

ABSTRACT

Roskoshnyi I. V. Constitutional and legal principles of human-state interaction in the information society. – Qualification scholarly paper: a manuscript.

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The dissertation is devoted to the formation of an integral concept of the constitutional and legal foundations of human-state interaction in the information society, which can become a doctrinal basis for the corresponding political and legal reforms in Ukraine.

The work clarifies the historical prerequisites for the formation and development of constitutional and legal relations between a person and the state in the information society, reveals the main concepts of the information society and their impact on constitutional and legal relations, characterizes the main theories and concepts of human-state interaction in the information society. In addition, the work highlights international legal standards for human-state interaction in the information society and determine their impact on constitutional legislation, summarizes and critically evaluates the experience of foreign states in the formation of the constitutional and legal foundations of human-state interaction in the information society. A detailed description of the current state and prospects for the development of constitutional and legal support for human-state interaction in the information society in Ukraine is presented, scientifically grounded proposals are formulated to improve the constitutional and legal framework in the field under study.

The thesis is substantiated that, in the aspect of the genesis of world constitutionalism, the forms, content and dynamics of interaction between man and the state are significantly influenced, on the one hand, by information revolutions, and on the other, by the "stratification" of manifestations of the rule of law (first liberal, then democratic, and later and social), it is substantiated that today such

interaction takes place in the context of the deployment of the sixth (network) information revolution and the development of social legal statehood.

It is argued that the formation of constitutional statehood in terms of information interaction between man and the state was in the direction of expanding legal opportunities for citizens (subjects): a) to participate in the discussion of government decisions, including subject them to public criticism; b) appeal to public authorities with complaints and suggestions; c) exercise control over state bodies, i.e. receive information about their activities, decisions and acts with an explanation of the reasons and expected consequences of their adoption.

It is stated that the information interaction between a person and the constitutional state has led to the recognition and consolidation of a number of fundamental human and civil rights and freedoms (such as freedom of speech, freedom of the press, freedom of petition, right to information), some forms of direct democracy, including elections and referendums. (in both cases, the citizen is required to express his opinion, position on certain candidates or issues of public importance), as well as the corresponding change in the order (technology) of their implementation.

It is proposed to include along with the available parameters of information reality to its characteristics of human-dimensional changes that occur in it, i.e. to supplement the socio-technical image of the information society with socio-anthropological features and thus record the emergence of "information man", which is an element of information reality. as a subject, but also as a "digitized particle" of digital space;

Attention is drawn to the fact that the formation of international legal standards of human-state interaction in the information society takes place in two main areas: a) ensuring human rights in the information society; b) development of e-government. Among the international standards of human rights in the information society are the standards of recognition of information rights of the individual, standards of access to the Internet and standards of conduct on the Internet. In turn, e-government standards include standards of state information openness (including standards of access to public information), standards for the provision of e-public

services and e-democracy standards.

It is demonstrated that the constitutional and legal support of the relationship between man and the state in the information society is carried out through sectoral legislation, i.e. standardization of certain aspects of information rights and the use of ICT in public administration, in particular through the introduction of e-government and e-justice. A significant role in the constitutional and legal regulation of the studied sphere of public relations is traditionally carried out by means of political and legal acts of declarative nature (declarations, strategies, plans).

It is noted that the area of related interests of man and the state in the information society is cybersecurity. At the same time, the general direction of state policy is the adoption of state programs (strategies) aimed at ensuring information security on the Internet, and one of the most common methods of regulation in this area - restricting access to information resources distributed using this network and attracting legal liability of persons guilty of committing offenses using ICT.

Emphasis is placed on the fact that with the current Constitution of Ukraine, the interaction of man and the state in the information society should be based on the recognition of human rights (including information rights and freedoms) and be focused on ensuring its security and comprehensive development, but without censorship measures. In this case, given the requirements of Part 2 of Art. 19 of the Basic Law, all public authorities and their officials are obliged to ensure these goals and priorities, acting only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine.

It is determined that the regulation of the constitutional and legal principles of human-state interaction in the information society in Ukraine takes place in four main areas (sectors): 1) the principles of the legal status of a person in the information society; 2) the principles of the legal status of the media in the information society; 3) principles of public governance in the information society (including e-government and electronic forms of participatory democracy); 4) the principles of information security of man and the state in the information society. Such sectoral regulation should be continued, as it has developed objectively,

corresponds to intra-system relations within the information sphere and foreign practice of rule-making and law enforcement.

Conceptual approaches to reforming the constitutional and legal foundations of human-state interaction in the information society in Ukraine are proposed, in particular: 1) the thesis on the inexpediency of continuing work on the development of the Information Code of Ukraine is substantiated; 2) it is proposed to continue regulation in this area in four main areas (sectors): a) the principles of the legal status of the person in the information society; b) the principles of the legal status of the media in the information society; c) principles of public governance in the information society; d) the principles of information security of man and the state in the information society; 3) proved the need to develop a new Strategy for the development of the information society in Ukraine, designed for the long term (until 2050), proposed its main directions and principles.

The necessity of developing a new Strategy for the development of the information society in Ukraine, designed for the long term (until 2050), is substantiated. It should include, in particular, the development of e-democracy, e-economy, e-commerce, e-justice, e-services, e-culture, e-education, e-medicine, e-infrastructure, etc.

One of the priority tasks in the field of ensuring the constitutional principles of human-state interaction in the modern conditions of information society development in Ukraine is the standardization of activities in cyberspace. At the same time, on the one hand, it is necessary to reliably protect the constitutional rights and freedoms of man and citizen in cyberspace, and on the other - to avoid totalitarian manifestations and attempts to suppress opposition electronic media. At the same time, it is necessary to continue the "informatization" of all spheres of public life and, accordingly, the "penetration" of information norms into other legislative acts. This primarily concerns the provision of administrative services and the administration of justice.

Key words: information, information society, constitutional principles of social order, constitutional state, e-government, e-democracy, information human rights, international standards.