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Dissertation Abstract:
Distinguishing the Private and Public Spheres,

The correlation between private and public law has interested lawyers for many centuries, beginning with the Roman Empire. A fairly detailed distinction has been made between private and public law in terms of legal regulation, although the categories of "private" and "public" do not always coincide with the subject matter of these two large spheres of law. This means that private law inevitably affects the public interest, and public law inevitably violates human privacy. The above feature is not a subject of research interest or novelty. However, in recent years there has been an unprecedented "publicization" of private law and "privatization" of public law. Public law increasingly not only guarantees the application of private law, but also restricts private law relations, including contractual relations, commercial transactions and private property, the inviolability of which is considered the cornerstone of private law. In the process of "privatizing" (or "civilizing") public law, the latter is actively borrowing many of the institutions of private law and using them in the economy, as well as in direct state administration and local government.

These processes *de facto* lead to profound qualitative changes that blur the line between the private and public spheres of human life. The widespread use of modern information and communication technologies and the inclusion of the majority of citizens in networked communications inevitably leads to the "publicization" of a person's private life, while expanding the possibilities for interference in this life in the name of the not always recognized and universally understood "public good." The main danger of "going public" is that human rights are so massively violated that these rights will erode until the emergence of a "new normal," i.e. a state in which the inviolability of these rights and their priority over the public interest are effectively eliminated.

This process became particularly evident with the COVID-19 pandemic and the threat of future pandemics, including the threat of a new strain of coronavirus. It cannot be said that COVID-19 itself radically changed the situation, changed the "rules of the game." Rather, the pandemic revealed trends and hidden processes related to digitization and other technological changes that gradually changed the system of legal relations toward a gradual blurring of the boundaries of privacy. The coronavirus pandemic around the world sparked heated debates about the permissibility, desirability and adequacy of various anti-epidemiological measures restricting

certain human rights and freedoms. Freedom of movement, freedom of assembly and even one of the most basic human rights - the inviolability of the human body - have been restricted.

Thus, on the one hand, human rights are considered a top priority of international law and are widely discussed, while on the other hand, they are systematically and flagrantly violated in the interest of the "public good," a fact that remains unclear to many.

The subject of this study is quite broad, as it covers both private and public law. Therefore, the study focuses on international law, which governs the distinction between public and private. The subject of the study is contemporary private and public law at the international, European and national levels, as well as the legal norms that distinguish between private and public.

The main objective of the study is to determine the correlation of privacy and openness in modern law, its practical implementation at the level of legal acts, and to identify trends in changes in the definition of the private and public spheres.

In order to achieve the main goal, the following partial goals must be achieved:

1) Trace the European tradition of the development of law protecting the private sphere of human life;
2) Explain the main assumptions of the philosophy of law justifying the inviolability of human privacy in the context of modern changes in the way most people live;
3) Identification of the features of modern international law protecting human privacy and defining the limits of interference with it in accordance with the public interest;
4) Determining the extent to which modern antivirus restrictions comply with international law protecting people's privacy;
5) Identify and evaluate trends in the development of international law and legislation of individual countries that distinguish between privacy and publicity.

The importance of the chosen research topic lies in the fundamental problem of gradual changes in the understanding and legal regulation of the private and public spheres.

The main problem of the study is the uncertainty and imperfection of international law in defining the extent to which state institutions can interfere in an individual's private life and on what grounds human rights can be restricted. The norms of international law, as a rule, define human rights and the possibilities of restricting them in extremely general terms. It should be remembered that these norms are the result of compromises between states and groups of states, and for this reason their wording has been developed and refined over a long period of time in order to satisfy the interests of the widest possible range of subjects of international law. Even the most universal and firm norms of international law, to which all participants in international communication have agreed, have been adopted in a reduced form as a result of concessions and compromises. Such compromises make international law incomplete and uncertain. They become

declared principles of law rather than norms of law. At the same time, the effectiveness of the application of international norms depends largely on the goodwill of states that have ratified the relevant international legal instruments.

The main question stems from the above problem:

Are the laws distinguishing between publicity and privacy consistent and systematized, or are they separate and fragmented rules, leaving a great deal of room for interpretation and discretion in their adoption by individual states?

The main problem includes the following private problems:

1) Should the relationship between the legal concepts of "private interest" and "public interest" be revised and clarified?
2) What are the main threats to "publicizing" private law and "civilizing" ("privatizing") public law?
3) How has the classical liberal concept of human rights based on privacy been fully and consistently realized in international and European law?
4) What are the main legal instruments that determine the extent of interference with individual privacy to advance the public interest?
5) What is the responsibility of states for violating international law on non-interference in the private lives of individuals?
6) Do the legal regimes of restrictions and recommendations of the World Health Organization (WHO) violate human rights or are they inadequate because public institutions, under the pretext of non-interference in the private sphere, fail to take the necessary decisive action to combat coronavirus infection and future infections?

The main hypothesis was formulated as a supposed answer to the main research question: Modern international law has not had time to rectify and regulate contemporary changes in legal relations affecting the public and private spheres of human life, and current legal norms do not correspond to the actual situation of privacy protection in its traditional sense.

The main hypothesis includes the following sub-hypotheses:

1) Technological advances are changing the way people live, increasing the intensity of communication, giving rise to new needs and resulting legal relationships, which constantly requires a revision of the concept of privacy.
2) The institution of private property with all the associated legal norms is changing, and international law has not kept pace with these changes, which is particularly evident in the field of copyright protection. In particular, the legal basis for the alienation of private property and non-recognition of copyright needs to be revised.

3) The coronavirus pandemic is a global phenomenon and requires a unified system of international law to combat it, and the level of cooperation between countries in this regard is far from what is really needed.
4) Humanity is becoming increasingly interdependent and vulnerable to transnational threats, requiring the development of a unified system of international law capable of balancing human rights and human security in the face of global threats.

The study is based on the following groups of sources:

1. International legal instruments protecting human privacy.
2. European legislation related to the distinction between privacy and advertising.
3. Legal instruments at the national level related to the distinction between privacy and openness.
4. Emergency legal instruments to combat coronavirus pandemic.
5. Printed publications by lawyers on the problems of distinguishing between openness and privacy in modern law.

The study is cross-sectoral in nature, as it is conducted in various branches of private and public law (property law, copyright law, inheritance law, criminal law, administrative law and others). The correlation of the concepts of subject and object law in relation to private and public law is considered separately.

The following methods were used in the study:

1. A comparative legal method.
2. Comparative-historical method.
3. Document analysis.
4. Content analysis.

Based on the above methods, the highlighted problems were developed and conclusions were formulated for the study according to the objectives.

The work consists of four parts, an introduction, a conclusion and a bibliography. The first part deals with values and the basis of the distinction between the private and public spheres. In fact, the content of the first part refers to axiology and philosophy of law. The need to return to the axiological and philosophical aspects is due to the depth and scope of changes that inevitably affect the values underlying the law and shaping legal culture, such as justice, humanitarianism, mercy and others. The analysis of philosophical values and ideas helps find a new balance between the public good and the privacy of human life, and ultimately between private and public law.

The second part is devoted to the analysis of rights and interests in the public and private spheres. Subjective rights related to private and public interests are considered. Changes in the relationship between private and public law require a revision of traditional legal concepts of

"conflict of interest." It is unacceptable that the new balance between private and public interests be achieved at the expense of human rights. The risk of violating human rights lies in relativistic interpretations of these rights, i.e. human rights are not abolished, but their relative nature is emphasized, and the very idea of the inviolability and inviolability of these rights is thus weakened.

The third part examines the problem of the relationship between privacy and openness in the context of legal regulation and jurisdiction. Not all courts and legal institutions clearly define the distinction between private and public interests, making decisions that blur the distinction between private and public law. Examples of court cases illustrate this problem.

The fourth section examines the problem of the relationship between privacy and publicness, using the example of lawmaking and law enforcement during the coronavirus pandemic. It was the COVID-19 pandemic that most fully and vividly demonstrated the imbalance between private and public law and the extremes to which lawyers went in their debates about the tension between the public good and private interests. Most experts agree that human rights have been repeatedly violated in many countries around the world. The temporary and emergency nature of pandemic measures has been highlighted as justification for these violations. However, it is important to consider possible future pandemics and other threats that may also require emergency measures that violate human rights in the name of the "common good." Of course, regardless of the duration of a pandemic and its perception as an emergency or "normal" situation, the very process of blurring the line between privacy and publicity must be carefully analyzed to determine the optimal balance between the two.

The findings of the study resulted in the following conclusions, which are presented:

1. Modern technological means make it much easier to monitor an individual's privacy. These tools are used both for abusive and illegal purposes and by states for national security reasons. Authoritarian regimes deliberately seek to create systems of total control over citizens in order to maintain their power.
2. Social networks have recently gained immense popularity, where people themselves are blurring the lines between public and privacy in the communication process. Not all social network users realize that they are in a public communication space and that any data about them can be used for various purposes without their consent. Attempts to bring civil liability against those who disclose personal data and information about their private lives from social networks often fail, whether for technical, ideological or political reasons. In this area, a citizen's private right to freedom of speech and expression should be limited by the absolute precepts, prohibitions and restrictions of public law.
3. Despite the modern rhetoric of defending human rights, with particular emphasis on protecting minority rights, individual privacy is violated in the most blatant ways. Minority

rights themselves are becoming an important element of modern public law and are being imposed on society as a whole to the extent that they affect the private sphere of the individual and his family. In fact, indirect attempts are being made to regulate family, marital and sexual behavior under the pretext of protecting human rights. Such attempts destroy the legal culture, as they undermine citizens' trust in public institutions.

4. The denial of traditional values and norms is associated with extreme expressions of legal positivism. This sometimes requires the recognition of contradictory mass public perceptions of what is just and right, rooted in spontaneous social orders, and inevitably creates acute moral, social and even political tension in society, to the point of tearing apart the unified social fabric and a social shift to a kind of "non-normative behavior" (in terms of traditional norms). The danger of such an extreme positivist approach is the danger of relativizing human rights.
5. Modern man in social networks is vulnerable both to criminals and to repressive state policies that, in an effort to maintain public order, may violate civil human rights. If human rights are protected so unequally (from the perspective of a member of traditional culture), the very concept of human rights begins to be viewed by the majority as a relative concept. The credibility of human rights in general is undermined. Morality and other non-legal regulators aim to balance the above extremes.
6. In the modern world, the private sphere of human activity is shrinking. The public interest lies in ensuring the security of all humanity in the face of threats that are rapidly becoming global (pandemics, climate change, cyber attacks, famine, deterioration of the human environment due to the degradation of ecosystems, armed aggression with the threat of escalation to nuclear war and others). They justify violations of certain human rights. These violations were initially seen as temporary and extraordinary, but there is a strong possibility that they could become the "new normal."
7. It is clear that the COVID-19 pandemic has become an unprecedented manifestation of an emergency situation that has gripped all nations of the world without exception. Due to the dangers of the spread of the disease, basic human and civil rights enshrined in many international normative instruments have been revised. International organizations and states began to view human rights from a relativistic perspective, i.e. treating them as a relative variable that can be neglected in the event of an emergency.

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