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CONSTITUTIONAL AND LEGAL REGULATION OF PUBLIC EVENTS ON THE INTERNET

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Annotation. Currently, the Internet is increasingly used as a platform for mass political actions. At the same time, the legislation does not keep pace with the development of public relations. The article aims to study the current legal regulation of political actions on the Internet, as well as to develop recommendations for changing the current legislation in order to improve legal regulation.

Keywords: public events, mass events, political actions, Internet, legal responsibility.

INTRODUCTION

The official definition of the Internet was given on October 24, 1995 by the Federal Network Council of the United States of America in a resolution that defines the Internet as a global information system that:

- logically interconnected by a space of global unique addresses based on the Internet Protocol (IP) or on subsequent extensions or successors of IP;
- capable of supporting communications using the Transmission Control Protocol family/Internet Protocol (TCP/IP) or its subsequent extensions/successors and / or other IP-compatible protocols;
- provides, uses, or makes available, on a public or private basis, high-level services built on top of the communication and other related infrastructure described here[1].

Today, the global Internet information system has become an integral part of our lives. Due to the introduction of high-alert modes in most regions of the Russian Federation, we meet many simple and daily needs with the help of this information system, such as the need for communication, the purchase of goods, the provision of services, and many others.

Every year, the scope of the Internet in our lives is expanding, so recently the global Internet information system has been used as a platform for public events.

The question arises whether political actions on the internet can be classified as public events.

In accordance with the definition established in the federal law, a public event is an open, peaceful, accessible to everyone, held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations of these forms, an action carried out on the initiative of citizens of the Russian Federation, political parties, other

public associations and religious associations, including using vehicles. The purpose of a public event is to freely express and form opinions, to make demands on various issues of the political, economic, social and cultural life of the country and foreign policy issues, or to inform voters about their activities when a deputy of a legislative (representative) body of state power, a deputy of a representative body of a municipality meets with voters [2].

The general definition of a public event is given using references to the types of public events. The definition of each type is fixed in the above-mentioned law. In all definitions of the forms of public events, there is a reference to the word "place". It is assumed that the interpretation of the law will be based on a well-known understanding of the place.

For example, Ozhegov's explanatory dictionary defines "place" as a space that is occupied by someone or something, on which something is happening, is located and where you can sit [3].

Based on this definition, can the global information system Internet space be classified as a "place"? In order to study our problem question, we will conditionally refer the global information system Internet to the category of "place", since this "space", it can be partially "occupied by someone or something", in this space "something can happen", "something can be".

The subject of the study is the category of the venue of a public event, and Article 8 of Federal Law No. 54 of 19.06.2004 "On Meetings, Rallies, Demonstrations, Processions and Picketing" is devoted to this category. Part 1 of this article stipulates that a public event may be held in any place suitable for the purpose of this event, provided that its holding does not pose a threat to the collapse of buildings and structures or any other threat to the safety of participants in this public event. The attribution of the Internet information system to the venue of a public event does not contradict the provisions of Article 8 of the law.

Recently, the Internet has been actively used for various kinds of mass events. In most cases, the global Internet information system acts as a tool for organizing public events that are held in real life, on streets, squares, etc. But, there is also a new type of mass action, which is held in the Internet information system itself.

One of the latest examples is an impromptu "rally" on the Yandex platform. Navigator " and " Yandex. Maps". The essence of the campaign was to anonymously express their opinion or attitude to the introduction of high-alert regimes in the regions in connection with the spread of coronavirus infection (COVID-19) by adding special marks on the sites mentioned above.

At its core, this political action can be attributed to a public event in the form of a rally, however, the legislation does not provide for holding rallies in the Internet information system.

If this action can even be considered useful for the state and society, in cases where it reflects the opinion of a part of the population on the existing problems in society, then there are other types of political actions. Among these are the calls of well-known bloggers to their subscribers to commit any actions on the Internet or in real life.

The federal law "On the Procedure for Considering Citizens' Appeals" establishes the obligation of State authorities to consider citizens' appeals. For convenience, most state authorities have Internet platforms for sending appeals on the official page of the state authority in the information system. Thus, anyone can send an appeal to the state authority without leaving their home.

For example, a blogger's call to send a virtual appeal via the Internet to a certain public authority may block the work of this authority in real life. There are many similar examples in the activities of State authorities.

But how to interpret the blogger's appeal, because it is just a call to exercise their constitutional right, which is enshrined in Article 33 of the Constitution and defines that citizens of the Russian Federation have the right to apply personally, as well as to send individual and collective appeals to state bodies and local self-government bodies.

However, it should be noted that this call, having negative consequences in the form of interference with the normal functioning of the state authority. Such situations are not uncommon, when the state authorities had to work in an emergency mode to respond to each appeal. Based on this, we come to the conclusion that some such situations should be regulated by the state and there is a need to adjust the relevant legislation.

When considering the issue of attributing the Internet information system to the venue of public events, many problems arise. S. A. Babkin, for example, highlights one of the problematic issues is the unreliability of the individual and the possible presence of a foreign element.

S.A. Babkin correctly notes, if in the "off-network reality" every subject in the vast majority of cases is aware that he enters into relations complicated by a foreign element, then when using the Internet, no one can be sure whether he is dealing with his compatriot or not [4, p. 11-63].

In this regard, regarding the subject of our study, it may be difficult to determine the jurisdiction of the state regarding actions in the global Internet information system. Jurisdiction as a process is a way to resolve legal conflicts. All types of jurisdiction are united by one thing—the legal method of protecting public relations, which consists in the consideration by the competent authority of a legal case on the merits and making a decision on it [5, p. 10-25].

V.B. Naumov notes that currently several dozen countries have the rudiments of national legislation concerning the use of the global information space. There are no international agreements on this issue, the customs of using the Network are very contradictory, which means that there are more disputable situations, and judicial practice on these public relations is gradually being formed" [6, 10-25].

O.V. Kalyatin identifies several types of legal relations that arise when using the Internet system. He distinguishes two types of relationships, depending on the method of communication used. Thus, active and passive types of communication are distinguished [7].

Regarding the legal relations under study, the active ones include sending a message, a letter, or other information that encourages participation in a public event on

the Internet. Passive information includes information about an event posted on a website, app, or other platform that the user gets access to when performing certain active actions.

Considering as another problem related to relations on the Internet, it is also worth highlighting the problem of applicable law. It is necessary to agree with the opinion of E. Leanovich and S.A. Babkin, who believe that there is no need to develop new principles of legal regulation of Internet relations. These relations need to be "localized", "introduced into the existing legal system and considered within its framework, as a rule, through the disclosure of certain concepts in the legislation..., as well as the necessary modification and adjustment of the provisions of existing laws".

The current Russian legislation has followed the same path, introducing new definitions related to the use of the Internet information system into the existing system of legal norms.

It is necessary to agree with the opinion of R.F. Azizov, who, considering the legal regulation on the Internet, identifies the following problems:

- user identification;
- definition of jurisdiction;
- responsibility of information intermediaries [8].

Having investigated the problematic issues of attributing the global Internet information system to a public place, we can draw the following conclusions.

For the most part, we value the Internet information system for the existing privacy in some areas of interaction between people, this part should remain unregulated relations.

It is necessary to finalize Article 8 of Federal Law No. 54 of 19.06.2004 "On meetings, rallies, demonstrations, processions and picketing", which would give a more specific definition of "the venue of a public event".

For example, article 8 may define that a public event may be held in any place suitable for the purpose of the event, with the exception of the Internet information system, provided that its conduct does not pose a threat to the collapse of buildings and structures or any other threat to the safety of participants in the public event. Thereby removing the actions carried out on the Internet from the scope of the law.

In some cases, which should be provided for in the legislation, it is necessary to introduce responsibility for disrupting the normal functioning of public authorities by organizing various kinds of actions and public events on the Internet.

CONCLUSION

Thus, it is necessary to supplement Chapter 19 of the Code of Administrative Offences of the Russian Federation with an article providing for liability for intentional actions of a person to organize a mass action in the Internet information system, which are aimed at obstructing the activities of a state authority or local self-government body.

Also, it is necessary to supplement Chapter 28 of the Criminal Code of the Russian Federation with a similar article providing for liability for intentional actions of a person to organize a mass action in the Internet information system, which are aimed

at obstructing the activities of a state authority or local self-government body and which resulted in large-scale and especially large-scale damage or resulted in the death of a citizen. Such a situation is possible, for example, when obstructing the activities of law enforcement agencies.

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ИНТЕРНЕТТЕГІ ТОПТЫҚ ІС-ШАРАЛАРДЫ КОНСТИТУЦИЯЛЫҚ ҚҰҚЫҚТЫҚ РЕТТЕУ

Түйін. Қазіргі уақытта Интернет жаппай саяси акциялар алаңы ретінде көбірек қолданылуда. Сонымен бірге, заңнамалар қоғамдық қатынастардың дамуына ілесіп отырған жоқ. Мақала Интернеттегі саяси әрекеттерді заманауи құқықтық реттеуді зерттеуге, сондай-ақ құқықтық реттеуді жетілдіру мақсатында қолданыстағы заңнаманы өзгерту бойынша ұсыныстар әзірлеуге бағытталған.

Кілт сөздер: бұқаралық іс-шаралар, бұқаралық іс-шаралар, саяси акциялар, интернет, заңды жауапкершілік.

КОНСТИТУЦИОННО-ПРАВОВОЕ РЕГУЛИРОВАНИЕ МАССОВЫХ АКЦИЙ В ИНТЕРНЕТЕ

Аннотация. В настоящее время Интернет все чаще используется как площадка для массовых политических акций. В тоже время законодательство не успевает за развитием общественных отношений. Статья направлена на изучение современного правового регулирования политических акций в сети Интернет, а также на разработку рекомендаций по изменению действующего законодательства с целью совершенствования правового регулирования.

Ключевые слова: массовые мероприятия, массовые события, политические акции, Интернет, правовая ответственность.