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## INTERNATIONAL LEGAL REGULATION OF INFORMATION RELATIONS AT THE CURRENT STAGE OF THE DEVELOPMENT OF THE INFORMATION SPHERE

**Formulation of the problem.** Communication is one of the forms of communication and interaction between people. With the development of scientific and technical progress, it became possible to communicate remotely by means of information transmission by means of communication. Along with this, the means of recording information, which was necessary for its transmission and storage, were also developed. The modern process of communication, mediated by means of communication, the content of which is information organized in a certain way, is information communication, in the context of which the transmission of information messages takes place. The question of the emergence of a new sphere of international law in the information sphere was considered by scientist V.M. Koretsky, noting that the active development of means of communication will inevitably lead to the emergence of "electrical law" [1, p. 109].

Internet users are numerous individuals [2], and its modern capabilities allow creating, processing, storing and transmitting information regardless of borders and distance. The "digital" environment created by connected multimedia devices and communication networks is called "cyberspace". Cyberspace is an essential part of the entire information sphere of humanity and is a "virtual reflection" of real information communications [3, c. 383].

The modern understanding of the information sphere and cyberspace as its part is associated with the concept of information society – "post-industrial society as a historical phase of the development of civilization, in which information and knowledge multiply in a single information space. The main products of information society production are information and knowledge" [4].

**The state of research of the topic.** The definition of the term "information sphere" is not provided in modern international legal documents. The information sphere as an object of legal regulation of information law is considered in the

works of such scientists as I.L. Bachilo, V.N. Lopatina, M.A. Fedotova, O.A. Horodova, M.M. Ras-solova, I.V. Aristova, N.A. Vlasenko, A.I. Deshko, A.I. Maruschaka, V.S. Tsymbylyuka, L.C. Kharchenko, O.M. Honcharenko, O.A. Baranova, B.A. Kormycha, O.V. Oleinyka and other scientists.

**The aim of the article.** The aim of the article is to study the development of the information sphere, caused by the use of information and communication tools and technologies, and its international legal regulation, to provide a description of the current state of regulation of information relations at the international level, their formation and structuring within the framework of international information law at the current stage of the development of the information sphere.

**Presenting main material.** As noted by V. Tali-monchyk, "in the system of international information relations, the process of globalization led to their qualitative transformation and the formation of a new structure of international information relations – an information society at the universal and regional levels. Globalization in the information sphere found its manifestation, first of all, in the formation of a global information society [5, p. 3]. One of the indicators for assessing the digital divide is access to the Internet, the ability to use cyberspace [6].

Access to the Internet is one of the topics that is included in the agenda of the Internet Governance Forum every year. This problem is given significant attention in the strategy of building an information society in Ukraine: "One of the main priorities of Ukraine is the desire to build an information society oriented to people's interests, open to all and aimed at development, in which everyone could create and accumulate information and knowledge, have free access to them, use and exchange them in order to provide an opportunity for every person to fully realize his potential, contributing to social and personal development and increasing the quality of life [7].

Scientific support for the processes of informatization and development of legislation aimed at building an information society is extremely important. Legal science studies social relations that take place in the information sphere, and mainly from the point of view of their regulatory and legal regulation. The definition of the concept of the information sphere is important not only from an epistemological point of view, but also for determining the features of social relations carried out in it, which is necessary for the regulatory and legal filling of its content at both the national and international levels. International law, as the main regulator of international relations, is also changing under the influence of the development of the global information society, in particular, the Internet. First of all, it is about the expansion of the existing sphere of international legal regulation, its extension to relations in the global information society and its virtual reflection – cyberspace. There are also institutional changes due to the transformation of management functions in the information sphere at the global level, as an example, the management of the domain name system on the Internet by the private non-profit corporation ICANN, which requires the adaptation of international law to changes in the organization of transnational information relations.

From a legal point of view, it is important to define and characterize the features of the information sphere as a subject of national and international legal regulation, which will allow to eliminate ambiguity at the basic level and, in the future, to create models for normalizing the newest social relations implemented in this sphere.

Kopylov V.A. defines the information sphere as "a system-forming environment within which the entire set of social relations, called information relations, arises and is implemented" [8]. He defines the information relations themselves as "a separate, homogeneous group of social relations that arise during the circulation of information in the information sphere as a result of the implementation of information processes in the course of the realization of informational rights and freedoms by everyone, as well as in the course of the performance of duties by bodies of state power and local self-government regarding the provision of guarantees of informational rights and freedoms. It should be noted that the information sphere as a system of public information relations, which are carried out by subjects of law regardless of the distances between them and national borders, with the help of global information infrastructure, was historically formed and continues to develop on an open extraterritorial basis, and according to the specified properties cannot be regulated exclusively by the domestic law of one or more countries.

Yu. M. Kolosov notes: "even information disseminated by the state among its population can some-

times affect international relations and, as a result, is not always a purely internal matter of this state. Since, by its very nature, mass information inevitably interferes in the sphere of interstate relations, it would be justified to enshrine in international law the principle according to which states bear international responsibility for all national activities in the field of mass information" [9].

In this connection, a contradiction arises between the interests of the state to exercise the sovereign right to regulate public information relations within the framework of the intrastate information infrastructure and the interests of the rest of the world community in the development of the information sphere on the basis of the global information infrastructure. This factor is one of the determining factors in the development of international legal regulation of the information sphere. Yu.M. considers the role of international legal regulation of information relations from a slightly different perspective. Kolosova, E.S. Kryvchikova: "Mass information is an important means of forming national and international public opinion, an integral component of domestic and foreign policy. The use of mass media on an international scale is inextricably linked to the ideological struggle, the ideological struggle, the competition of ideas should not turn into a political confrontation. International law, in particular, should contribute to this" [10].

Without belittling the role of international law in the formation of world public opinion, it is important not to forget about its main functions: coordinating (internationalization, integration) – regarding the development of uniform rules of behavior in the information sphere at the international level; regulatory – aimed at streamlining international information exchanges between non-state actors of transnational information relations; enforcement – regarding states' compliance with the rules of conduct in the information sphere in general and in cyberspace, in particular; security – to maintain the international legal order in the information sphere and punish its violators [11, p. 54].

This is especially noticeable in the information sphere, because social progress is largely determined by the development of this sphere, which requires the corresponding development of international legal regulation. We also note that the law is not the exclusive regulator in the information sphere. Along with domestic and international legal mechanisms for regulating social relations, a fairly common tool is self-regulation in the form of generally accepted norms of behavior of participants in information processes, the so-called netiquette (network etiquette). Self-regulation of the behavior of social network participants based on the rules adopted by forum participants is also one of the forms of an informal, but in some cases

quite effective way of organizing information relations [12].

We should also not forget about the inherent quality of information infrastructure, as a system determined by technical parameters, directing the behavior of participants within the framework determined by the structure and algorithms of the system, which exerts a regulatory influence on the participating subjects of the information sphere with the help of code. This aspect is given considerable attention in modern studies devoted to the interaction of social and technological regulation of the behavior of participants in online interaction [13]. Returning to the question of the role of international law in the regulation of information relations, it should be noted the all-encompassing, but decentralized nature of information processes in the middle of the information sphere.

Formulated by Yu.M. Kolosov's approach about the presence of two main subjects of international legal regulation in this area – the dissemination of information, as well as the activities of mass media, in our opinion, requires updating [14]. The modern complex system of information relations, which arise and are implemented in the global information sphere, cannot be limited exclusively to relations related to the activities of the mass media. After all, mass media in their traditional sense are only one of the subjects of information activity, a member of the media ecosystem [15].

Such an "ecological" understanding of the relationship between the participants of information processes further emphasizes the supranational character of the modern information sphere and the need for its international legal regulation. Created by a combination of computers, networks and information communication technologies of both individual and mass nature, the multimedia environment has given a person the opportunity to transform from a consumer of an information communication product into its creator and communicator. This became especially noticeable after the appearance of interactive devices for individual multipurpose communication on the Internet regardless of national borders. The specified international information relations are also an object of international legal regulation in connection with the fact that they are supranational in nature and exist between legal entities in different legal systems.

Investigating the peculiarities of modern information relations, V.P. Talimonchik analyzes the criteria applicable to determining the international nature of information relations. For international information relations of a non-authoritative nature, this author proposed three alternative criteria for determining the international nature of relations: the presence of a foreign subject; implementation of cross-border transfer of information, availability of

a means of expressing information in another state [16, p. 22]. According to another D.A. Saveliev, "the global information space is the result of millions of people around the world exercising their internationally recognized right to information. And in this sense, the global information space is an object of international legal regulation" [17].

Therefore, the information infrastructure existing at the global level cannot be limited by any territorial borders of sovereign states, because it consists of interconnected infrastructural elements at the supranational level. Based on this, the use of this global infrastructure by each individual clearly means the transnational nature of the relevant social relations, which requires the use of international legal means of its regulation. Therefore, there is a need for international legal support of these relations. The peculiarities of the international legal regulation of information and infrastructure relations are determined by the properties of the global information infrastructure. The concept of global information infrastructure was developed in the USA during Clinton's presidency, with the creation in 1993 of a specialized coordinating state body – the Task Force on Information Infrastructure [18].

The IITF, under the chairmanship of the Secretary of Commerce Ronald Brown, developed the "Action Plan for Building a Global Information Infrastructure" and the "Agenda for International Cooperation" [19]. The World Telecommunication Development Conference in 1994 in Buenos Aires, Argentina marked the beginning of a new direction in the activities of the International Telecommunication Union – the global development of telecommunications. The agenda for the creation of a global information infrastructure, using the principles as a basis: encouraging private sector investment, encouraging competition, ensuring open access to the network for all information providers and users; creation of a flexible legal framework that can keep pace with rapid technological and market changes, as well as provision of publicly available services. These principles are outlined in the Declaration on the Global Development of Telecommunications in the 21st Century [20].

The global information infrastructure is the subject of legal regulation in the context of those public information relations, the organizational and technical basis of which it acts. The technical basis of the global information infrastructure is the global (worldwide) communication network. The global communication network is a set of transcontinental and intercontinental communication lines [21]. Along with the concept of global information infrastructure, the term Critical Information Infrastructure is also used. The Committee of the Council of Europe Convention on Cybercrime uses, in particular, the following definition: "Critical infrastruc-

ture can be defined as systems and assets, whether physical or virtual, that are so vital to a country that their malfunction, failure or destruction would have a devastating effect on national security and defense, economic security, public health or safety, or any combination of these issues" [22]. This name characterizes, on the one hand, the vital function of information infrastructure for nations, peoples, continents and the entire information sphere of the planet, and on the other hand, vulnerability to risks and threats.

**Conclusions.** The information sphere is a system of public information relations, which are carried out by legal entities using the existing information infrastructure at the national and global levels. At today's stage of interpenetration of communication means and technologies in everyday social, economic and political life, the fate of humanity depends on the functioning of the information sphere. At the same time, the information and communication resources themselves acquire a new status of universal value compared to previous periods of human history. This is based on an understanding of the limitations and vulnerability of this vital resource. Taking into account the cross-border nature of information relations in this global information sphere, the need to organize them by choosing at the global level uniform technical, technological and regulatory approaches and applying joint agreed measures is increasing to a great extent. The achievement of these goals is carried out, among other things, through international cooperation and the adoption of international legal acts, taking into account the existing experience in regulating cross-border information relations acquired during the history of the development of international law. The result of this evolution is the formation of a new field in the system of international law – international information law.

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### Summary

**Riaboshapchenko A. O., Zhebrovska K. A. International legal regulation of information relations at the current stage of the development of the information sphere. – Article.**

Modern international information law is based on trends in the formation of a global information society under the influence of the development of electronic means of mass communication. International information activity is one of the leading principles of international information law in the conditions of the formation of a global information society, a global information civilization, a global information culture, a

global international information order, and information security of the international community. The main categories of international information activity include: international information, international information resources, international information space, international information policy, international information relations. International information relations are cross-border relations that arise in various spheres of life of people, societies and states during the acquisition, application (use), distribution and storage of information. International information relations can be considered as those that arise, change and cease in various spheres of activity of states, societies that form them, the international community (world community) during the distribution, receipt and application of information by a person regardless of his state affiliation, citizenship, etc. The peculiarity of international information is that it is considered as a component of global communication, the purpose of which is to clarify the patterns of interaction between societies. International information relations are defined by information processes between subjects regarding objects of international cooperation. Currently, it is recognized at the international level that information is the main value not only for a person, but also for society, as a production resource. The international information space is a cross-border, transnational space in which the international information environment of humanity is implemented. In the international information space, the information phenomena, processes and information relations of mankind are carried out and perceived in relation to the creation, distribution (diffusion), collection, display, registration, accumulation, preservation, protection, protection of information, information products, information resources. Thus, international information law is related to the participation of states in international relations regarding the formation of international principles, traditions, norms, standards of behavior of subjects of international relations in the global information space.

*Key words:* information society, international information law, information legal relations, information sphere, international information.

### Анотація

*Рябошапченко А. О., Жебровська К. А.* Міжнародно-правове регулювання інформаційних відносин на сучасному етапі розвитку інформаційної сфери. – Стаття.

Сучасне міжнародне інформаційне право ґрунтується на тенденціях формування глобального інформаційного суспільства під впливом розвитку

електронних засобів масової комунікації. Міжнародна інформаційна діяльність є однією із провідних засад міжнародного інформаційного права в умовах становлення глобального інформаційного суспільства, глобальної інформаційної цивілізації, глобальної інформаційної культури, глобального міжнародного інформаційного порядку, інформаційної безпеки міжнародного співтовариства. До основних категорій міжнародної інформаційної діяльності можна віднести такі: міжнародна інформація, міжнародні інформаційні ресурси, міжнародний інформаційний простір, міжнародна інформаційна політика, міжнародні інформаційні відносини. Міжнародні інформаційні відносини – це транскордонні відносини, які виникають у різноманітних сферах життєдіяльності людей, суспільств і держав при одержанні, застосуванні (використанні), поширенні та зберіганні інформації. Міжнародні інформаційні відносини можна розглядати як такі, що виникають, змінюються і припиняються у різноманітних сферах діяльності держав, суспільств, які їх утворюють, міжнародного співтовариства (світової спільноти) при розповсюдженні, одержанні та застосуванні інформації людиною незалежно від її державної приналежності, громадянства тощо. Особливістю міжнародної інформації є те, що вона розглядається як складова глобальної комунікації, мета якої – з'ясування закономірностей взаємодії суспільств. Міжнародні інформаційні відносини визначаються інформаційними процесами між суб'єктами щодо об'єктів міжнародного співробітництва. Нині на міжнародному рівні усвідомлено, що інформація є основною цінністю не тільки для людини, але й суспільства, як виробничий ресурс. Міжнародний інформаційний простір – це транскордонний, транснаціональний простір, у якому реалізоване міжнародне інформаційне середовище людства. У міжнародному інформаційному просторі здійснюються і сприймаються інформаційні явища, процеси та інформаційні відносини людства щодо створення, розповсюдження (поширення), збирання, відображення, реєстрації, накопичення, збереження, охорони, захисту інформації, інформаційних продуктів, інформаційних ресурсів. Таким чином, міжнародне інформаційне право пов'язано з участю держав у міжнародних відносинах щодо формування міжнародних принципів, традицій, норм, стандартів поведінки суб'єктів міжнародних відносин у глобальному інформаційному просторі.

*Ключові слова:* інформаційне суспільство, міжнародне інформаційне право, інформаційні правовідносини, інформаційна сфера, міжнародна інформація.