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ACCESS TO INTERNET AND USE OF INTERNET AS INFORMATIONAL RIGHTS: SOME ISSUES OF INTERNATIONAL LEGAL REGULATION

Internet is one of the main means of information receiving and spread. So the access to Internet and the use of the global network are significant informational rights.

The freedom of information, its receiving and spread and information change is of great importance nowadays. Information is vital to man, because without it he cannot make a choice, and use his freedom.

The right to information and its interpretation and realization in today's society originates from the freedom of information. The freedom of information is not limited by the function only to receive information. The freedom of information is a part of human freedom and affects its realization. For this freedom's realization a person fills up the available information, for example, by sharing it with other people, producing new information (Кротов А. В. Свобода информации и право на информацию человека // Адвокатская практика. – 2007. – № 2. – С. 2 – 5).

UN Resolution 59 (I) 1946 stresses that the freedom of information is a basic human right and it is a criterion for all other kinds of freedom which are under defense of UNO.

According to Article 34 of the Constitution of Ukraine everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs. Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice.

In general the Constitution of Ukraine contains more than 20 legal norms establishing informational rights and freedoms. However just the fixation of the right to information is not enough for its realization and there should be some guarantees of its realization.

International fixation of the right to realize informational rights not only in the territory of one country, but also in foreign countries, became the basis for a number of constitutions and a condition of international informational change development (Ковалева Е. Международно-правовое регулирование права доступа к информации // Власть. – 2010. – № 7. – С. 107).

An informational society that was usually thought as a product of the future is a reality now. Nowadays Internet is developing quickly and it is covering a wide range of participants of international informational change. It is obvious that Internet became a significant factor of public, political and economic life. This explains the different scientists' interest to informational rights, to the global network, however the issue of legal regulation of Internet and of international legal regulation particularly, are opened for research.

Information and communication technologies are among the main factors that influence the modern society formation. For many people Internet became a common phenomenon, as print media, television or radio.

Internet as a means of mass communication has reached such a level of development and influence on public life which need state interference in the form of laws that regulate the activity connected with Internet.

International law also regulates the activities connected with the global network. International law regulates the issues concerning the rights and freedoms in Internet, some kinds of activities in Internet, and also the functioning of Internet. The observance of the general and special principles of international law by the participants of informational change is of great importance.

The issues of personal rights and freedoms protection, e-commerce, intellectual property protection, labor in Internet are mostly studied. International community is interested in the development of these issues regulation and the results of the activity of a number of universal and regional international organizations prove this.

Though Internet has many advantages, it also has some negative aspects which should be taken into account in order to be regulated, for example censorship is necessary as for some materials that threaten morals of society.

The possibility to use informational wars by some developed countries is one of the problems when enormous potential of informational and cybernetic technologies is used in the interests of military and political advantage and violent confrontation.

The problem of the invisible web is also worth of being regulated by international law. Such invisible mobile Internet-systems are established on the territories of foreign states with the aim to prepare the actions of disobedience, to organize mass anti-government activities and so on. In fact these are the programs for the «revolutions» in invisible web independent from the state power. In such a way the situations arise that are contradictory to the principles of international law, such as sovereignty, territorial integrity of a state, rule of law, human rights and democratic standards observance.

One of the discussible issues is the creation of the «closed Internet» by some countries or the creation of the safe domain zones. They violate the above mentioned principle of the freedom of information and human rights.

The next and one of the most important issues concerning the legal regulation of Internet is its classification and interpretation as the common heritage of mankind (by analogy with space, sea, air space). The result of such a classification would be the appropriate international legal regulation and it would provide proper informational rights realization.

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