

CDSSES 2020**IV International Scientific Conference "Competitiveness and the development of socio-economic systems" dedicated to the memory of Alexander Tatarkin****LEGAL SUPPORT OF CHILDREN'S SAFE INTERNET-COMMUNICATION**

Olga Sitkova (a)*, Larisa Shvarts (b)
*Corresponding author

(a) Saratov State Law Academy, 1, Volskaya St., Saratov, Russia, olga.sitkova@mail.ru

(b) North-West Institute of Management of the Russian Presidential Academy of National Economy and Public Administration, 57/43, Sredniy Pr., Saint-Petersburg, Russia, shvarz7@yandex.ru

Abstract

In the modern technological world, the Internet is gaining more and more importance, attracting more attention than television, radio, print publications, and other media. Children and teenagers are active users of new technologies, and therefore the problem of uncontrolled children's activity on the Internet is one of the most important in the modern world. Children are convinced that they know much more about computers than their parents and, unfortunately, they behave uncontrollably and most often incorrectly on the Internet. As a consequence, there has been an increase in cyber-violence against children. The aim of the study is to build a hypothesis for an effective model of legal regulation of access and consumption of information products, which is as safe as possible for the mental, physical development and health of children, as well as their socialization, taking into account international standards. To achieve the goal, the general scientific dialectical method of cognition is used. Scientific information processing is carried out using the methods of inductive and deductive logic. Legalizing the rules for the use of media content for children and teenagers has been studied. Simultaneously, it is stated that media resources do not correspond to this target audience (Internet threats, communication aggression, manipulative effects of advertising, and other negative phenomena). It is necessary to develop a comprehensive conceptual approach to regulating the integration of information flows into the child and teenager environment.

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Keywords: Child, information, information security, manipulative influence, protection



1. Introduction

For the first time, the problem of information security in the Russian Federation was raised in connection with the adoption of laws on computer programs' legal protection in 1992. A number of the Russian Federation Laws contain definitions of the terms "information" and "information security". Federal Law of July 27, 2006 "On Information, Information Technologies and Information Protection" (as amended on December 27, 2019 No. 480-FZ) define information as information (messages, data) regardless of the form of their presentation (Art. 2). In the Doctrine of Information Security of the Russian Federation, the concept of "information security" is interpreted as a state of protection of national interests in the information sphere, determined by a set of balanced interests of the individual, society and the state. Normative acts concerning the information security of children concretize this concept in relation to the relevant relationship. Thus, in the Federal Law of December 29, 2010 No. 436-FZ "On the Protection of Children from Information Harmful to Their Health and Development" (as amended on May 1, 2019 No. 93-FZ), information security of children is interpreted as a state of protection of children, in which there is no risk associated with information causing harm to their health and (or) physical and mental development.

In the National Plan of Action for Children 2012–2017 one of the identified problems was the provision of information security for children. To achieve this goal, the Strategy developers proposed a number of measures that were supposed to guarantee the information security of childhood.

However, the modern information sphere is constantly transforming; accordingly, relations on ensuring citizens' information security (incl. children) change and become more complicated. According to the Russian Federal State Statistics Service (Rosstat), as of January 1, 2020, the population's distribution by age groups indicates that about 33 million of the total population of 146,749 million are people under 18 years of age. By the Decree of the President of the Russian Federation of May 29, 2017 No. 240 2018 - 2027 in the Russian Federation declared the Decade of Childhood.

Taking into account that "a child, due to his/her physical and mental immaturity, needs special protection and care", it can be confidently asserted that about 23% of the population in Russia needs special protection and assistance.

In this regard, there is a need to identify the effectiveness of measures and mechanisms for regulating information consumption established in legislation in order to ensure the safety of children, to determine the need to apply these measures through the prism of child rights, including the right to access information.

2. Problem Statement

International human rights law guarantees the child the right to receive information, in particular, paragraph 1 of Art. 13 of the UN Convention on the Rights of the Child, states that the child has the right to freely express his/her opinion. This right includes the freedom to seek, receive and impart information and ideas of any kind, regardless of boundaries, orally, in writing or in print, in the form of works of art or through other means of the child's choice. The exercise of this right may be subject to some restrictions, however, these restrictions can only be those that are provided for by law and that are necessary: to

respect the rights and reputation of others or to protect state security or public order, as well as the health or morality of the population (UN Convention on the Rights of the Child, 1989). In accordance with Art. 17 of the UN Convention on the Rights of the Child, States Parties undertake to recognize the important role of the media and ensure that children have access to information and materials from various national and international sources, especially information and materials that are aimed at promoting social and moral well-being, as well as the healthy physical and mental development of the child.

The development of high technologies, the country's openness to the world community led to the vulnerability of children from illegal content in the information and telecommunications network "Internet", exacerbated the problems associated with the sale of children, child pornography and prostitution. According to the Ministry of Internal Affairs of Russia, the number of sites containing materials with child pornography has increased by almost a third, and the number of Internet materials themselves has increased 25 times. A significant number of suicide sites are available to teenagers at any time. In this regard, the strategic goal of the state policy in the field of information security of children, outlined in the National Plan of Action for Children for 2012-2017 was to ensure the harmonious development of the younger generation, provided that all negative factors associated with the formation of a hyperinformational society in Russia were minimized. As part of this goal, Russia adopted the Federal Law "On the Protection of Children from Information Harmful to Their Health and Development" (entered into force in 2012), and in 2015 the Federal Service for Supervision of Communications, Information Technology and Mass Media Communications has developed and published the Concept of Information Security for Children, which implies blocking Internet sites containing prohibited information, including sites containing works of classical painting and literature.

At the same time, an analysis of a small part of the norms of this law allows us to conclude that there is no effective mechanism to restrict children from harmful and dangerous information in the Internet space. There is a lack of clarity and complexity of its application in practice, as well as the presence of a large number of conflicts and gaps in the settlement of issues included in the object of this law.

Implementation of long-term and medium-term targeted programs at the regional level was to become a tool for practical solution of many issues in the field of information security of childhood.

However, it should be noted that there is no comprehensive approach to the interaction of authorized bodies at various levels of government in the field of protecting children from negative informational impact. Despite the adopted Regional Concepts, the number of violations of legislation in terms of non-observance of restrictions on access of children to information harmful to their health and development is growing in the constituent entities of the Russian Federation.

3. Research Questions

Are there mechanisms in modern Russian legislation to prevent harmful information coming through mass media sources from entering the child and teenager environment by restricting the child to information resources? Is it advisable to apply such measures to ensure the child's right to access information?

4. Purpose of the Study

Development of elements of the concept for the realization of the child's right to receive information and the legal mechanism for its restriction in order to protect against harmful information coming through mass media sources to the child and teenager environment.

5. Research Methods

Taking into account the multifaceted nature of the research subject, the main methods were used, first of all, the basic general scientific dialectical method of cognition, which makes it possible to determine the legal nature and content of the child's right to receive information, to consider the problems of its implementation in indissoluble unity with other similar legal phenomena. The comparative legal method was used when comparing the legislation of the Russian Federation and a number of foreign countries, which establishes the basic principles and approaches in the issue of protecting children from information that is harmful to their health and (or) development. The processing of scientific information was carried out using the methods of inductive and deductive logic.

Special attention was paid to the relationship between the abstract and the concrete, the general and the specific to clarify the limits of the activities of the authorities at all levels of legal regulation.

6. Findings

The right to access information, consisting of the right to seek, receive and disseminate information, is guaranteed in Art. 13 of the UN Convention on the Rights of the Child. At the same time, the child must get only correct and safe information. The main indicator of the usefulness of information is the well-being of children, who, for objective reasons, need this kind of care (Bespalov, 2020). Finding and accessing information is important for the child and his development, and therefore, children should have access to a variety of cultural materials that can contribute to the development of abilities and can stimulate the child's critical thinking. Hence, children should have access to electronic and print media, books, magazines, newspapers, television and radio programs. At the same time, the State should ensure that children receive high-quality, useful information, and control over the child's activities in the media is entrusted to parents and other legal representatives (Odintsova, 2019).

In this way, it is the parents (guardians) who bear the main responsibility for the use of information from the media by their child. The State should help parents to ensure access to adequate information for the child, providing, for example, information about the content of television programs, videos and computer games.

The existing normative legal system of the Russian Federation in the field of information security of children is a range of interconnected multi-level normative acts issued at the level of the Federation, subjects of the Federation, ministries and departments. Along with acts of conceptual or strategic significance, plans or roadmaps of measures for their implementation are issued. So, by Act of the Ministry of Telecom and Mass Communications of the Russian Federation dated February 27, 2018 No. 88, an action plan was approved for the implementation of the Concept of information security of children

for 2018 - 2020. This plan includes not only a list of activities, but also the expected results, rules, procedure and form of reporting and establishes responsible executors. Additionally to that, Russia has few federal and regional target programs designed to implement political and legal acts.

The analysis of these normative acts allows us to talk about the interconnection of three areas of regulation: establishing the legal force of legal acts regulating the studied relations; consolidation of the legal status of the subjects of relations; and, finally, regulation of activities, i.e. subject and objectives of legal regulation, principles of organization of activities and legal means of exercising powers. The legal framework in general or substantively develops acceptable standards for the protection of children from destructive informational impact by consolidating the principles, goals, objectives, activities, powers of authorized bodies and stakeholders, which together creates a regulatory impact. However, for effective impact, there is a lack of specific standards for ensuring information security of children. At the same time, modern developments in this area are fragmented, and the proposed measures are recommended to be introduced without taking into account the activities of other possible participants in these relations (Banshchikova & Goltypina, 2008; Borodin, 2015; Borodin, 2016). The lack of a regulatory framework to ensure the safety of children at the federal, regional and municipal levels (Vlasenko, 2019a; Vlasenko, 2019b), the lack of coordination of the activities of bodies, reduces the effectiveness of state policy, the purpose of which is to provide information -psychological safety of children (Zanina & Lukina, 2016).

Hence, such a regulatory mechanism is not effective. An integrated approach is needed to address the issue of creating favorable conditions for children to receive useful information (Sitkova & Shvarz, 2020a). We have proposed to adopt the relevant legislative acts at the level of the constituent entities of the Russian Federation, taking into account the specifics of the regions.

Analysis of foreign studies (Tomczyk & Włoch, 2019; Tóth & Grubor, 2014; Weru et al., 2017; Žufić et al., 2017) and the regulatory framework on information security issues allows us to conclude that regardless of the political, economic, cultural development of different country, regardless of their legal systems, the circle of the outlined problems is the same. However, there are different attempts to solve these problems in different countries.

It seems that a number of tasks should be implemented in Russia, the solution of which will make it possible to speak about the effectiveness of the mechanism for protecting children from harmful information:

1. The main principle of ensuring the information security of children should be the principle of ensuring access to "useful" information, and not restricting access to "harmful information", as is currently done in the Federal Law No. 436-FZ. This attitude will contribute to the realization of the child's right to access to information, guaranteed by the UN Convention on the Rights of the Child;

2. It is required to develop an effective mechanism for interaction between the Russian Federation and the constituent entities of the Russian Federation. To accomplish this task, a certain legislative distribution of powers between the Russian Federation and the constituent entities of the Russian Federation is proposed, which will help to ensure high-quality information security in the field, taking into account regional problems;

3. An important task of the State should be to provide comprehensive and joint assistance to children, parents and teachers in obtaining high-quality Internet education.

The solution to this problem is seen in the development of effective state programs in the field of education, family and youth policy, the central link of which would be to ensure the information security of children (Sitkova & Shvarz, 2020b). It is necessary to develop an integrated approach for teaching young users of computer literacy and monitoring the detail of children on the Internet, especially in conditions of high involvement of children in communication on social networks. To accomplish this task, we have proposed the introduction into the school educational curriculum of classes on teaching children how to counter cyber bullying and its prevention. Parents are encouraged to use Internet filters as programs that block harmful content. There is a need for strict control by parents over the activities of their children on the Internet, as well as control over the parents themselves;

4. As one of the measures of the state's legal policy, it is proposed to introduce strict penalties for non-compliance with laws on protection from harmful information both for the “distributors” of this information and for parents (Kuznetsova, 2016). In this issue, in our opinion, it is necessary to find a balance of interests of all participants in the relationship: children, parents and state. And, taking into account the child's right to access information, develop legal and accessible mechanisms for monitoring the activities of children in information and communication networks. The effectiveness of these measures can be achieved in conditions of a high-quality legal framework and adequate law enforcement.

7. Conclusion

The current legislation in the Russian Federation in the field of information security of children is characterized by the absence of an effective mechanism for the implementation of the proposed measures. It is required to develop a conceptual comprehensive approach to regulating the integration of information flows into the child and adolescent environment, including measures of coordinated interaction between the family and the State and allowing to ensure the implementation of measures to protect children from harmful information in combination with the preservation of the child's right to access information.

To ensure an adequate level of protection of children from harmful information coming from the information and communication environment in Russia, we have proposed a few comprehensive measures. It is necessary to legislate the principle of providing access to useful information for children. To ensure effective protection of children from harmful information coming from the information and communication environment, it is necessary to delimit the competence between the Russian Federation and the constituent entities of the Russian Federation on the information security of children. The state should provide comprehensive assistance to children, parents and teachers in obtaining high-quality Internet education. It is proposed to impose strict sanctions against “distributors” of harmful information, as well as for parents and their substitutes for non-compliance with laws on the protection of children from harmful information.

Acknowledgments

The reported study was funded by RFBR, project number 20-011-00570\20.

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