



International Experience of Legal Regulation of Freedom of Speech in the Global Information Society

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Abstract

The article presents the results of the analysis of international legal regulation of the protection of freedom of speech, the right to freedom of expression within the UN and the Council of Europe. A comparative analysis of the definition of the right to express views and beliefs in various international legal acts was made. The case law of the European Court of Human Rights in cases related to the exercise of the right to express one's views and beliefs on the Internet was considered. The analysis of the legislation of foreign countries regulating the right to express views and beliefs online was carried out. The materials of the article are of practical value for scientists and practitioners dealing with the issues of legal regulation of freedom of speech, the right to express views and beliefs, for forecasting and planning scientific research, improving legislation, for higher education teachers in educational activities, as well as for all interested persons.

Keywords Freedom of speech · Freedom of opinion and expression · Global information society · Right to a fair trial · Combating domestic violence

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1 Introduction

The urgency of the study is due to the rapid development of information technology, which, among other things, expand the opportunities for citizens to express their views and beliefs. The Internet is widely used to exercise the right to freedom of speech, while at the same time there are frequent cases of abuse of this right. Therefore, it is important for countries to find the optimal model of legal regulation of freedom of speech on the Internet. Given the above, the experience of international legal regulation of the protection of the right to express views and beliefs, as well as the experience of foreign countries in this area, is extremely relevant.

The problem of legal regulation of freedom of speech, the right to expression of views and beliefs is becoming increasingly important in all countries. This was facilitated by the development of the information society, information and communication technologies and networks. At present, information resources play an important role on a par with economic resources. The creation of the Internet has led to the formation of a single information space where citizens from different countries can instantly, freely communicate, share information, their views and beliefs. Freedom of speech is one of the core values of a democratic society. And it is the key to the formation of the information society. In the global information society, freedom of speech, the right to express views and beliefs must be fully ensured. This should be reflected in legislation guaranteeing the right to freedom of expression, including the prohibition of censorship, the non-recognition of any ideology and the consolidation of ideological, political and economic diversity. However, it must be remembered that ensuring the rights of some persons cannot violate the rights of others. Therefore, of course, the right to freedom of speech cannot be absolute.

The rapid development of information and communication technologies, in addition to the huge benefits, strengthening and facilitating the exercise of the right to freedom of speech, has also created a number of new problems. Increasingly frequent are cases of abuse of freedom of speech and the right to express views and beliefs. This situation requires a review of the priorities of state information policy and the legislative establishment of criteria for restricting freedom of speech, freedom of information and the right to expression. The content of the conditions for restricting the right to freedom of expression should be derived from international legal acts governing these issues, as well as the case law of the European Court of Human Rights (ECtHR). Therefore, the analysis of ECtHR decisions on this issue is relevant.

Countries with developed economies began the process of building an information society and faced the problem of abuse of freedom of speech and the right to express views and beliefs on the Internet. Therefore, the study of positive foreign experience in the field of ensuring a reasonable balance between the ensuring the right to express views and protection of the rights of others on the Internet is extremely relevant.

Thus, we can state that the formation of the global information society, the development of information and communication technologies have a significant

impact on the implementation of the right to freedom of speech and the right to express views and beliefs. The development of the single information space is so rapid that it raises the issue of revising the priorities of state information policy and legal regulation of the right to freedom of speech. Therefore, the international experience of legal regulation of freedom of speech in the global information society needs to be studied in order to identify the optimal model of legal regulation of freedom of speech.

The purpose of the article is to analyze the legal regulation of the right to express views and beliefs on the Internet in international law and foreign countries, as well as to develop proposals to improve certain aspects of legal regulation of freedom of speech in Ukraine.

2 Analysis of Literature

Yarmol considers freedom of expression as a human right that enables human to express in any form his/her attitude to the past, present or future events, facts, etc. and evaluate them [1]. Titko draws attention to the fact that the right to freedom of expression is a necessary element in a democratic society and can be exercised in any way (orally, in writing, using technical means) [2].

Recently, more and more scholars are paying attention to the right to express their views in connection with the use of information and communication technologies. For example, Vashchenko draws attention to the need of the reform of legislation in the field of ensuring the right to express one's views on the Internet [3]. Yurinets proves the point of view on the need for legislative regulation of prohibition of immoral manifestations in the expression of the beliefs [4]. Turuta reasonably proves the need to restrict the access of individual "undesirable" users to the Internet [5].

German scholars such as Schulz [6], Klonick [7], Guggenberger [8] and Heldt [9] in their research analyze possible methods of combating statements that provoke aggression on the Internet. Scientific discussions have intensified especially since the adoption of the German Law "On Consumer Protection in Social Networks" in 2017 as one of the first pieces of legislation in the EU aimed at combating the abovementioned negative phenomena.

American scientists draw attention to the need for legislative regulation of the implementation of the right to freedom of speech in social networks. Significant use of the Internet, especially the use of social networks, has contributed to the emergence of new problems in the field of legal regulation of the exercise of freedom of speech. J. Horowitz draws attention to the need of legislative regulation of the types of statements protected by the First Amendment to the US Constitution. Social networking platforms are private companies that have the legal ability to set rules and guidelines for the use of their communities, including censorship of content or a ban on being a member of the community [10]. According to the scientist, this situation is debatable and needs more in-depth study and settlement.

Valerie K. Brannon draws attention to another problem. At present the US federal law does not provide ample opportunity for users to appeal the decision of the provider of social networks on the content of publications. Social networks such

as Facebook and Twitter have become an important tool for users to exercise their right to freedom of expression, as protected by the First Amendment. However, commentators and legislators question whether these platforms have the status of public forums. Some of them expressed concern that the above-mentioned social networks do not take sufficient measures to prevent false statements, statements that incite violence, etc. At the same time, social networks often unreasonably prohibit and restrict access to potentially valuable speech. All these issues, according to the researcher, should be regulated by law [11].

Japanese scholars criticize significant restrictions on freedom of speech in Japanese law. Takashi Jitsuha emphasizes the stricter restrictions on freedom of speech in Japan than in the EU. Shigenori Matsui compared the legal regulation of freedom of speech in Japan and the United States [12]. The scientist concludes that scholars have built an alternative jurisprudence on freedom of expression, largely imitating the jurisprudence of the US Supreme Court. Under this alternative jurisprudence, it becomes much more difficult to uphold the constitutionality of any restrictions. Despite the significant amount of research, the study of the right to freedom of speech and the right to express views and beliefs on the Internet still remains relevant and urgent and requires in-depth scientific analysis [13].

3 Results

3.1 International Legal Regulation of Protection of the Right to Expression

According to General Recommendation 34 of the UN Commission on Human Rights, freedom of thought and the right to freedom of expression are essential conditions for the full development of the individual. They form the foundation of any democratic society. Freedom of thought and the right to express one's views are closely linked, and freedom of expression is a means of exchanging ideas and developing them [14]. According to Article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and to express it freely; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers [15]. Moreover, the document does not provide for restrictions on this right.

According to Article 19 of the International Covenant on Civil and Political Rights, everyone has the right to freedom of expression; this right includes freedom to search, receive and impart any information and ideas, regardless of frontiers, orally, in writing or in print or in the form of art, or through any other media [16]. The article states that the exercise of the above right imposes obligations on individuals and requires special responsibility. At the same time, the International Covenant allows a state to impose restrictions on the exercise of the right to freedom of expression at the legislative level if it is necessary to respect the rights and reputation of others or to protect public safety, public order, health or morals. Freedom of thought extends to the right to change one's mind, at any time and for any reason [15]. All forms of thought are defended, including thoughts of a political, scientific, historical, moral or religious nature. Harassment, intimidation or stigmatization of a

person, including arrest, detention, trial or imprisonment on the basis of expression, is a violation of article 19, paragraph 1 of the International Covenant on Civil and Political Rights. Any form of coercion to adhere to or not to adhere to any views is prohibited. Freedom of speech necessarily includes the freedom not to express one's opinion. Paragraph 2 requires participating states to guarantee the right to freedom of expression, including the right to search, receive and impart information and ideas of all kinds, regardless of frontiers. This right includes the expression and receipt of statements of any form, ideas and opinions that can be communicated to others. These can be political discourse, personal commentary, opinions on public affairs, agitation, human rights discussions, journalism, cultural and artistic expression, educational and religious discourse, commercial advertising. The scope of paragraph 2 covers even statements that may be considered profoundly offensive, although such statements may be limited in accordance with the provisions of article 19, paragraph 3, and article 20 of the International Covenant on Civil and Political Rights [14].

In 2016, the UN Human Rights Council approved a Resolution on the Promotion, Protection and Exercise of Human Rights on the Internet, which aims to protect the right to freedom of expression on the Internet. According to the Resolution, the rights of a person offline must be protected on the Internet [17]. At the same time, the international community has adopted international documents banning statements that promote incitement to hatred and enmity on the Internet. Thus, the Additional Protocol to the Convention on Cybercrime, which deals with the criminalization of acts of racist and xenophobic nature committed through computer systems, prohibits any written or other material that protects, promotes or incites discrimination or violence against any person or group of persons on any grounds [18].

Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms provides for freedom of expression, which includes freedom to hold opinions, to receive and impart information and ideas without interference by public authority and regardless of frontiers. Like other international agreements, the Convention also provides for possible restrictions established by law that are necessary in a democratic society in the interests of national security, territorial integrity or public security, to prevent riots or crimes, to protect health or morals, reputation or rights of others, to prevent the disclosure of confidential information or to maintain the authority and impartiality of the court [19].

The EU Charter of Fundamental Rights is part of the legal system of the European Union, which is binding on the European institutions and the Member States and provides for the protection of freedom of expression in Article 11: "Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers". In addition, the EU Charter of Fundamental Rights requires respect for freedom and pluralism of the media.

As we can see, freedom of speech as a key right necessary in a democratic society is enshrined in a number of international agreements adopted both within the UN and in the Council of Europe and the European Union. At the same time, the exercise of this right requires special responsibility and restrictions imposed at the legislative level in order to protect the rights of others, public safety, etc. [20].

3.2 The Case Law of the European Court of Human Rights in Matters Related to the Exercise of Freedom of Speech on the Internet

Access to the Internet is an important means of exercising human rights and freedoms, including the right to freedom of speech. In its judgments, the European Court of Human Rights found restrictions on access to the Internet as violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides for freedom of expression. This position was expressed in the case of *Yildirim v. Turkey*, in which the Denizli Criminal Court ruled to block the user of the website where he published his scientific works and his views on various issues, in connection with the accusation of insult in memory of Atatürk. The applicant did not gain access to his website even after the termination of the criminal proceedings against him. The European Court of Human Rights found that the violation of the applicant's right to receive and impart information was unlawful and ordered Turkey to pay the applicant EUR 7,500 for non-pecuniary damage [21].

In *Handyside v. the United Kingdom*, the ECtHR took the position that freedom of expression extends not only to information and ideas that are perceived as neutral, but also to such statements that cause a negative reaction from the state or society [22].

In the case of Editorial Board "Right Cause" and *Shtykel v. Ukraine*, the European Court of Human Rights noted that the risk of human rights violations, including the right to respect for private life, in the exercise of the right to freedom of expression on the Internet is higher than in the exercise of this right in the print media. Therefore, the dissemination of information on the Internet should be regulated, taking into account the features inherent in these technologies in order to protect human rights and freedoms. At the same time, it is necessary to adopt legislation that would allow journalists to use information obtained on the Internet [23].

According to the case law of the European Court of Human Rights, state intervention in the exercise of freedom of speech should be carried out only if it is necessary in a democratic society and meets an urgent public need. At the same time, Article 10 of the Convention protects the content of ideas and information, and not the form in which they are expressed. Thus, in the case of *Stoll v. Switzerland*, concerning the conviction of the applicant, a journalist by profession, payed a fine for publishing of the confidential report of the Swiss ambassador to the United States of America concerning the strategy of the Swiss government in negotiations, in particular with the World Jewish Congress and the Swiss banks. The ECtHR agreed with the Swiss authorities and the Press Council that the main intention of the applicant was not to inform the public about the topic of public interest, but make the ambassador's report the subject of an unnecessary scandal. Articles written with distortions and simplifications could have misled readers about the ambassador's personality and abilities, which significantly undermined their contribution to the public debate protected by Article 10 of the Convention. Therefore, the ECtHR ruled that the fine imposed on the applicant was lawful [24].

In its practice, the ECtHR has repeatedly drawn attention to the need to protect the rights of others in the exercise of freedom of expression [25]. It should be noted that the ECtHR pays special attention to the right to respect for private life and the

reputation of minors. Thus, in the case of *K.U. v. Finland*, an unidentified person posted a sexual advertisement on the internet dating site with the name of the applicant, who at the time was 12 years old, without his knowledge. The police tried to find out the name of the individual, but the Internet service provider refused to give it, citing confidentiality conditions. He was also unable to be influenced by the courts due to the lack of relevant national legislation. The ECtHR found a violation of the right of a minor to respect for private life, in particular, the placement of the aforementioned announcement made the minor an object of attention of pedophiles, and the court also ruled that it was necessary to develop and adopt legislation providing for a provision on the denial of confidentiality in order to ensure the prevention of the commission of crimes, as well as violation of the rights other persons [20]. In its decisions, the ECtHR also stressed the need to comprehensively address cases of domestic violence in all its forms, including on social media through the dissemination of information [26], thus reaffirming that domestic violence can be committed online through freedom of expression [27, 28].

The position of the ECtHR in the case of *Panioglu v. Romania*, in which the court noted the need for maximum refraining from expressing their views in the media on the part of judges regarding the impartiality of the courts, is interesting [29]. Therefore, the position of the Romanian courts on the need to protect the authority of the judiciary, which ensures the exercise of the right to a fair trial, was supported [27].

Thus, we can conclude that there is already a relevant practice of the ECtHR in the field of freedom of speech, expression and beliefs on the Internet, which reflects the position that the restriction of freedom of speech on the Internet is possible only in limited cases to protect national and public security, the authority of the judiciary and the protection of the rights of others. Freedom of speech extends to speech, which may be a concern for society and the state.

3.3 Legal Regulation of Freedom of Speech in Different Countries

One of the first countries to adopt legislation in the field of legal regulation of freedom of speech on the Internet is the Federal Republic of Germany, which on October 1, 2017 adopted the Law "On Consumer Protection in Social Networks". The law defines a "social networking provider" as a telemedia service provider that operates an online platform designed to allow users to share content with other users or make content available to the public. Exceptions apply to platforms that offer journalistic or editorial content for which the service provider is responsible, platforms designed to communicate or distribute certain content individually, and professional networks such as LinkedIn. The law requires telemedia service providers to establish and operate a system for reviewing complaints about illegal content. If the content is "clearly" illegal, it must be blocked by the provider within 24 h. Other illegal content should normally be blocked within seven days of receiving the complaint. The seven-day period may be extended if the user who uploaded the content is given the opportunity to respond to a complaint or if a self-regulatory body is involved. Illegal content is content that corresponds to certain offenses of the German Criminal Code, including incitement to hatred, insults and intentional slander [30]. Penalties

for breach of the law could be as high as € 50 million. In addition, telemedia service providers are required to publish reports twice a year.

The Law on Consumer Protection on Social Networks encouraged telemedia service providers to eventually take action against messages that provoke hatred, intimidation, threats, etc. Therefore, the positive effect of this law should not be underestimated. At the same time, German scientists have made a number of critical remarks, which are as follows. Schulz raises the question that the status of telemedia service providers remains unclear. In addition, the main question, according to the scientist, is whether the creation of a system of filing complaints, provided by law, does not violate the fundamental rights of the provider [6]. The main criticism of scholars concerns the possible infringement of free speech in various ways. Social media's obligation to remove clearly illegal content within 24 h has raised questions about potential reblocking of content and privatization of the judiciary through the interpretation and enforcement of criminal law by private companies. These two elements together, in turn, according to Clonick and Guggenberger, can result in significant restrictions on freedom of speech [7, 8]. At the same time, A. Heldt argues that the question of whether content can be removed, as required by the Law on Consumer Protection on Social Networks, is not the main issue. Firstly, because the law requires the removal of illegal content, and secondly, because the removal is still the most effective tool used by television and media service providers when it comes to statements that provoke aggression [9].

The United States ranks third in the world in the number of Internet users. However, the issues of exercising the right to freedom of speech on the Internet, and in social networks in particular, are not regulated at the legislative level. Social networks are private companies. They set the rules for using their product, which may allow, *inter alia*, censorship of content, as well as restrict the right to be users of the community.

In the United States, lawsuits for freedom of speech against social media are usually dismissed. The main reason for the rejection is that social networks are not state entities and their platforms are not public forums. Therefore, they are not covered by the First Amendment to the US Constitution, which proclaims universal civil liberties, including freedom of speech. The general principle of freedom of expression under the First Amendment is that its coverage is limited to protection against restrictions on expression by the government. The First Amendment only prohibits the US Congress from passing laws that restrict freedom of speech. This provision also applies to individual states and local governments, but does not apply to private companies. As Brett M. Pinkus points out, only in rare cases U.S. courts recognize social media as public forums [31]. Such an example is the decision of the District Court and then the Court of Appeals in the case of *Knight First Amendment Institute v. Donald J. Trump*, in which the courts ruled that the blocking by the US President of certain comments containing critical views on his official Twitter page violated the right to freedom of speech of citizens, enshrined in the First Amendment to the Constitution, as the page was recognized as a public forum [32].

Publishing false facts about a person which damages his/her reputation in the United States can lead to civil (and rarely criminal) defamation lawsuits. According to Adam Holland, Chris Bawitz, Jeff Hermes, Andy Sellars, Ryan Budish, Michael

Lambert and Nick Decoster, the law still varies greatly from state to state, but in order to file a defamation lawsuit today, the plaintiff usually has to prove, *inter alia*, (1) that the defendant published the allegation; (2) that the statement was a false fact (as opposed to true facts or opinion); and (3) that the defendant acted with a certain level of guilt (this may be negligence or intent, i.e. it is necessary for the defendant to know that the allegation was untrue at the time of its publication) [33].

Daisuke Wakabayashi draws attention to another shortcoming in US law. Section 230 of the Federal Communications Decency Act has helped Facebook, YouTube, Twitter, and countless other Internet companies thrive. The First Amendment to the US Constitution protects freedom of speech, including hate speech, but Section 230 protects websites from liability for content created by their users. This allows Internet companies to moderate their sites without being responsible for the information they post. At the same time, Section 230 does not provide full protection from legal liability for certain criminal acts, such as the placement of child pornography or infringements of intellectual property rights. The reason for prosecution is the adoption, for example, in 2018 of the Law, which creates an exception to the application of Section 230 for websites, which creates an exception under Section 230 for websites knowingly assisting, facilitating or supporting prostitution [34]. At the same time, it is necessary to note the complexity of the legislative regulation of this issue. According to Mark Sableman, if Internet service providers were potentially responsible for every message posted on their platforms, they would find it expensive and difficult to remove unacceptable or illegal content from vast amounts of information. In this situation, service providers would probably simply delete most of the messages created by users. Such general self-censorship would force providers to remove any content that could cause complaints, and as a result, the Internet would not perform the functions and benefits it would create [35].

Article 21 of the Constitution of Japan prohibits censorship and protects the freedom of speech, the press and all other forms of expression, as well as the secrecy of any means of communication [36]. In general, individuals and the media can exercise freedom of expression in practice, while there are legal restrictions.

A number of laws regulate the activities of the Internet, including through civil and criminal prosecution. Thus, in December 2014, the Law on Protection of Specially Designated Secrets came into force. The law gives a number of officials the power to restrict indefinitely public information on defense, diplomatic relations (the content of negotiations with the government of a foreign country or international organization that are important for national security; a ban on the import or export of goods or other measures taken by Japan for national security); important information concerning the protection of the lives of citizens, the maintenance of the territorial integrity or peace and security of the international community, the prevention of certain harmful activities (important information related to the protection of citizens' lives or information from the government of a foreign state or international organization collected in connection with the prevention of certain harmful activities) and the prevention of terrorist activities (Cabinet [37]). Those who possess such state secret information and caused its deliberate leak are punishable by up to 10 years in prison and up to 2 years in prison in case of unintentional leak. Persons who knowingly receive such information from an administrative body shall

be punished by imprisonment for a term not exceeding 5 years for intentional disclosure and 1 year for negligent disclosure [38].

Copyright protection on the Internet is especially important. Therefore, in 2020, the Japanese government amended the Copyright Act to make it illegal to upload or download copyright-infringing content. Earlier in 2010, uploading or downloading videos and music was criminalized if a person was aware that he/she had been uploading content illegally. However, the scope was limited to any upload or download of "videos and music" and did not include books, magazines, and comics ("manga"). In the 2020 edition, the scope was expanded from "music and video" to cover all types of copyrighted works (e.g. comics, books, documents, computer programs) [39]. Those who violate the revised law face up to two years in prison and / or a fine of 2 million yen (\$ 18,000) [40]. In addition, Article 175 of the Japanese Penal Code prohibits the posting of obscene content. Distribution, sale or display of obscene content (images, objects, etc.) is punishable by imprisonment for a term not exceeding 2 years or a fine of up to 2,500,000 yen [41].

Since 2015, the dissemination of false information in China, which seriously violates public order, is a crime punishable by up to seven years in prison. In 2017, the government introduced a new law on cybersecurity, which requires social media platforms to republish and link to news articles from state-approved media. In order to be allowed to operate, online platforms must comply with government conditions and cooperate in enforcing severe restrictions on political, social and religious discourse [42]. Pursuant to Article 6 of the China Cyberspace Administration's Regulation on Ecosystem Management of Network Content, which came into force on March 1, 2020, a network content producer shall not create, copy or publish any illegal content that contains: violation of the basic principles set forth in the Constitution; a threat to national security; violation of the reputation or interests of the state; distortion, defamation, desecration or denial of needs and spirit of heroes; propaganda of terrorism or extremism or instigation to any terrorist or extremist activity; incitement to ethnic hatred or discrimination; ideas harmful to the state religious policy; spreading rumors to disturb economic and social order; dissemination of obscenity, pornography, violence, brutality and terror; humiliation, defamation of other persons or infringement of their reputation, confidentiality and other legitimate rights and interests; other content prohibited by laws and administrative regulations [43]. Network information departments carry out supervision and inspection on the fulfillment of the responsibilities of the information content management component of the network information content service platform and, if necessary, conduct special inspections of the platforms. The Chinese Cyberspace Administration may suspend or close online platforms that are considered to violate the requirements of the Regulations.

4 Discussion

In view of the above, it is clear that the international community has adopted a significant number of international instruments aimed at ensuring the realization of freedom of speech as one of the key elements inherent in a democratic society.

However, the development of information and communication technologies and the formation of a global information society have led to the need to clarify and expand legal regulation in this area. An analysis of the legislation of different countries confirms the existence of different approaches to solving such important tasks as protection of the rights of others, respect for privacy, morality, protection of public order, security, prevention of crime and disorder, and protection of copyright. Children and young people are a particularly vulnerable population group, whose protection requires exceptional attention due to the potential threat to mental and physical health and reputation.

There is a tendency to gradually expand state control over the implementation of freedom of speech on the Internet. This concerns both the control of the content of statements and the restriction of access to the Internet in individual cases. Moreover, these restrictions are observed in the vast majority of countries. There are differences only in the scope of these restrictions. The ECtHR in its decisions expressed the need to adopt appropriate legislation that would regulate the issue of freedom of speech on the Internet in more detail. Particular attention should be paid to the legal regulation of journalistic activities that are carried out online, taking into account the specifics of the profession and the need to prevent unlawful interference with the freedom of the press. In this area, it is necessary to adopt legislation (particularly in Ukraine) that would allow journalists to use information obtained on the Internet.

There are significant discussions among scientists around the issue of the scope of restrictions on freedom of speech on the Internet. There is more criticism regarding the restriction of access to the Internet in China, where at the legislative level there are significant restrictions on the content of information posted on the Internet, and the restrictions apply not only to information that threatens national security and public order, but also to messages harmful to state religious policy, as well as rumors that may disrupt the economic and social order, etc. (in addition, significant sanctions are provided for violation of the law—up to seven years in prison) [42]. Undoubtedly, criticism of such significant restrictions is justified. At the same time, it is necessary to develop such legal regulation of the implementation of freedom of speech on the Internet, which at the same time effectively protects the rights and interests of others, as well as public security and national order, etc.

There is a need to further study the issue of using a pseudonym when expressing one's opinions and views and the exercise of freedom of speech in general on the Internet. Anonymous statements contribute to the violation of the rights of others and may even be the basis for committing crimes on the Internet. Therefore, it is necessary to regulate the conditions of denial of confidentiality in order to prevent these offenses.

Copyright protection on the Internet remains relevant. Not in all countries it is provided properly. Although in some countries there are positive developments in this direction. The undisputed leader in this area is Japan, which has amended its copyright laws to make it illegal to upload or download any infringing content. In Japan, a large number of laws regulate activities on the Internet. Among other things, the Copyright Act criminalizes the illegal uploading or downloading of infringing content. Moreover, severe sanctions are imposed for violation of the law—up to two years in prison and / or a fine of 2 million yen (18,000 US dollars).

We agree with the need to criminalize offenses that violate copyright. However, the question of the type and size of punishments remains debatable and requires further scientific analysis.

The problem of legal regulation of freedom of speech, the right to express views and beliefs is relevant for all countries without exception. With the development of information and communication technologies and the increasing use of the Internet, new problems arise related to the realization of this right on the Internet: protection of the rights of others, national security, public order, copyright protection, protection of minors, freedom of the press, etc. All these issues need legislative regulation.

5 Conclusion

The right to express views and beliefs is one of the fundamental rights that belong to a person in a democratic society and are enshrined both in international agreements and in the national legislation of individual countries. Most scholars advocate the need for minimal restrictions on the right to express views and beliefs. However, issues of national security in the context of information warfare, the possibility of aggravation of the social situation by providing false information to the population and protection of the rights of individuals require legislative establishment of criteria for restriction of the right to freedom of expression.

The practice of the ECtHR in cases related to the exercise of freedom of speech on the Internet confirms the need to develop and adopt legislation that ensures the effective protection of freedom of speech on the Internet, in particular by journalists, as well as the protection of the rights of others, including the right to respect for private life. The ECtHR recognized the restriction of access to the Internet as a violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides for freedom of expression. The ECtHR confirmed that the Internet is an important tool for exercising the right to freedom of speech, and the disseminated information can cause a negative reaction from the state and society and does not have to be neutral. At the same time, the ECtHR stands for the protection of public order and the rights of others in the exercise of the right to freedom of speech.

The issue of exercising the right to freedom of speech on the Internet and in social networks, in particular, is regulated at the legislative level in different countries in different ways, using different approaches. In the United States, which is the world's third largest Internet user, Internet companies, with a few exceptions, are not responsible for content created by their users. At the same time, social networks themselves establish rules for the use of their communities, which may include censorship of the content of statements, and also have the right to restrict membership in their communities. The issue of preventing false statements, harassment, intimidation, statements that incite violent actions, etc. remain unresolved. These issues still need legislative regulation. China, by contrast, has placed significant restrictions on the content of information, views and beliefs posted on the Internet.

Germany has made significant progress in the field of consumer protection in social networks through the adoption of a separate legislative act in this area. The

law of this country obliges telemedia service providers to create and maintain a system for reviewing complaints about illegal content on their platform, under which illegal content must be blocked.

The legislation of individual countries in the field of freedom of speech on the Internet has its advantages and disadvantages. Therefore, it is important to find a balance between ensuring the right to express views on the Internet and ensuring the protection of the rights of others, public order and the national security of the state.

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