

International Aspects of Legal Regulation of Information Relations in the Global Internet Network

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Abstract

Having outlined the current problems of legal regulation of transnational legal relations on the Internet and determined the role of international law in solving these problems, it is necessary to submit scientific proposals for their further implementation, since the international legal principles of regulation of information relations on the Internet are regulated by the rules of "soft law", which are enshrined in the resolutions of international organizations and they are advisory. It is advisable to develop international regulations in the field of Internet relations, which would define the basic concepts that apply to these relationships to eliminate possible conflicts in the laws of different countries. Such acts should include issues relevant to the international community regarding the jurisdiction of states in the Internet, functioning of the digital economy, fight against copyright infringement in the Internet, information terrorism and crimes threatening information security in the global information cycle, etc. Therefore, only with the successful regulation of Internet relations at national and international levels, and only through the joint efforts of the world community, it should be expected the positive dynamics in all spheres of society, given the significant impact of the Internet on global processes and international relations.

Keywords

Transnational Legal Relations, International Normative Acts, Internet Relations, International Legal Foundations, Digital Inequality.

JEL Classifications

M5, Q2.

Introduction

Today, the level of development of the international community is determined by the growing role of information, which is the result of people's social activity, their high information culture, rapid development of information and communication technologies. On the basis of information that become a strategically important resource, a new concept of modern society has been formed, where knowledge and human intelligence are of the highest values.

The main basis for the further intensive development of the world information society is the global Internet network, which forms a special channel for dissemination and exchange of information, information environment. As the moment of the fifth information revolution, the Internet is a key infrastructure around which the world information civilization is formed. Therefore, it is not surprising that the World Wide Web has become the main source of information and an important component of human life, the property of all mankind.

In 2018, the number of users of the World Wide Web has increased significantly to 4.2 billion people; it is 52% of the world's population (Fischer-Lescano & Teubner, 2019). At the same time, access to the Internet has become one of the most important indicators of a country's development and it is an indicator of the existence of the democratic society.

That is why the problem of overcoming digital inequality in the world at the World Summit on the Information Society has been recognized by the United Nations as the most pressing one that needs immediate resolution through the concerted efforts of all nations.

Nowadays, there is a further informatization of human activity when all spheres of society are imbued with Internet technology. The active use of e-commerce tools, e-government, distance education, the Internet of Things and others offers many benefits and opportunities, and it brings significant positive changes to the current status of affairs. At the same time, new kinds of social relations are emerging in the legal field, there are difficulties with the identification of their components, new challenges and threats to the human community arise.

The task of complex scientific research is updated in view of the growing opportunities offered for the use of Internet technologies and new types of threats to information security of the individual, society and the state. It explains the need for proper, optimal legal regulation of information relations in the global Internet.

The purpose of the paper is to develop, on the basis of the analysis of theoretical foundations, current legislation and international experience, proposals and recommendations for improving the mechanism of legal regulation of information relations in the global Internet.

Review of Previous Studies

Today, the level of development of the world community is determined by the growing role of information, which is the result of people's social activity, their high information culture, rapid development of information and communication technologies and this is a global information society.

The formation of the modern global information society was made possible by the information revolutions that took place in the history of human civilization, which not only dramatically changed the ways of information activity, but also lifestyles, value systems, and outlook (Ruotolo, 2017; Bielova et al., 2017).

Each new information revolution has combined the capabilities of previous revolutionary inventions (writing, typing, radio & computer), creating the technological basis to reduce the time for information transactions, including overcoming any distance when it is received and transmitted (Almeida et al., 2017).

Today, humanity is experiencing the fifth information revolution, the beginning of which was the emergence of the worldwide Internet network, which enabled information links on a global scale, contributed to the speed and volume of information processed (Drobyazko et al., 2019). Therefore, the XXI century is remembered in the history of human activity as the age of informatization of various fields of human activity and extraordinary opportunities for everyone.

The rapid spread of the Internet in the world and the quick development of information and communication technologies made the global community to establish and develop the information society.

The Internet is an extraterritorial information space which involves global processes of international social communication (Tetiana et al., 2019). Having emerged as a purely technical means of

transmitting information, the Internet has become an important social phenomenon that attracts experts' attention in various sciences, including legal.

The Internet is built on the use of IP protocol (Internet Protocol) and data packet routing, and it is a physical basis for accessing websites (DeNardis & Raymond, 2017; Kwilinski et al., 2019). Today, the Internet has become a major source of information and an important component of human life, the property of all human and plays a leading role in creating the information space of the global information society.

At the same time, the Internet is continuously developing with the people who use it, reflecting their social, cultural and intellectual interactions (Hilorme et al., 2019). That is why the level of the Internet development in the country is an indicator of the socio-economic well-being of the state and a criterion for democracy.

Methodology

The methodological basis of the paper is a set of methods and techniques of scientific knowledge, both general (dialectical, historical, logical, systematic analysis, etc.), and special (documentary analysis, comparative law, etc.).

The use of the dialectical method made it possible to thoroughly study the status of relations regulation in the global Internet, to explore the legal aspects of the Internet development, to identify established directions and patterns in general.

Using the method of system analysis, the content and structure of information relations on the Internet were analyzed, the legal nature of the Internet, the status of information security in the Internet space and problems of infringement of intellectual property rights in the network were investigated.

Also comparative legal method is of the importance, which allowed identifying advantages, disadvantages and differences in the process of legal regulation of information relations in the global computer network Internet.

The content and features of national information legislation have been clarified using the formal legal method.

These methods were used in conjunction with each other.

Results and Discussion

The Internet affects all the society and all aspects of our lives. All countries in the world experience the political and socio-economic consequences of the increasing use of information and communication technologies, but despite the fact that these countries face similar problems; their political and legal reactions are very different. Openness of the Internet almost completely deprives States concerned of saving their sovereignty to be able to track what type of content, ideas, views or information may be made available or shared by citizens. At the same time, new technologies are being developed on the Internet that enable states to control Internet traffic in the form of connections and content.

Today, the number of areas of human activity using Internet technologies is increasing globally, and at the same time the list of information relations arising from this use is expanding. Having analyzed the classification of Internet relations proposed by scholars in the field of information law and considering their heterogeneity depending on the criteria, the necessity of supplementing these classifications is emphasized. Therefore, it is proposed to classify information relations on the global Internet as follows: relations arising from the provision of network access, information resources

(relationships directly related to the Internet as a telecommunications network); relationships emerging in the field of e-commerce (between participants in the field of e-commerce); relations arising in the sphere of information security of the individual, society and the state in cyberspace; information relations appearing in the field of intellectual property rights regarding copyright protection of objects placed on the Internet; information relations arising from the use of the Internet of Things.

It should be kept in mind that all relations except those belonging to the first group are those related to the use of the Internet and Internet technologies. Also, it is concluded that it is advisable to supplement the list of areas of legal regulation of information relations related to the use of the Internet, regulation of relations regarding the use of Internet of Things technology.

Most international norms are declarative in nature. Therefore, European law on the Internet includes many directives and resolutions. In particular, the following key acts can be distinguished: -Directive 97/7/EC of the European Parliament and the Council from May 20, 1997 on the protection of consumers with regard to distance contracts (distance selling); -Directive 97/66/EC of the European Parliament and the Council from December 15, 1997 concerning the processing of personal data and protection of privacy in the telecommunications sector; -Directive 1999/93/EC of the European Parliament and the Council from December 13, 1999 on the legal basis of the Community for electronic signatures; -Directive 2000/31/EC of the European Parliament and the Council from June 8, 2000 on certain legal aspects of information society services, including e-commerce, in the internal market (e-Commerce Directive); -Directive 2000/46/EC of the European Parliament and the Council from September 18, 2000 on the supervision of the entrepreneurial activity of institutions in the field e-money; -Directive 2002/58/EC of the European Parliament and the Council from July 12, 2002 on the processing of personal data and protection of privacy in the electronic communications sector; -European Parliament resolution on the safe use of the Internet and new online technologies from December 2, 2004. On July 1, 2004, a Directive establishing new rules and procedures for the taxation of Internet commerce came into force in the territory of 15 countries of the European Union. Now any "*digital sale*" will be subject to VAT. The innovations concern the taxation of foreign online merchants.

The Organization for Security and Co-operation in Europe has published a report on "*Control for Internet*", which states that the "*black list*" of countries with Internet censorship is about 20 countries. Some authoritarian countries artificially restrict information flows and their access to the population to the global information space by blocking individual sites and services. Some countries only provide their citizens with access to the Internet, while blocking their access to the World Wide Web. At the same time, European governments also make numerous requests for blockage and filtering, as evidenced by the Google Transparency Report, which is issued twice a year. In addition, some states have also proposed that Internet users have only one open IP address, to simplify the process of keeping track of all their communications on the Internet, which would inevitably restrict freedom of expression.

There are many countries where the level of free access to information is limited or partially restricted, ie controlled by the authorities, the most common: North Korea is the most closed country in the world. Access to social networks has been blocked there since the advent of the Internet. It is logical that Facebook, Twitter, YouTube do not work there, not to mention "*Odnoklassniki*" or "*Vkontakte*". Last May, a North Korean version of Facebook's social network called StarCon.net.kp appeared, but a day later it disappeared. China is very jealous of social networks developed by other countries. Resources from Google, Flickr, Dropbox, Facebook, Twitter, YouTube, partially Wikipedia-are blocked in China and residents use Chinese counterparts. Access to a number of foreign sites from China is restricted under the 59 "*Golden Shield*" project (so-called Great Chinese Firewall), which has been operating since 2003. Saudi Arabia regularly battles with Facebook and YouTube. Citizens are encouraged to actively speak about "*immoral*" sites to be able to be blocked. Access to Wikipedia and even Google Translate was lost for a while. In 2012, access to YouTube was completely closed.

Therefore, the Google Transparency Report is important for understanding the privacy and security of Internet users, their level of access to information. Prior to the creation of the Google Transparency Report, Google has consistently received requests from authorities in various countries to provide personally identifiable information to users, often in an unreasonably wide scope. Internet security and surveillance have become central to the agenda after Edward Snowden's high-profile revelations, hacking of Sony Pictures Entertainment's servers, discussions about encryption, etc.

On June 6, 2013, information emerged on the Internet that the US National Security Agency recorded telephone conversations of millions of Americans. According to the first publication in the Edward Snowden revelation series, the telecom company Verizon was forced to provide the National Security Agency with information on all its subscribers' calls on a daily basis. Subsequent reports about government monitoring shocked the international community and made transparency one of the most pressing issues. In response, Google CEO Larry Page and Legal Director David Drummond stated that the company had not participated in any program under which the USA government or any other country could directly access Google's servers. In the corporate blog, they noted that the PRISM case proves the need for a more transparent approach and the importance of the Google Transparency Report.

That is, some countries allow restrictions of the digital rights of their citizens, doing so for different purposes and in different ways, which in most cases does not contain any legal basis. Access to the Internet is officially restricted to China only, as evidenced by the relevant national regulations. An international non-governmental organization dedicated to the protection of the rights of journalists has recently released the results of studies on the level of access to the network of residents of certain countries.

It should be paid attention to the experience of developed European countries on the legal regulation of information relations on the Internet in various aspects and the measures planned to ensure information security and prevent any external influences on the information space of states. The EU Council has endorsed the European Code of Electronic Communications, which provides for security, Internet accessibility and transparent tariffs for services.

At the same time, the British media recently called on the government to strengthen monitoring of the content of social networks, to carry out constant regulatory supervision of information on social networks. And the French Parliament adopted two bills on protection against fake news and tightened control over the dissemination of false information, especially during the election period; a similar law was also adopted in Germany.

Having analyzed the status and direction of legislative regulation of information relations on the Internet in the world today, it becomes clear the desire of countries to protect their information space from all kinds of negative influences which are the product of information conflicts, competition in the international arena, which are focused on the state, its society and the individual in particular.

Recommendations

The problem of overcoming digital inequality, which has been recognized in the Okinawa Charter as the main focus of the development of the global information society, has not yet been resolved. This international document proclaimed that everyone should be able to access information and communication networks. The key component of this strategy was the movement towards sharing for all.

At the same time, the heterogeneity of access to the Internet is caused both by social and a residential, economic factor within the country, and quite often it is a component of its political course.

Thus, the issue of the "*digital divide*" remains open today, and the further development of the Internet creates new lines of inequality between the population of different countries and regions, which creates controversy in the international political arena. As a result, new forms of international conflict, information conflicts, and network wars are emerging. Thus, the development of information technology creates new challenges for international and national security, which can only be overcome by the collective efforts of the international community.

Therefore, the problem of regulation of transnational legal relationships on the Internet and the role of international law in solving this problem require the development of scientific proposals for their further implementation. Therefore, it is advisable to speak about international law on the Internet, the basis is legal rules developed and adopted by international organizations, in the form of international summits, conventions and forums.

Conclusion

Having considered the international legal principles of regulation of information relations on the Internet, it can be noted that they are regulated by the rules of "soft law", which are enshrined in resolutions of international organizations and are not binding in nature. Many countries differ in their political and legal attitude to regulate these relations, but try to comply with these rules.

The rapid expansion of the global network has a significant impact on global processes and international relations. In particular, the extra national nature of the Internet, its accessibility and significant capabilities contribute to the processes of globalization, the transformation of the world community into a single information civilization. However, these processes have their negative points, which are manifested in threats to the information security of the individual, society and the state, its overcoming is possible only through successful legal regulation at national and international levels and only by joint efforts of the world community.

Given the global nature of the Internet, the lack of boundaries, it is necessary that international normative acts in the field of Internet relations define the basic concepts that apply to these relationships to eliminate possible disputes in the laws of different countries. Such international instruments today are in dire need, as important issues such as the jurisdiction of states, the responsibility of providers, the key areas of the international fight against information terrorism and crimes that threaten information security in the global information civilization need to be addressed.

Thus, taking into account all aspects related to the public relations arising and connecting with the use of the global Internet, it is possible to optimally enshrine them for the sake of successful legal regulation today. As a result, it will solve a number of topical issues regarding the legal aspects of the functioning of the Internet, ensure the protection of information interests of the individual and society, national security in the Internet space, to regulate issues related to copyright infringement on the Internet, to regulate the sphere of electronic commerce and establish the legal foundations for using the Internet of Things technology.

However, given the rapid development of information and communication technologies, the constant growth of network users and connected devices, conducting information conflicts between countries, using all methods of external information aggression and special information operations, information terrorism, the development of new types of information weapons, vulnerabilities of critical infrastructure, the issues of security of the Internet space will remain open and require continuous improvement.

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