
Information Freedom - Legal Category of Formation of Basis of Civil Society

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Abstract: Strengthening of the noticeable influence of the information sphere on the life of a person, on the activities of the state and society has turned into one of the features of social development of the second half of the twentieth century and the beginning of the twenty-first century. This is determined, firstly, by the scientific and technological revolution in the field of computer technology and telecommunications, new achievements significantly increasing the effectiveness of activities related to information, and secondly, human rights and freedoms in the field of human information activities are noted as the main values of modern civilization.

The protection of human rights and freedoms in the sphere of human information activities, the improvement of the national information infrastructure and the provision of its stable activities occupy an important place in the system of public interests as an information element reflecting the interests of the development of the "information" national economy.

The recognition of truthfulness and fairness, clarity, openness, freedom of expression and information in the first place, depends on the extent to which freedom of expression and freedom of speech are provided in all the processes taking place in society and reforms.

Ensuring freedom of speech and information, openness, clarity of all reforms and processes implemented in most cases depends on how freely and democratically the press and other mass media cover the ongoing processes, since freedom of speech, freedom of media activity is a special sign of democracy.

The article analyzes the main approaches to ensuring freedom of information of the country, formulated the goal, tasks, functions, principles of ensuring freedom of information of the country. More specifically, we will dwell on the legal aspect of ensuring freedom of information.

Keywords: Information, rights, freedom, civil society, principles of ensuring freedom of information.

INTRODUCTION

Ensuring the rights and freedoms of citizens guaranteed by the Constitution of the Republic of Uzbekistan in the field of activity of the executive branch should be based on serious conceptual developments. The basis of this development is laid in the report of the first President of our country I.A. Karimov, "The concept of further deepening democratic reforms and the formation of civil society in the country." The purpose of this article is to develop a conceptual framework for solving this problem.

Strengthening the tangible influence of the information sphere on human life, on the activities of the state and society has turned into one of the features of social development of the second half of the XX century and the beginning of the XXI century.

This is, firstly, determined by the scientific and technological revolution in the field of computer technology and telecommunications, new achievements that significantly increase the efficiency of activities related to

information, secondly, rights and freedoms in the field of "informational" human activities are noted as the main values of modern civilization.

The protection of rights and freedoms in the field of human information activities, improving the infrastructure of national information and ensuring its stable activity occupies an important place in the system of public interests, as an information element reflecting the interests of the development of the "information" of the national economy.

The recognition of truthfulness and justice, clarity, openness, freedom of speech and information, first of all, depends on the extent to which freedom of expression, freedom of speech are ensured in all the reforms and processes taking place in society.

Freedom of thought and speech - the right of all citizens. At the moment, if we analyze them in connection with the election processes in accordance with national and international practical experience, the exercise by citizens of the rights and freedoms of citizens, during the preparation and conduct of this important socio-political event, becomes especially important[1].

In turn, freedom of the media means the exercise of the right to criticize without political censorship, intimidation or any political pressure on representatives, in government, candidates for a particular post in government or other opponents. The word of a journalist, which is a qualitative result of such freedom, in most cases is capable of fundamentally changing social thought.

The responsibility that rests on the shoulders of journalists determines the need for objective coverage of all the reforms carried out in the community and in the media in accordance with applicable law, and the requirements of socio - political and legal literacy.

Ensuring freedom of speech and information, openness, clarity of all ongoing reforms and processes in most cases depends on how freely and democratically they are covered by the press and other media, as freedom of speech, freedom of the media is a special sign of democracy[1]. As the first head of our state, Islam Karimov, noted: "Democracy is freedom at all stages of government. The most important thing is to have strong laws that give the right to freedom of speech."

Freedom of speech and the press, democratic principles that ensure openness and clarity of the reforms carried out in society should not exist in words and on paper, but should be implemented in practical life and should be a priority for the qualitative renewal and development of society, as freedom of speech, freedom of the press, freedom of thought, in essence, is consonant with concepts: openness, clarity, justice and democracy - fully revealing the essence of all reforms carried out in society.

The Constitution of the Republic of Uzbekistan enshrines the basic principles aimed at ensuring freedom of thought, speech and the press. These constitutional principles can be divided into two groups:

- The articles on personal rights and freedoms of citizens established by the Basic Law guarantee the freedom of thought and speech of a person and citizens, as well as the impossibility of depriving them without a court decision.

As noted in Article 29 of the Basic Law, "Everyone has the right to freedom of thought, speech and belief. Everyone has the right to seek, receive and disseminate any information, with the exception of directed against the existing constitutional system and other restrictions provided by law.

Freedom of opinion and expression may be restricted by law based on state or other secrets" [2].

Although not all articles of the Constitution use such concepts as freedom of speech and information, freedom of the press, freedom of thought, freedom of conscience, they serve to ensure and protect these rights.

- The constitutional norms that established the legal status of the media in society are aimed at directly ensuring the freedom of human thought, speech and the press.

An example of this is Article 67 of the Constitution of the Republic of Uzbekistan [1].

For the first time in the history of the Republic of Uzbekistan, this article is based on the principle of freedom of the media as a constitutional principle and, most importantly, censorship has been abolished. The ban on censorship prevented pressure on the media. This constitutional principle, as the legal guarantor of the conduct of this free activity of the media, is of great importance in the process of updating society.

In all the reforms carried out, national legislation provides for cases related to the prevention of abuse of freedom of the media. The standards associated with this problem are provided for by international documents and are backed by relevant guarantees. This is served by: Article 29 of the International Declaration of Human Rights[3], Article 19 of the International Covenant on Civil and Political Rights[4], Article 10 of the European Convention for the Protection of Human Rights[5] and Fundamental Freedoms, Vienna Declaration of Human Rights and Program of Action, and other international regulatory documents. In international and foreign practice, the level of protection of openly expressed information and ideas in political debates is much higher. This is an understandable and fair criterion, as far as possible people should be aware of current events and things relating to each person.

"The real democratic press cannot live according to the instructions and will not live according to them." Ensuring the effective freedom of speech and press in the Republic of Uzbekistan, all reforms and processes

associated with the transformation of the media into a “fourth power” is based on the democratic principle in the full sense of the word.

MATERIAL AND METHODOLOGY

The methodological basis is the methodology of scientific knowledge, as well as the approaches traditionally used in legal science. The work uses the dialectic method, the deduction method, system analysis, as well as the formal legal, methods of interpretation of law, structural and logical analysis of legislation. The study examined the complex of problems of legal regulation of relations and the implementation of legal activities in the field of countering threats to the security of interests of the Republic of Uzbekistan in the information sphere, taking into account the most important provisions of the theory of state and law, constitutional, administrative, information and criminal law, legal informatics. The provisions of this article are based on the Constitution of the Republic of Uzbekistan, international treaties of the Republic of Uzbekistan and current legislation.

RESULTS AND DISCUSSION

The constitutional rights and freedoms of man and citizens, the freedom of the individual, the protection of honor and dignity, and the morality of the individual and society carried out in the field of information are reinforced by the practice of applying law in the fight against illegal actions in the field of computer information in the interests of the state and society.

The third direction, “The Concept of Further Deepening Democratic Reforms and the Formation of Civil Society in the Country,” provides for reforming the sphere of information and ensuring freedom of speech and information[6]. Obviously, in order to deepen democratic processes and ensure freedom of the media, it should become a platform for the free expression of one’s thoughts and ideas of people, their attitude and views on events around them.

In this sense, the Concept specifically noted a wide range of legal measures aimed at ensuring freedom of speech over the past years, the changes that have occurred in the field of information are determined on the basis of life examples.

Analyzing the path traveled in this area, the following tasks can be formulated. The Concept proposes the adoption of laws “On the openness of the activities of state authorities and governing bodies”, “On television and radio broadcasts”, “On the economic foundations of the activities of the media”, “On guarantees of state support for the media” and to make appropriate amendments and additions to legislative documents, in particular, “On the media”, “On guarantees and principles of freedom of information” and others. At the same time, tasks were identified to improve the legislative norms “On Telecommunications” and to develop a state program for the transition to a digital broadcasting system.

One of the dominant factors in the modern stage of the development of civilization is a phenomenon that can be defined as an “information revolution”. The information revolution is the result of two processes simultaneously developing throughout the history of mankind - the process of constantly increasing the role and increasing the amount of information necessary to ensure the life of human society, and the process of developing and improving technologies for the accumulation and dissemination of information.

The modern information revolution is associated with the emergence of new information and communication technologies, based on the combination of traditional media and computer systems for transmitting media over telecommunication networks. The process of constant development and global spread of information and communication technologies, which has short-term and long-term, sometimes unpredictable consequences, can be called the process of “global informatization”. Informatization is defined as a new stage in the development of productive forces, in which the exchange of information, its prompt processing and effective use are the determining conditions for the comprehensive development of society.

Informatization is an organizational socio-economic and scientific-technical process of creating conditions for meeting the needs of legal entities and individuals in information using information resources, information technologies and information systems [7].

Informatization undoubtedly contributes to a more efficient management of public processes. However, informatization not only accelerates the development of civilization, but also generates new threats to national, regional and global security, which are recognized as the most dangerous threats to humanity in the 21st century. In this regard, a special kind of national security is highlighted - information security.

The problem of ensuring the information security of any state is one of the most important aspects of its foreign policy, since it is the information sphere that today seems to be the most important object for the application of the activities of various participants in international relations.

Historically, the degree of maturity, that is, citizenship, of human society is determined by the state of freedom. Moreover, it is considered a natural and universal measure of many public institutions, including legal ones. For many generations of thinkers, the categorical meanings of freedom have been defined as opposed to slavery and political despotism. In the era of enlightenment, freedom was conceptually justified by the theory of a social

contract, and together with it, “civilized” constructions of the state-legal system were adopted, the values of which are still relevant today.

Critical views on traditional understandings of freedom in political and ethical dimensions were first proclaimed, developed and substantiated by Kant, who reanimated the construction of limited freedom that existed in the pre-antique historical era. Its meaning is reduced to the categorical moral imperative: “do everything in the way you would like others to relate to you” [8]. Many ethical postulates of civil society were based and are based on this rule. Expanding the horizons of mass computerization in the conditions of the modern information society will undoubtedly draw people to new levels of well-being, since information on areas of life is becoming more accessible, opportunities for obtaining new knowledge are expanding, production processes are accelerating, costs are being reduced, etc.

However, the total and uncontrolled spread of modern information and communication technologies has another result. Due to its openness and informality, negative processes are introduced into the information sphere of human activity. Different subjects penetrate into it, the motives of which are not immediately determined, and the consequences of using their technological capabilities, unfortunately, are felt only after the fact, when the negative effect has already occurred and cannot be prevented. The creative use of information technologies by individual media representatives often leads them to violate the boundaries of what is permitted and moral standards accepted in society. Mass information becomes a dangerous weapon in achieving the goal of the media owner, inadequate to the interests of society. People expect from the media, along with objective, unbiased information about events taking place in the country and beyond, first of all, a critical assessment of the activities of government bodies and management structures, an open professional analysis of vices, acute topical problems of our lives, all that which hinders the country's progress along the path of reform and renewal. It must be admitted that to this day we hardly get rid of the heritage and stereotypes of a past life, with its ideology, administrative control and censorship. Self-censorship is still strong among journalists, the expectation of a team from above. At the same time, it must be said that there is a growing and growing understanding among our public that without ensuring information freedom, without turning the media into an arena where people can freely express their thoughts and ideas, positions and attitudes to current events, one cannot talk about deepening democracy and political activity of the population, about his real participation in the political and public life of the country [9].

At the same time, the information telecommunication environment only becomes attractive to a person when it does not have strict rules and conditions for its use. It cannot be otherwise, because otherwise the user is looking for another place to acquire knowledge.

In accordance with the Constitution of the Republic of Uzbekistan, everyone has the right to freely seek, receive, research, disseminate, use and store information. Access to information can be limited only in accordance with the law and in order to protect human rights and freedoms, the foundations of the constitutional system, moral values of society, spiritual, cultural and scientific potential, ensuring the country's security [10].

Freedom of information is usually understood as universal liberty in the search, receipt, transmission and use of absolutely any information in society. At the same time, freedom of information should be understood as a natural need for a person to receive the most adequate reflection of existing reality in order to navigate in life situations and find for himself the most appropriate adaptation options in the world around or the most optimal way out of the crisis. This is especially true at the present time, when life is filled with crisis situations and their dangerous manifestations. Under these conditions, a person is even more interested in adequately reflecting reality, no matter how crisis it may be. It is this interest, this need, which has a natural nature, therefore the right to information is rightly related to natural human rights. However, structures that have always tried to penetrate into this natural process of reflection are interested in directing the natural course of reflection of reality along a different vector, into another channel, beneficial for them. Returning to the problem of human freedom to receive information, we need to compare two categorical pairs that reflect universal values: “freedom” and “necessity”, “freedom” and “responsibility”. In the information sphere of human activity, a reasonable correlation of the categories “freedom” and “necessity” should always be applied, then another categorical pair “freedom” and “responsibility” will correspond to a rational legal structure in the form of an offense. The basic principles of freedom of information should be openness and publicity, accessibility and reliability [11].

The information sphere is the least formalized medium of a person's life due to the nature of information and the properties of consciousness, which are difficult to respond to rigorous external algorithms, with the exception of cases when a person as a carrier of consciousness is in a state of unfreedom.

For millennia, the established principles and rules should be laid in the foundation of the building of civil society and its culture, especially in the information sphere. Information culture involves not only the mastery of information knowledge, but also the obligation of a modern person to remember that any of his actions in the common information space related to the abuse of his rights and freedoms can cause infringement or destruction of similar rights and freedoms of other people. The moral imperative of “the need to do what you would like others to do the same with you” as a principle in our time has found its place in the text of art. 30 of the Universal Declaration of Human Rights (nothing in this Declaration can be interpreted as giving any state, group

of individuals or individuals the right to engage in any activity or to perform actions aimed at the destruction of the rights and freedoms set forth in this Declaration) [12]. This requirement is currently enshrined in the Constitution of the Republic of Uzbekistan, the Laws of the Republic of Uzbekistan “On Informatization” and “On the Principles and Guarantees of Freedom of Information”, as well as other by-laws. The participants in informational relations have no choice but to observe the historical postulate of the construction of freedom, and therefore directly participate in the organization of the rules of behavior, using the universal construction of behavior, the main content of which should be reason and goodwill. For example, the rational self-organization of the "broadcaster" of information acting on behalf of the media. This requirement is applicable to information disseminators in information and telecommunication networks and to information owners in the Internet environment, where along with good it is possible to obtain “dirty information” unauthorized, for example, in the form of unclaimed graphics. The user of the information sphere is often imposed with distorted ideas about culture, primitive and completely wild meanings that have nothing to do with good. To obtain socially useful information, a mass media institute must work. Mass information - documented information, printed, audio, audiovisual and other messages and materials intended for an unlimited number of people [13].

But this social phenomenon is often used with a “negative” coefficient. In the “pre-cybernetic” period, the speed and amount of information were insignificant. It was then difficult to imagine any mass information campaign aimed at causing harm to humanity. Huge volumes of transmitted information and high-speed means of their detection and dissemination create real conditions for the massive infliction of moral and material damage to a person, team and society.

CONCLUSION

Unfortunately, the freedom to seek and receive information by man and citizen in modern information reality is often interpreted arbitrarily as the right to universal openness of the information space and inertial trust in its content. However, the category of “freedom of information” includes not only the right to search, but also the right to receive, and not the obligation to receive. Information disseminators in this case should ensure the implementation of such a possibility of the recipient, that is, provide for organizational, legal and technical measures aimed at "not receiving" information that is not desired for him.

A key moment in the democratization of society, in general, and economic life, in particular, was the change in attitudes toward property (mainly private property) as the most fundamental social institution. It is through the new relations to property that the political, economic and social renewal of society mainly occurs. Giving priority to democratization and the development of social institutions of the economic sphere, we proceeded and proceed, first of all, from the fact that only with the availability of economic stability in the country is it possible to maintain socio-political stability. However, without the establishment of political institutions, the further development of the democratization of social relations in society, in turn, it is impossible to continue the process of its economic reform and renewal [14].

The implementation of the above measures helps to strengthen the role and place of the media in the system of civil society institutions, the full implementation of constitutional rights aimed at ensuring freedom of choice and freedom of speech.

The generalization of the practice of creating a system of legal regulation of freedom of speech and information, and the scientific and practical study of problems arising in this area, plays a huge role in building a civil society, and for ensuring legal freedom of speech and information in the Republic of Uzbekistan.

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