

**PROBLEMATIC REGULATORY ASPECTS OF INFORMATION
FLOWS IN THE VIRTUAL INTERNET ENVIRONMENT
AND THE TENDENCIES OF ITS DEVELOPMENT**

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The article deals with the control of information flow in the Internet. Ways to control the distribution of content have been analyzed, from the states point of view and their citizens. Tendencies of regulation of the information flows have been determined in the international virtual environment of the Internet.

Key words: information, malicious content, content filtering, content control, restriction of information, Internet censorship.

The essence of a problem. The phrase «who owns information owns the world» became not only prophetic, but defined external and internal policy of states in the world in the field of information flows regulation, circulating in all spheres of society.

A person, who owns reliable information, has much more advantageous to make the right and independent decisions, which go against to the policy pursued by the ruling elites of States. Exactly this fact makes official control over the regulation of information flows an important priority for any country that wants to keep its information sovereignty [1]. Taking into account this fact, there is need for interpretation of such questions: – what kind of information may be interesting or being a threat to the state – which organizations involved in the management of information flows – in which countries emerged negative trend of manipulation in the field of information – what is the real situation in the information sphere of Ukraine.

In this article, the author tries to provide answers to those questions based on the information provided in the public resources.

An analysis of recent research and publications in which a solution of the problem had begun. Modern global realities cause the growth of strong demand to the authentic information in the various fields. According to expert's researches, 95% of such information can be obtained from public sources, located in the Internet [2].

Despite this fact, the prohibitions on the information dissemination through virtual environment of the Internet exist in many states of the Eurasian continent. They deal with many areas of society. These prohibitions can be dividing into household, corporate and political.

Domestic bans are usually set up by citizens in order to protect inner circle (usually in family for children) from resources of following subjects: 1. Sites that distribute viruses;

2. Advertising and banners; 3. Rude, obscene, indecent; 4. Aggression, racism, terrorism; 5. Proxy and anonymizer; 6. Adult Sites; 7. Alcohol and tobacco; 8. Casinos, lotteries, sweepstakes; 9. Phishing and Fraud; 10. Torrents and P2P –network; 11. Pornography and sex; 12. Troops and weapons; 13. Extremism; 14. Parked domains; 15. Drugs.

To solve this problem, there is specialized software that allows regulating the flow of information. The most famous of them are Child Web Guardian software; – Software Net Kids.

The special features of software Child Web Guardian are flexible adjustment under a user's what online resources are objectionable content and must be blocked [3]. The concept embedded in the software Net Kids aimed to monitor the kid actions in the network with the possibility of blocking unwanted Internet resources [4].

Corporate bans are the prerogative of the employer. They set the rules and block access based on its security requirements as the network infrastructure and the fence of its staff from the desired information at least during working hours. Among such restrictions, generally refers blocking access to social networks [5], the file – sharing networks, the torrent trackers and mail services [6]. These types of bans should be the basis of political policy in the regulation of information flows.

A large number of contradictions that arise in this area have a direct influence on the worldview of the general population of individual, states and international community as a whole.

The purpose of the article. To analyze the problem of regulating the flow of information on the example of policies held by different countries in this area and identify the underlying trends in the global practice.

The main material. To overlook in details trends and actions of the governments of different countries in matters of restrictions and bans on the dissemination the information through the Internet and try to assess their legitimacy from the point of view of international law.

Under the International Covenant on Civil and Political Rights, which signed by almost all countries of the world, every person has the right to freely express and disseminate his opinion orally, in writing or in print [7]. This right also mentioned in the European Convention for the Protection of Human Rights and in the constitutions of many countries, including Ukraine [8].

If freedom of speech expressed in the freedom of the mass media, so there is a restriction of their activities. Under international law, restrictions on freedom of expression must strictly comply with the legal framework of the state. Laws imposing restrictions on freedom of speech, should be unambiguous and not to give an opportunity for different interpretations.

Also on the legislative level should be fixing: the protection of reputation, dignity, national security, public order, copyright, health and morals. Thus, if the State imposes similar restrictions in order to ensure their safety, it is consistent with international law.

In the sphere of monitoring and controlling the flow of information in the Internet, there are ways to:

1. Influencing the hosted content sources (media companies, bloggers, owners of information resources);

2. To exercise full control over the placement of information in the Internet – selective filtering of content or complete blocking of Internet resources;

3. Keeping track of all the traffic of the last user and then filter it according to the requirements in terms of security.

The People's Republic of China (PRC), uses two last methods. The first document, officially proclaimed the beginning of the regulation of information flow on the Internet, are considered «Rules of regulation to ensure the safety of computer and information systems» from 1994 and «Temporary measures for managing international connections of information computer networks» of 1996.

According to the documents, in PRC, established some of the most stringent conditions to filter content on the Internet. The PRC government's limited access to foreign Internet resources and put very strict conditions on access for foreigners. Web pages filtered by keywords, defined by the state security service, as well as the «black list» of domain names.

In PRC, works so – called «Great Chinese Firewall» that blocks the IP – addresses of Internet Resources «questionable content». The government has entrusted the duties of providers to block unwanted sites (for example, news site BBC). Foreign search engines operating in PRC, including Google, Yahoo and Microsoft, were in a desperate situation, so agreed as required to filter the search results. Online Resources is hosted domain space or PRC must be register with the Ministry of Industry and Information Technology, which allows identifying the author of the hosted content. July 1, 2009 the Chinese government planned to introduce a law that all computers produced for PRC's population, will be install on Green Dam, designed to block unwanted Internet content. Initially, the program will be deactivated and if desired, the user can turn on its own [9].

Russian Federation firmly responds to the spreading of harmful content in the Internet. Public services regularly require their service providers to block access to the YouTube video sharing and blogging site LiveJournal for sharing extremist materials [10].

Let's examine the processes that characterize the regulation of the information flows in European countries, such as Great Britain, Germany and France.

In Great Britain, after the September 11, 2011 filtering of Internet resources became the National High – Tech Crime Unit prerogative. The department collects data and then profiles the Internet users [11].

In Germany, the government agencies are paying close attention to the problem of ethnic intolerance. Thereby the question of extending through the Internet of neo-Nazi, anti-Semitic material is the subject to strict filtering. To do this, a special government organization was set up to do monitoring and blocking of such Internet (online) – resources without limiting the freedom of information exchanging [12].

In France, the task of controlling the websites content is extremely simplified. On March 19, 2000, the Senate signed the bill that requires service providers to disclose the information about the sites authors on the official request of the corresponding services. On March 22, 2000, the National Assembly of France voted in favor of the law draft on compulsory registration of websites owners posted on the country's web – hosting. From now on, all owners of internet – resources posted on the French servers are required to submit their personal information to the providers before the internet resource is publishing in the Internet. For providing incomplete or incorrect information, the owners of Internet

resources and services providers may face imprisonment for six months. This remedy eliminates the anonymity and introduces a regime of self – censorship at the provider's level. At the end of 2003, according the results of the first meeting of inter – ministerial racism and anti-Semitism control committee, the French government decided on the de facto introduction of censorship in the media. The French government entrusted the Superior Council of Audiovisual (CSA) of the country start tracking racist and anti-Semitic remarks on a radio and television programs as well as online and printed media [13].

Conclusions and further (future) prospects of research in this direction. Comparing the situation at this stage in different countries, we can proudly adduce such data from the last report of Freedom House «Freedom Network, 2012. The Global assessment of the Internet and digital media». It is determined in the report how actively the government of this or that country uses the set of tools to control the information flows on the Internet. First, we are speaking about blocking and filtering the online recourses content. The legalization of such acts is regularly reinforced by the adoption of vague laws that prohibit harmful (according to the public authority's point of view) content and active manipulation on the information space, physical attacks against journalists and bloggers and the other Internet users and politically motivated surveillance. According to the results and these tactics level of usage, the countries were dividing into free, partly free and not free ones. Ukraine is among free countries along with Georgia, Argentina, Italy, Hungary, Germany and the USA. Among the most of the countries of the former Soviet Union, Ukraine received the best ratings as to the level of freedom in the Internet – media, but at the same time (along with Belarus, Bahrain, PRC, Cuba, Egypt, Russia, Syria, Saudi Arabia and Venezuela) joined the group of the countries where the structures close to the government have been manipulating in the information space [14].

Based on the above information, it can be conclude that in the majority of the countries the government is active to control and regulate the information flows. Thus, whatever the level of declared freedom of speech considered trends exist and are being introduced to the legislative frameworks of the states. In these processes, of course, there are positive and negative sides.

As to the information sphere in Ukraine, it can be definitely concluded that the distribution of harmful content from the viewpoint of the state and its ruling elite interest's preservation in the Internet virtual environment does not meet the proper resistance from the state [15].

It must always be remember that the State control and regulation of the information's flows cannot be interpreted by the society as an instrument of information domination, but as the establishment of the information censorship.

Resources:

1. Information sovereignty of the state and modern reality // Mode of access. – [Electronic resource] : http://www.zadereyko.info/vliyanie_interneta_na_cheloveka/informacionnuy_suverenitet.htm.
2. It makes no sense to spy – 95% of the information available on the internet // Mode of access. – [Electronic resource] : <http://www.rbcdaily.ru/world/562949985512696>.
3. Free internets filter ChildWebGuardian // Mode of access. – [Electronic resource] : <http://childwebguardian.ru/lite/>.
4. NetKids – a service that allows parents to control the use of the Internet by children // Mode of access. – [Electronic resource] : <http://netkidscontrol.ru/about>.

5. A third of companies in Russia bans go into social networks in the workplace // Mode of access. – [Electronic resource] : http://www.itsec.ru/newstext.php?news_id=92181.
6. Corporate prohibitions // Mode of access. – [Electronic resource] : <http://www.profmmedia.by/pub/kadrovik/art/detail.php?ID=71001>.
7. The International Covenant on Civil and Political Rights // Mode of access. – [Electronic resource] : http://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml.
8. The European Convention on Human Rights // Mode of access. – [Electronic resource] : http://www.echr.coe.int/Documents/Convention_RUS.pdf.
9. Internet censorship in China // Mode of access. – [Electronic resource] : http://www.memoid.ru/node/Internetcenzura_v_PRC.
10. Censorship of the Internet in Russia came to a new level // Mode of access. – [Electronic resource] : <http://inotv.rt.com/2013-03-13/Reporteri-bez-granic-Cenzura-v>.
11. The National High – Tech Crime Unit // Mode of access. – [Electronic resource] : <http://computer.yourdictionary.com/national-high-tech-crime-unit>.
12. Germany: in the twilight of dawn dawning Internet censorship // Mode of access. – [Electronic resource] : <http://ru.globalvoicesonline.org/2012/08/13/17625/>.
13. Internet Censorship in France // Mode of access. – [Electronic resource] : <http://internetcensorshipinfrance.weebly.com/>.
14. New Report: Governments Grow Increasingly Repressive Online, Activists Fight Back // Mode of access. – [Electronic resource] : <http://www.freedomhouse.org/article/new-report-governments-grow-increasingly-repressive-online-activists-fight-back>.
15. United States recognized Ukraine greatest violator of intellectual property rights // Mode of access. – [Electronic resource] : <http://www.rbc.ua/rus/top/society/ssha-priznali-ukrainu-naibolshim-narushitelem-intellektualnyh-02052013100300>.

Задерейко О. В. Проблемні аспекти регулювання інформаційних потоків у віртуальному середовищі Інтернет і тенденції його розвитку / О. В. Задерейко // Вчені записки Таврійського національного університету імені В. І. Вернадського. Серія: Юридичні науки. – 2013. – Т. 26 (65). № 2-1. – Ч. 2. – С. 44-48.

У статті йдеться мова про контроль інформаційного потоку в мережі Інтернет. Були проаналізовані способи управління розподіл змісту, з точки зору держав і їх громадян. Були визначені тенденції регулювання інформаційних потоків в міжнародному віртуальному середовищі Інтернету.

Ключові слова: інформація, шкідливий контент, фільтрація контенту, керування вмістом, обмеження інформації, Інтернет цензура.

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В статье идёт речь о контроле информационного потока в сети Интернет. Были проанализированы способы управления распределение содержания, с точки зрения государств и их граждан. Были определены тенденции регулирования информационных потоков в международной виртуальной среде Интернета.

Ключевые слова: информация, вредный контент, фильтрация контента, управления содержимым, ограничение информации, Интернет цензура.