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RESEARCH ARTICLE

ANALYSIS OF THE LEGAL FRAMEWORK FOR THE PROTECTION OF CHILDREN FROM HARMFUL INFORMATION TO THEIR HEALTH: NATIONAL AND FOREIGN EXPERIENCE

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Abstract

The article centers on the health of children at a time when the process of globalization is in full swing; investigation of the international and national lawful system for the legal protection of information security, which is detrimental to ethical and spiritual development, regulation of relations in the field of protection of children from data destructive to their health, sorts of information products prohibited for distribution among children, the examination of the forms of improving the legislation of the CIS countries in the field of protection of children from data harmful to their health is covered.

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Introduction:-

The state security and independence of the Republic of Uzbekistan depend in numerous respects on its information security. It is known that “today the infiltration of information and communication and computer technologies in all spheres of our life and the transition to the path of fast development has brought great changes to our society. As a result, humankind is encountering a period of real revolutionary changes in the field of information. A common data society is being formed in the world. The basis of these changes is the emergence of the most modern and proficient means of transmitting and delivering data to the buyer based on the merging of informatization, broadcast communications, and computer technology. As a result, the XXI century is recognized as an information society. That's, ensuring the fast and high-quality flow of data is getting to be a key model for the development and prosperity of the country” [1, p. 34].

Notwithstanding, there are certain sorts of data that can have a detrimental impact on children. This raises new risky issues before society. At a time when the process of globalization is in full swing, the legal security of information security of the younger generation is imperative within the advancement of young people who are faithful to the Fatherland, magnanimous, well-educated. President of the Republic of Uzbekistan ShavkatMirziyoev, speaking from the high rostrum of the United Nations, said: “Today's youth is the largest era in the history of mankind in terms of numbers, as the number 2 billion people. The future of our planet, its well-being depends on how our children develop up to be human. Our fundamental errand is to form the necessary conditions for young people to show their potential, to prevent the spread of the idea of violence, [2]” he said.

The main findings and results:-

Today in our country it is necessary to form and improve a suitable legitimate framework for the formation of a national system of informatization and the rapid development of data innovation. Due to this requirement, a number of legal archives are being implemented. The Constitution of the Republic of Uzbekistan, which contains more than

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thirty regulating provisions defining the essential rights and duties of the members of lawful relations on data, could be a solid foundation for the development of legislation in the field of information. It includes the sacred rights of citizens to the flexibility of information, the sacredness of private life, including the confidentiality of correspondence and messages; the obligation of the specialists to ensure that everybody has got to documents and materials that specifically affect their rights and opportunities; ensures of the opportunity of creation and protection of intellectual property are fortified.

The adoption of the Law “On protection of children from information harmful to their health” [3] in Uzbekistan has procured incredible political, collective, spiritual, and educational significance. According to this law, the data are given in the mass media, cinema and theater, literature, the Internet, and in general in all sources of information in Uzbekistan will have to be examined and classified agreeing to the age of the children who can get acquainted with it. The main reason for the new law is to regulate relations in the field of protection of children from data destructive to their health.

When performing the age classification of information products:

1. its theme, genre, content and artistic design;
2. features of the perception of information by children of a certain age group;
3. the possibility of harm to children's health from the information contained in it is assessed.

The information product, which is prohibited for distribution among children, includes:

empowering children to commit acts that imperil their life and (or) health, including harm to their own health, suicide, and the promotion of such acts;

- the desire of children to consume alcohol and tobacco products, drugs, psychotropic substances, or other substances that affect mental activity, to take part in gambling, riots, prostitution, vagrancy, asking, or other shapes of antisocial behavior; substantiating or justifying the possibility of violence and remorselessness to people or creatures, or encouraging acts of violence;

- denying family values, advancing shamelessness, as well as shaping an insolent demeanor towards parents and other family members;

- substantiating or justifying the possibility of violence and cruelty to people or animals, or encouraging acts of violence;

- denying family values, promoting immorality, as well as forming a disrespectful attitude towards parents and other family members;

- justifying illegal conduct and leading to the commission of an offense;

- calling for the promotion of destructive ideas in society;

- containing obscene words;

- containing information of a pornographic nature;

- photos and videos of children influenced by illicit exercises, including the child's final name, to begin with, name, patronymic, parents and other legal representatives, date of birth of such child, an audiotape of his voice, put of residence or temporary home, reading or a data item around the workplace that contains other information that allows the direct or indirect identification of such a child [4].

It ought to be noted that the study of international practice and world experience in preventing data assaults from overseas in order to ensure children from information that harms their health, moral and spiritual development is of great significance in developing legal measures to protect the younger generation from data attacks.

The international community recognizes the effect of mass media on social morality as dangerous and recognizes the universally acknowledged standards and rules of worldwide law within the interests of national security or public order, wrongdoing avoidance, health and moral security, the security of the nobility or rights of others, and imposes on states the obligation to require measures to ensure against data which is detrimental to the health, ethical and spiritual improvement of its citizens[5].

The control of the circulation of information products in outside countries for the purpose of securing the rights and legitimate interests of children has a long history. The enactment in democracies forces strict restrictions and disallowances on the dissemination of information that “abuses their morals” and “interferes with their health”; examination of information products that will harm the health and improvement of children; the age categories of such items and the timing of the show of “children” and “adults” shows; registers of harmful information products are maintained; control bodies have been established to secure children from such information; strict liability measures have been built up for the illegal handling of information products.

Given the uniqueness, traditions, social, financial, and political differences of different countries, it is troublesome to create common criteria for “harmful” information [6, pp. 56-68]. However, it is vital for the state to create criteria for “harmful” data, to identify the controlling body, various assurance technologies within the portion of the data that can hurt the substance of the media. Without a doubt, “it is very important today to get it the pith of the attempts to derail the minds and spiritual world of people, particularly young people, their long and lasting, negative consequences and the anticipation of such dangers” [7, p. 6].

We will focus on the investigation of the processes of improving the legislation of the CIS countries within the field of protection of information from harm to children's health, moral and spiritual development.

Within the CIS, measures are being taken to strengthen the protection of children from the effects of negative information. In 2009, a draft Model Law “On Protection of Children from Information Harmful to Their Health and Development” [8] was created and adopted at the thirty-third plenary session of the CIS Interparliamentary Assembly. This law, taking into consideration the norms and universally recognized principles of international law, suggests the legal and organizational framework for the policy and worldwide participation of the CIS member states within the field of data security of children and is the main basis for states to develop their national laws.

On November 20, 2003, the Law “On Protection of Social Morality” [9] was adopted in Ukraine. He established the lawful framework for protecting society from the distribution of items that negatively affect social morality. The arrangements of the law don't apply to works of art, literature, and culture recognized as an illustration of classical art or world craftsmanship, creation or distribution of documentary materials, scientific, well-known science, journalistic and instructive materials on sex and sexual life (Article 4). A National Expert Commission on Social Ethics has been set up to protect social morality from items that promote savagery, brutality, and pornography, and to set criteria for such products. This Commission is a permanent state department of expertise and control.

The subject of the Russian Federation - the Republic of Dagestan On November 9, 1999, the Law “On protection of personal and social morality in the Republic of Dagestan” was received, the goals of which are: protection of citizens' rights and freedoms within the field of personal and social morality; security of the population from the harmful effects of drugs that threaten the mental and physical health of people; to protect minors and young people from the harmful effects of pornographic products that threaten their mental and physical health; as well as for deciding the terms and procedure for the deal of alcohol and tobacco products [10].

Article 18 of the Armenian Law on the Rights of the Child (1996) states: “The dissemination of media and literature that illustrate violence and cruelty, degrade human dignity, adversely affect a child and incite delinquency shall be prosecuted in accordance with the law” [11].

Article 11 of the Law of the Republic of Azerbaijan on the “Rights of the Child” (1998) forbids the distribution and display of films, literature, and other means promoting violence and cruelty, pornographic products that have a detrimental effect on children's psyche and spiritual improvement forbids the association of children in the fabricates of products [12].

The Lithuanian “Law on the Protection of Minors from the Harmful Mass Media” (2002) [13] focuses on the protection of minors, not on government organizations. The application of the law is monitored by the Inspector of Journalistic Ethics (Article 9), which gets complaints from citizens and legal substances. An “authoritative group of specialists with specialized knowledge” works beneath the reviewer. The gather assesses the effect of the media on minors and presents its findings to the inspector.

Additionally, the arrangements of the “Law on the Rights of the Child in the Republic of Kazakhstan” (2002) [14], which are straightforwardly copied from the Convention on the Rights of the Child, there are particular articles that are not found in the controls of other countries. For example, Article 36 of the Law states: “Government agencies, individuals and legal entities must ensure the child from the negative impacts of the social environment, data, propaganda that harms his health, ethical and spiritual development”. The law imposes the obligation to protect minors, not as it were on the competent state bodies and open bodies specially made for this purpose, but also on individuals and legal entities. In our see, this is a specific solution to the problem.

Chapter 2 of the new Law of Uzbekistan "On protection of children from information harmful to their health" is devoted to "Bodies and organizations engaged in activities to protect children from information harmful to their health and participating in these activities."

The Cabinet of Ministers of the Republic of Uzbekistan, the Press and Information Agency of Uzbekistan, the Republican Interdepartmental Commission on Minors and the Interdepartmental Commission on Minors of the Republic of Karakalpakstan, regions and the city of Tashkent, districts (cities); Local public authorities; Public education authorities and educational institutions, public health authorities and health institutions; Citizens' self-government bodies; Non-governmental non-profit organizations; The involvement of the media in protecting children from information harmful to their health is set out in separate articles.

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This legitimate document has a separate chapter on the powers of state bodies in this area, the mechanisms of participation of civil society institutions in this activity, and it is clear that even in the comparative legal analysis, indeed the Russian Federal Law “About protecting children from information that is harmful to their health” of December 29, 2010 -satisfied with the fortifying of the substance.

States have set out to improve national legislation on television and radio broadcasting in order to legally secure the information and cultural aspects of their sovereignty.

According to Article 16 of the Law of the Republic of Uzbekistan “On Guarantees of the Rights of the Child”, recognized as the Constitution of the Republic of Uzbekistan: “Every child has the right to information that does not hurt his health, ethical and spiritual development.

Every child has the right to look for, receive and give information of any kind, but as provided by law.

The use of the media, the conveyance of literature, and the showing of movies that show erotica, brutality, and violence, insult human nobility, hurt children and cause delinquency are prohibited” [16].

Most Western countries do not allow items on their TV screens, either legitimately or technically, that may interfere with a country’s information security, social ethics, and state sovereignty.

The UK Videotapes Act [17] (1984) warns the British Film Classification Committee that a product may be seen at home, as well as the possibility of hurt to those who may be watching the product; after the show, the audience has to pay special consideration to the possibility of harming society with their behavior.

Another British piece of legislation that takes under consideration the classification of film products by age is the Cinematography Act [17] (1937), which announced it unlawful to appear scenes that included naturalistic (actual) cruelty to animals.

The British Child Protection Act of 1978 made it illicit to appear obscene scenes involving children (people under the age of 16) [18, p. 230].

Article 5, paragraph 2, of the Basic Law of the Federal Republic of Germany of 1949 reinforces the guarantees of ensuring the interface of young people from the harmful impacts on the information environment. According to this constitutional standard, children and adolescents should be protected from the media, which can negatively affect their handle of social and moral development. The state must take appropriate measures in this regard. Accordingly, the Law on the Lawful Security of Youth in Public Places has been in drive-in Germany since 1951. In 1953, the German Bundestag passed the Law on the Distribution of Harmful Materials for Youth [19, p. 40]. This law, like other laws that secure the interests of young people, is aimed at creating opportunities for creative work with young people.

To actualize the legal security of young people from the destructive effects of the information environment, the law gives for the establishment of a preminent federal body - the Federal Office for the Investigation of Harmful Materials for Youth. This office has been operating since 1954. Members of the board, counting its chairman, is not bound by any instructions when discussing issues related to the extraordinary listing of harmful materials for young people. Books praising the national-socialist regime, for the case, are included in the pertinent list in order to work against neo-Nazism and make it harder for right-wing radicals to impact young people. The federal agency primarily deals with the incorporation in the previously mentioned list of videos that advance atrocities and computer games that glorify war or racism. In 1997, the Law on Information and Communication Services was embraced, which contains norms on the protection of children's health and morals to limit the possibility of harmful influence on minors via the Internet [20, pp. 67-68].

Conclusion:-

In conclusion, we would like to conclude with the following words: “Today, the perception of immorality as a culture and, on the other hand, neglect for the initial otherworldly values, could be an incredible risk to today's advancement, human life, family sanctity, and youth education. Many are realizing how imperative it is to fight such assaults, which are spreading like rapidly spreading fire around the world. It is obvious that today's world requires an open, realistic, and vigilant see of reality, a rectify evaluation of the growing spiritual dangers and dangers in the world and around us and drawing appropriate conclusions and lessons from them. Hence, our compatriots, particularly the younger era, should not have a one-sided and wrong picture of a complicated and dangerous life, of its cruel games.

Hence, the law “On protection of children from information harmful to their health” received in Uzbekistan creates the practice of law requirement for many government agencies. This is:

First, a unified approach to the execution of this law and the development of significant legislation;

Second, to extend the scope of data for guardians around teaching their children the safe and healthy use of the Internet and social networks;

Third, coordination of governmental and non-governmental bodies;

Fourth, it requires tall skills of civil servants and officials in knowledge and application of the law.

References:-

- [1] Абдуазизова Н., Арипов А., Дўстмухаммад Х. ва бошқ. Жамият кўзгуси. – Т.: Академиа, 2005. – Б. 34. (Abduazizova N., Arifov A., Dostmuhammad H. et al. The mirror of society. – Tashkent: Akademiya, 2005. - p. 34)
- [2] Ўзбекистон Президенти Шавкат Мирзиёевнинг Бирлашган Миллатлар Ташкилоти Бош Ассамблеясининг 72-сессиясидаги нутқи. (Нью-Йорк шаҳри, 2017 йил 19 сентябрь). Халқ сўзи. 2017 йил 20 сентябрь. (Speech by President of Uzbekistan Shavkat Mirziyoyev at the 72nd Session of the United Nations General Assembly (New York City, September 19, 2017). The word of the people. September 20, 2017)
- [3] “Болаларни уларнинг соғлиғига зарар етказувчи ахборотдан химоя қилиш тўғрисида”ги Ўзбекистон Республикасининг Қонуни, 08.09.2017 йил, О’РQ-444-сон // Ўзбекистон Республикаси қонун ҳужжатлари тўплами, 2017 й., 37-сон, 976-модда. (Law of the Republic of Uzbekistan “On protection of children from

information harmful to their health”, 08.09.2017, No. Law of the Republic of Uzbekistan-444 // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 37, Article 976)

[4] “Болаларни уларнинг соғлиғига зарар етказувчи ахборотдан химоя қилиш тўғрисида”ги Ўзбекистон Республикасининг Қонуни, 08.09.2017 йил, О’РҚ-444-сон // Ўзбекистон Республикаси қонун ҳужжатлари тўплами, 2017 й., 37-сон, 976-модда. // 3-боб. 16-модда. (Law of the Republic of Uzbekistan “On protection of children from information harmful to their health”, 08.09.2017, No. ZRU-444 // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 37, Article 976. // Chapter 3. Article 16)

[5] Article 19, paragraph 3, and Article 20 of the International Covenant on Civil and Political Rights; Article 10 of the International Covenant on Economic, Social and Cultural Rights; Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Article 29, paragraph 2, of the Universal Declaration of Human Rights; Declaration of the Council of Europe on Mass Media and Human Rights (1970); Article 10 of the CIS Convention on Human Rights and Fundamental Freedoms; European Conventions: International Convention on Cooperation in Film Production (1992), on Transboundary Television (1989), on Computer Crimes (2001), on the Circulation and Trade of Pornographic Publications of 12 September 1923 (Geneva), The Treaty on the Suppression of Pornographic Publications of 4 May 1910 (Paris), the Protocol amending the Treaty on the Suppression of the Distribution of Pornographic Publications signed in Paris on 4 May 1910 (New York, 4 May 1949), the European Convention on Transboundary Television, etc. .

[6] Белицкая А. Защита несовершеннолетних от вредного воздействия информационной среды в законодательстве постсоветских стран // Законодательство и практика масс-медиа. – 2006. №5. – С. 56-68. (Belitskaya A. Protection of minors from the harmful effects of the information environment in the legislation of post-Soviet countries // Legislation and practice of mass media. - 2006. No. 5. – pp. 56-68)

[7] Каримов И.А. Энг асосий мезон - ҳаёт ҳақиқатини акс эттириш. –Т.:Ўзбекистон, 2009.–Б.6 (Karimov I.A. The main criterion is to reflect the reality of life. – Tashkent: Uzbekistan, 2009. – p. 6)

[8] Постановление Межпарламентской Ассамблеи государств – участников Содружества Независимых Государств № 33-15«О защите детей от информации, причиняющей вред их здоровью и развитию» от 3 декабря 2009 года. <http://pravo.levonevsky.org/bazaby11/republic08/text366.htm> (Resolution of the Interparliamentary Assembly of Member States of the Commonwealth of Independent States No. 33-15 “On the protection of children from information harmful to their health and development” dated December 3, 2009. <http://pravo.levonevsky.org/bazaby11/republic08/text366.htm>)

[9] <http://www.medialaw.ru/exussrlaw/l/ua/moral.htm>

[10] <http://www.medialaw.ru>

[11] <http://www.medialaw.ru/exussrlaw/l/am/deti.htm>.

[12] <http://www.medialaw.ru/exussrlaw/l/az/child.htm>.

[13] Селиванова И. Защита несовершеннолетних от негативного воздействия общественной информации в Литве: законодательство и его отражение на практике // Законодательство и практика масс-медиа. Прибалтика. – 2004. № 1(4). (Selivanova I. Protection of minors from the negative impact of public information in Lithuania: legislation and its reflection in practice // Legislation and practice of mass media. – Baltics. - 2004. No. 1 (4))

[14] <http://www.medialaw.ru/exussrlaw/l/kz/child.htm>.

[15] “Болаларни уларнинг соғлиғига зарар етказувчи ахборотдан химоя қилиш тўғрисида”ги Ўзбекистон Республикасининг Қонуни, 08.09.2017 йил, О’РҚ-444-сон // Ўзбекистон Республикаси қонун ҳужжатлари тўплами, 2017 й., 37-сон, 976-модда. // 2-боб. 6-15 моддалар. (Law of the Republic of Uzbekistan “On protection of children from information harmful to their health”, 08.09.2017, No. ZRU-444 // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 37, Article 976. // Chapter 2. Articles 6-15)

[16] “Бола ҳуқуқларининг кафолатлари тўғрисида” Ўзбекистон Республикасининг Қонуни, 07.01.2008 йил, О’РҚ-139-сон // Ўзбекистон Республикаси Олий Мажлиси палаталарининг Ахборотномаси, 2008 йил, № 1. 3-модда. (Law of the Republic of Uzbekistan “On guarantees of the rights of the child”, 07.01.2008, No. ZRU-139 // Bulletin of the Chambers of the OliyMajlis of the Republic of Uzbekistan, 2008, № 1. Article 3)

[17] <https://studfiles.net/preview/5568001/paje:4/>

[18] Рихтер А.Г. Правовые основы журналистики. –М.: 2002. – Б. 230. (Rixter A.G. The legal basis of journalism. – Moscow: 2002. – p. 230)

[19] Гридчин М.М. Проблемы влияния информационных технологий на молодежь./ М.М.Гридчин //Власть. 09. 2007. – С.40 (Gridchin M.M. Problems of the influence of information technologies on youth. / M.M. Gridchin // Power. 09.2007. – p. 40)

[20] Катков А.И. Зарубежный опыт правовой защиты детей от вредного воздействия СМИ. //Законодательство и масс-медиа. – 2006, №4. – С. 67-68. (KatkovA.I. Foreign experience in the legal protection of children from the harmful effects of the media. // Legislation and mass media. - 2006, No. 4. – pp. 67-68).