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LEGAL PROTECTION OF RIGHTS AND INTERESTS OF CHILDREN IN THE INFORMATION SPHERE

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Abstract

The modern period of development of society is characterized by constant rapid improvement of information technology and the formation of a new digital space. Unfortunately, the real digital paradigms of information relations give rise to completely new risks not previously known to legal science for the information security of minors. The article analyzes the possibility of implementing the provisions of the main program documents – the Doctrine of Information Security of the Russian Federation, the Plan of Main Activities until 2020, carried out within the framework of the Decade of Childhood and a number of others relating to the creation of a safe information environment for positive socialization and individualization, optimal social, personal, cognitive and physical development, maintaining mental and psychological health and well-being, as well as creating a positive image of the child. The study revealed that it is urgent to improve the state information policy by introducing amendments and additions to the legislation of the Russian Federation, regulating relations in the field of ensuring information security of minors, as well as organizing compulsory work with parents. Ived the problem of identifying the basic risks for minors using modern information technologies and developing key areas for improving the legislation of the Russian Federation to counter dangerous encroachments on the rights and interests of children in the information sphere and substantiating the basic principles of this work.

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1. Introduction

The main feature of modern digital society is the sensible, appropriate integration of communications and other digital technologies into everyday life (Harwood et al., 2014). Along with the positive qualities of the new information society, during its formation, some serious problems were revealed, including for minors. Negative behavior and abuse have become commonplace in the course of interpersonal contacts on the resources of the Internet, especially in social networks, as well as through a mobile phone and other electronic communication devices. Increasingly, law enforcement agencies, teachers and parents are faced with acts, the essence of which is to influence the consciousness of the child and the motivation of his behavior by disseminating information through telecommunication networks. Unfortunately, despite the predictions of scientists at the very beginning of the penetration of the Internet into society and the avalanche-like informatization of the activities of adolescents (Baturin & Zhodzishsky, 1991; Bolotova, 2011), these negative factors were not timely assessed by lawyers and in fact took on a wide scale out of legal assessment.

It should be noted that an infringement on the rights and interests of children in the modern information society can be carried out indirectly, which is a consequence of the wide variety of forms of information delivery, its obsession, poor differentiation, the presence of consumer context, as well as fragmentation, moral uncertainty and paradox (Marcuse, 2002) It is becoming increasingly difficult for a person to resist emotional overloads, to strengthen his personal uniqueness and independence, a large amount of information makes it all “less and less complete”, the problem of perceiving information by an individual person is aggravated (Yusov, 2011), based on the property of modern search engines to produce information not depending on the significance (officialness) of the source, but on relevance (i.e., depending on the number of views / requests or approval of users who have already familiarized with it), conditions are created when, instead of real facts about events, phenomena and things are given artificially created data, errors, unscientific facts, hoaxes, superstitions, heresies, and what’s worst is the model of illegal behavior. Together, these factors do not allow adolescents to fully realize their right to receive reliable and timely information even in the absence of existing legal restrictions by the state.

We can state that a wide public outcry and attention in the press to the problems of various attacks on the rights and interests of children in the information sphere appeared after a series of fatal cases with minors associated with a certain interpersonal interaction on the Internet. This led to the fact that society realized the danger of exposure to the psyche of the child through telecommunication networks and the need to create a legal mechanism to counter these negative phenomena. This was followed by the state’s reaction in the form of several “targeted” measures of legislative influence on relations related to the dissemination of information on the Internet.

However, such a narrowly targeted intrusion of regulatory norms into the sphere of juvenile Internet interaction entailed problems that exacerbated an already difficult situation. Attackers began to use the gaps that emerged during the absence of a comprehensive legal regulation, thus revealing a dangerous tendency to change tactics of negative impact, when it is increasingly moving from public resources to a network controlled by the state, into its closed sections or using individual exposure to minors using instant messengers (Telegram), SMS messages and the like, which are conditionally available for control by law enforcement agencies. Communities through which psychological influence

is exerted on minors are divided into smaller groups of ideological participants who have a more complex system of conspiracy so as not to fall into the field of view of government bodies and the public (Khlomov et al., 2019). Which indicates an increase in the latency of these crimes.

There are also many problems with the correlation of newly introduced restrictions and the constitutional right of citizens to information. At present, the society has not fully formed an understanding that minors are a special (special) subject of information relations, whose rights and interests need additional protection. Including the restriction of the right to information is required, as due to their minimal experience, adolescents are not able to correctly classify information.

Representatives of psychological and pedagogical science have repeatedly expressed their concern that the use of mobile devices leads to the emergence of psychological dependence on modern gadgets. From a functional point of view, technical information devices significantly narrow the child's real life space, limit his communicative environment, while suppressing speech and physical activity (Ulyanova, 2018).

It is a fact that young people most often unsatisfactorily use mobile devices from the safety point of view and are completely ignorant of the risks and dangers to their health from body contacts with electromagnetic radiation sources, constant work with small print and increased brightness and contrast of the screen, and as well as additional loads on the hearing aid when using headphones, while often completely ignoring ways to protect and prevent harmful effects (Morgul et al., 2018).

All this raises questions of the admissibility of devices in a given situation, for example, while in class or in general on the territory of an educational institution. Initiatives in specific educational institutions are very diverse from the most loyal regime to absolute prohibitions, and often do not find support from students, teachers and parents. In this regard, there is a need for normative consolidation of the basic principles of the use of mobile devices, while striking a balance between restrictions and the need to instill competence in adolescents for the responsible use of information and communication technologies (Karpuhin et al., 2019).

2. Problem Statement

It is relevant to increase knowledge in domestic legal science on the creation of an integrated system of legal support for the information security of minors. The main documents fixing strategic directions of research in this area are the Doctrine of Information Security of the Russian Federation and the National Security Strategy of the Russian Federation. These documents fully describe the current situation, threats and trends and allow them to develop a set of further measures to ensure children's information security.

Analysis adopted in pursuance of the above laws, special regulations, such as: The concept of children's information security; Federal Law of December 29, 2010 N 436-FL "On the Protection of Children from Information Harmful to Their Health and Development"; The action plan for the implementation of the Concept of children's information security for 2018–2020 revealed that they do not fully comply with the creation of a system to counter the current risks and threats to the information security of minors.

We will name only a few: accessibility, lack of control, unlimited amount of information circulating in the network to minors; the presence in the information systems of elements that purposefully identify children and adolescents for the further dissemination of information specifically designed for this target audience; the availability of information of a manipulative nature, disorienting students, limiting their ability to resist in conditions of poor legal education and due to the age characteristics of minors.

Based on the righteous study of the effectiveness of legislation in a special program, we can state that in the Russian Federation there is no system of normative acts that would be understandable to parents, carers, teachers, law enforcement and all entities working with minors, which would provide reliable legal protection for minors from information risks.

The recent tendency to regulate information relations by strengthening control procedures and introducing prohibitions is ineffective. Restrictions alone are not enough, and in addition, they very quickly lose their relevance due to the constant development of information technologies, as well as the rather high user competence of minors, which make it easy to circumvent the relevant technical restrictions (Bukalerova et al., 2018).

All this necessitates a better design of legal norms aimed at protecting the information security of minors. Therefore, today urgent improvement of the state information policy is necessary by amending and supplementing the legislation of the Russian Federation.

3. Research Questions

The result of a comprehensive study on the state assignment will be a scientific justification for the need to legalize the dangerous attacks on the rights and interests of children in the information sphere and proposals for improving Russian legislation. However, the scope of this article does not allow us to cover the entire totality of the results and we will consider only the basic risks of violation of the rights and interests of children in the information sphere and the basic principles on the basis of which the construction of a legal mechanism to ensure the information security of children should be based.

4. Purpose of the Study

Development of a unified conceptual approach to the problem of legal support of information security of minors in order to formulate proposals for improving the legislation of the Russian Federation on countering dangerous encroachments on the rights and interests of children in the information sphere based on foreign practices and international acts and an analysis of the practice of the Russian Federation.

5. Research Methods

The methodological and analytical tools used are the development of research methods known and tested in legal science. The effectiveness of legal mechanisms is considered in the context of identifying duplicate and redundant provisions of regulatory legal acts, conflicting legal practices, conflicts and legal errors in the current system. The comprehensiveness and objectivity of the study is also due to the

international legal study of the legal relations under consideration. Data collection was carried out from open sources over the past 5 years.

The authors determined a system of risks and threats of violation of the rights and interests of children in the information sphere. Why the content analysis of domestic and foreign legal experience. Additional risks were identified by studying the results of a sociological study of threats to the information security of minors. The case study covered more than 200 respondents for each of the three categories: minors, their parents and teachers.

To assess the negative informational impact on children in this study, a risk-based approach was used based on the repeatedly tested framework for risk assessment based on the responses to the questionnaire (Al-Talhi & Al-Ghamdi, 2014; Jee, 2015). A risk assessment was carried out with some exceptions related to the study of violations of the rights and freedoms of preschool children.

6. Findings

To protect the rights and freedoms of children in the information sphere, the legislative process should be carried out at the following levels:

1. Strategic planning. At this level, documents should be improved and adopted, which define the main directions of state policy in the field of information security of minors, formulate goals and objectives of ensuring information security for all designated entities, and outline ways and means to achieve these goals. It is also necessary to pay attention to the development of national programs to counteract the spread of harmful information among children, covering a set of measures aimed at preventing and minimizing the consequences of harm to children that may be caused by its dissemination.

2. Legislative. At this level, it is necessary to adopt normative legal acts designed to initiate the creation and functioning of a system and mechanism for legal regulation of ensuring the information security of minors, despite the fact that the Federal Law "On the Protection of Children from Information Harmful to Their Health and Development" does not fully comply the current state of information threats to minors and needs a significant change.

3. Regulatory and technical. At this level, it is necessary to develop standards, guidelines and methodological materials and documents governing the processes of admissibility and operating conditions of technical means of communication and means of ensuring information security, which will be recognized as binding on the legislative level.

4. Administrative. The implementation of security measures at this level is carried out within the framework of a specific educational organization. At this level, the management of the organization implements specific measures to ensure information security. They are based on a set of documented management decisions that determine the strategy in the field of information security, as well as the amount of allocated resources for software and hardware for ensuring information security.

Our study showed that the key risks that entail violation of the rights and interests of children in the information sphere in the Russian Federation are:

- negative information and psychological impact associated with the involvement of minors in social networks in various destructive groups in order to further manipulate their actions in the real world;

- infringement in the information environment on the honor and dignity of a minor, as well as distorted forms of interpersonal communication;
- involvement in dependence on online games, the need for constant interaction in social networks, instant messengers and other manifestations of network addiction;
- search for information resources, access to which is limited, and the use of prohibited systems to overcome means of protection;
- the imposition of a consumer, mercantile attitude to life, including marketing technologies that aim children to influence parents to meet their needs;
- Self-promotion aimed at the goal, by promoting personal profiles and communities in social networks (so-called like-addiction);
- creating stereotypes about the possibility of making “easy money” on the distribution of content, servicing digital financial assets, participating in all kinds of online events;
- Attraction to participation in mass events of various kinds, including unauthorized political ones, through various information resources;
- low level of awareness of minors, parents, teachers on issues of information security;
- the absence of a mechanism for parental and pedagogical control over the process of use by minors of the resources of information and telecommunication networks, as well as a system for preventing the detection, deterrence, prevention, reflection of information threats and elimination of the consequences of their negative impact;
- low level of support (financial, methodological, informational, etc.) of measures to ensure the information security of minors;
- low competence of law enforcement agencies in matters of ensuring information security;
- incomprehensible to citizens and imperfect system of measures of legal responsibility for information offenses.

The improvement of the norms of the legislation of the Russian Federation on countering dangerous encroachments on the rights and interests of children in the information sphere should be carried out on the basis of intersectoral coordination of the provisions of information, criminal, administrative, civil, family law and other branches of law on the basis of a special Program (roadmap).

The construction of a legal mechanism to ensure the protection of the rights and interests of children in the information sphere should be based on the following principles:

- the legality of public relations in the information sphere and the equal rights and freedoms of all participants in such relations, based on the constitutional right of citizens to information;
- recognition of children as equal participants in informational public relations in the Russian Federation, but in need of additional protection of their rights and legitimate interests in the information sphere;
- State responsibility for the observance of the legitimate interests of children in the information sphere;
- maintaining a balance between the need for minor citizens in the free exchange of information and restrictions associated with the need to ensure information security;

- the need for children to develop competencies in the safe use of information and communication technologies;
- creating, when accessing the Internet from the territory of the Russian Federation, an informational environment favorable for children, regardless of their social status, state, religious and ethnicity;
- Sufficiency of forces and means to ensure the information security of children, which is achieved in cooperation between state and non-state institutions, officials, parents, teachers, representatives of the media, telecom operators and information system operators;
- development and implementation of measures of state support for the activities of parents aimed at creating an information environment favorable for their children.

7. Conclusion

The process of socialization of minors through traditional institutions is increasingly being supplemented by telecommunications, which are becoming the most important institutions for the interaction, education and enlightenment of a new generation, replacing traditional forms.

Ensuring the protection of children from negative informational impact is possible only under the condition of an effective combination of state and public efforts with the decisive role of the family. Its effectiveness directly depends on the formation of a set of legal measures, the participants of which will be state and non-state institutions, officials, parents, teachers, representatives of the media and mass media, which will prevent and minimize the risks of violation of children's rights and interests in the information sphere.

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