

FREEDOM OF SPEECH UNDER THE INTERNATIONAL LAW

Viktor Kirilenko*, Georgy Alekseev**

Introduction

Freedom of speech and expression is one of the fundamental guarantees for the implementation of the constitutional principles of a democratic and rule-of-law state, which, while remaining an actual political issue, acquires an increasingly complex context in the light of the development of artificial intelligence technologies in the industry of modern media. The fundamental basis for the fairness of the political regime at the national level is determined by the effectiveness of those legislative decisions that are designed to promote the development of a policy of pluralism in the information society.

Realization of free speech is aimed at identifying the problems associated with the fourth industrial revolution and the introduction of elements of artificial intelligence into the national economy. The hypothesis was that all the states were largely unable to guarantee the protection of citizens from economic discrimination.

The main aim of this research is to mention the current development and the perspectives of the freedom of speech in the contemporary world.

Freedom of speech under the international law

For modern mass media, the importance of humanitarian issues acquires a new and relevant meaning against the background of increasingly obvious competition between man and the technologies of transnational corporations [1] aimed at replacing the professional work of journalists with gadgets for "smart" machines and artificial intelligence technologies.

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The purpose of our research is to prove the need to strengthen the role of public institutions in ensuring the realization of freedom of speech by those countries and social groups whose voice is usually distorted by modern economic realities.

The methodology of poliparadigm analysis of the problems of free speech realization allows us to highlight contradictions between the norms established in international documents and the practice of public relations. This systemic analysis demonstrates that in the postindustrial society the practice of discrimination is broadening both for individuals who are poorly adapted to post-industrial realities and for large geographical spaces, while statehood is insufficiently developed to oppose discriminatory intentions.

The 1950 Convention on the Protection of Human Rights and Fundamental Freedoms [2] proclaims "the right of everyone to express freely his opinion, including freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers" (p. 1 art. 10). At the national level, freedom of speech may be limited to "certain formalities, conditions, restrictions or sanctions that are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public order, for the prevention of disorder and crime, for health and morals, protect the reputation or rights of others, prevent the disclosure of information received in confidence, or ensure the authority and impartiality Justice" (p. 2 art. 10). Resolution 428 of the Parliamentary Assembly of the Council of Europe on the Declaration on the Media and Human Rights of January 23, 1970 establishes the political position of the Council of Europe countries in respect of a wide range of guarantees for the media to implement fundamental political rights and freedoms.

The legal basis of the information society reflects the democratic nature of the post-industrial world order. According to the just remark of Professor Zh. T. Toshchenko, "ideas played and play a big role in the life of mankind. They are the meaningful beginning of every society and state, intent on existing on the world stage; each organization striving to participate in the economic, political and spiritual life of society; each class, a social group, aware of their role at a particular historical stage." [3]. In the context of globalization and aggravation of conflicts in the world community, freedom of speech becomes the central legal institution for the whole mass communication industry [4]. A wide scientific discussion is unfolding around the legal content of freedom of speech, in which political goals acquire their natural legal legitimacy.

The situation with freedom of speech in Russia and Bulgaria is similar in many respects to the extent that we share in many respects the common path of historical progress towards a rule-of-law state. The well-known Bulgarian professor Petko Todrov reasonably believes that "freedom of speech is one of the most important civil liberties. For the mass media, this is expressed in

the freedom of everyone to express their opinions and opinions without public interference or pressure from the state bodies, the implementation of censorship or the imposition of punishment. Therefore, the main parameter that is present in any in-depth media analysis is freedom of speech." [5].

Formats of modern mass media, developing under the influence of fashion on promising information technologies [6] suggest an ever deeper integration of elements of artificial intelligence into the production of media content. The question of whether robots will become legal subjects in the near future, as well as the problem of legal responsibility for the actions of "smart" gadgets, is actively discussed in the scientific community in the context of the competition between people and machines in the context of the widespread actualization of the problem of increasing unemployment among members of the intellectual class [7]. In the framework of the legal doctrine, this political context seems to be relevant to supplement the legal content of the restriction of freedom of speech and expression through mechanisms of technical control over the dissemination of mass information that is unprofitable for the political class.

In these difficult political conditions, the development of the national doctrine of information law is carried out in the direction of the reception of a wide range of legal constructions that arose under the conditions of the democratic regime of Western countries as media law, a special community of legal norms regulating social relations in the production and dissemination of mass information [8]. Media law, being public in its nature of interaction of the subjects of mass communications with its target audience (the public), is not aimed at regulating public relations by the method of power regulations. The mass media, as one of the institutions of power, [9] distributes authority in the society on the basis of existing communicative technologies, proceeding from the need to preserve and develop national cultural capital. At the same time, the reputation of political leaders, state authorities and civil society institutions becomes less dependent on the nominal power of normative acts, and is more subject to innovative forms of natural-legal regulation.

Multidimensionality in the natural-legal understanding of freedom of speech and self-expression is determined by the dualism of negative and positive freedom of speech in the context in which Isaiah Berlin [10] presented them, depends on the system of realization of de-physical and physical freedom in social practices of communicative action [11] The virtual space of modern mass media is also characterized by the ideological content of the political and legal institution of freedom of speech in the light of the differences in the views of neo-liberals and representatives of republicanism on the role of the state in the modern liberal world [12].

Legal guarantees of freedom of speech, on the one hand, are aimed at achieving those goals that are defined in normative acts and policy documents, on the other

hand, freedom is an indicator of the effectiveness of the state policy in the sphere of production and distribution of mass media products.[13] As a result, freedom of speech in its negative content is traditionally perceived as a system of guarantees of non-interference of the state in the cultural sphere of society. However, in a positive light, freedom of speech and expression requires the cost of public resources to implement creative and media projects at the national level. And since the quality of freedom of speech in the modern world directly depends on the costs and incomes of those professional subjects of the media sphere, which have the freedom to fully realize it, the modern mass media become dependent on the sources of funding that they need.

Freedom of speech introduces significant changes in the design of intellectual property protection, updating the institutions of the public domain and open access around the world. The authoritative Russian scientist I.L. Bachilo believes that "the fate of the product of intellectual creativity (like its form), guarantees for the protection of the rights of intellectual property subjects are subject to a massive attack of threats of an organizational, legal, moral plan." [14] The need for liberalization in the field of legal protection of intellectual property was reflected in the work of American scientists such as James Boyle [15] and Lawrence Lessig [16], who consistently point out that restrictions on freedom of speech may be economic in nature.

The well-known Bulgarian scholar Theodor Sedlarski rightly notes that "the direct origin of the rule of law as the first condition for establishing open access can be attributed to the generally accepted arbitration procedures for resolving disputes between members of the elite, which is initially based solely on an equal treatment of subjects at a single hierarchical level. Voluntary, purposeful transformation of individual privileges of individual members of the elite into non-property rights occurs at a time when they feel that their privileges are threatened by intra-elite competition (coming from other fractions of the elite)." [17]

The introduction of elements of artificial intelligence into the modern media industry significantly changes the structure of costs for the production of media content, acting as a factor of dehumanizing creativity, eliminating the risks associated with the human factor, the system is becoming an ever greater challenge for the traditional content of positive creative freedom. Restriction of positive freedom of speech and self-expression of an individual associated with the potential capabilities of machines, actualize the new context of negative social freedom of speech from the manifestations of artificial intelligence and electronic surrogates of communication. The deontological content of the humanitarian nature of the creative activity of authors and the realization of freedom of speech by people, not machines, will soon require legislative guarantees of a fundamentally new level that will restrict the right of corporations to use machines dominating the spheres of social life most vulnerable to such

anthropogenic dominance. While artificial intelligence modules today perform a useful search and analytical function in the Internet network, having already become an integral part of the advertising industry of the national economy, the introduction of these technologies into the media industry can become a factor in the decline in the value of man's intellectual labor. Further extrapolation of the authority of machines and their producers can actualize such a threat to national security as a reduction in the skills of working intellectuals, entail the degradation of labor resources at the national and international levels.

According to a number of European scholars, in particular Kent Asp and Edwin Baker, [18] there are conceptual differences between the market and democratic content of freedom of speech and expression, which reflects the contradictions between two ideal types of rationality: economic and political. On the one hand, the rationality of freedom of expression based on democracy is aimed at protecting independent and authoritative journalism as a necessary condition for the development of democratic institutions. On the other hand, the rationality of freedom of speech is based on market principles and is aimed at protecting all information and any forms of expression that provide the economic effect necessary for the modern media industry, regardless of political interests and goals [19]. Problems with the economic rationality of modern media are actualized, among other things, by technogenic forms of economic domination of the state and transnational corporations in the modern information space. The constitutional principle of a democratic state is interconnected with economic conditions by a knot of market realities in the media industry, where conditions are created for the expansion of the information warfare theater, and socially dangerous phenomena of an extremist nature arise and develop.

The positive impact of technological progress in the information sphere on the level of social development and labor productivity can not be questioned. However, it is already obvious that the inhuman use of gadgets in some spheres, for example, in higher education, entails excessive bureaucratization of scientific work, distracts the attention of students from the educational and upbringing process, undermines the authority of teachers. While "significant efforts are being made by the state and society to revive the educational function of educational institutions, to activate patriotic education of Russian citizens and, above all, young people," [20] some modern media discredit all these efforts in an inconsistent and sometimes openly hostile editorial policy. Obviously, the law is the only effective tool for regulating public relations in the production and dissemination of mass information capable of preserving the creative origin and humanitarian nature of journalism in the contradictory conditions of commodification of culture, increasing intensity of technogenic communication and the need to remain creative, rational and patriotic citizens of the Russian state.

Freedom of speech not only does not exclude patriotic upbringing, it also contributes to the formation of a conscious democratic civic position that is capable of both loyalty and juridically correctly assess critically the current state power in the modern media. It is quite true that those who advocate a substantive legal justification for democracy, and represent democracy as a procedure for collective choice, note its tendency to give fair and honest political results. The democratic nature of freedom of speech ensures not only the rational aspiration of the "government to avoid social catastrophes, such as famine," [21] but also manifests itself in the fact that freedom of debate, as a rule of law of a democratic state, is necessary both for discovering objective truth and for individual creative self-realization". [22] In this context, attempts to use freedom of speech against the interests of democracy are illegal, irresponsible and must be suppressed by state bodies.

It seems quite obvious that "freedom of speech involves disseminating not only positive information that positively influences people and society, but also information that creates social tension" [23], but the abuse of freedom of speech undermines the basis of the rule of law. In a number of the worst cases of violation of the law, the promotion of antisocial values can absolutely justly lead to legal responsibility, including criminal ones. [24] While the consistent political position of state power is aimed at combating manifestations of violent extremism in the world information space formed by modern mass media [25], this same policy promotes the triumph of freedom of speech for those who are able to remain within the legal framework and conduct a responsible dialogue with the authorities.

Thus, caution is needed with respect to the ratings of various international formally independent human rights organizations that, while demonstrating the imperfection of the mass communication system in countries such as Russia, Bulgaria, Belarus, etc., are eager to extrapolate their own political influence on the field of national politics in these countries, to supersede the media of these countries from the world information space, to limit the possibility of realizing freedom of speech by representatives of Hellenistic Coy culture, not only in the deontic, but also on the physical level of liberalism.

The study demonstrates the legal implications of the introduction of digital technologies in the media sphere. "Smart" technologies that require significant economic costs are not available to all due to a set of social reasons. Gadgets are also gradually displacing a significant proportion of workers from their jobs in the service sector. These two factors create conditions for post-industrial discrimination, in which a large part of the population of the global world becomes deprived of freedom of speech and expression. The only legal means of overcoming technogenic discrimination is such modernization of the legislation,

which will exclude the possibility for corporations to displace skilled workers from the socio-cultural sphere, replacing them with soulless machines.

Notes:

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- [17] Sedlarski, T. (2012), "Институционална еволюция на обществата към отворен достъп и пазарна размяна?" ("An Institutional Evolution of Societies towards Open Access and Market Exchange?"), *Economic Alternatives*, 3/2012, pp. 81-102. ... непосредственият произход на правовия ред като първо условие за налагане на отворен достъп може да се проследи до обичайно установените процедури за арбитраж при спорове между членове на елита и първоначално включва само еднакво третиране на членовете на едно йерархично ниво. Доброволното, целенасочено преобразуване на личните привилегии на отделни членове на елита в неперсонални права идва в момент, когато те чувстват привилегиите си заплашени от вътрешноелитна конкуренция (от други фракции на елита). с. 85
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Abstract

Freedom of speech determines the level of democracy development, as a political and legal principle of state organization. Realization of free speech is aimed at identifying the problems associated with the fourth industrial revolution and the introduction of elements of artificial intelligence into the national economy. The hypothesis was that all the states were largely unable to guarantee the protection of citizens from economic discrimination. The methodology of poliparadigm analysis of the problems of free speech realization allows us to highlight contradictions between the norms established in international documents and the practice of public relations.

Key words: Artificial intelligence, copyright, justice, human rights.

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