

should be applied, first of all, by informing judges about the existence of the relevant practice of the ECHR, and the possibility of protecting this right in case of claiming similar claims. Such a Supreme Court can participate in the implementation of such a program within the framework of appropriate trainings, roundtables, discussion platforms, which should promote wide awareness among law enforcement subjects of the main trends in the protection of human rights to the attractiveness of the irreversible processes of digitalization and the development of the digital economy.

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### **PROTECTION OF NATURAL PERSON RIGHTS IN THE INFORMATION FIELD OF A CIVIL SOCIETY**

**Key words:** *protection of rights, civil-legal remedies, information, information rights of individuals, Safety.*

The experience of some leading countries of the world proves that the informational and legal basis of civil society should be formed providing strict fulfilment of specific rules by all entities and participants of informational processes, as well as applying necessary governmental restrictions thereon to ensure national safety.

The well-developed civil informational society is characterized by, first, the ability of both the society and the state operating to provide for public

and personal interests of its members to establish conditions for free access to information resources for its citizens; second, the ability to protect national information resources and interests of each person, society and the state from negative effects, to ensure reliable and free operation and development of national informational infrastructure.

Thus, the challenges of creation of informational and legal basis of a civil society are closely related to the matters of protecting informational relations as a whole as well as tasks which have been named «informational safety» in subject-specific literature. Today, a great number of works is dedicated to the research of this matter both in Ukraine and around the world.

According to Article 17 of the Constitution of Ukraine, ensuring informational safety along with the protection of sovereignty and territorial integrity of Ukraine, as well as ensuring its economic safety, is one of the most important functions of the State [1].

Considering the general theoretical approaches to understanding the modern informational threats, we believe it is necessary to mention not only the protection of informational rights, but also the protection of informational relations as a whole, because not only rights but also parties to informational relations, the most important of which being the information as a non-property benefit, are subject to protection in the informational field.

In this sense, civil and legal means of protection of informational rights should be coordinated with the general legal understanding of informational safety. The very term of «informational safety» should be included in the Civil Code of Ukraine (hereinafter Civil Code) as «the right to safety of informational environment» or «the right to a safe informational environment» along with the notion of environmental safety.

This would also enable guaranteeing the protection of informational rights for all entities of informational civil relations, among which the most attention should be paid to protection of rights of natural persons, in our opinion.

Among the main and most commonly identified factors affecting the status of ensuring informational safety are the following: imperfection of national legislation for informational safety, in particular the absence of framework Law of Ukraine «On Informational Safety»; insufficient regulation of legal relations between the State, owners of informational resources, domains and Internet providers by the provisions of national legislation of Ukraine; low level of budgetary financing of measures to ensure informational safety; failure to adhere to the requirements of legislation currently in force in the field of information protection, and many others.

Meanwhile, providing for national safety in the informational field, establishment and maintenance of functional informational safety and information protection system at a decent level according to modern requirements and existing threats, encouragement of national manufacturers of information products and technologies, computerization means and information protection means should become a priority of the state informational policy.

In fact, the safety system should not prevent quantitative (evolutionary) and revolutionary (qualitative) changes where they have been objectively raised, but, instead, should facilitate coping with the obsolete forms of life without damaging the society and citizens. At that, as the authors have conclusively proved, disclosure of the notion of safety similarly to the notions of protection and protectability only narrows down its meaning.

Commonly, «to protect» means protecting or shielding someone or something. At least, that is the way this word is explained in encyclopaedias today. Yet, it is important to take into account both the statics and the dynamics of the social system when studying the content of the concept of safety.

In civil society, protection of informational legal relationships against threats in the field of information is viewed by the specialists in terms of legal basis of such protection. Great attention is paid to these matters around the world, that's why, despite the significant share of "publicity" in the methods of their resolution, we consider it necessary to also pay due attention to them, first, for the purpose of making the terminological base universal in the field of legal protection of informational relations; second, for the purpose of detecting private law elements in the workings of authors and determining their place in private law. In our opinion, establishing the contents of these research workings would allow to find more effective means of protection of informational rights and relations in civil law.

Among the options of establishing correlation of interests of an individual, society and the state, the following three types are customarily named: priority of interests – parity of interests – balance of interests. At that, we believe that the principle of balance of interests should be preferred to all others because it allows consideration of the interests of each entity in the specific historical and other conditions to the fullest extent possible. In the meantime, the mechanism of definition, altering and ensuring of such balance of interests of the main entities is practically absent, except for some developments in the field of civil and legal regulation.

Unfortunately, like many other states, Ukraine still considers an individual mainly as an object of its activity and only slightly – as a party to relations in the field of public and personal safety, an approach that could lead to negative consequences. We are certain that the positive role is mostly played by civil law which focuses on an individual by shifting traditional accents to a natural person – a real person as a subject of rights. The reasons of a different, negative attitude lie in the dominating status of the State (which is not always justified) in all the processes, and overstatement of public and legal interests in the matters concerning informational field. This has already caused a considerable nonacceptance of public safety bodies, namely state bodies. People don't feel safe and start looking for other ways to protect themselves, while viewing the system of public and state safety as a hostile power, inclining to revolutionary (and not evolutionary) methods to resolve the conflict.

Protection of rights and freedoms in the informational field of Ukraine is performed mostly with the application of provisions of the Constitution and

the Civil Code of Ukraine. Thus, a great number of constitutional provisions in Ukraine evolve, first of all, through the provisions of the Civil Code of Ukraine and some other laws. In our opinion, the notion of personal safety requires legislative consolidation at the level of the Civil Code of Ukraine as a condition of security of a natural person, including security in the informational field. For the civil society this means guaranteeing the interests of an individual in the informational field; establishment of a democratic and social state; consolidation of democracy, building the informational civil society etc. It should not be forgotten as well that the interests of the society also lie in guaranteeing interests of an individual in the informational field, consolidation of democracy and a democratic and social state based on achieving and maintaining public concord and spiritual renewal of the country.

Interests of the State can be determined as the establishment of conditions for implementation of constitutional rights and freedoms of individuals and citizens in the field of obtaining information and using it to support political, economic and social stability etc. Thus, we can draw a conclusion that the public and legal understanding of safety can be viewed not only as a notion closely related to the problem of protecting informational rights in civil law, but also more widely, through the notion of civil and legal security and protection of informational relations in their widest sense.

A deeper research of this notion reveals a lot in common with the implementation and protection of informational rights and protection of informational relations in civil law. The list of threats detected by specialists to produce a general informational safety doctrine can serve to define problems in the field of protection of informational rights and relations in civil law.

To sum up the abovementioned, we should draw a series of additional conclusions to those already formulated during this writing, in conformity with its consecutive statements. First, the provisions of the Civil Code of Ukraine are effectively applied today to protect interests of an individual, a society and the State against «harmful, dangerous and negative information», whatever the legal and doctrinal understanding of these definitions is. This can be proved by Article 293 of the Civil Code of Ukraine «Right to a Healthy and Safe Environment» which can be considered as covering informational relations as well. Yet, a specific provision of «the right to safe informational environment» should be introduced and formulated at least in general in the Civil Code of Ukraine, which should also stipulate such right for every natural person. Second, it is common for Ukrainian legislation that virtually all the trends of protection of informational rights and relations are related to the provisions of the Civil Code of Ukraine which, along with the provisions of the Constitution of Ukraine, form the basis for the whole range of legislation on information. It is the Civil Code and civil legislation in general that provides wide and diverse range of measures to protect violated informational rights. Third, democratization and further development of civil society, market relations and civilization as a whole should cause a significant impact upon the choice of civil and legal means of protecting informational rights and

relations. Besides, considering protection of informational relations as a significant component of informational safety, it is important to speak about protection of informational relations in particular, and not only about protection of informational rights, because both the objects and the subjects of these relations have to be protected and not only their rights. In its turn, protection of informational rights includes protection of rights to information as personal non-property rights of natural persons and legal entities, as well as protection of informational rights which consist of intellectual property rights, rights to public information, rights to classified information, rights in the field of informational systems use etc.

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### **THE RIGHT TO A STRIKE AS A COLLECTIVE LABOR RIGHT**

**Key words:** *Constitution of Ukraine, strike, Convention, European Court of Human Rights.*

According to the Article 44 of the Constitution of Ukraine, those who work are entitled to strike in order to protect their economic and social interests.

By the Constitution of Ukraine, international legal acts, ratified by Ukraine, the right to strike belongs to the basic labor rights of workers and their organizations and is recognized as one of the most important means by which they can protect their economic and social rights and interests and contribute to their realization.

The norms of national legislation, securing the right to strike, are contained in Section III of the Law of Ukraine «On the Resolution of Collective Labor Disputes (Conflicts)» of March 3, 1998. In accordance with part one of Art. 17 of the Law a strike is a temporary collective voluntary termination of work by employees (no-show at work (absence from work), non-fulfillment of their labor duties) of an enterprise, institution, organization (structural unit) with the aim of resolving a collective labor dispute (conflict).

Strike is used as a last resort (when all other possibilities have been exhausted) to resolve a collective labor dispute in connection with the refusal of the employer or his authorized person, employers' organizations,