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CONSTITUTIONAL FOUNDATIONS OF INFORMATION SECURITY AWARENESS

Abstract. In the article the constitutional legal analysis of information security in Ukraine, studied the constitutional system and corporate legislation on information security, determined the structure of administrative and legal relations regarding information security, certain features of information relations, analyzes the definition of information security and its constitutional compliance.

Keywords: information law, information security, information security system, information relations, legal security, constitutional principles.

коНституцІЙні ЗасАди РОЗУмІННЯ ІнфоРМАцІЙноЇ БЕЗПЕки

Анотація. Проведено конституційний аналіз правового забезпечення інформаційної безпеки в Україні, досліджено систему конституційного та корпоративного законодавства про інформаційну безпеку, визначено структуру адміністративно-правових відносин щодо забезпечення інформаційної безпеки, певні особливості інформаційних відносин, проаналізовано визначення інформаційної безпеки та її конституційної відповідності.

Ключові слова: інформаційне право, інформаційна безпека, система інформаційної безпеки, інформаційні відносини, правове забезпечення, конституційні засади.

КОНСТИТУЦИОННЫЕ ОСНОВЫ ПОНИМАНИЯ ИНФОРМАЦИОННОЙ БЕЗОПАСНОСТИ

Аннотация. Проведено конституционный анализ правового обеспечения информационной безопасности в Украине, исследовано систему конституционного и корпоративного законодательства об информационной безопасности, определено структуру административно-правовых отношений по обеспечению информационной безопасности, определены особенности информационных отношений, проанализировано определения информационной безопасности и ее конституционного соответствия.

Ключевые слова: информационное право, информационная безопасность, система информационной безопасности, информационные отношения, правовое обеспечение, конституционные основы.

Formulation of the problem. In modern Ukraine formed the necessary conditions for the transition to an information society and one of the following conditions - the development and improvement of the constitutional legal regulation of relations in the field of information security. Fair to recognize that it is the public relations regarding the information sphere, is the stimulus that affects the development of information law.

Analysis of recent research and publications. Among the scientists who deal with this subject, it is advisable to select the following: I. Behyshev, L. Zadorozhna, M. Smith, B. Brizhko, V. Tsymbalyuka D. Dovhal, B. Kormich, G. Vinogradov, V. Zarosylo, E. School, A. Maruschak, G. Kalyuzhny V. Lipkan A. Podolyaka, N. Banchuk A. Movchan, IA Aristova and others.

At the same time, some studies information security issues remain open.

The wording of Article purposes. Determining the constitutional principles of understanding of information security.

Presenting main material. New trends in information law and information security in Ukraine are reflected in the law "On information", "On Personal Data Protection", "On the National Informatization Program" and "On the scientific and technical information" taken from 1992 to 1998. However, analysis of the current legislation in the field of information security confirmed the fundamental shortcomings, such as inconsistency, declarative, availability constitutional controversy [16, 21].

The Law of Ukraine "On National Security of Ukraine" has identified areas where public entities of national

security should ensure the security of the information sphere. It was also noted that the main areas of information security chosen as follows: displays restrictions on freedom of expression and access to information; distributing media cult of violence, cruelty, pornography; computer crime and computer terrorism; disclosure of the information is public and the other, by law, secret and confidential information held by the State or to meet the needs and national interests of society and the state; attempts to manipulate public opinion, particularly through the dissemination of false, incomplete or biased information. [6] We can not regulate the issue of interaction between business enterprises with state bodies and regulate their internal self-interest.

As a result of the constitutional legal analysis of information security in Ukraine, revealed a number of problems in this area in the regulations of the ministries (departments) and individual enterprises. There is no single approach to the regulation of information security from illegal intrusion, destruction, modification, blocking, copying, provision, distribution, and other misconduct in individual information systems. Noted shortcomings of administrative and legal regulation of public accounting, registration databases and data banks, which are created in the ministries and enterprises.

Based on the research of the system of constitutional and corporate law on information security, with current trends in the legal information security, the array is not always coordinated acts regarding information sphere, and the complex nature of information legislation, the conclusion is the need to develop basic constitutional principles legislation Ukraine on information security. The adoption of such

fundamental constitutional amendments of a legal nature is important for the development and improvement of legal information security both in the public and the private level. At the same time, we should eliminate mass overlapping legal and regulations established in this area, which only confuse the process of information security in enterprises and the country as a whole.

Information society creates a special relationship information of interest for research. Defining the relationship as a public relations arising from the law, whose members acquire subjective rights and duties provided by the state, we are considering legal information as a homogeneous group of public relations in the information sphere. With constant improvement of the information society, a growing number of which carry information and legal activities. Features of these relationships are determined by the content of information security as a balanced protection of the individual, society and state in the sphere of information from internal and external threats [15, 17]. The specifics of these relationships is defined as activity as information activities. The question of the concept and content of information and legal activity in most developed monographic studies Tsimbalyuk VS, Dovhal DV, Kormich BA

The structure of the administrative and legal relations on information security protection is defined main directions object information sphere, so information legislation: the protection of information rights and freedoms; protection of information, information resources and information systems from the undue influence of outsiders; protection of the individual, society and state from harmful, dangerous,

poor quality of information [16] .In works of Ukrainian scientists noted that certain features of information relationships that distinguish them in the administrative and legal terms. These include the fact that the relations arising develop and terminates the information area at the independent address information separated at creation and application of automated information technology tools and mechanisms of information security. Similarly, they reflect the features of the application of public law and civil law regulation methods in the exercise of constitutional rights and freedoms of the specific features and characteristics of legal information, news and other objects information environment. And the main thing is that information relations on policy of information protection of the rights and freedoms of man and citizen. Multisectoral nature of the legal relationship in the information sector provides their integrated management with a balanced use of various industry standards [14] .Kompleksni research issues are ignored developers separate legislation. Some regulations, or in their projects, over-complicating the formulation of clear concepts demonstrate the legal definition of excessive state control. Also attempts administrative control to ensure the consolidation of state functions over to determine what information is "true," "false," "corrupt," etc., and which should be banned, as an expression the threat or challenge to safety. In accordance with the Constitution of Ukraine, the state can only promote pluralism in the information sector of society on the principle of correlation needs and interests of individuals and social structures. [19] Regarding the definition of information security and its constitutional conformity, it is proposed

to pay attention to research Kormich B. [15], which identifies them together according to key provisions reflected in the Constitution of Ukraine on the specifics of conditionality as a subject of law. His thoughts are offered in the following interpretation on the formation of constitutional principles regulating information security as a display of their rights and freedoms in the sphere of information: - Information Security - a type of information certain public entities. That activity to maintain national security information component covers a portion separated from other areas of the state. - Information Security - dynamic social phenomenon. In this regard, in terms of the content of national security it is expressed in the ratio between the activities of the different actors for information and therefore constantly changing under the influence of objective and subjective factors (among them is crucial threats, challenges, danger) .- The basis of regulation and state involvement in social information processes (relations) have the competence and jurisdiction of which are enshrined in the relevant articles of the Constitution of Ukraine and determine the legal nature of information sovereignty of individuals, businesses and the state, as components of the national Constitution suverenitetu.- Ukraine provides information security status, scope and content functions as a separate state, which is manifested in its legislation, including recognition of the priority areas of the state, among other diyalnosti.- competence of state for security in the information sector of society conditioned by the need to harmonize the rights and responsibilities of various individuals , overcoming competition between them

and the functions of the state through its agencies powers in respect of the regulation of information processes in social vidnosynah.- state regulation of information sphere now, just because the law establishing the level of legal laws (especially in the form of such as codes). - Policy on information security has multi features that diversity by objective social relations informatsiyi.Take content provisions of legal regulation of information security is more simple and understandable from the standpoint not only of legal science, but practice. The introduction of the theory of information law will specify the legal acts regulating relations in the sphere of information and fill prohalyny.Napovnennya provisions of the constitutional principles of legal regulation of information security, it is proposed to consider in the context of its features: • the content of information security, as the sphere of social relations balances at the intersection of various components of national security and the respective roles of the state; • information security has zahalnorespublikanskyy and local (regional) the content arising from the needs and interests of different people - participants of information relations; • state avenay regulation in the sphere of information should occur only on a legal basis, according to the norms enshrined in the Constitution of Ukraine; • the policy regarding national information security should be implemented by each of the institutions of public power, as well as through the institutions of society [20] .As term research administration and information law, isolated problems setting up the organizational component in the public and corporate governance in the information sferi.Z position of administrative law, information security,

as social and technological legal phenomenon, it is proposed to consider in order to develop effective general provisions concerning guarantees of information rights of interconnection 'communication with the state and other interests in the country, social values, benefits; forming system regulation signs organizational and management measures; prevent the public dissemination of information, which is the legal regime of restricted distribution, toscho.Yak basic constitutional proposed to allocate principles of information security by Behyshevym I. [18]. They may look like this: priority to the rights and freedoms of the citizen (as a fundamental principle enshrined as standard in international law); the balance of interests of individuals, society and the state as sovereign in public relations for information; adequate measures to counter threats to security challenges in the information space; state supervision, control in the field of information security (eg, developing and manufacturing special tools information weapons); transparency and public control over the activities of public authorities in the information sector suspilstva.Odnyeyu of the main components of the constitutional and legal regulation of information security should be - the impact on competition of the state enterprises and other entities for ownership of different media, including the process of monopolization, concentration - for political power by certain individuals. Nowadays, some forces struggle for influence in the electronic and print media, for control of film companies, publishers and news agencies entails usurpation "fourth branch of government." This creates a tendency

to concentrate power over society to manipulation by political parties and individual NGOs totalitarian direction [19]. In scientific sources expressed the views that the right to information - the only element of freedom of speech, expression, ideas and more. Freedom of information - the symbol of an entire group freedoms formalized in rights - freedom of speech or freedom of expression; freedom of the press and other media; the right to information that has social significance; freedom to disseminate information. [22] In connection with the freedom of the individual, the citizen directly extrapolated to possible challenges, threats, danger to others, society, state, international spivtovarystva.Slid state that the information law, as a branch of law - is an important and necessary tool to regulate the activities of state and local governments, state and non-state enterprises, institutions and organizations, and civil rights in the field of information security. Scientists Zadorozhna L., M. B. Smith Brizhko, stressing the importance of legislative regulation of information security, define "information security can be understood on the one hand, direct information security, and especially - the protection of privacy, commercial information of restricted access personal data, etc., on the other - as a protection of information systems, which is actually a means of conveying information "[20]. Consideration of information security issues from the perspective of receipt, storage, use, dissemination and protection of information, that is - the sphere of information relations related to the circulation of information inevitably reduces the role of the state and management of administrative and legal regulation of relations in this field.

Information security, expressed in the subject and method, working closely with virtually all existing branches of law. This interaction includes their regulatory influence various spheres of public and social life. State administrative activities under the direct influence of processes taking place in society, especially in the economy, which inevitably affects the content of information security and the nature of its regulation [23]. Conclusions and recommendations for further research. The impact of current realities management system of information security system forms the constitutional principles that will, in the future, present and guarantee legal regulation. Thus, the creation of appropriate principles must adequately respond to the challenges of each stage of development of information society. The information revolution, globalization processes information, a wide range of new negative factors have turned information on information security categorical imperative of our time, as an important area of law and areas in administrative and legal regulation. Organizing information security rules must take place in accordance listed constitutional principles, completely getting rid of complex procedures and unnecessary barriers most consistent system of rules.

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