jumaan, Hashim, & Al-Ghazali, 2020).

High-tech services involve the expertise of specialists with relevant competencies and knowledge, who must solve a specific problem for the client, provide effective practical advice, and make the solution of the issue optimal. Of course, the task is usually provided by the client, but it should be noted that it exists in a general formulation, and the further algorithm of actions to solve a particular problem is implemented by the performer.

The role of the consumer of Internet services in shaping its market and trends of further development is undoubtedly important. Thus, “... user engagement behavior mediates the relationship between the firm's actions and performance” (Zhang, Song, Qu, Xue, & Li, 2020). The importance of the consumer and consideration of their needs in the Internet services can be explained from the point of view that for the economy of any country in the world it is important not only to create a certain service and sell it, not only to form but also to develop the market in which it is sold, which, in turn, will increase the welfare of the whole society. Most Internet services provided at the present stage, thanks to the marketing approach, are popular, fashionable, but they do not justify their main purpose - do not contribute to the development of a particular area of business and do not qualitatively satisfy the needs of the consumer.

Simultaneously with the growth of consumer demands regarding the quality and range of Internet services provided, competition between their producers and implementers is growing. It is, in fact, an external coercive force, which forces business representatives in this sphere to increase labor productivity, to carry out innovation and investment activities, and to increase capitalization. The consequence of this process is the expulsion from the market of Internet services of less effective businesses. No less important is the issue of preserving and protecting the personal data of consumers of Internet services. “Digital firms attract consumers and collect their data by offering service enhancements and data security” (Lam & Lyons, 2020). In addition, the openness and accessibility of the Internet make producers and sellers of Internet services vulnerable to unscrupulous competitors in the area outlined. Also, when selling Internet services their sellers must comply with the principle of net neutrality, “net neutrality is the principle of equal treatment of all data packages sent over the internet, irrespectively of their content, origin, destination, and type of equipment used to access it” (Gautier & Somogyi, 2020).

## **Conclusions and Implications**

When forming the market of Internet services for the future, the following factors should be taken into account:

1. the role of the consumer of such services in this process is important, but not in all cases the client-oriented approach in business is justified. The problem-oriented approach is appropriate in the case of Internet services that require highly professional knowledge of their executors;
2. the level of competition among producers and implementers of such services is constantly growing. However, the involvement of intermediaries in the future may be more effective, since their work is not the physical distribution of goods, but the analysis, comparison, and dissemination of large amounts of information about consumers and their demand for Internet services;
3. promotion of new services and effective sale of existing services is effective with the use of Internet advertising. It is available to consumers with no contact restrictions, and has unlimited, except for prohibitions established by the relevant laws, regarding information about Internet services provided;

4. the use of the infrastructure of the market of Internet services provides for the organization of effective feedback from consumers, as well as ensuring promptness in carrying out this type of business activity, due to the available possibility to quickly update the information about the Internet services provided.

## References

- Beecham, J., Bonin, E., Görlich, D., Baños, R., Beintner, I., Buntrock, C., . . . Jacobi, C. (2019). Assessing the costs and cost-effectiveness of Icare internet-based interventions (protocol). *Internet Interventions*, 16, 12-19. <https://doi.org/10.1016/j.invent.2018.02.009>
- Gautier, A., & Somogyi, R. (2020). Prioritization vs Zero-rating: Discrimination on the internet. *International Journal of Industrial Organization*, 73. <https://doi.org/j.ijindorg.2020.102662>
- Jumaan, I. A., Hashim, N. H., & Al-Ghazali, B. M. (2020). The role of cognitive absorption in predicting mobile internet users' continuance intention: An extension of the expectation-confirmation model. *Technology in Society*, 63, 101355. doi: 10.1016/j.techsoc.2020.101355
- Lam, W. M., & Lyons, B. (2020). Does data protection legislation increase the quality of internet services? *Economics Letters*, 195, 109463. <https://doi.org/10.1016/j.econlet.2020.109463>
- Shala, M., Morina, N., Burchert, S., Cerga-Pashoja, A., Knaevelsrud, C., Maercker, A., & Heim, E. (2020). Cultural adaptation of Hap-Pas-Hapi, an internet and mobile-based intervention for the treatment of psychological distress among Albanian migrants in Switzerland and Germany. *Internet Interventions*. <https://doi.org/10.1016/j.invent.2020.100339>
- Zhang, C., Song, P., Qu, Z., Xue, L., & Li, J. (2020). Firm actions, user engagement, and firm performance: A mediated model with evidences from internet service firms. *Information & Management*, 57(7), 103364. <https://doi.org/10.1016/j.im.2020.103364>

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## Consumer protection in the field of advertising of the future

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**Abstract:** The relevance of the study lies in the fact that at the current stage, the protection of the rights of consumers in the field of advertising, as well as its producers during its production, implementation and distribution, is important to ensure the full functioning of civil circulation in the defined area. The primary task is the development of an effective method of protecting consumer rights in the field of advertising, which should be based on theoretical developments and studies, which will allow choosing the most optimal and effective option for practical application. The purpose of the study was to study the trends in the functioning of the advertising sphere at the current stage. In accordance with the specified goal, the task of the research is to study the peculiarities of the interaction of subjects

with each other and the main elements of the advertising sphere, as well as the development of proposals for ways to improve and increase the quality and efficiency of advertising implementation and its consumption by consumers. Research methods: general and special methods of cognition, in particular, analysis of the scientific and information base, synthesis of the obtained data into theoretical conclusions and practical recommendations. Results and conclusions of the research: it is predicted that in order to improve the quality of advertising itself and prevent violations of consumer rights in this area, it is necessary to legislate provisions on the interpretation of the concept of “documentary confirmation” regarding the appropriateness or inappropriateness of advertising, as well as to strengthen the responsibility of all sub entities implementing their activities in the field of advertising to consumers. The results can be used in further scientific research and in the development of methodological recommendations for increasing the effectiveness of consumer rights protection mechanisms in the field of advertising.

**Keywords:** advertising services, inappropriate advertising, competition.

### **Introduction**

The legal definition of advertising implies that it is information about the placed (distributed) object of advertising in any form by any means, aimed at attracting attention to the object of advertising, formation or maintenance of interest regarding it, and (or) its promotion in the market. The object of advertising may be products, goods, work or service, a natural or legal person, rights, legally protected interests or obligations of legal entities or individuals, production facility, commercial facility, another service facility, means of individualization of participants in civil circulation, goods, results of intellectual activity, contests, lotteries, games and other game events, advertising, and other events, betting, phenomena (events) of social nature.

#### *Research Problem*

Advertising is part of our daily lives, but it can contain errors that qualify it as improper advertising and violate consumers' rights. Inappropriate advertising can be defined as inaccurate, unfair, unethical, hidden advertising.

#### *Research Focus*

In proving improper advertising, it is not necessary to refer to the fact of occurrence of negative consequences. It is enough that false or misleading information was capable of violating the legitimate interests of consumers in the field of advertising. Since their subjective composition does not matter, it is important to focus scientific research on the factors that entail the appearance of improper advertising and its consequences for consumers.

#### *Research Aim and Research Questions*

The purpose of the study is to analyze the state of consumer protection at the present stage, taking into account the trends in the development of the whole sphere.

### **Research Methodology**

To achieve the goals and objectives of the study were used general and special methods of scientific knowledge: analysis and synthesis, dialectical, induction and deduction, as well as methods of prediction and modeling.

### **Research Results**

Advertising has a firm place in the system of civil law relations, especially in the entrepreneurial aspect of economic activity. In order for any goods (services) to be sold to consumers in the greatest number, it is necessary to announce them, i.e., to use advertising services. In other words, a natural or legal person wishing to arouse consumers' interest in themselves, or their products should contact an advertising agency.

The advertising agency is an advertising producer, it concludes a contract with the advertiser for the provision of advertising services, which, in addition to the terms of the subject and term of the contract, provides for the payment of advertising services by the advertiser. If the advertiser is not at the same time an advertisement distributor, the price of the contract shall include payment for the services of advertisement distributors (couriers, mass media, owners of vehicles, owners of road billboards, buildings, structures, etc.). Then the advertiser proves the advertisement to consumers in the advertiser's chosen way.

Of course, advertising services are expensive and inaccessible to small legal entities and individual entrepreneurs, and the goods, works, services they produce are not delivered by advertising to consumers. Large companies become monopolists in their activities, forcing out of the market those that

produce no less quality products, but cannot make themselves known through expensive advertising.

In addition, in order to prevent violations of consumer rights in advertising in the future, it is important to eliminate other negative factors that cause at the present stage. The main violation of consumer rights is unfair advertising, by which we mean one that uses words that create an impression of preference for goods over other goods if they cannot be documented. Examples are slogans: “the best quality goods”, “the best products”, “you will not find a better product”. It is possible to distinguish as an error the use of such words that create the impression of preference for goods over other goods just by the price. In this case, the wording will be: “our prices are the lowest”, “the best price”, but there is no documented confirmation, which is a violation not only of the legislation on advertising, but also of anti-monopoly activity and anti-competitive development.

The legislation on counteraction to monopolistic activity and development of competition establishes the prohibition of unfair competition by improper comparison of a business entity and (or) its goods with a competitor and (or) its goods. The wording “our goods” are unmatched even by such companies as “A” and “B” is also incorrect since it will be regarded as a comparison of advertised goods with goods of other sellers of similar goods. A more correct wording, in this case, would be “our product has many advantages...” and list the advantages of the product, without comparing it with the products of other sellers. Advertising cannot contain the words “gift”, “free of charge” or other words that give the impression of providing a service (performance of work) for free if the provision of such a service (performance of such work) involves its payment.

Such violations will not only violate the law on advertising, but also on the protection of consumer rights, and can be qualified as deception of consumers, misleading them through the intentional introduction of an error regarding the cost of goods, works, services in advertising. For example, the advertisement notes: “buy one product, get another as a gift”. However, when buying it turns out that the second product is offered not for free, but for a fee. Even if such a product provides a symbolic payment, for example, for 1 kopeck, such advertising can be considered unethical and, therefore, inappropriate.

### **Discussion**

“More recently in-store advertising through mobile devices has continued to become more prominent and consequently has created new options for how retailers communicate with customers” (Yang, Carlson, & Chen, 2020). In addition, “as consumer demands change rapidly and science and technology continuously develop, the competition among firms is becoming fiercer, particularly in the consumer electronics (e.g., mobile phones, personal computer) industry” (He, Wang, Guo, & Xu, 2019). Indeed, with the development of information and communication technologies, the field of advertising has expanded its sphere of influence on consumers. First of all, it is an active promotion of advertising services through the Internet, as well as the active use of social networks. Inadequate legal regulation of consumer protection in this area, typical for post-Soviet countries, makes them vulnerable when it comes to inappropriate advertising that contains elements of deception or fraud.

“Nowadays, supply chain management is necessary to company success” (Malekian & Rasti-Barzoki, 2019). In the conditions of globalization, preservation of interests of national producers, and intensification of international relations, it is possible for an enterprise to achieve economic success only by implementing a strategy of advertising and promoting its own goods, services and works. In this case, we are talking about unequal conditions for all representatives of business, because smaller enterprises, institutions, and organizations are not always able to pay for quality advertising services. Thus, there is a situation where, with equal quality, there are unequal opportunities to provide information to consumers, thus violating their rights.

At the same time with this, “the five most common point-of-purchase communication objectives are: (a) to attract consumers’ attention and differentiate the products; (b) to remind consumers of previous and ongoing communication actions; (c) to inform consumers about product attributes; (d) to create an image with positive associations; and (e) to persuade consumers to make impulse buys” (Reinares-Lara, & Martín-Santana, 2019). However, the achievement of these goals must not occur in unfair competition between producers of goods, services, and works. It is unacceptable to allow untruthful information about quality without documentary evidence during advertising.

“The service industry is a growing industry, and the luxury industry, in particular, is expanding from product offerings to services” (Kim, Hyun, & Park, 2020). However, despite the fact that competition for consumers is growing rapidly, business entities must comply not only with the rules of fair competition, but also with moral and ethical standards regarding the final recipients of their goods,

services, and works in the desire for maximum material and monetary gain. It should be agreed with the opinion that “with the ever-increasing competition in the service industry to gain higher market share, firms should discover various ways not only to build relationships with customers, but also to drive them to engage more with their marketing efforts in favor of capturing the value of customer engagement” (Itani, El Haddad, & Kalra, 2020).

It is also unacceptable to use any kind of manipulation of consumers in advertising in order to increase its audience and attract as many potential customers as possible, because “for example, consumers may be particularly sensitive to interference by incongruent elements (such as humor) once consumption has started, and if this is the case” (Söderlund, & Oikarinen, 2018). Indeed, no less important in the aspect of consumer protection is the observance of the rights of conduct, morality, and ethics of communication with them, because “including a failure was crucial because it tends to spark negative emotions, which have a stronger impact on performance outcomes than positive emotions” (Verhulst, Vermeir, Slabbinck, Larivière, Mauri, & Russo, 2020).

“It is an unfortunate truth that brands, retailers, and advertisers present consumers with deceptive information” (Aghakhani, & Main, 2019). And it should be noted that this false information contained in the advertising and disseminated to consumers may be of diverse content, such as a set of certain goods, its technical characteristics, the range of services provided, or the terms of payment for the performance of work.

It should also be noted that, for example, “surveys have shown that as many as 90 percent of customers use smartphones while visiting stores” (Högberg, Shams, & Wästlund, 2019). Thus, the circle of subjects in the field of advertising, which are responsible to consumers on the quality of provided goods, works, and services, are also the direct implementers. This provision confirms the need to strengthen liability for violations of consumer rights at the legislative level, especially in post-Soviet countries. Despite the small number of disputes arising in the protection of consumer rights in the field of advertising, its development trends indicate further expansion of such judicial practice.

### **Conclusions and Implications**

For the future, the most important task for consumer protection in advertising is to:

1. combating inappropriate advertising in the above area, directly related to violations of the law, which may affect not only the law on advertising but also the rules of trade and consumer protection, as well as violate the rights of other business entities regarding unfair competition;
2. strengthening responsibility for improper advertising and enshrining the relevant provisions in the law, due to the fact that in the coming years with the strengthening of competition, increasing understanding of business and society of the law will develop judicial practice on these violations;
3. the need for legislation to oblige advertisers, advertising producers, advertising distributors to conduct a comprehensive study of legal and social phenomena: to check their advertising for compliance not only with the legislation on advertising, trade but also for compliance with consumer protection legislation and the absence of provisions that restrict competition and (or) violate the law on combating monopolistic activities and development of competition;
4. the need to legislate a provision revealing the content of the concept of “documentary evidence of the benefits of goods,” which may be the results of relevant market research, statistics, which must be available to the advertiser at the time of placement (distribution) of advertising.

### **References**

- Aghakhani, H., & Main, K. J. (2019). Can two negatives make a positive? social exclusion prevents carryover effects from deceptive advertising. *Journal of Retailing and Consumer Services*, *47*, 206-214. doi: 10.1016/j.jretconser.2018.11.021
- He, Y., Wang, H., Guo, Q., & Xu, Q. (2019). Coordination through cooperative advertising in a two-period consumer electronics supply chain. *Journal of Retailing and Consumer Services*, *50*, 179-188. doi: 10.1016/j.jretconser.2019.05.010
- Högberg, J., Shams, P., & Wästlund, E. (2019). Gamified in-store mobile marketing: The mixed effect of gamified point-of-purchase advertising. *Journal of Retailing and Consumer Services*, *50*, 298-304. doi: 10.1016/j.jretconser.2018.07.004

Itani, O. S., El Haddad, R., & Kalra, A. (2020). Exploring the role of extrovert-introvert customers' personality prototype as a driver of customer engagement: Does relationship duration matter? *Journal of Retailing and Consumer Services*, 53, 101980. doi: 10.1016/j.jretconser.2019.101980

Kim, D., Hyun, H., & Park, J. (2020). The effect of interior color on customers' aesthetic perception, emotion, and behavior in the luxury service. *Journal of Retailing and Consumer Services*, 57, 102252. doi: 10.1016/j.jretconser.2020.102252

Malekian, Y., & Rasti-Barzoki, M. (2019). A game theoretic approach to coordinate price promotion and advertising policies with reference price effects in a two-echelon supply chain. *Journal of Retailing and Consumer Services*, 51, 114-128. doi: 10.1016/j.jretconser.2019.05.028

Reinares-Lara, P., & Martín-Santana, J. D. (2019). Managing point of purchase advertising: Effectiveness in terms of recall and recognition. *Journal of Retailing and Consumer Services*, 49, 289-296. doi: 10.1016/j.jretconser.2019.04.004

Söderlund, M., & Oikarinen, E. (2018). Joking with customers in the service encounter has a negative impact on customer satisfaction: Replication and extension. *Journal of Retailing and Consumer Services*, 42, 55-64. doi: 10.1016/j.jretconser.2018.01.013

Yang, S., Carlson, J. R., & Chen, S. (2020). How augmented reality affects advertising effectiveness: The mediating effects of curiosity and attention toward the ad. *Journal of Retailing and Consumer Services*, 54, 102020. doi: 10.1016/j.jretconser.2019.102020

Verhulst, N., Vermeir, I., Slabbinck, H., Larivière, B., Mauri, M., & Russo, V. (2020). A neurophysiological exploration of the dynamic nature of emotions during the customer experience. *Journal of Retailing and Consumer Services*, 57, 102217. doi: 10.1016/j.jretconser.2020.102217

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## **The event-marketing of the future in an economically unstable environment**

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### **Abstract:**

The modern market of goods and services is so saturated with offers from various companies that it is becoming increasingly difficult to attract and retain the attention of consumers. Therefore, today marketers are searching for new tools to promote products and services, which would provide a sustainable result and would give the opportunity to constantly receive a positive effect through the growth of sales. Given this, the purpose of the article is to summarize approaches to understanding the

essence, importance, and characteristics of the implementation of event-marketing in terms of economic instability. Both general scientific and specifically scientific methods of research were used in the work. Search engines on the analyzed problems revealed 22 scientific works for the period from 2018 to 2022. During the analysis of scientific literature, it was found that about 10 authors focus on the peculiarities of planning and implementation of event-marketing activities and their impact on the corporate culture of the company. In the results of the work, it is proved that in the last decade, such tool becomes event-marketing which is a branch of professional marketing and includes a wide spectrum of marketing actions and the actions directed on the advancement of production or service, and also on modeling of the behavior of target audience. 2022 was a year of challenges and economic imbalance for the world economy. As a result, companies are operating in an unstable environment and have to adjust to rapid changes in the external environment. Corporate events within the framework of event-marketing become a popular and quite effective way to influence the marketing environment of the company and allow to carry out a gradual promotion of the brand, the values of the company, and its ideas not only for the external audience but also for the company's employees. Moreover, measures of event-marketing can be directed not only at product promotion but also at the motivation of employees to work more effectively, to feel themselves as a part of a team, etc. In this context, event-marketing becomes a more attractive tool, as it will allow to quickly determine the conditions for further development of the company and its product, as well as to create an information occasion to attract the attention of the audience. The conclusions indicate that event-marketing is also one of the most expensive tools for product promotion, given this objective need to measure its effectiveness and efficiency using financial instruments. In general, comprehensive preparation of measures of event-marketing and a thorough assessment of its effectiveness will fully determine the prospects and scenarios of the company's behavior in the market and form the corporate culture of the company.

**Keywords:** event-marketing, audience, product promotion, market development, corporate culture.

## **Introduction**

Product promotion in today's market in conditions of uncertainty requires from marketers special skills and consideration of a significant number of factors that can affect the effectiveness of marketing activities. In modern conditions, event-marketing becomes a multifaceted tool that allows not only to inform about a certain company or event but also to create an additional information occasion to attract special attention to the product and can be considered as an element of the formation and development of corporate culture.

### *Research Problem*

Event-marketing is becoming the latest tool that can be combined with others to ensure the effective formation of a positive image of the company, the formation of its corporate culture, staff motivation, and, of course, product promotion. Given the uncertainty of the external environment and the shortage of financial resources, evaluating the effectiveness of marketing activities, including event marketing, is of particular relevance, and therefore there is an objective need to develop tools for assessing its effectiveness.

### *Research Focus*

Given the significant importance of event-marketing to promote products and create a positive image of the company, when planning activities under this type of marketing should focus on two main areas of research:

- ✚ proper planning of actions within the scope of event-marketing;
- ✚ further assessment of the effectiveness of measures implemented in the context of event-marketing.

### *Research Aim and Research Questions*

The purpose of the study is the substantiation of the main directions of product promotion and formation of the corporate culture of the company using event-marketing, as well as the development of methodological recommendations to assess the effectiveness of measures implemented in the framework of event-marketing.

## **Research Methodology**

### *General Background*

Event marketing is becoming more and more popular in recent years, although it did not emerge long ago. It allows organizations that use it to increase the competitiveness of products, to increase market share, to form a circle of loyal customers, and in the future, to form a circle of regular customers.

The first experience of the application of event-marketing belongs to the McDonald's company, which connected the image of the fast food chain with Ronald McDonald's children's home and regularly holds special events with the use of this character.

As a result of the transformation of the views of marketers on event-marketing today, several approaches to understanding its essence have emerged:

1) it is understood as a type of integrated marketing communications, which is a set of activities aimed at the promotion of the brand in the internal and/or external marketing environment through the organization of special events;

2) it is understood as a sphere of services for the organization of special events. Events can be organized both for promotional purposes and without such purposes.

According to these two views, event-marketing is perceived in two directions at once: as a business and as a marketing communications tool. Supporting this two-way approach, all activities carried out in the framework of the implementation of event-marketing can be divided into three groups, according to the purpose of its implementation:

1. Events related to sales promotion - events for partners, customers, dealers, and distributors. This group includes conferences, presentations, receptions, seminars, forums, and exhibitions. The purpose of organizing such measures is to present the product, clearly demonstrating its benefits. Also, events of this category are often held for the presentation of new services, experience exchange, search of new strategic partners. Such events are usually rather expensive and complicated in the organization; however, they give good results concerning prospects of product promotion and the formation of new business connections.

2. Events related to the formation of corporate culture - corporate events (general recreation of employees, company anniversaries, professional holidays). Corporate events provide a unique opportunity to convey ideas directly to employees, but can also be used to create an information occasion to remember the company in the press. In this context, it should be understood that corporate events must be covered in the media to achieve this effect.

3. Special events to promote a product or service, in particular: festivals, awards, press events. In general, it is a complex of activities and events that form a positive image of the organization or brand.

Consequently, event-marketing as a category has different meanings and is focused on a wide audience, and at the same time, it is not directed on the performance of any one short-term task and is called to solve strategic tasks in the long term. And the methodology of research of event-marketing assumes carrying out the analysis of the process of realization of marketing actions and an estimation of their efficiency.

Participants of research can act first of all the persons interested in carrying out actions within the limits of event-marketing and directly carrying out their marketers. In general, it should be noted that in the process of planning measures of event-marketing experts primarily focus on the views and demands of the audience.

### *Data Analysis*

In the process of research used materials on the practical application of event-marketing, which are presented in scientific periodicals, books, online publications, etc.

### **Literature review**

The problematics of using modern tools for the promotion of products on the market and the formation of a positive image of the manufacturers' company requires marketers today to search for more and more new tools, which in turn creates prerequisites for additional interest of scientists to the problem of marketing tools in general.

In this context, it is important to pay attention to the work (Andryakov, 2019), which details the basic approaches to the construction of marketing communications in modern conditions of uncertainty and emphasizes that most modern companies operate exactly in conditions of uncertainty and event-marketing will allow adapting the target audience to changes in the company.

Features of the application of marketing tools for modern business are revealed in the work (Rangaswamy, 2020), where attention is focused on modern tools of promotion of the company and actualized place of event-marketing among them.

The literature is also shaping a particular view that the business environment during and after the COVID-19 pandemic presents specific marketing activities (Arvind, 2020) that should be applied and implemented with the need to provide a distant presence for the audience.

Separate scholarly attention is paid to how event-marketing can influence real consumer behavior (Dhaoui, 2021; Kumar, 2020; Weismueller, 2020), determining that audiences generally respond positively to event-marketing measures, but should certainly pay attention to the cost of measures and compare it with the expected effect of certain measures. In this context, the scientific space is also enriched today with publications related to the problems of evaluating the effectiveness of measures of event-marketing (Liu, 2019) and determining the financial efficiency of such measures (Shikunova, 2020). Researchers prove that timely and complete measurement of the effectiveness of marketing activities can have a positive impact on the marketing activities of the company as a whole.

Along with the general views on the marketing aspects of modern business development, in the literature, there are more and more publications relating specifically to event-marketing, so in this context, it is necessary to separately identify works that specifically address various aspects of the application of event-marketing:

- ✚ the conceptual framework for the use of event-marketing is considered from the position of implementation in the overall marketing strategy of the company (Norrköping, 2020; Rachmadhian, 2019) and in terms of the application of event-marketing not only to enrich marketing activities but also to form or develop corporate culture (Wood, 2019);
- ✚ the possibilities of using event-marketing for brand development and promotion (Gunawardane, 2020), which will allow a more complete and gradual planning of events aimed at building commitment to a particular brand in the audience;

However, despite the considerable interest in the chosen subjects, the realities of today require

scientists to search for new approaches to the organization of activities for event- marketing and the development of methods to evaluate its effectiveness.

## **Research Results**

In the conditions of instability, event-marketing becomes for the companies the tool, which allows them to declare about themselves and their products, as well as to create or support their positive image.

For the effective realization of measures of event-marketing it is necessary to follow the basic algorithms, which allow to plan and rationally realize a complex of events. The proposed generalized algorithm is shown in fig. 1. As can be seen from Fig. 1, for the correct application of events in the context of event-marketing, they need thorough preparation and significant prior analysis of the needs of the audience in order to maximize the effectiveness of these events (Akgün, 2020).

In general, we can identify one of the most important advantages of event-marketing is the consumer's own desire to perceive the advertisement, feel it, and feel satisfaction during the event. For the organizers, it is a great opportunity to influence the consumer's opinion in a space oversaturated with information. Marketers should use the principle "if you do not try - you will not know the result", this principle is very effective, although it may entail significant costs (Khan, 2020).

However, it should be kept in mind that organizing such events is a rather time-consuming activity that requires creative solutions from marketers. The concept of each event must be closely related to the idea of the brand in order to accurately hit the target audience. Creating an event is also a combination of a large number of people around one common idea of promotion. This includes presenters, guest celebrities, and technicians, without whom the event may not take place. No measure is without security services. Any measure is a communication of different people, aimed at a great result - the creation of a positive image around the brand. A well-organized event is the key to customer loyalty and increased sales. And organization, in turn, is a complex and long-term process, depending on a large number of factors affecting the success of both the client and the organizing company. The development of this area should motivate specialists to invest in themselves and their potential. That's why companies can often be focused on creating a team of specialists in event-marketing in their staff.



**Figure 1**

*Algorithm of implementation and performance control of event-marketing activities  
Source: compiled by the authors*

In addition to understanding the algorithm for the preparation of events in the framework of event-marketing, you should also focus on what exactly the measure will be implemented, and there are now a large number, in particular, Table 1 presents a systematization of the event-marketing events of the future, which can be aimed at creating a positive image of the company or the promotion of the product.

**Table 1**

*Systematization of event-marketing activities of the future, which can be aimed at creating a positive image of the company or product promotion*

<b>Group of events</b>	<b>General characteristics</b>	<b>The result for the promotion of the brand or the formation of the company's image</b>
External events		
Promo-events	A way of informing the consumer about the product, its properties, and characteristics, to induce the potential consumer to buy at the final stage of the sale.	Help identify potential customers and establish live contact with them, but without focusing on the image component
Press conferences	Can be timed to coincide with different significant events and dates for the company.	Promotes the dissemination of information about the company
Scientific events	Participation or organization of round tables, conferences, forums, symposiums, exhibitions, contests, and awards	Help to find new and innovative ways to communicate with the consumer
Recruitment measures and training	Career fairs, open days	Allows you to attract new personnel from the outside and find new opportunities.
Charitable events and sponsorships	Bonuses, incentives, charity events, city festivals, parties, competitions, shows.	Allows to announce the company without advertising within the framework of the events having the status and a certain value for the target audience, contributing to the social interaction with the society, supporting the prestige of the company
Internal events		
Company tour	Excursion to production or office premises	A way of immersion into the corporate culture and forming an idea of what the company does and how the production processes are organized
Sporting Events	Amateur competitions in various sports, professional competitions, organization of support groups, friendly competitions	Contribute to the development and support of the corporate spirit in the company, team building.
Entertainment events	Quizzes, concerts, receptions, creative competitions, presentations, film festivals, outdoor events, movie and theater outings	Influence the employees of the company on an emotional level to achieve specific results.
Training and skill-testing events	Trainings, business-case solutions, master-classes, educational sessions, appraisals, contests	Control the level of professionalism and competence, explain the goals and objectives of the company, motivating the work as a whole.
Company milestone events	Opening ceremonies of new venues, laying of the foundation stone; visits of honored and distinguished people, welcome and farewell ceremonies, opening ceremonies	Allow you to focus attention on your company and create certain associations in the audience.
Internal PR events with an official focus	Announcement of the results of sociological surveys and studies, internal job changes; proclamation of new goals, strategies, standards; award ceremonies for the best employees	Contribute to the management of the corporate reputation of the company

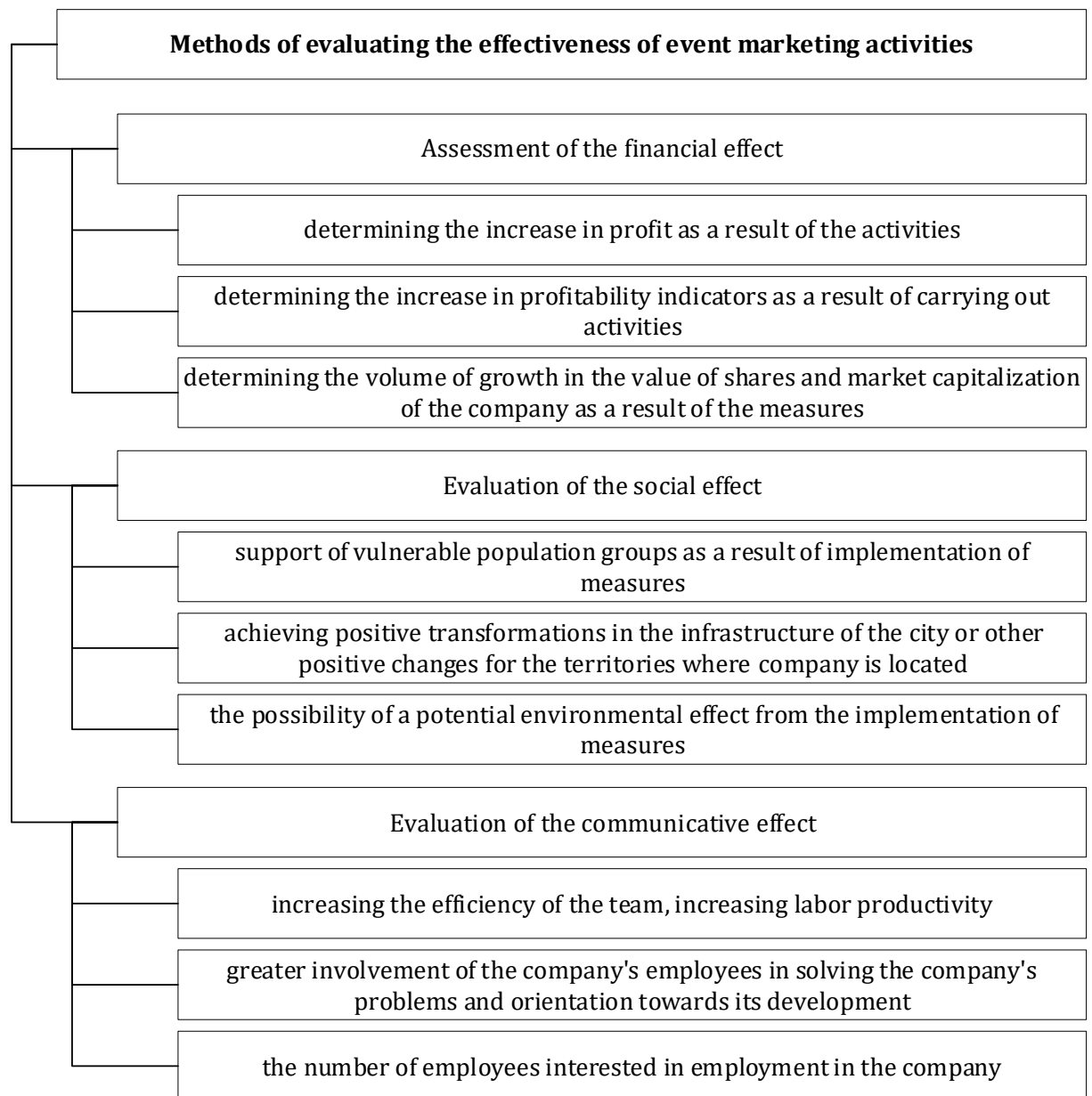
*Author's development based on: Dressler et al, 2021; Shahbaznezhad et al, 2021; Boubakri et al, 2021; Sun et al, 2020; Andersson et al, 2021).*

The application of each specific event and the peculiarities of its implementation depend on the purpose and expected result, but it is obvious that any event should have a positive impact on the company and its image. Evaluating the effectiveness of event-marketing events is quite a complex task, since to date the literature does not present a unified methodology or algorithm for such evaluation. However, first of all, the effectiveness of the measures is determined based on whether the goals that were set at the planning stage are achieved, and the direct assessment is carried out based on the presence of three main criteria:

- 1) obtaining financial effect;
- 2) obtaining the social effect;
- 3) obtaining the communicative effect.

The financial effect involves an increase in sales, which increases the net income and profitability of products, provided that the costs of implementing the activities were not too high. The social effect involves the performance of certain social functions, in particular assistance to disadvantaged segments of the population, support for environmental projects, etc., which also positively affects the image of the company and attracts positive attention to it with competent coverage in the media. The communicative effect primarily applies to the company's team and manifests itself in the form of fine-tuned internal liaisons, increased efficiency of internal communication, etc.

The generalization of approaches to the determination of various types of effects from the realization of measures of event-marketing is presented in Figure 2.



*Author's development based on: Vargo, S.L., & Lusch, R.F. (2018), Wohlfeil, M., & Whelan, S. (2016).*

**Figure 2**

*Generalization of approaches to determining the different types of effects from the implementation of event-marketing activities*

It should be understood that the company cannot receive from each event all types of effects considered in full, so when planning each specific event should focus on a certain direction and immediately determine the expected effect.

**Discussion**

Given the unconditional importance of the use of event-marketing and its unambiguously positive impact on image building, it should be taken into account that the effect of this tool cannot be fast, so in conditions of uncertainty, companies should be sensitive to whether there is an urgent need to spend significant funds without getting quick results. However, with the competent work of specialists in the planning and implementation of event-marketing, it can give quite significant results.

The decision on introduction of event-marketing measures in a marketing campaign should take place taking into account the current situation at the enterprise and after drawing up a budget for these

measures (Dressler, 2021), because awareness of the financial component of event-marketing can become one of the main tools of substantiation of expediency or in expediency of its implementation. In this case, if all financial issues are agreed upon and the need for event-marketing is justified, the company gets a significant list of potential opportunities to make itself known. It makes sense to plan a variety of themed events, among which separately should be allocated: festivals, shows, exhibitions, presentations, competitions, depending on the purpose for each individual event. It will be optimal to choose not just one event but to plan a variety of activities that contribute to the effective promotion of the product and organization. Organizing events or participating in them increases brand awareness, helps you demonstrate your capabilities, find partners and build strong relationships with customers. Partners and customers have the opportunity to interact with the brand in person, making sure it is trustworthy. Events of event-marketing help to increase the loyalty of the target audience to the company and form the recognition of the company.

Also, it is necessary to take into account that people attend conferences and seminars to make useful acquaintances, get new knowledge and have a good time. Such a positive experience of interaction with the company creates a strong emotional connection with the brand, so sponsorship at such events can also be considered an activity within the framework of event-marketing and it is reasonable to evaluate the effectiveness of such events.

Virtually all target audiences today are characterized by significant involvement in social networks, where their information space is formed, their opinion leaders and there are persons who can influence the general public by their statements, actions; such people are now called Influencers. The involvement of such authoritative persons in the realization of event-marketing can be a rational and far-sighted measure for development of a company's marketing activity. So, cooperation with opinion leaders and influencers in order to attract attention to the brand of the opinion leader's audience and to promote the event in social networks is an important modern marketing tool. It is necessary to take into account that all the events with the participation of influencers should be clearly planned and weighed so that the public person would not "pull" the main attention and would not distract from the company and the goals, which are in the process of preparation of the certain event.

Once the company decides to implement event-marketing and holds the first events, they should be covered in the media and necessarily on the official website of the company or organization, because this will warm up the interest of the audience to the events for a certain period of time after the event itself. It may be recommended to create a separate tab with information about events held on the official website of the company because the official website of the company is a powerful tool to promote the brand and products. In the 21st century, it is through an official website that potential consumers and partners get the primary information about the brand, the company's history, and the products it offers. Given this, the site should be perceived as the face of the company and there should be presented all the most complete and relevant information, details of past events, as well as the announcement of planned events. Joint-stock companies need to announce shareholders' meetings and presentation of quarterly and annual reports, which is especially important for potential investors and may attract the attention of those who are hesitant to make an investment decision. In this context, online annual and quarterly financial report presentation events can attract an online audience of thousands of people around the world. The results of such events should also be reflected on the company's website, which is also an element in the formation and development of corporate culture.

It has already been stressed in the article that charitable projects are also a part of event-marketing and of course they should not only be held but also information about them should be distributed in the media and on the official website. Conducting social events increases the loyalty of the target audience to the brand, helps to attract a new audience, forming a positive image of the brand in the eyes of consumers. However, do not pay too much attention to such events, so as not to create the impression that the social measure was carried out solely to remind about the company, which can damage the reputation of the brand.

When hosting an event-marketing event, it is important to strike a balance between the importance of the event and the level of audience awareness of the event and its results. One of the key components of a successful event is a high level of awareness of the upcoming event among the target

audience. It is necessary to develop a comprehensive promotion program for the upcoming event, which will include: regular mentions of the upcoming event in social networks, promotion through bloggers and Influencers, media mentions, etc. This will attract a wide and diverse audience.

After the company has gained experience in holding events, understands which events have a more positive impact on the company's image and which have a lesser impact, it is logical to proceed to the development of a unique event concept for each individual company. Each event should have a distinctive feature, stand out from the other measures of the format or be unique in nature, which will then also be displayed on the website of company.

In this case, we are talking only about offline events, in today's conditions it is quite appropriate to hold online events/activities. Because in today's realities of complex epidemiological situation and digitalization of all areas of life online events are becoming more and more popular. The advantages of this format of events include: a significant reduction in organizational costs, the ability to request speakers from anywhere in the world, no restrictions on the maximum number of guests, no dependence on the venue, a simplified organizational process, etc. Of course, when organizing online events it is necessary to introduce modern IT technologies, to use virtual platforms in order to make these events look professional and materials of such beatings can be used in the future. The online format of the event makes it possible to significantly reduce organizational costs. The chosen format for the development of virtual space can be reused for other events. This format allows to reduce transportation and related costs for potential guests and participants of the event. A distinctive feature of online and hybrid measures is a high level of inclusiveness. Compared to the offline format, online events are much easier to adapt for people with special needs. Cloud computing allows for instant translation, transcription, voiceover. Although the operation of these services cannot be called perfect, they provide a high level of accessibility that is difficult to provide in an offline format. It is logical that the application of a set of all possible measures if they are fully planned, will have a positive impact on the company's image.

## **Conclusions and Implications**

In order to create an effective program of event-marketing, companies should think deeply and in detail not only about the expected results but also about the plan of measures, understanding the costs of them and the potential negative result that can be obtained. At reasonable and well-founded planning, event-marketing can become an excellent tool of the complex development of a corporate culture of the company, promotion of its products, and formation of positive image, which is especially important for business entities, functioning in conditions of economic instability. For the grounded planning of measures of event-marketing it is necessary to consider productivity and the received effect with the use of the offered approach with the distribution of effects on financial, social, and communicative. It is also necessary to take into account that in modern conditions measures of event-marketing can be realized not only in the offline format but also in the online form.

The results of the events should be necessarily reflected on the official website of the company so that the attention of the audience to the event and was lost immediately after the end of the event. At the same time regular informing the audience about the events using the official website can be a tool for the formation and development of corporate culture, which also has a positive effect on the reputation of the company.

## **References**

Aditya Kumar Sahu, R.K. Padhy, Amandeep Dhir (2020). Envisioning the future of behavioral decision-making: A systematic literature review of behavioral reasoning theory. *Australasian Marketing Journal*, 28, 145-159. <https://doi.org/10.1016/j.ausmj.2020.05.001>.

Ahn, J., & Back, K. (2018). Antecedents and consequences of customer brand engagement in integrated resorts. *International Journal of Hospitality Management*. 65, 90-105. DOI: 10.1097/Jhm-D-18-00168

- Ali E. Akgün, Hayat Ayar Senturk, Halit Keskin, Izzet Onal. (2020). The relationships among nostalgic emotion, destination images, and tourist behaviors: An empirical study of Istanbul. *Journal of Destination Marketing & Management*, 16, 7-103. <https://doi.org/10.1016/j.jdmm.2019.03.009>.
- Andryakov, A.A., Egamberdievich, S.S., Sattorovich, R.O., Rustamovna, A.M., & Xojimuratovna, A.D. (2019). Ways of Improving Marketing Communications. *2019 International Conference on Information Science and Communications Technologies (ICISCT)*, 1-5. URL : [https://web.liemsis.lt/vdaisr/stp\\_report\\_ects.mdl\\_ml?p\\_kodas=SB0085&p\\_year=2020&p\\_lang=EN&p\\_stp\\_id=3938](https://web.liemsis.lt/vdaisr/stp_report_ects.mdl_ml?p_kodas=SB0085&p_year=2020&p_lang=EN&p_stp_id=3938)
- Arvind Rangaswamy, Nicole Moch, Claudio Felten, Gerrit van Bruggen, Jaap E. Wieringa, Jochen Wirtz. (2020). The Role of Marketing in Digital Business Platforms. *Journal of Interactive Marketing*, 51, 72-90. <https://doi.org/10.1016/j.intmar.2020.04.006>.
- Drengner, J., Gaus, H., & Jahn, S. (2018). Does Flow Influence the Brand Image in Event Marketing? *Journal of Advertising Research*, 48, 138 - 147.
- Dressler, M., & Paunović, I.R. (2021). A Typology of Winery SME Brand Strategies with Implications for Sustainability Communication and Co-Creation. *Sustainability*, 13, 78-93
- Gunawardane, W. (2020). Role of Event Marketing in Developing Brand Trust and Brand Loyalty: With Special Reference to the Mobile Telecommunication Industry in Sri Lanka. *CommRN: Marketing Communication (Topic)*. URL : [https://www.researchgate.net/publication/352362811\\_Role\\_of\\_Event\\_Marketing\\_in\\_developing\\_Brand\\_Trust\\_and\\_Brand\\_Loyalty\\_with\\_Special\\_Reference\\_to\\_the\\_Mobile\\_Telecommunication\\_Industry\\_in\\_Sri\\_Lanka](https://www.researchgate.net/publication/352362811_Role_of_Event_Marketing_in_developing_Brand_Trust_and_Brand_Loyalty_with_Special_Reference_to_the_Mobile_Telecommunication_Industry_in_Sri_Lanka)
- Hamidreza Shahbaznezhad, Rebecca Dolan, Mona Rashidirad. (2021). The Role of Social Media Content Format and Platform in Users' Engagement Behavior. *Journal of Interactive Marketing*, 53, 47-65. <https://doi.org/10.1016/j.intmar.2020.05.001>.
- Hedia Dhaoui, Cynthia M. Webster. (2021). Brand and consumer engagement behaviors on Facebook brand pages: Let's have a (positive) conversation. *International Journal of Research in Marketing*. 38, 155-175. <https://doi.org/10.1016/j.ijresmar.2020.06.005>.
- Jason Weismueller, Paul Harrigan, Shasha Wang, Geoffrey N. Soutar (2020). Influencer endorsements: How advertising disclosure and source credibility affect consumer purchase intention on social media. *Australasian Marketing Journal*, 28, 160-170. <https://doi.org/10.1016/j.ausmj.2020.03.002>.
- Khan, I., Fatma, M., Kumar, V., & Amoroso, S. (2020). Do experience and engagement matter to millennial consumers? *Marketing Intelligence & Planning*.
- Kumar, V., & Kaushik, A.K. (2020). Does experience affect engagement? Role of destination brand engagement in developing brand advocacy and revisit intentions. *Journal of Travel & Tourism Marketing*, 37, 332 - 346.
- Liu, Y., Liu, A., Liu, X., & Huang, X. (2019). A statistical approach to participant selection in location-based social networks for offline event marketing. *Inf. Sci.*, 480, 90-108.
- Narjess Boubakri, Sadok El Ghouli, Omrane Guedhami, He (Helen) Wang. (2021). Corporate social responsibility in emerging market economies: Determinants, consequences, and future research directions. *Emerging Markets Review*. 46, 141-156. <https://doi.org/10.1016/j.ememar.2020.100758>.
- Norrköping, L., Wålander, N., Andersson, J., Möller, P., Informanter, V., Gruffman, H., Eriksson, H., Owe-Larsson, E., Ekman, L.D., Rasch, I.L., Carlsson, H., Fällman, C., & Sandström, I. (2020). Event Marketing. *Managing Sport Events*.

Rachmadhian, A.K., & Chaerudin, R. (2019). The impact of event marketing on building brand awareness for fashion customers. *Asean Marketing Journal*, 11, 52-58. <https://scholarhub.ui.ac.id/amj/vol11/iss1/5>

Sun, L., Zhai, X., & Yang, H. (2020). Event marketing, movie consumers' willingness and box office revenue. *Asia Pacific Journal of Marketing and Logistics*, 33, 622-646

Svante Andersson, Linnea Bengtsson, Åsa Svensson. (2021). Mega-sport football events' influence on destination images: A study of the of 2016 UEFA European Football Championship in France, the 2018 FIFA World Cup in Russia, and the 2022 FIFA World Cup in Qatar. *Journal of Destination Marketing & Management*, 19, 181-191. <https://doi.org/10.1016/j.jdmm.2020.100536>.

Vargo, S.L., & Lusch, R.F. (2018). Service-dominant logic: continuing the evolution. *Journal of the Academy of Marketing Science*, 36, 1-10.

Wohlfeil, M., & Whelan, S. (2016). Consumer Motivations to Participate in Event-Marketing Strategies. *Journal of Marketing Management*, 22, 643 - 669.

Wood, E.H. (2019). Evaluating Event Marketing: Experience or Outcome? *Journal of Promotion Management*, 15, 247 - 268.

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## **On the Significance of Roman Jurisprudence for the Formation and Development of Future Law**

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**Abstract:** The relevance of the research topic is due to the theoretical and practical significance of issues related to the influence of Roman jurisprudence on the formation and development of modern legal systems, as well as national branches of the law of individual countries. The main goal of the research is the systematic study and analysis of the relationship and mutual perception of Roman law with modern law. In accordance with the stated goal, the task of the research is the study of Roman law, as a unique phenomenon of human civilization, trends of perspective development for the future in the modern law of two legal systems of the world: continental and Anglo-Saxon. General scientific and special legal methods were used to achieve the goals and objectives of the research. The result of the research is the statement that the meaning of Roman law is determined by the significant influence on the history of mankind in the period when it was formed, as well as on the further development of law and culture in general. The conclusion of the study is the substantiation of the proposition that the need for scientific research in the field of private and public law, both for individual states and human civilization as a whole, their implementation in practical activities with the aim of solving urgent issues of legal regulation of social relations, stimulates the process of development and qualitative updating

of theoretical ideas that exist in modern law. First of all, we are talking about the legacy of Roman law, its adaptation to modern social, economic, and political realities, the necessity, expediency, and effectiveness of its application under such conditions.

**Keywords:** Roman law, legal system, law-making.

## **Introduction**

Roman law is the legal system that existed in Ancient Rome and the Byzantine Empire from the 8th century B.C. to the 7th century A.D., where the system of legal concepts that subsequently received fundamental development in the legal systems of the world was born and actively developed. In Rome for the first time appeared norms relating to a property, provision for its use, possession, and disposal. Roman law described in detail various spheres of activity of the state, citizens, legal entities, branches, and institutions. The basis of Roman law is devoted to the private property of citizens, so it is no coincidence that Roman law is often identified with private law. The legal systems of the world have never existed in isolation from each other because they are closely interacting, having a cultural dialogue with each other. In the legal culture of individual countries, it is often possible to identify fragments of other legal cultures, thanks to which the countries are able to assess their experience, get the opportunity for further development, to improve the individual legal systems or their elements.

The relevance of the study lies in the fact that social, economic, and political transformations occurring at the present stage and accompanying the development of world civilization draws the attention of scientists to the study of the relationship between national and universal in the legal cultures of different peoples, the degree of interaction between the classical heritage and the modern state of legal consciousness. For classical and modern liberalism is characterized by the assertion that the Roman law along with the Christian heritage common to all European peoples is the foundation of the legal culture of Western civilization with its principles of freedom of entrepreneurship, economic and political democracy, the rule of law, a system of guarantees of subjective rights of the individual. It is an axiom. The subject of modern worldview scientific discussions is the clarification of the degree of universality of Western civilization, the boundaries and prospects of transit of political and legal institutions created by it into other cultures, the possibility of transformation of Western values of freedom and democracy into universal values, the formation of the language of modern science about man and society based on the principles of rational discourse.

## **Research Methodology**

To achieve the goals and objectives of the study were used general methods of scientific knowledge: dialectical, analysis and synthesis, induction and deduction, abstraction, as well as special methods: comparative-legal and forecasting.

## **Research Results**

Roman jurisprudence is, in its content, peculiarities, and significance, the subject of active scientific research at the present stage. Roman law in its historical formation goes back a long time to the past times of Antiquity, is a phenomenon of a vanished civilization, which for many centuries was developed in the legal science and practice of the late Middle Ages, Renaissance, and New Age. Thus, in modern legal culture and in modern systems of law, Roman law and jurisprudence have no direct practical significance, but the attention paid to them in legal education or general scientific knowledge of the law is explained not only by the significant influence of Roman law on the formation of national legal cultures. of the Roman-Germanic family (to which most countries of Europe, as well as Latin America, Africa, and Asia, belong), but also by the special internal qualities of Roman law itself, emerging

For the legal systems of the Roman-Germanic family, Roman law and jurisprudence have a special philosophical, historical, and cultural significance. Many features of the general legal tradition, legal

institutions, and dogmatic categories of modern legal systems derive directly from the principles and structure of Roman law, derived either from it or from its critical perception. Certain combinations and dogmatic requirements, which originated in the era of Roman law, continue to live in modern law in a borrowed form or transformed through their own national tradition. The genetic connection with Roman law has formed the main qualitative feature of all legal systems of the Romano-Germanic family, the most developed type of legal system in comparison with others known in the world legal practice.

Compared with other, historical or contemporary systems of law, Roman law and jurisprudence are most marked by individualism, by an emphasis on regulating the free and autonomous economic and civil position of the individual, recognized by society and the State as a full subject. The political, legal, and cultural value of individualism in the history of human society, as evidenced by the repeated unsuccessful attempts at social unification and totalitarian cohesion, is the only fruitful one in a social perspective. The intrinsic qualities of Roman law acquire, from this perspective, the significance of a classical reference point whenever there is a social and legal need for a legal embodiment of the individual freedom of the citizen.

The exceptionality of Roman law and its important role for the further development of law for the future also lies in the fact that it has extended its legal life even after the collapse and rebirth of the state and the people who formed it. The consequence has been two thousand years of legal culture, practice, and scholarship. Over many centuries, Roman and non-Roman jurists, while remaining within the framework of unified beginnings, developed and reinterpreted many aspects of the legal life of society and legal problems and mishaps.

The modern terminology of philosophy, law, and legal practice, without regard to the content of the legal principles and institutions of Roman jurisprudence, owes much of its origin to it. Many concepts and terms of modern legal culture are presented by direct borrowings from Latin: "republic", "constitution", "mandate", "vindication", "bond", etc. The content of these concepts is significantly removed from its original source, so the study of historical comparisons proves to be appropriate. Thus, Roman law is a part of the cognition of already quite modern legal practice and legal culture.

It should be remembered that at the time when Rome was a small community among many similar ones in Italy, Roman law was an uncomplicated, archaic system, whose peculiarity was a patriarchal and narrow national character. As it developed, the Roman community (*civitas Roma*) extended its influence over the whole of Italy and then the Mediterranean, becoming a huge state that united under its rule almost all the cultural world that existed at that stage. At the same time, Rome also changes internally, as the old patriarchal system collapses, the primitive subsistence economy is replaced by complex economic relations. The new life demands the utmost efforts and all the abilities of each individual; accordingly, Roman law responds to the outlined social, economic, and political transformations and changes its character by restructuring itself based on individualism: individual liberty, freedom of contract, and testament become the cornerstones of Roman jurisprudence.

Along with the expansion of the territory of the Roman state comes the involvement of Rome in international trade exchange. Equally, Rome was becoming the political center of the Mediterranean and immediately became the center of trade turnover of significant in size and heterogeneous in population. This necessitated the creation of legal rules for resolving disputes that could be applied regardless of the national and territorial ownership of the subjects of law. Roman law, which was formed at this stage, was no longer suited to the new economic, social, and political realities since it was not free from local and national particularities. Under the influence of objective needs, Roman law is enriched by the customs of international circulation and acquires features of universality, based on the principle of individuality, becomes the common law of the entire ancient world and the basis of the legal system of the entire Mediterranean civilization.

In developing the principles of the legal system, Roman jurisprudence focused primarily on the principles of mutual recognition of the subjects of civil turnover, the exclusivity of individual control over his property, the equivalence of the exchange of goods and services, the freedom of will of determination in accordance with the degree of permitted behavior established in society. A

characteristic feature of Roman law was the perception of natural law as a specific component of law in general, not just a theoretical-legal construct. This position is confirmed in the various classifications and definitions of law left in the scientific works of Roman jurists, their inclusion of natural law in the aggregate volume of law in general corresponded to their ideas about law as a just phenomenon. Analyzing *casus causa* from the standpoint of correspondence to the steady norms of civil law (*ius civile*) and ideas of good and justice, Roman lawyers developed various forms of satisfaction and coordination of individual interests, worked out almost all legal institutions that exist at the contemporary stage and created the language of the law, its terminology.

## **Discussion**

“Roman law is widely considered to be the foundation of European legal culture and an inherent source of unity within European law” (Tuori & Björklund, 2019). Civil law, which is the largest heir of Roman jurisprudence, is a fundamental science that studies the regularities of civil law regulation of social relations. The special place of the science of civil law is provided by its subject, its place in the system of legal sciences, and its importance for cardinal transformations in the life of the world community.

“The Romans developed a sophisticated body of law over one thousand years” (Metzger, 2020). The legacy of Roman jurists is actively used by modern society. Through reception, Roman law has influenced and is now of great interest in the formation of legislation and legal scholarship. Its influence can be observed in various branches of law, from criminal law to civil law, and terminology, the basic principles of Roman law are now present in virtually every legal system in the world.

It's important to understand “... the phenomenon of Latin as a universal cultural code that continues to be actively used in various spheres of life” (Korolova et al., 2019). It is generally accepted that the universal meaning of the categories of Roman law is the basis of legal thinking in general. The study of Latin terminology broadens the outlook and legal culture of a lawyer. Legislation and the science of private law (civil law) of many European countries widely apply directly Latin terms.

“... most of the general principles of the law of peoples have become today the imperative principles of international law, and the general principles, which were developed by the Roman jurists, foremost, it is the principles of equality, justice, and humanism...” (ZADOROZHNA, 2019). The importance of Roman law is determined by its tremendous influence on the further development of law as well as on the development of culture in general. Roman law is characterized by an effective elaboration of all significant legal relations of ordinary commodity owners (buyer and seller, creditor and debtor, etc.). For example, “... can be found in most of the contemporary European legal systems, in the same legal position, as an exception to the principle of contracts taking effects only between parties” (CODREA, 2018).

“In the civil law tradition, the tradition which developed in continental Europe based on the Byzantine codification of Roman law, ‘system’ is used in relation to substantive doctrine, especially as set out in codes, i.e., in axiomatically organized accounts of law” (Brouwer, 2018). The characteristic features of Roman law contributed to the fact that when the developing industry and trade of medieval Europe demanded a more perfect legal superstructure when the feudal rules of common law ceased to fulfill the conditions of existence, a process of borrowing of Roman law took place. Having entered through reception into the practice of medieval states, Roman law also influenced the following codifications of civil law.

## **Conclusions and Implications**

As a result of the study the following conclusions can be made:

1. At the present stage, the institutions of Roman law represent a kind of dogma of civilistics, certain canons of regulation of certain social relations. Modern civil law does not reflect the legal institutions of Roman law, because it was created under the influence of the modern economic, political and social life of society and the state. However, the most important concepts, ideas of legal regulation of property and personal non-property relations arise in the

Roman private law.

2. In certain cases, at the present stage, the doctrine of Roman law and the categories and concepts developed by it are not directly embodied in the legal provisions of the states of the continental and Anglo-Saxon legal systems but play an important role in the training of legal professionals, their assimilation of the relevant educational material, the formation of their professional competence to address complex practical issues of legal regulation of social relations.
3. The relevance of Roman law and jurisprudence is not limited to their direct influence on the content of modern continental and Anglo-Saxon legal systems, it remains for the future because Roman lawyers developed exemplary legal methods and constructions, their achievements offer an ideal paradigm for decision-making theory and legal reasoning, solving complex legal problems that remain relevant for modern jurists.

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### **References**

Brouwer, R., 2018. On the Meaning of 'System' in the Common and Civil Law Traditions: Two Approaches to Legal Unity. *Utrecht Journal of International and European Law*, 34(1), pp.45–55. DOI: <http://doi.org/10.5334/ujiel.451>

CODREA, C. (2018). Stipulatio alteri – the Roman law construction and the contemporary structure in European Legal Systems. *LUMEN Proceedings*. <https://doi.org/10.18662/lumproc.nashs2017.14>

Korolova, N., Koshchii, O., & Myronova, V. (2019). The Latin language as a universal cultural code. *Journal of History Culture and Art Research*, 8(4), 278. <https://doi.org/10.7596/taksad.v8i4.2260>

Metzger, Ern. (2020). Roman Law. <http://dx.doi.org/10.2139/ssrn.3680599>

Tuori, K., & Björklund, H. (2019). Roman law and the idea of Europe. <https://doi.org/10.5040/9781350058767>

ZADOROZHNA, S. (2019). Jus gentium and the primary principles of international law. *European Journal of Law and Public Administration*, 6(2), 157–166. <https://doi.org/10.18662/eljpa/93>