

Legal Regulation of Social Networks

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Abstract – The article studies the tendencies of development and features of social networks legal regulation. It identifies the necessity to develop a unified information standards to regulate legal relations in social networks.

Key words – Social network, Internet law, legal regulation, jurisdiction, personal data.

I. Introduction

The inventor of the World Wide Web “Internet” Timothy Berners-Lee in his book “The establishment of the Web” notes, “Network is a phenomenon more social than technical. I conceived it to achieve a goal – to help people work together, not as a technical toy. The most general purpose of the Web is to support and improve our existence in the world, which is largely a network” [2, p. 107].

In the last ten years “social networks” have become especially popular. Social network is an online service designed for users to communicate as well as place and distribute information [1, p. 236].

II. State of the problem

According to a study of CMeter, company TNS, in April 2016 the most popular among Ukrainian Internet users are social networks “Vkontakte” (vk.com), “Facebook” (facebook.com) [5]. However, social networks are developing so rapidly that the society and the state do not have time to determine the appropriate moral, legal and social aspects of their regulation.

According to the research conducted by the company IpsosMori (based on survey responses of 1,000 Britons aged 16 to 64) as requested by a leading UK publisher “TheGuardian” in 2008, nine out of ten people believe that it is necessary to strictly regulate the information on the web-sites of social networks. According to the study, most Britons believe that social networks such as Facebook and MySpace, shall be subject to the general rules that would help users of these networks to complain about the intrusive materials placed on the site.

Currently, each of the social networks is guided solely by their own rules. However, 89% of the surveyed people believe that there should be common rules for the effective protection of information in these databases [6].

III. The results of study

The lack of legal regulation of social networks in Ukraine has led to them playing a key role in fueling hatred and escalating violence. At the beginning of the

Russian operation was numerous groups were formed in social networks (especially in “VKontakte”) related to Antymaydan ideas in different formats. At first, a significant number of its contributors had a “registration” in the Russian cities, in February-March, 2014 a lot of the contributors appeared to be the citizens of Crimea, which points to local people being actively involved in the information war on the side of Russia. However, in March the number of group members and contributors increased by people directly from eastern and southern regions, as a consequence of the escalation of tensions and conflicts involving more people.

Social networks spread a large amount of false information, untested “photofacts”, “videos from witnesses”, “comments of the participants”, etc. Russian media and pro-Russian communities manipulate information, photos and videos. Often they take odious, bloody or emotional pictures from other countries and events, as present them as Ukrainian [3, p. 27-28].

In addition to this problem, there are many others which do not have a specific legal solution. Such problems should be highlighted:

- The lack of uniform principles of legal regulation of social networks relations;

- Protection and liability for violating intellectual property rights in social networks;

- Problems of legal regulation of advertising, e-commerce and the use of trademarks in social networks;

- Information security and protection of personal data of social network users. For example, while registering in the social network “Vkontakte”, the administration of the site in accordance with the “Rules of protecting the information about users of the site vk.com”, “acting reasonably and in good faith believes that the user is aware that the information on this site, which has been placed by the user about himself, may become available to other site users and Internet users, can be copied and distributed by such users; is aware that certain information submitted by the user to others, can not be removed by the user who submitted it” [4].

Conclusion

To conclude, it is necessary to say that currently there are many gaps and inconsistencies associated with the legal regulation of relations in social networks. Of course, certain rules are contained in various areas of law (in civil and criminal law there is a territorial principle, which extends the application of the laws on the whole territory of Ukraine, and the principle of citizenship establishes, among all, criminal liability of the citizens of Ukraine who have committed a criminal act outside of Ukraine). However, these norms and principles are not enough to regulate information processes in social networks. The global nature of social networks makes it necessary to develop a unified information standards to regulate legal relations in social networks.

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