

HUMAN RIGHTS AND FREEDOMS IN THE METASPACE OF MODERN SOCIETY: THE INFORMATION DIMENSION

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The foundation of modern society lies in information and communication technologies, which exist in constant interaction with other social relations and cannot function independently. Human rights and freedoms extend to the realm of information relations, directly connected to the democratization of society, which emphasizes the increasing role of information.

Guaranteeing human rights and freedoms in the information sphere, as noted in our previous publications [1-3], is one of the most important principles of forming a legal state and a civil society. These rights are integral to the effective mechanism of governance in a democratic society. They address fundamental interactions between citizens and their government: the ability of citizens to criticize the government, live according to their beliefs, and seek protection from repressive government actions.

Freedom is one of humanity's most significant values and achievements, for which there has been a fierce struggle throughout history. The term "freedom" encompasses a wide range of meanings. For some, freedom means the ability to overthrow a tyrannical ruler; for others, it is the right to choose one's subordination or bear arms. At first glance, freedom appears as a versatile construct, capable of taking any form based on individual perspectives or societal demands.

However, freedom manifests and solidifies in the world in a less visible but distinctly defined form of rights: as a legal order, encompassing responsibilities, permissions, prohibitions, and violations. In a natural state, humans are free beings with inherent freedoms, such as the choice of behavior and decisions regarding their lives, including the choice between life and death. Thus, freedom is inherent to human existence.

According to Georg Hegel, humans are "rational within themselves" and must transcend their limits through self-creation while simultaneously delving deeper into their own essence to achieve rationality both within and for themselves [4, p. 77]. This self-realization gives life meaning; otherwise, the very purpose of freedom is questioned.

Information rights and freedoms are essential for mitigating the destructive impacts of aggressive external narratives and for finding meaning in life amidst

social instability. I. Kovalenko and co-authors rightly emphasize the importance of ensuring real information rights and freedoms to rehabilitate political imagination and develop positive rational pragmatism. Such pragmatism can counter conspiratorial narratives, especially in crises, which often lead to dangerous social consequences [5].

Modern Western scholars of freedom of speech, such as Baruch Spinoza, argue that this issue in Europe resonates with his systematic discussions on freedom of thought and expression. Spinoza described freedom of speech as a natural human right that cannot be surrendered. He argued that freedom of expression could coexist with piety and peace and cannot be abolished without also eliminating these qualities [6, pp. 23–28].

The balance between the right to information, freedom of expression, and the protection of personal data is increasingly significant in a dynamically growing digital society. The rise of the Internet and the new paradigm of integrating freedom of expression and the right to information accentuate this balance [7]. In modern debates about human rights in the information sphere, terms like "freedom of information" are often used interchangeably or in relation to the right to information. For instance, I. Zabary emphasizes that today activities like searching, obtaining, and disseminating information play a crucial role in exercising the right to freedom of expression. These activities also help form new perspectives and approaches.

Freedom to disseminate information is linked to the development of concepts like freedom of speech and freedom of the press in a global information society. Meanwhile, the freedom to seek and obtain information relates to the emergence of the "right to information" as a new concept in international law [8, p. 40].

Researchers I. Stadnik and N. Maksyuta connect "freedom of information" with concepts like "freedom of speech" and "rule of law." They note that freedom of speech involves an individual's ability to consciously and independently express their opinions regarding truth. It also includes collecting, storing, using, and disseminating information in any manner. However, they highlight that freedom of speech is relative, allowing for certain restrictions, which should be determined by a fair legal system that harmonizes individual will with societal legal order [9, p. 46].

D. Ivanchenko analyzes the issue of rights and freedoms in communication from the perspective of state governance. He notes that the rapid evolution of communication often outpaces the regulatory capabilities of government institutions. As an alternative to strict state regulation of mass media activities, Ivanchenko proposes the development of a state communication policy rooted in the principles of freedom of speech and access to information. This approach seeks to optimize the potential of two interconnected systems: the state and media institutions [10, p. 42].

I. Kolomiets underscores that the right to freedom of thought and expression, as well as the free articulation of one's views and beliefs, is a cornerstone of democratic society. However, the exercise of these rights, particularly in disseminating information, entails special obligations and responsibilities. This is especially relevant during wartime, such as under martial law imposed due to large-

scale Russian aggression in Ukraine. In such circumstances, there is a need to reassess the legal grounds for partially restricting constitutionally guaranteed rights and freedoms as outlined in national and international legislation [11].

Some contemporary researchers, like B. Leiter and H. Parens, advocate for reinterpreting "freedom of speech" as "freedom of action," framing its regulation in terms of minimizing harm to core societal values [12–13].

The issue of human rights, particularly information rights, and their practical application during martial law has been the focus of many Ukrainian scholars in civil procedural and judicial relations (e.g., the works of K. Husarov, O. Popov, and others) [14–15]. K. Husarov points out that "the militarization of the aggressor country aimed at dominating the political regimes of other states forces legislative adaptations to martial law conditions in various branches of law" [14, p. 1138]. In such contexts, information rights and freedoms gain exceptional importance and status.

Summarizing various viewpoints on the issue of information rights and freedoms, O. Tyhomyrov asserts that "information rights must be considered from multiple perspectives, reflecting the variability of human rights interpretations, such as fundamental needs, interests, social benefits, and essential conditions for human existence. This creates a basis for a philosophical distinction of their nature."

He notes that the classification of information rights depends on the plurality of human rights interpretations and the diversity of information rights as a unique formation within the systems of human rights, social values, legal mechanisms, and cultural achievements. Information rights, like human rights in general, can be examined as categories of both individual and fundamental freedoms. However, many legal scholars regard the distinction of these categories as somewhat conditional or relative [16, p. 48].

These perspectives call for a clearer understanding of the essence of information freedom, freedom of speech, and the right to information, as well as the correlation between these concepts in modern society.

Humans cannot exist outside of society, but each individual possesses a certain degree of freedom. It is essential to find a universal measure of civil liberty where personal freedom can be realized. This universal freedom, reflecting the collective interests of society, is shaped by necessity and reinforced by norms, rules, and laws. As Cicero once emphasized, a person must be a servant to laws to be free; there are no alternatives, as one cannot exist outside society without an awareness of their own freedom, which is inherently absolute.

Freedom, and its various forms of realization, has been a relevant topic since the dawn of humanity. However, freedom itself is impossible without information, as information forms the foundation for choice, and the ability to choose is the essence of freedom.

The intrinsic connection between information, freedom, justice, and law has long been recognized. As early as the 8th century BCE, norms regulating informational activities existed. Over time, with the evolution of societal relations and technological progress, the sphere of informational activity has developed significantly. This led to the emergence of a cluster of informational rights, mass

media, and regulated informational processes within state-governed societal relations. The advent of the information society, driven by technological advances, gave rise to a new legal field – information law – and established a distinct type of human freedom: informational freedom [17].

The presence of freedom in the world is one of the essential attributes of human existence. Freedom, as a fundamental concept, can be broken down into several components: absolute freedom, human freedom, and its subcategories, such as informational freedom, creative freedom, freedom of thought, and others. Notably, Montesquieu distinguished the following types of freedom: "Philosophical freedom lies in the unhindered manifestation of our will, or, at the very least (according to the general interpretation of all philosophical systems), in our belief that we exercise it without obstruction. Political freedom lies in our security or, at the very least, in our confidence that we are safe" [18, p. 122].

In the process of exercising freedom, a person makes a choice, selecting between possible actions, and bases this choice on previously acquired information. The necessity of choosing between absolute demands is an inescapable characteristic of the human condition. The content of the choice consists of numerous and varied desires that conflict with one another, forcing the individual to decide which desire is most appropriate to pursue and fulfill at the present moment. Every choice involves the freedom to act – that is, the ability to do what we choose. However, even where there is the right to choose and freedom to act, alongside the sense of freedom, there arises a feeling of unfreedom. This occurs because the person making the choice seeks not only to fulfill desires and satisfy conflicting needs, but also feels that the impossibility of achieving all of them simultaneously is subjectively experienced as a violation of their freedom. Free choice always has certain limits, and while a person may freely make decisions, they are still to some extent constrained. The knowledge of the available options plays an important role in making the choice.

Informational freedom has a number of characteristic features [1, 2, 19-21]. First, one of the indispensable functions of informational freedom is the development of human self-awareness as a key component of their freedom. A person becomes aware of and directs their activities, perceiving themselves as the source of these activities, influencing and opposing the object. This conscious opposition makes a person a subject with their own unique and individual "Self." Through processes of interaction and communication, a person acquires and develops self-awareness, using it to understand the norms of society, manage their behavior, and assess themselves and the individuals they interact with.

Secondly, an essential characteristic of informational freedom is the availability of multiple sources of information. This means that, in order to exercise informational freedom, a person must have access to several producers and distributors of information from whom they can obtain diverse information. By synthesizing this information, they can make a choice to pursue certain actions, thereby realizing their freedom.

Thirdly, the ability of a person to transmit information further characterizes informational freedom. A person must have the ability to convey information to any subject. At the same time, when transmitting and receiving information, one must recognize that both information sources and information recipients possess their own freedoms, and a person should not infringe upon these freedoms.

Fourthly, the specificity of informational freedom lies in the fact that a significant portion of social relations can be reflected in legal norms. Regulating information processes between individuals and the state, as well as between individuals and public organizations, is entirely possible. However, it is much more difficult to control informational processes in everyday communication, such as when exchanging information about family matters or during friendly meetings. The law can establish general principles for the actions of individuals, but it is impossible to apply these principles in every situation. In this context, each person must base their actions on the general principles of law, freedom, morality, and customs. The state finds it difficult to intervene in this sphere of life, as any judgments made by state authorities based on vague legal formulations may violate an individual's freedom.

Fifthly, informational freedom must find its expression in informational rights. However, no less important is the fact that informational freedom should also be expressed in the morality and customs that prevail in society. In this case, morality serves as a regulator of human behavior, a regulator that requires the presence of public authority. Morality serves as a criterion for the value-based vision of the world and is a means of harmonizing society's attitude toward the individual. As one aspect of how people perceive their social relations, morality pertains both to consciousness and to reality.

The particular significance of informational freedom lies in its organic connection with natural law. Informational freedom provides individuals with a range of opportunities dictated by the natural state of human existence – a state of freedom. These opportunities, which are contingent on the will of the state, are derived not from the state itself but from the very nature of humanity. The state cannot grant the ability to realize informational freedom, nor can it revoke it. Instead, the state is obligated to create, through legal norms, the conditions that enable individuals to exercise their rightful informational freedom.

A pivotal role within informational freedom is played by human informational rights, which in turn are part of the broader concept of law.

By establishing the interdependence of appropriate and possible behavior, the unity and equality of mutual rights and obligations, the law emerges as the positive existence of freedom. It eliminates self-governance, arbitrariness, and the suppression of individuality, delineating the boundaries of freedom [22].

Law serves as a mechanism that, through specific legal methods, enables the realization of an individual's informational freedom. As both a product and a result of the natural development of society as a whole, law must take into account the interests of both society and the individual. Law provides individuals with a range of opportunities that they can utilize to exercise their inherent informational freedom.

Informational rights cannot be categorized into a specific group, as they are utilized by individuals across all areas of life and at various stages. This underscores the importance of informational rights and their significant role in every person's life.

In addition to rights that directly implement informational freedom, there exist "adjacent rights," which represent a broader group of rights supporting the realization of a wide range of rights and freedoms, including human informational freedom and informational rights. These include the right to petition, the right to appeal to government authorities, the freedom of mass media, the right to obtain information about environmental conditions, and more. Informational rights do not duplicate these but correlate with them as a general to a specific category. In other words, informational rights regulate informational processes in areas not governed by other rights that deal with information. Informational rights, being an organic part of the structure of other rights and freedoms, organize informational processes. Since informational freedom implies a set of opportunities arising from natural law and informational rights, it is precisely from the perspective of informational freedom that human informational rights should be studied and interpreted. Discussions about informational freedom in modern society should be approached through this lens.

The realization of informational freedom in society is one of its most important objectives. In exercising this freedom, a person receives information about various objects in the material and ideal worlds, exchanges information with different entities, and generates new information. The acquisition and transmission of information occur through interactions with information carriers, which may hold data on a single object or aggregate information about multiple objects and transform it.

The limitations on an individual's informational freedom are stipulated at the international level in the Universal Declaration of Human Rights. Article 29 states [23]:

1. Everyone has duties to the community in which alone the free and full development of their personality is possible.
2. In the exercise of their rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Thus, an individual's informational freedom exists within certain boundaries. Beyond these boundaries, their actions may begin to infringe on the rights and freedoms of others. The most challenging issue facing society is determining the precise limits within which individuals may exercise their freedom.

Restrictions on informational freedom are also established in the International Covenant on Civil and Political Rights (Article 19): "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in

writing, or in print, in the form of art, or through any other media of their choice" [24]. The same article emphasizes that the exercise of these rights "carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security, public order, public health, or morals" [24].

The European Convention on Human Rights and Fundamental Freedoms likewise provides for limitations on an individual's informational freedom (Article 10): "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions, or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity, or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary" [25].

In many countries, particularly those with a totalitarian past, the focus of protecting informational freedom shifts from relying on the state to defending against it. In these contexts, oversight of state activity must be conducted through supranational bodies that are independent of the state's will, its economy, or its political climate.

As the conceptual foundation of the right to information is currently in a phase of active development and formation, no universally recognized approaches to defining its essence have been established. However, as noted in our previous publications, significant attention is given to the relationship between the right to information and other informational rights and freedoms of citizens [26–28]. This relationship greatly influences the choice of terminology used to define this concept. Therefore, it is worth examining the connection between the right to information and related concepts to appropriately understand this phenomenon.

Of particular interest is the relationship between the right to information and freedom of speech, the latter being a precursor to the former. Historically, the right to information "emerged" from freedom of speech. Furthermore, in many countries, constitutional norms regarding freedom of speech have gradually incorporated the relatively new concept of the right to information, even though it was not part of the original constitutional framework. It is generally understood that the legal regulation of informational rights and freedoms varies across different countries, each with its own distinct characteristics. On this basis, a common perspective is that freedom of speech encompasses the right to information. However, the inclusion of the right to information within the framework of freedom of speech and the press has faced significant objections, as it narrows the scope of the former. Access to information is merely one aspect of the more limited right to information, while

declarations about information tend to absorb freedom of speech and the press, focusing primarily on the dissemination of information.

In our view, the right to information is not subsumed by freedom of speech, nor is it one of its elements; in fact, it stands in certain opposition to it. The right to information primarily entails the right to objective information about what is happening in life, whereas freedom of speech is directed at the free circulation of evaluative information, opinions, and positions of individual subjects.

Another important criterion distinguishing the right to information from freedom of speech is effective access to sources of information. Access to sources is not critical for the exercise of freedom of speech or the exchange of opinions on societal matters, whereas the absence of access to significant information gravely undermines the right to information for any member of society. Additionally, the right to information and freedom of speech perform different functions in society. While freedom of speech ensures the free discussion of public affairs, the right to information enables civil society to interact with the state, incorporate new information into ongoing public debates, and hold government authorities accountable.

The human right to information secures the most fundamental social opportunities in managing information. Its essence is primarily revealed in connection with freedom, which is a universal attribute of human rights, serving as both the measure and content of freedom. Freedom is the essence of rights. In human rights, freedom finds its dimension and meaning. Accordingly, an effective mechanism for realizing the right to information directly ensures the informational freedom of citizens. In principle, human rights and freedoms are understood as limitations on state power, with the extent of freedom determined by the degree of individual autonomy. The boundaries of freedom are significantly broader than the boundaries of human rights.

The entire system of citizens' informational rights and freedoms is encompassed in the concept of "freedom of information," which includes freedom of speech and expression, freedom of the press and mass media, as well as the rights to search for, receive, produce, store, disseminate, and transmit information. It may also include the right of citizens to issue public responses and refute false information, protect sources of information, prevent censorship, and exercise other rights in the informational sphere.

As a legal institution, freedom of information represents a set of legal norms that regulate social relations, guaranteeing individuals the opportunity to apply their abilities in various areas of life through participation in informational processes and fulfilling their material and spiritual needs. Freedom implies the selective activity of the individual, their purposeful actions under objective political, economic, and legal conditions. Freedom of information facilitates human self-realization, the full development of talents and abilities, and the satisfaction of needs. Distinctive features of freedom of information include free management of information and noninterference in the realm of individual informational activity, which exists beyond obligations to society and the state. State intervention in the spiritual life of an individual must be limited, as this sphere encompasses

manifestations of reason, emotion, and will. Therefore, reliable guarantees of protection from state authorities and officials who hinder citizens' exercise of their informational freedom are crucial. It is worth reiterating that freedom of speech and freedom of information, as fundamental rights, protect individuals from arbitrary state interference in the most vital aspects of their lives [1, 29-30].

Critically evaluating the research findings presented above, it is important to emphasize that the digital age has become increasingly dependent on cyberspace, a dependence that impacts human freedom in general and informational freedom in particular. The freedom of choice is especially constrained by the information available to us, as decisions are based on this existing information.

With the growth of the Internet and electronic commerce in an era of total digitalization and cloud computing, the commercialization of personal information has become inevitable. Therefore, the protection of the traditional right to privacy and personal data has become particularly pressing in modern conditions.

It is essential to underscore that human informational freedom is not absolute. Each state and the value system accepted within its society provide specific methods for limiting informational freedom.

On the other hand, it is impossible to definitively determine the potential extent of freedom. Factors such as international and national law, national mentality, cultural level, upbringing, and education all influence its permissible degree.

Thus, due to the breadth and ambiguity of the concept of information itself, the essence of the term "human freedom" and the concept of informational freedom appear extraordinarily comprehensive. Indeed, defining the boundaries of these freedoms is challenging. They pertain to the informational dimension of societal life as a whole and guarantee the informational autonomy and self-determination of the individual.

Despite the lack of clear boundaries for freedom of information, its content is quite specific and is expressed through a set of specific rights and historically traditional personal freedoms. Chief among these are the traditional freedoms of speech and expression, as well as the right to information, which is still in a developmental stage. An analysis of the relationship between freedom of information, freedom of speech, and the right to information suggests that the right to information and freedom of speech are two distinct elements of the broader concept of freedom of information. This assertion is based on the nature of information, which encompasses not only evaluative statements, opinions, or positions but also factual and objective data.

Freedom of information does not exhaust its scope within freedom of speech or the right to information. It also includes other informational rights of citizens in society, particularly the freedom of mass information, which is concrete in its content and pertains to the functioning of mass media. This freedom broadly applies to the entire realm of communication and information circulation within society.

Freedom of information is an essential guarantee of the informational security of individuals, society, and the state. Thus, ensuring it at the legislative level

is of particular importance for every entity responsible for security, especially during the formation and development of an information society.

Freedom of information is not confined to a specific type of social information. It can be assumed that the boundaries of informational freedom will continue to expand with the development of the information society and the emergence of an information civilization. The limits of informational freedom are defined by the boundaries of specific rights and freedoms regulated by legislation, which constitute the essence of freedom of information.

The relationship between the right to information and the right of access to information warrants special attention. The former is often persistently substituted by the latter. It should be noted, however, that the right of access to information is a component of the broader constitutional right to information. Beyond the rights to seek and receive information, the right to information also includes the rights to transmit, produce, and disseminate information.

Essentially, the right of access ensures the implementation of the broader right to information. However, both rights serve the same social functions and are often used interchangeably in terminology. This substitution is justified, as the criteria distinguishing these concepts are largely formal and do not signify substantial differences. It may be appropriate to consider the relationship between these concepts as general and specific. The right of access to information, by providing the opportunity to review official documents, ensures the realization of the broader right to information.

Thus, human informational freedom, along with the set of legal norms regulating it, requires comprehensive philosophical study and reflection. Given its exceptional importance and relevance, the interrelation and interplay of informational rights and freedoms should be viewed as a promising area for further research. This research can span various fields, including law, sociology, and the theory of state and law, as well as broader philosophical generalizations. Furthermore, this issue must also find practical application: in legislative activities at the state level, in the operations of local government bodies, and in the drafting of documents at intergovernmental (international) levels.

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