INTRODUCTION

According to the Strategy of the State Consumer Rights Protection Policy of the Russian Federation for the Period until 2030, "the effective protection of consumer rights becomes crucial for the formation of a fair, transparent and competitive market of the Russian Federation based, among other things, on the use of modern digital technologies" (Resolution of the Government of the Russian Federation of August 28, 2017 No. 1837-r “On Approving the Strategy of the State Consumer Rights Protection Policy of the Russian Federation for the Period until 2030”). This thesis can be applied to the national financial market characterized by an ever-expanding range of participants interacting in the legal sphere represented by different norms in relation to various financial services. Civil law scholars pay attention to the protection of the rights of consumers of financial services. However, there is only one monograph “Protection of the rights of consumers of financial services” prepared by a team of authors under the editorship of Yu.B. Fogelson (EFREMOVA, PETRISHCHEV, RUMYANTSEV, 2010) and concerned with this issue. It contains a comprehensive review of the rights of consumers of financial services and means of their protection, including an overview of financial services (banking, insurance and investment) provided to citizens, analysis of the reasons and mechanisms for overcoming information and contractual disparities between financial institutions and their clients, the systematization of legal remedies available to clients of financial institutions in Russia and abroad, as well as analysis of the existing litigation practice. Over ten years ago, the authors formulated the following thesis: "For high-risk financial markets, trust plays the key role in neutralizing such risks so that their participants can accept uncertainty associated with the use of financial services" (EFREMOVA, PETRISHCHEV, RUMYANTSEV, 2010). This approach takes on a special meaning due to the rapid development of financial technologies and the growing cross-border nature of financial services. The formation of a trusting environment accompanied by the development of competition, the maintenance of financial stability and the availability of financial services, is defined by the Bank of Russia as a priority goal for the development of the financial market in 2019-2021 (The Guidelines for the Development of the Russian Financial Market in 2019-2021).

FINANCIAL SERVICES MARKET AND ITS PARTICIPANTS

The most comprehensive study of both financial and legal aspects of financial market regulation was conducted by A.G. Guzno and T.E. Rozhdestvenskaya in their joint scientific work "The public regulation of the financial market in the Russian Federation" (2019). While considering the protection of the rights of consumers of financial services as new supervisory activities of the Bank of Russia, the authors noted that “in the legal context, the protection of the rights of consumers of financial services implies a departure from the classical principle of civil transactions, i.e. the principle of equality of parties in a contract” (GUZNOV, ROZHDESTVENSKAYA, 2019) and considered it as a multi-level system. These levels are as follows:
• The first level is a system of appeals (judicial and non-judicial) against the actions of financial service providers;
• The second level is to provide access to financial services (territorial (“get a service anywhere”) and economic (“get a service at no extra cost”));
• The third level is to ensure the stability of financial institutions (GUZNOV, ROZHDESTVENSKAYA, 2019).

S.S. Tropskaya also considered the financial services market within the theory of financial law. She proposed “...to expand public financial activity with one more task (state regulation and control in financial markets)” (TROPSKAYA, 2017) and regarded the law of the financial market as a new sub-branch of financial law (TROPSKAYA, 2017).

A.D. Selyukov and M.M. Proshunin defined the financial services market as a combination of two “sectors”. The first includes the relationship between business entities that provide financial services and their clients. The second is represented by relations between the Bank of Russia and providers of financial services (credit institutions, insurance companies, etc.). The authors noted that the state realizes itself not as a party to transactions but as a regulator that determines the procedure for their conclusion, establishes special conditions and restrictions for professional participants in the financial services market (SELYUKOV, PROSHUNIN, 2018).

In our opinion, the latter sector should include relations arising in the field of protecting the rights of consumers of financial services. Their participants are the Bank of Russia and other entities. First of all, this is the Federal Service for the Oversight of Consumer Protection and Welfare that is responsible for developing and implementing state policy and legal regulation in the field of consumer rights protection (The regulation on the Federal Service for the Oversight of Consumer Protection and Welfare approved by Resolution of the Government of the Russian Federation of June 30, 2004 No. 322 - as amended by Resolution of the Government of the Russian Federation of May 21, 2013 No. 428).

We believe that parties to the relations under consideration are self-regulatory organizations that are obliged to consider appeals of individuals and legal entities and, in certain cases, bring the offender to justice (Article 17 of Federal Law of July 13, 2015 No. 223-FZ “On self-regulatory organizations in the financial market” (as amended on November 28, 2018). We fully agree with Yu.I. Mkhitaryan that “the socially significant services of self-regulatory organizations aim at not only creating rules for entrepreneurial activity, monitoring their implementation and securing property and non-property rights but also at protecting consumers, third parties, society and state” (MKHITARYAN, 2020).

S.S. Tropskaya included self-regulatory organizations into the system of participants in public law governing the financial market and referred them to subjects capable of regulating and/or supervising the financial market (TROPSKAYA, 2020).

We believe it is possible to supplement the list of entities involved in relations aimed at protecting the rights of consumers of financial services with public associations. One of the expected results of the implementation of the above-mentioned Strategy of the State Consumer Rights Protection Policy of the Russian Federation for the Period until 2030 is the promotion of civil initiatives and the creation of effective mechanisms for the support and development of public consumer associations. In this regard, it is logical to conclude that public associations play a special place in the national system protecting the rights of consumers of financial services. The most significant public association in this sphere is the All-Russian public consumer organization - the Union Protecting the Rights of Consumers of Financial Services established in 2010. Many financial and legal studies highlight the increasing role of public associations in the relations under consideration due to the development of civil society institutions (BOCHKAREVA, 2018).

Legal studies of the organization and functioning of the financial market, the financial services market and, accordingly, the protection of the rights of consumers of financial services are closely related to discussions about the system of financial law and its intersectoral relations. Their changes are caused by “...changes in the legal regulation of social relations developing...”

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in the context of economic reforms, the development of market relations and entrepreneurial activity" (SATTAROVA, 2013) and predetermine their rapprochement and even convergence with other legal formations.

METHODS

It is possible to determine the basic grounds for classifying the main directions of studying the legal problems of protecting the rights of consumers of financial services. The first ground is segments of the financial market (the credit market, the foreign exchange market, the securities market and the insurance market) and the corresponding types of financial services (credit, banking, investment, insurance, etc.).

Modern scholars are concerned with various aspects of the functioning of the Bank of Russia as a mega-regulator and the main "guarantor" that professional participant of the financial market will comply with the requirements of the relevant legislation (GUZNOV, 2014; POPKOVA, 2014). A new direction of control and supervisory activity (behavioral supervision) necessitates the analysis of its essence. For example, I.V. Mikheeva and E.A. Dolkova noticed the direct connection of behavioral supervision and the protection of the rights of consumers of financial services and distinguished between such modes as reactive behavioral supervision and preventive behavioral supervision (MIKHEEVA, DOLKOVA, 2020). We cannot but agree with these authors about the need for "...clear legal formalization of behavioral supervision procedures with an emphasis on their public legal nature" (MIKHEEVA, DOLKOVA, 2020).

While considering behavioral supervision as one of the current trends in the development of mega-regulation in the financial market, A.M. Ekmalyan emphasized the need to shift the activities of bodies protecting the rights of consumers of financial services from responding to complaints and appeals to identifying and preventing unfair procedures "which are the source of these complaints" (EKMALYAN, 2020). The second ground is the forms (methods) of protecting the rights of consumers of financial services.

According to the current legislation, the recipient of a financial service can protect their rights in several ways. The first option is to initiate a complaint procedure by: a) contacting a professional participant in the financial market; b) filing complaints with the Bank of Russia, the Federal Service for the Oversight of Consumer Protection and Welfare, the Deposit Insurance Agency of Russia, self-regulatory organizations, ombudsmen for the rights of consumers of financial services and public associations. The second option is to participate in judicial proceedings, including by means of arbitration courts. Legal science has repeatedly expressed critical remarks regarding the approaches formulated by the Supreme Court of the Russian Federation for the protection of the rights of consumers of financial services (MITYAI, KAMENEVA, 2015; KHUZHIN, PERSHINA, 2018) in 2012 and 2017.

Among the aforementioned doctrinal developments, we need to highlight the scientific analysis of the formation and development of such an institute as a financial ombudsman. Foreign experience demonstrates the high efficiency of this institute (TIKHOMIROV, 2015; TROEKUROV, 2016) from the "contractual", i.e. having a voluntary nature and functioning based on agreements with financial institutions, and "legal" perspective, i.e. acting by virtue of a special legislative act.

The initial legal basis for the activities of financial ombudsmen was laid by the Resolution "On the Public Conciliator in the Financial Market (Financial Ombudsman)" and the Regulation of the Public Conciliator in the Financial Market (Financial Ombudsman). Their activities are conducted voluntarily and financed by banks that are members of the Association of Russian Banks. Thus, Russia utilizes the "contractual" model of financial ombudsmen.

On September 3, 2018, Federal Law No. 123-FZ of June 4, 2018, "On the Commissioner for the Rights of Consumers of Financial Services" entered into force (OFITSIALNYI INTERNET-PORTAL PRAVOVI INFORMATSI, N.d.). Scholars commented on the "updated" status of such commissioners who received not only the necessary law enforcement functions and procedural mechanisms to consider complaints and make decisions (BYSTROVA, 2020) but also rule-making powers (KNYAZEV, 2019).

The effective functioning of "renewed" commissioners is confirmed by statistics. According to the Federal Service for the Oversight of Consumer Protection and Welfare as of October 2020,
“more than 166,000 applications had been considered and the number of litigations on controversial issues related to OSAGO decreased by 40%” since the adoption of the law (the Federal Service for the Oversight of Consumer Protection and Welfare presented a report on the Russian digital services for consumer protection at the 8th UN Conference on Competition and Consumer Protection).

However, we should also mention the opinion of Yu.V. Lysova in assessing the Russian model of financial commissioners. She claimed, “...the legislator establishes a mandatory pre-trial procedure for resolving consumer-related disputes, which is untypical of disputes involving consumers, and double extrajudicial procedure” for settling most disputes in the banking sphere (LYSOVA, 2020).

The third option to protect the rights of consumers of financial services is to resort to mediation as part of the pre-trial settlement of a dispute if this is provided for by a contract or an additional agreement. In some foreign countries, mediation has been the main method of protecting the rights of consumers of financial services for quite a long time (IVANOVSKAYA, 2019). In Russian law, “the development of regulatory legal acts providing for additional measures aimed at a wider use of mediation procedures to resolve disputes arising in the field of consumer protection” was declared one of the priority areas of state policy not so long ago (the Strategy of the State Consumer Rights Protection Policy of the Russian Federation for the Period until 2030).

RESULTS AND DISCUSSION
The analysis of legal science (ZAPOLSKII, BOCHKAREVA, KOZHUSHKO, 2020) has demonstrated that the main factor in the development of financial and legal studies concerned with the protection of the rights of consumers of financial services is universal digitalization. Due to the specifics of financial services, this sector has become the primary object of digitalization. According to scholars and experts, digitalization creates benefits for all market participants; “increases the satisfaction of consumers of financial services; expands the possibilities of managing the capital of an economic entity; reduces the costs of all participants in the financial market; accelerates financial transactions; boosts the territorial coverage of financial services; improves the transparency of relations in the financial market” (MARAMYGIN, CHERNOVA, RESHETNIKOVA, 2019). However, there are also disadvantages: digital technologies facilitate and optimize the realization of the rights of citizens but "cause additional risks and opportunities for the violation of such rights" (UVAROV, 2020).

Consequently, it raises the requirements for the functioning and interaction of the existing institutions ensuring the protection of the rights of consumers of financial services. In particular, scholars pay attention to the transforming legal personality of the Central Bank of the Russian Federation in the context of protecting the financial security of an individual (PASTUSHENKO, ZEMTSOVA, 2020) and consider the legal support necessary for the formation of a trusting environment (PASTUSHENKO, 2020).

Another significant factor in the development of financial and legal studies concerned with the protection of the rights of consumers of financial services is the need for the Russian state and society to combat the current crisis aggravated by the novel coronavirus infection. A sharp and massive decrease in the solvency of borrowers, an increase in financial fraud, including the use of disruptive technologies, rapid growth of unfair sales (mislending), do not make the full list of problems that worsen the vulnerability of consumers of financial services.

To respond to modern challenges, representatives of financial and legal science analyze the boundaries of anti-crisis regulation carried out by authorized bodies and develop a system of legal means ensuring the financial stability of credit institutions and the banking services market as a whole (LATUS, MANGASARYAN, 2020). They emphasize the increased need to improve the financial literacy of financial service consumers, which is of great importance in the conditions of long-term economic uncertainty (AFANASEV, SHEVTSOV, 2020).

CONCLUSION
The analysis of scientific sources has revealed the main interests of Russian scholars. These issues include the special nature of relations in the financial services market and its participants
represented by both private bodies and public authorities, the specific administration carried out by the mega-regulator (the Central Bank of the Russian Federation), the digitalization of the financial services market and related risks. It is also worth mentioning the cross-sectoral and interdisciplinary nature of most scientific studies.

During the existing crisis and the COVID-19 pandemic, the consumer of financial services becomes a “weak link” in the financial market, which stipulates the need to improve the current legal framework and search for new protective measures. In this regard, it is necessary to realize the proposal made by the science of financial law, i.e. to develop and adopt a special law on the protection of the rights of consumers of financial services (SELYUKOV, PROSHUNIN, 2018).

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The impact of digitalization and the covid-19 pandemic on the protection of consumers of financial services: legal specifics

O impacto da digitalização e da pandemia covid-19 na proteção dos consumidores de serviços financeiros: especificidades jurídicas

El impacto de la digitalización y la pandemia de covid-19 en la protección de los consumidores de servicios financieros: detalles legales

Resumo
O artigo fornece uma breve visão geral de certas áreas de pesquisa financeira e jurídica, cujo assunto é vários aspectos da proteção dos direitos dos consumidores de serviços financeiros. No decorrer do estudo, os autores analisaram monografias e publicações em revistas científicas russas. Os estudiosos russos prestaram especial atenção aos processos de digitalização e fatores adversos externos associados à pandemia COVID-19, o que aumentou a vulnerabilidade dos consumidores de serviços financeiros. Os autores enfatizaram a natureza intersectorial e interdisciplinar da maioria dos trabalhos científicos e sua possível sistematização em dois motivos: o primeiro são segmentos do mercado financeiro e os tipos de serviços financeiros correspondentes a eles; a segunda são as formas (métodos) de proteção dos direitos dos consumidores dos serviços financeiros.

Palavras-chave: A ciência do direito financeiro. Estudos jurídicos. Os direitos dos consumidores de serviços financeiros. Megaregulador. Ouvidoria financeira.

Abstract
The article provides a brief overview of certain areas of financial and legal research, whose subject matter is various aspects of protecting the rights of consumers of financial services. In the course of the study, the authors analyzed monographs and publications in Russian scientific journals. The Russian scholars paid special attention to digitalization processes and external adverse factors associated with the COVID-19 pandemic, which increased the vulnerability of consumers of financial services. The authors have emphasized the intersectoral and interdisciplinary nature of most scientific works and their possible systematization on two grounds: the first is segments of the financial market and the types of financial services corresponding to them; the second is the forms (methods) of protecting the rights of consumers of financial services.

Keywords: The science of financial law. Legal studies. The rights of consumers of financial services. Megaregulator. Financial ombudsman.

Resumen
El artículo ofrece una breve descripción de ciertas áreas de la investigación financiera y jurídica, cuyo tema son varios aspectos de la protección de los derechos de los consumidores de servicios financieros. En el curso del estudio, los autores analizaron monografías y publicaciones en revistas científicas rusas. Los académicos rusos prestaron especial atención a los procesos de digitalización y a los factores adversos externos asociados a la pandemia de COVID-19, que aumentó la vulnerabilidad de los consumidores de servicios financieros. Los autores han enfatizado el carácter intersectorial e interdisciplinar de la mayoría de los trabajos científicos y su posible sistematización por dos razones: la primera son los segmentos del mercado financiero y los tipos de servicios financieros correspondientes a ellos; el segundo son las formas (métodos) de protección de los derechos de los consumidores de servicios financieros.

Palabras-clave: La ciencia del derecho financiero. Estudios jurídicos. Los derechos de los consumidores de servicios financieros. Megaregulador. Defensor del pueblo financiero.