



 Research Article

PROTECTION OF HUMAN HONOUR AND DIGNITY IN SOCIAL NETWORKS: PROBLEMS AND POSSIBLE SOLUTIONS

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ABSTRACT

This article is devoted to the analysis of the problems of protecting human honour and dignity in social networks. The article reveals three problems on the subject of the study – the widespread use of social networks, virtually unlimited freedom of information dissemination in social networks, as well as the latency of offenses committed in the virtual space. Based on the analysis of the reasons and opinions of some scientists, the author of the article proposes to implement measures in four directions – i) the formation of reasonable legal regulation, ii) strengthening international cooperation, iii) taking organizational and technical measures, iv) increasing the level of legal culture and ethics in social networks. Based on the results of the article, the author concludes that the legal regulation of social networks for the protection of human honour and dignity should be as specific and sufficient as possible.

KEYWORDS

Virtual space, personal integrity, the Internet, ethics in social networks, fair legislation, privacy.

INTRODUCTION

The right to honour and dignity is one of the important inalienable rights of any person. Therefore, all international human rights instruments and

Constitutions of almost all countries consider honour and dignity as an important benefit of any person. It is not for nothing that the first article of the most famous

international document in the field of human rights, namely the Universal Declaration of Human Rights, proclaims the equality of people and their dignity¹.

In the era of globalization, it is the honour and dignity of a person that requires more effective protection in the virtual space, in particular in social networks. After all, it is in social networks that you can often see cases of violation of personal integrity. People also face cases of encroachment on their honour and dignity. There are three main reasons why we can say that the honour and dignity of a person in social networks are at greater risk than in traditional relationships.

Firstly, now almost all people use social networks. According to Smart Insights (Marketing Intelligence) Ltd at the beginning of 2023, 59 percent of the world's population uses social networks. According to S.Dixon, the number of users will reach about six billion people by 2027². The coronavirus pandemic "forced" people to spend their leisure time on social networks. Many entertainment channels, media hosting have become the most popular. In general, on average, one person spends more than two and a half hours on various social networks³. In this case, the risk that the honour and dignity of a person will be at risk will be maximum.

Secondly, social networks are often a great place to "disguise". Today, anyone can open an account on behalf of another person or use someone else's personal data. Many attackers copy other people's

data and photos, especially from those who have an open account on social networks. Thus, these attackers can discredit certain people; commit illegal acts, while impersonating another. Unfortunately, many people themselves provide access to other users on social networks. Sometimes information about a person can be found by his account or the history of actions in social networks. This makes it much easier to collect compromising information about other people.

Thirdly, offenses in social networks are rarely detected by the public and law enforcement agencies. Actions such as cyberbullying or online bullying are becoming very dangerous threats. The distribution of prohibited content is also updated on social networks.⁴ Thus, according to research by Ivana Shteriova, 82% of sexual crimes against children in the United States are committed on social networks. Often, children themselves enter into relationships with strangers on social networks, send them their photos and share information about themselves. In such cases, it is easy for attackers to gain trust and commit an offense.

The importance of protecting the honour and dignity of the individual is also the subject of discussion from the scientific world. Rikke Frank Jørgensen argues that social networks have a dual nature. This nature is expressed in the presence of a public criterion (social networks are a place for communication and part of the public infrastructure) and the predominance of commercial interests (social networks are a

¹ Universal Declaration of Human Rights. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

² Number of social media users worldwide from 2017 to 2027 by S.Dixon. Available at: <https://www.statista.com/statistics/278414/number-of-worldwide-social-network-users/#:~:text=Social%20media%20usage%20is%20one,almost%20six%20billion%20in%202027.>

³ Global social media statistics research summary 2023 by Dave Chaffey. Available at: <https://www.smartinsights.com/social-media-marketing/social-media-strategy/new-global-social-media-research/>

⁴ Social Media Kidnapping Statistics by Ivana Shteriova. Available at: <https://screenandreveal.com/social-media-kidnapping-statistics/>.

commercial product whose owners' goal is to make a profit). According to the researcher, there is discrimination of personality in social networks, infringement of rights and freedoms, and therefore social networks should rely on the inviolability of human rights⁵.

Discussing the importance of protecting the honour and dignity of the individual on the Internet, I. Rustambekov notes that this issue is of a cross-border nature⁶. For example, a person's Facebook account from one state can be hacked by a person living in another state. The same can be said about the definition of the territory of the offense. Violation of the honour and dignity of a certain person in social networks can be implemented anywhere in the world.

A. Rasulev, analyzing the determinants of crimes in the field of information technology and communications, indicates the role of social networks for the commission of certain crimes against the information security of the individual⁷. The author emphasizes that it is necessary to take comprehensive measures to ensure the information security of the individual in social networks.

The opinion of scientists also boils down to the fact that the role of the state should be active. David Bright, Russell Brewer, Carlo Morselli in their study pointed

out that the misuse of social networks creates special problems with defining the boundaries of this network. Scientists claim that the jurisdiction determined by law enforcement agencies or the prosecutor's office is much more limited than the action of the social network itself. Therefore, these scientists also put forward the thesis of the need for legal regulation, in particular the actualization of cross-border regulation⁸.

State control is a forced measure taken by the state to prevent a threat to the rights and interests of an individual, society or the state. However, the control should also have clear boundaries. In any case, we agree with the opinions of Brett Drury, Samuel Morais Drury, Md Arafatur Rahman, Ihsan Ullah, who claim that mass surveillance of social networks can cause some concern among users and critics, cause unjustified interference in personal life⁹.

All these reasons and scientific controversy make us think about the importance of protecting the honour and dignity of the individual in social networks.

In our opinion, in order to effectively protect the honour and dignity of the individual in the virtual space, it is necessary to take a set of measures. This complex should include four components:

- 1) reasonable legal regulation;
- 2) effective cooperation;

⁵ Is Social Media Ethical? By Rikke Frank Jørgensen. Available at: <https://berkeleycenter.georgetown.edu/responses/a-human-rights-based-approach-to-social-media-platforms>.

⁶ Rustambekov, I. (2020). Some Aspects of Development of Private International Law in the CIS Countries. *LeXonomica*, 12(1), 27-50. Available at: <https://journals.um.si/index.php/lexonomica/article/view/527>.

⁷ Rasulev A.K. (2016). Determinants of crimes in the sphere of information technologies and safety. *International Journal*, 4(4), 150-156. Available at: <https://www.journalijar.com/article/8702/determinants-of-crimes-in-the-sphere-of-information-technologies-and-safety/>.

⁸ Bright, D., Brewer, R., & Morselli, C. (2021). Using social network analysis to study crime: Navigating the challenges of criminal justice records. *Social Networks*, 66, 50-64. Available at: https://researchnow-admin.flinders.edu.au/ws/portalfiles/portal/35982377/1_s2.0_S0378873321000149_main.pdf.

⁹ Brett Drury, Samuel Morais Drury, Md Arafatur Rahman, Ihsan Ullah. A social network of crime: A review of the use of social networks for crime and the detection of crime. *Online Social Networks and Media*, Volume 30, 2022. Available at: <https://www.sciencedirect.com/science/article/pii/S2468696422000155>.

- 3) organizational and technical measures;
- 4) raising the level of legal culture and ethics in social networks.

Reasonable legal regulation is necessary to determine the legal guarantees for the protection of the honour and dignity of the individual in social networks. Such guarantees are important, because without these guarantees it is impossible to fairly establish or hold accountable. The famous Roman expression "Nulla poena sine lege" just indicates that a legal basis for punishment is necessary. Of course, all countries in their Constitutions or other laws enshrine the right to honour and dignity. However, the mere presence of a recitation of the right does not solve the problem of protecting these rights. For example, law establishes the right to life, but a number of issues are regulated for its protection, ranging from the duties of doctors to protect and save lives, ending with responsibility for murder.

Legislation should define clear boundaries of responsibility for violations and encroachments on honour. First, responsibility should be specified for the offender himself, as well as for the owners and (or) administrators of social networks. After all, social networks themselves providing services to users must comply with measures to protect personal and other user data, respond to cases of violation of rights.

In turn, sanctions should be reviewed for offenses that infringe on the honour and dignity of the individual in social networks. Probably, many will agree with the opinion that the dissemination of personal data on social networks is much more dangerous than a similar action of just oral disclosure of this data. Such

responsibility can be both material and public (bringing to administrative or criminal responsibility).

In addition, legal regulation should provide people with effective means of protecting their rights. Such rights may be different and include:

- the right to judicial protection and investigation of cases of wrongdoing by authorized state bodies;
- the right to compensation for the damage caused;
- the right to appeal to social networks for the protection of their rights;
- the right to receive information from social networks if they have information about the offense.

In order to implement these rights of the individual, regulatory documents should be developed that will regulate the activities of authorized state bodies. Such documents should also establish the boundaries of intervention and control in order to prevent abuse.

Along with legal regulation, an effective mechanism of cooperation is required. Primarily, such cooperation involves joint efforts of the States themselves and international organizations. Often, offenses in social networks are of a cross-border nature, so it is difficult to achieve success with the efforts of only one state.

The protection of honour and dignity, as a rule, is universal. Thus, article 17 of the International Covenant on Civil and Political Rights guarantees the right to protect the honour and dignity of every person. At the same time, article 2 of the Covenant obliges each State party to the Covenant to respect and ensure all human rights¹⁰.

¹⁰ International Covenant on Civil and Political Rights. Available at: <https://www.ohchr.org/en/instruments->

[mechanisms/instruments/international-covenant-civil-and-political-rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights).

Today, the international community is improving international standards in this area. Given the virtualization of life and the importance of the Internet, the international community has already recognized the right to the Internet as a basic human right. However, such a right should not grant freedom of illegal actions. For example, freedom of information dissemination does not mean that everything can be distributed (after all, there are restrictions on the dissemination of personal data, confidential information). In such conditions, there is a need to create a separate international act that would define the basic principles of legal regulation of the Internet, in particular social networks in modern society. We consider it necessary to draw the UN's attention in this context. As a universal organization, the UN has the necessary authority to adopt such a document.

Cooperation issues also concern owners (administrators) of social networks. States need the help of social networks themselves for more effective protection of individual rights in social networks. For example, to delete or restrict access to a certain account that is used by an attacker, an active role of owners (administrators) of social networks is required. Therefore, it is important that governments conclude agreements with the owners (administrators) of social networks, not limited to the adoption of laws.

The protection of human honour and dignity in social networks also requires the adoption of organizational and technical measures. In particular, the creation of a system for monitoring the observance of individual rights in the Internet space, the availability of technical capabilities to detect cases of an offense, etc. In itself, it is not as difficult to detect the fact of an offense, as it is to identify the person who committed it. Organizational and technical measures are important, primarily, for law enforcement agencies and allow

them to collect the necessary evidence and expose the guilty person.

The organizational and technical side of the issue plays an important role when taking measures to block or restrict access to certain accounts. When detecting content that infringes on the honour and dignity of a person, it is necessary to delete or restrict access to this content in order to prevent its further distribution.

Legal culture and ethics are of no small importance. Respect and unconditional recognition of the rights of a stranger is the most important condition for the realization of virtual rights in social networks. When carrying out their activities and communicating with others on social networks, any user should understand that they must respect and observe the rights of other users, just like in real life. By posting and distributing this or that content, all participants of social networks, users should be aware that disrespect of a stranger, slander or insult is an offense.

Sometimes users themselves post all personal information on social networks without thinking about the possible consequences. Therefore, discretion in social networks is important for the user. Therefore, in order to protect the honour and dignity of a person in social networks, it is important to increase the legal culture and ethics of behaviour in social networks. Such skills should be formed not only by parents, but also by educational institutions. By participating in the information flow in social networks, the user must be aware of the consequences of his actions, use information and content without violating the rights of third parties.

Thus, summarizing the above, we can conclude that the protection of human honour and dignity in social networks is an urgent issue. At the same time, the state needs to find a fine line in matters of intervention and



control, while not allowing encroachment on other human rights. In particular, under the pretext of protecting the honour and dignity of one person, freedom of speech or the right to freedom of information cannot be unreasonably restricted. In any case, the social network should be subject to reasonable and sufficient legal regulation to maintain a balance of interests of people, society and the state.

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