REPUBLIC OF AZERBAIJAN

On the rights of the manuscript

ABSTRACT

of the dissertation for the degree of Doctor of Law

INTERNATIONAL AND NATIONAL-LEGAL PROBLEMS OF ENSURING FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS IN THE FIELD OF INFORMATION

Specialization: 5614.01 – "Administrative law; financial law; Information law"

Field of science: Law

Applicant: **Gulnaz Aydin Rzayeva**

Baku – 2024

The dissertation was performed at the Department of Human rights and information law UNESCO of the Faculty of Law of Baku State University.

Official opponents:

Doctor of Law, professor
Anatolii Trofimovich Komziuk

Doctor of Law, Professor
Yuriy Pavlovich Burilo

Doctor of Law, Professor
Yulia Oleksandrivna Legeza

Doctor of Law, Professor
Nataliia Yuriivna Zadyraka

Dissertation Council One-time at Baku State University № BED 2.44 operating according to decision of Supreme Attestation Commission under the President of the Republic of Azerbaijan № 3-50/3-1-1-235/2023 dated 27.10.2023.

Chairman of the Dissertation council:

Doctor of Law, associate professor
Turqay Imankhulu Huseynov

Scientific secretary of the Dissertation council:

Doctor of Philosophy in law, associate professor
Alizade Gurbanali Mammadov

Chairman of the scientific seminar:

Doctor of Law, professor
Amir Ibrahim Aliyev

ELMİ KATİB
SCIENTIFIC SECRETARY
"29" 04 2024

GENERAL CHARACTERISTICS OF DISSERTATION

Relevance of the research topic and degree of scientific elaboration of the theme. The simple recognition of the principle of transparency in management, which is one of the main requirements for ensuring the legitimacy and democracy of management, is not enough for the application of this principle. In order to fulfill the expected functions and goals of this principle, the rules and tools that can be applied in practice should be defined. In this context, one of the most important pillars of transparency in management is the provision of rights and freedoms in the field of information.

After the establishment of the information society in the Republic of Azerbaijan, more attention is paid to ensuring the freedom of information in all the projects implemented on the promotion of open government in the territory of the country. Because in a situation where the global information society and information space is formed, it is impossible to talk about the activity of a society member whose information rights are not guaranteed. It is no coincidence that all international sources reflecting the construction of the information society declare the availability of information and knowledge as one of the priority directions or main goals. Back in 2000, the Okinawa Charter of the Global Information Society talked about an information society open to everyone. The 2002 Bucharest Declaration, entitled Towards an Information Society: Principles, Strategies, Priorities, included access to information and knowledge, as well as the promotion of universal access at affordable prices, as one of the main principles. In the Declaration of Principles adopted at the World Summit on Information Society Issues in Geneva in 2003, various principles were reflected in order to ensure the right to obtain information, and the mechanisms of implementation of those principles were defined in the Action Plan. The mentioned international norms are guided by national law and open wide opportunities for the unhindered realization of rights and freedoms in the field of information. However, in addition to this, due to the complexity of the field of information and the dynamism of digitalization processes, there are a number of problems in the provision of rights and freedoms in the field of information, which arise from the

shortcomings of the legal regulation that do not meet the requirements of the time.

Currently, almost all countries of the world accept the institution of human rights and guide the provision of human rights and freedoms in their state policy. It is no coincidence that the principle of respect for basic human rights and freedoms forms the basis of international legal regulation as well as national legislative acts. The formation of the global information society could not fail to have an impact on human rights. Such a society, which is open to everyone, has led to the evolution of the human rights institution in a positive direction. Even many researchers justify their position by saying that the information society is able to ensure the basic rights and freedoms of everyone, regardless of their physical capabilities[1].

The development of new technologies also has a significant impact on human rights. Does such influence create new online rights? - In the previous eras of the global information society, it was noted that it was possible to realize traditional rights online. For example, in 2012 (and again in 2014 and 2016), the UN Human Rights Council emphasized that the same rights that people have offline should be protected online[2], thus the new technocratic society created new rights. was determining However, we must keep in mind that in the digital world, national laws governing the confidentiality of personal information often do not keep pace with technology and cannot protect privacy online. Therefore, the impact of digitization on human rights should be analyzed in detail in the international and national-legal framework, and the issues related to the concrete determination and protection of new rights and freedoms should be resolved. From this point of view, the study of international and national legal guarantee

[1] Məhərrəmova, T. İnformasiya cəmiyyəti daha intellektual cəmiyyətdir // Kaspi, 2010, 23 fevral, s. 8. [Elektron resurs]. URL: http://anl.az/down/meqale/kaspi_az/2010/fevral/108222.htm [last access date: 12.12.2023]

[2] The Human Rights Council. The promotion, protection and enjoyment of human rights on the Internet. [Electronic resource]. URL: https://www.article19.org/data/files/Internet_Statement_Adopted.pdf [last access date: 12.12.2023]

mechanisms of rights and freedoms in the field of information is one of the current research topics.

It should be noted that since information law is a new field in our republic, although research is conducted on freedom of expression, there is no scientific research dedicated to ensuring information rights and freedoms in a complex form.

In general, in the dissertation, the works of local and foreign researchers were analyzed in two directions: the works of researchers in the field of human rights on rights and freedoms in the field of information; works of researchers in the field of information law and internet law on information rights and freedoms. Thus, legal and practical directions were investigated in the works of foreign researchers dedicated the freedom of information (J.Azer[3], G.Gulshah[4], J.Kaya[5], O.Cetin[6], I.Fang[7], T.Mendel[8], etc.), freedom of expression (M.Makovey[9], A.Kuchuk[10], Ch.Çelikoz[11], D.Ayhan[12], G.Gezer[13],

[3] Can Azer. Bilgi edinme hakkı: / Doktora tezi / – Ankara, 2010. – 282 s.

[4] Güven Gülşah. Bilgi Edinme Hakkı ve Türkiye'de Bilgi Edinme Hakkının Kullanımı Usulü ile Kullanma Konusunda Yaşanan Sorunlar // – İstanbul Barosu Dergisi, – 2012. 86 (4), – s. 138-156

[5] Cemil, Kaya. İsveç'te Resmi Belegelere Erişim Hakkı. – İstanbul: Yetkin Yayınları, – 2006. – 1238 s.

[6] Özek, Çetin. Basın Özgürlüğünden Bilgilenme Hakkına. – İstanbul: Alfa Yayınları, – 1999. – 579 s.

[7] Irving, Fang. A History of Mass Communication: Six Information Revolutions. – Boston: Focal Press, – 1997. – 280 p.

[8] Toby, Mendel. Freedom of Information: A Comparative Legal Survey. Second Edition Revised and Updated. – UNESCO: Paris, – 2008. – 156 p.

[9] Monika Makovey. İfadə azadlığı: İnsan hüquqlarının və əsas azadlıqların müdafiəsi haqqında Konvensiyanın 10-cu maddəsinin tətbiqinə dair məlumat kitabçası. – 2-ci nəşr, – yanvar 2004. – 66 s.

[10] Adnan, Küçük. İfade Hürriyetinin Unsurları. Liberal Düşünce Topluluğu. – Ankara: Cantekin Matbaası, – 2003. – 62 s.

[11] Çağrı, Çeliköz. İfade hürriyetinin yatay etkisi bağlaminda sosyal medya platformlarinin idari denetimi. – Konya, – 2023. – 137 s.

[12] Döner, Ayhan. Şeffaf Devlette Bilgi Edinme Hakkı ve Sınırları. – İstanbul: 12 Levha Yayınları, – 2010. – 318 s.

[13] Gülhan, Gezer. Sosyal medya özgürlüğü ve masumiyet karinesi ikilemi: / Yüksek lisans tezi / – İzmir, 2022. – 133 s.

I.Dagi[14], S.Ozdemir[15], A.Shen[16], S.Coliver[17], etc), information rights related to personal data (M.Reglitz[18], M.Ribble[19], Tjong F.E., Tjin Tai[20], etc.), freedom of creativity (A..Andersen Nawrot[21]), right to internet access (M.L.Best[22], Chawla K. [23]).

In addition, on textbooks written by Azerbaijani authors in the field of information law - A.I.Aliyev, G.A.Rzayeva, A.N.Ibrahimova, B.A.Maharramov, Sh.S.Mammadrzali (Information law)[24], R.M.Aslanov (Development directions of democracy in the information society: digital democracy[25]; Fundamentals and actual problems of the information law[26]), R.F.Azizov (Comparative legal analysis of

[14] İhsan Dağı, Metin Toprak. Türkiye'de İnsan Hakları Ve İfade Özgürlüğü // – Ankara, Liberal Düşünce Topluluğu, – 2003, – s. 8-16

[15] Özdemir, S.S., Özdemir, M., Polat, E., Aksoy, R. Sosyal Medya Kavramı ve Sosyal Ağ Sitelerinde Yer Alan Online Reklam Uygulamalarının İncelenmesi // – Electronic Journal of Vocational Collages, – 2014. No. 4 (4), – s. 58-64

[16] Şen, A.F. ve Şen, Y.F. Sosyal Medya, İletişim Hakkı ve İfade Özgürlüğü Üzerine Bir Değerlendirme // – İktisadi ve İdari Bilimler Fakültesi Dergisi, – 2015. S. 17 (2), – s. 122-136

[17] Sandra, Coliver. The article 19 - Freedom of expression Handbook: International and Comparative Law, Standards and Procedures. – August 1993. – 285 p.

[18] Merten, Reglitz. The Human Right to Free Internet Access // – Journal of Applied Philosophy, – 2020. Vol. 37, No. 2, – pp. 314-331

[19] Mike, Ribble, Gerald, D. Bailey. Digital Citizenship in Schools. – International Society for Technology in Education, – 2007. – 149 p.

[20] Tjong F.E., Tjin Tai. The right to be forgotten – private law enforcement // – International Review of Law, Computers & Technology, – 2016. Vol. 30, Nos. 1-2, – pp. 76-83

[21] Anna Maria Andersen, Nawrot. The Utopian Human Right to Science and Culture: Toward the Philosophy of Excendence in the Postmodern Society. – 1st Edition, Routledge, – 2014. – 232 p.

[22] Best, M.L. Can the internet be a human right // – Human Rights & Human Welfare, – 2004. No. 4(1), – pp. 23-31

[23] Chawla, K. Right to Internet Access – A Constitutional Argument // – Indian Journal of Constitutional Law, – 2017. No. 57, – pp. 57-88

[24] İnformasiya hüququ: dərslik / Ə.İ.Əliyev, G.A.Rzayeva, A.N.İbrahimova, B.A.Məhərrəmov, Ş.S.Məmmədrzalı –Bakı: Nurlar nəşriyyatı, – 2019. – 448 s.

[25] Aslanov, R.M. İnformasiya cəmiyyətində demokratiyanın inkişaf istiqamətləri: rəqəmsal demokratiya. – Bakı, – 2022. – 229 s.

[26] Aslanov, R.M. İnformasiya hüququnun əsasları və aktual problemləri. Dərslik. – Bakı: Ləman, – 2019. – 424 s.

regulation in the Internet network) [27] has been referred to the comments of scholars. At the same time, scientific articles dedicated to the information society (Aliguliyev R.M., Mahmudov R.Sh., Ibrahimova A.N., Imamverdiyev Y., etc.) were used in the interpretation of general issues.

As for doctoral dissertations, only a few research works related to information legal relations have been conducted at the national level: R.M.Aslanov's "Theoretical and constitutional foundations of the legal guarantee of information security in the construction of the information society in the Republic of Azerbaijan and the Russian Federation"[28], A.N.Ibrahimova's "International and domestic legal protection of information security mechanisms" [29] dissertation is dedicated to issues related to information security. In addition, H.O.Alizade conducted research on information law violations and information legal liability[30]. As it can be seen, all the conducted studies covered the problems related to information security.

In addition, separate aspects of the provision of information rights and freedoms have been studied by foreign authors at the level of textbooks, textbooks and scientific articles as O.A.Gorodov, M.M.Rassolov, I.L.Bachilo, V.A.Kopylov, V.N.Lopatin, M.A.Fedotov, R.Walters, S.D.Warren, L.D.Brandeis, J.Hoffman, A.C.Evans, L.Stephen, K.M.Yilma, Shiller Hebert I., M.J.Blanke et al. The studies mentioned in the dissertation were widely used in the analysis of individual information rights and freedoms. At the same

[27] Əzizov, R.F. "İnternet" şəbəkəsində tənzimləmənin müqayisəli hüquqi təhlili. – Bakı: Elm, – 2017. – 216 s.

[28] Aslanov R.M. Azərbaycan Respublikası və Rusiya Federasiyasında informasiya cəmiyyəti quruculuğunda informasiya təhlükəsizliyinin hüquqi təminatının nəzəri və konstitusiya əsasları: / Hüquq üzrə elmlər doktoru elmi dərəcəsi almaq üçün dissertasiya işinin avtoreferatı / – Bakı, – 2016. – 56 s.

[29] İbrahimova, A.N. İnformasiya təhlükəsizliyinin beynəlxalq və dövlətdaxili hüquqi müdafiə mexanizmləri: / Hüquq üzrə elmlər doktoru elmi dərəcəsi almaq üçün dissertasiya işinin avtoreferatı / – Bakı, – 2016. – 50 s.

[30] Əlizadə, H.O. İnformasiya hüquq pozuntuları və informasiya-hüquqi məsuliyyət: nəzəri və təcrübi aspektlər: / Hüquq üzrə fəlsəfə doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı / – Bakı, – 2023. – 30 s.

time, works of scientists such as R.F.Mammadov[31] and A.G.Mammadov[32] were addressed from the national literature written in the field of international public and private law.

The object and subject of the research. The object of the research includes international and national-legal problems of ensuring rights and freedoms in the field of information. The subject of the research is the international and national-legal regulations and existing deficiencies in the provision of rights and freedoms in the field of information.

Research goals and objectives. The main purpose of the research was to reveal the international and national-legal problems of the provision and protection of rights and freedoms in the field of information, to develop proposals and recommendations for the elimination of those problems, as well as to present legal and practical proposals for the improvement of mechanisms for the protection of rights and freedoms in the field of information.

In order to achieve the set goals, the following tasks were performed in sequence:

- conducting theoretical-historical analyzes related to the construction of the information society, digitalization and e-governance, which stipulates a new modern approach to the basic human rights and freedoms in the field of information, analysis of the influence directions of global processes on the development of human rights;

- determining the place of the basic rights and freedoms in the field of information in the human rights system;

- comparative analysis of international and national legal regulation of basic rights and freedoms in the field of information;

- determination of differences and contradictions between the regulation of rights and freedoms in the field of information in

[31] Məmmədov, R.F. Beynəlxalq hüquq. – Bakı: Qanun nəşriyyatı, – 2002. – 752 s.
[32] Məmmədov, Ə.Q. Beynəlxalq hüququn ümumtanınmış prinsipləri Azərbaycan Respublikasının beynəlxalq xüsusi hüquq qanunuvericiliyinin hüquqi əsası kimi // – Bakı: Azərbaycan hüquq jurnalı, – 2004. № 3, – s. 86-97.

national law and international legal regulation and presentation of appropriate proposals;

- analyzing the directions of action of international and national protection mechanisms for the protection of information rights;

- study of the impact of digitalisation processes on the realization of rights and freedoms in the field of information;

- presentation of proposals on global and local level elimination of digital inequality, which acts as an obstacle to the realization of rights in the field of information;

- determination of the main features of informational legal regulation of freedom of information;

- determination of the scope of the elements of the right to obtain information;

- development of recommendations on ways to solve problems in the national legal regulation on the right to obtain information;

- analysis of legal and practical problems on the information-legal regulation of freedom of thought and speech, presentation of proposals and recommendations;

- investigation of legal and practical aspects of guaranteeing freedom of creativity;

- research of interaction of basic rights and freedoms with other rights in the field of information;

- determination of the ways of legal regulation of the boundaries of freedom of information in the sphere of a person's personal life.

Research methods. During the research, both general and special methods were used in a complex form. On the one hand, the method of comparative analysis, which has been applied more often, has served to reveal the similar and different features between international and national norms, and on the other hand, by comparing the information legislation of individual states with the domestic regulations of the Republic of Azerbaijan, it has allowed to determine a more efficient legal regulation. Conducting comparative analyzes was also conducted in connection with the investigation of practical issues (for example, judicial practice, implementation of projects related to e-government and open government) and best

practices were identified. The main goal here is to improve the protection mechanisms of rights and freedoms in the field of information in our republic.

During the investigation of the problems, the criterion of historicity was not bypassed. Historical moments such as the construction of the information society and the establishment of e-government were analyzed by applying the chronological research method, and the proposals for the redevelopment of legal regulations related to the protection mechanisms of rights and freedoms in the field of information were justified with reference to this method.

Considering the complexity of the field of information, hermeneutic and synergetic methods were used during the research of national legislative acts.

At the same time, analysis and synthesis, induction and deduction were widely used in conducting various analyzes and obtaining results.

The main new scientific provisions that express the scientific novelty of the research are the following:

1. Freedom of information and the right to obtain information are not the same concepts. The right to obtain information is accepted in a narrower sense, because there is a circle of subjects to which a specific request is directed. However, in freedom of information, the source of information that a person can obtain is not only government institutions and organizations, but it is possible to obtain information from many different sources. The elements of the right to obtain information vary depending on the type of information to which this right is directed and the legal regime. Depending on this, the right to obtain information is realized in two forms: the rights of a person to his own information and the right of a person to obtain other information. Both forms contain different powers. Among the elements of freedom of information, the rights to “seek information”, “obtain information” and “disseminate information” should be recognized. The rights to transmit and process data are not included in the content of freedom of information. Because the first element refers to specific authorized subjects, and the second

element is related to creative freedom and intellectual property rights.

2. The content of freedom of expression consists of three main elements. The first of those elements is the process of formation of thought or expression, the main factor influencing this process is the proper guarantee of freedom of information. Because it is important to have the necessary conditions for a person to learn and obtain ideas freely, and such conditions exist in a democratic society where freedom of information is ensured without hindrance. The second element is freedom of thought and opinion. It refers to the freedom of a person to receive and disseminate information. The last element is freedom of expression, which means the right of a person to freely express information and ideas obtained using any means of communication.

3. The grounds for restricting freedom of information and freedom of expression are specifically defined in the legislation of most states (especially in the constitutional order) and international legal regulation. This is of special importance from the point of view of guaranteeing the mentioned freedoms. Because it prevents unreasonable restrictions and violations. It is considered necessary to clearly define the grounds for limiting both freedoms from the point of view of security and protection.

4. Since the beginning of the 20th century, the communication platform called the Internet has become an important and indispensable tool for using freedom of expression. This has led to the addition of an online form to the traditionally realized freedom of expression. Although legal regulation of online freedom of expression is possible with existing international and domestic sources, the challenges inherent in the new era create a number of difficulties and contradictions. The conditions established by the the European Court of Human Rights (EctHR), especially the application of restrictions within the protection of legitimate interests, are mostly implemented at the national level. In this case, the facts of accessing the prohibited content outside the country and transmitting information through other social media are not few. In this regard, it is necessary to further tighten the conditions and rules for accepting

anonymity in the context of freedom of expression in social media. At the same time, it is expedient to revise the existing legislative norms in the field of information according to the requirements of the time.

5. The right to obtain environmental information has both an active and passive side. The passive side involves the imposition of duties on public bodies related to the delivery of environmental information to the public by legislation. The active party means that every person can exercise his right by submitting an application or request to receive information about the environment.

6. From an international-legal point of view, all types of creative activity can be considered forms of participation in cultural life. However, from the point of view of national legislation, the right to culture does not include the right to perform creative activities. Therefore, the UN Committee on Economic, Social and Cultural Rights in its Commentary No. 21 and the contribution component (one of the three main components of "participation in cultural life") provided for by international norms is expressed in a separate article in the form of freedom of creativity. Therefore, scientific activity is not considered a form of realization of cultural rights, but of freedom of creativity.

7. The emergence of the right to be forgotten in modern times is related to the increase in the availability of information about individuals due to the fact that the Internet has become an integral part of our lives. The right to be forgotten is expressed in the interest of preventing the continuous access by other people of content that includes information about a past event, a person's behavior or other personal and family life information related to the past, unless there is an overriding interest. The main essence of this interest is the desire to be able to freely develop one's personality within the framework of protecting one's physical and moral integrity, that is, a person should be protected from being condemned for any negative events and facts that happened before, so that he can continue his life in the way he wants. It is the purpose of protecting physical and moral integrity that creates confusion in distinguishing between the right to be forgotten and the right to privacy. But the most important

difference here is that the right to privacy includes the interests of personal information not to be disclosed to the public against the law. In the case of the right to be forgotten, the same information was disclosed at the time with the consent of the person himself, but now it has lost its importance. Also, the main difference here is that the information is released into the public sphere, removed from the individual's control more by law. Therefore, the right to be forgotten covers publicized information. The right to be forgotten is simply the request to delete information spread over the Internet after a certain period of time.

8. The right to informational self-determination, which is a digital right created in the experience of the Federal Constitutional Court of Germany, is considered a new concept for modern information law science, and theoretical approaches in this regard are in the minority. The said right is based on the idea of self-determination of a person and includes the right to make an independent decision about the conditions (time, legal regime, etc.) of transferring information about his personal and family life, more precisely, his personal data. However, at this time, a person's control rights regarding his personal data should not be unlimited, protection of proportionality with legitimate interests should be ensured.

9. Acceptance of Internet access as a human right followed the UN's 2016 statement that “actions to intentionally prevent or disrupt the access or dissemination of information online violate international human rights law”. “Internet freedom”, “Internet accessibility”, “the right to the Internet”, “the right to access the Internet”, etc. in various sources. Internet access interpreted under such names is important in ensuring freedom of expression online. Internet access is often associated with restrictions on freedom of expression. But here we are not talking about restricting access to any website, but about providing access to the universal Internet in general. Therefore, internet access should be considered as a separate right.

10. Protecting the online rights of billions of Internet users in the digital world poses different challenges than traditional society. One such problem, net neutrality, is considered one of the current

topics. Although it has been established in various documents at the international level, still no legal approach has been given to net neutrality in domestic law, as well as its different aspects from internet accessibility have not been defined. In practice, this creates a number of difficulties for the protection of human rights and freedoms in the online environment. Although there is still no legal regulation on net neutrality in Azerbaijan, the net neutrality regulations of various states, as well as the European Union, have clarified some issues in this field. However, there is still no consensus on how to regulate the impartiality of internet providers, and there are gaps and contradictions in the mechanisms for ensuring net neutrality. Regulations on the technical aspects of net neutrality should focus on the protection of individual human rights and freedoms (especially freedom of expression, right to privacy).

11. The openness of the Internet requires the provision of net neutrality. Network management is essential for optimal network utilization and other innovations. Today, in almost all countries of the world, a network operator does not have the ability to block or discriminate against services such as Google, Facebook or Skype. However, in practice, there are also facts of restricting or blocking access to various social network platforms, such facts should not be interpreted within the framework of net neutrality, but should be analyzed in the context of the right to internet access. Because net neutrality requires that there be no discrimination against internet data and traffic, regardless of equipment, content, author, origin or destination of the content, service or application. But it is an undeniable fact that the cancellation of the principle of net neutrality indirectly violates the right to internet access. Because the elimination of net neutrality will eventually lead to a monopoly in the provision of internet services to users. Therefore, both terms should be related to legal regulation.

12. The full coverage of human life by ICT has changed the approach to the institution of citizenship and human rights, “e-citizen”, “digital citizen”, “digital rights”, etc. caused the emergence of new concepts. According to the existing points of view in the literature, it can be said that the concepts of “electronic citizen” and

“digital citizen” are essentially the same. An electronic citizen (e-citizen) is considered a member of the information society and exercises his rights and freedoms electronically using ICT.

13. It is important to distinguish the e-citizen from the global citizen. A global citizen is a person who understands the world and knows his place, plays an active role in community life and works with others to make our planet more equal, just and sustainable. In short, global citizenship defines the political, economic, social and cultural interdependence and interrelation between the local, national and global.

14. Information is not created or collected equally in society. Of course, there is more information about the population living in a region, and this will have an impact on the data placed in artificial intelligence systems. Empirical facts confirm that discrimination can be allowed when an artificial intelligence system is not created, but when data is entered into it, and this will eventually form information inequality. In order to prevent discrimination during the application of new technologies, the boundaries of ethical principles on non-discrimination should be clarified both in the international and regional, as well as in the domestic framework. At the same time, judicial practice should also support this. As stated in the Google v. Spain case, the right to privacy outweighs the company's economic interest and, in some cases, the public interest in accessing information[33].

15. Although the last information revolution resulted in the formation of a new society – the information society, the problems existing in the traditional society were “inherited” to the information society. The new form of previous relations has led to the emergence of those problems on a different level. Therefore, interpreting digital inequality only from the aspect of ICT development can be considered as a one-sided approach to the issue. There is an

[33] Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González (2014). [Elektron resurs]. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62012CJ0131 [last access date: 21.12.2023]

interaction between traditional inequality and digital inequality existing in society. Thus, although the problems of traditional society act as factors that create digital inequality, failure to eliminate digital inequality will lead to an increase in those problems, even to their manifestation in new forms. For example, “information monopolists” and “information poor” will be formed, which will widen the gap between the states a little. As a result of such a gap, more dangerous problems can arise. For example, information wars, psychological attacks, etc. Therefore, the elimination of digital inequality is considered one of the most important tasks facing humanity. As a result, this will ultimately reduce the problems of the traditional society.

16. Due to the application of new technologies, there are positive changes in the possibilities of realizing human rights, so it is appropriate to revise the existing legislative acts according to the requirements of the time. Here, the impact goes in two directions: First, the application of new technologies provides ample opportunities for the realization of information rights as well as other rights. For example, the possibility of obtaining access to any information from the global information space or easily using information about oneself electronically. Secondly, digitalization and electronic processes create risks for various human rights, including information rights. For example, the arbitrary and easy management of personal data using the electronic environment. In this regard, in order to form a more appropriate protection environment, the legal protection mechanisms in the existing norms should be redeveloped, and at this time, it is important to sequentially resolve the following issues: What rights are we trying to protect; What are the risks that new technologies pose to these rights; To what extent the current legislation has reduced these risks; What risks can the application of the current legislation cause in the current situation; What values and compromises does the current legislation envisage.

17. Unification of information legislation, more precisely, the adoption of the information code, the reflection of many scientific provisions on information rights and freedoms in that code can serve to improve the existing norms on the realization and guarantee of

information rights and freedoms. In this way, existing repetitions and contradictions in the regulation of the field of information can be avoided.

18. Both international and national law can promise citizens many rights and freedoms. However, if the citizen does not have the ability to realize these rights and freedoms, it will not be possible to achieve an effective result in the end. Such inability comes from traditional social, political, racial, and other differences, which are at the root of the digital inequality existing in the society. For example, the state creates wide opportunities for citizens to implement e-commerce, and this means the unhindered realization of the right to free enterprise. However, the presence of differences from a social point of view causes some citizens to be unaware of the opportunities given to them and not to use those opportunities. Taking into account the above, measures should be taken to inculcate the positive aspects of the information society to ordinary citizens.

19. The fact that almost all members of the society use the media makes it possible to place ICT-related information here. However, not all of the population belongs to the educated class. That's why the preparation of television shows related to the problems of the information society and the electronic state may not be very effective. In this regard, it is more correct to consider individual characteristics. It is possible to arouse interest in the field of information among citizens by providing any information in a non-fatiguing form on television and radio programs that are suitable for the interest of different masses. It should also be taken into account that different sections of the population use different forms of media. Therefore, influence methods are not limited to television and radio broadcasting, but covering all forms of broadcasting can give more successful results. That is why, in the National Strategies, population empowerment and the application of telework have been defined as one of the priority directions since the beginning of the information society. Here, special attention is paid to increasing the interest of the older generation in ICT. The application of measures such as loading various mobile applications to phones, as well as instilling computer knowledge in educational institutions created for

the elderly (University of the Third Age) in our republic, which are applied in the world experience, can be more effective. As a result, it is possible to take advantage of the practical knowledge of the older generation and apply that knowledge in a form suitable for new conditions.

20. The problem of sharenting, a combination of the words share and parenting, is when parents share about their child's daily life on social media platforms. The analysis of sharenting from the aspect of protection of human rights and freedoms is necessary because this problem can be perceived as a direct interference in the private life of children, who are considered vulnerable groups. Using the right to be forgotten is not a complete solution to sharenting problems. Because unwanted information can remain on social network platforms until the child reaches adulthood. Considering that Sharenting is related to the parent, it would not be so correct to refer to the saying that a parent never wishes evil on his child. For example, in many cases, a parent who shares nude photos of his child violates his rights. In order to prevent such situations, it is necessary to define specific rules in the national regulation, and to limit the sharing of the mentioned contents in the management of social media.

Scientific novelty of the research. The scientific novelty of the research here is in presenting a new modern approach to rights and freedoms in the field of information, in the related analysis of new rights and freedoms formed in the field of information as a result of the development of new technologies, in order to eliminate the contradictions and deficiencies in the national legal norms on the provision of rights and freedoms in the field of information, the optimal proposal and expressed in the recommendations. Thus, in the thesis, the difference between freedom of information and the right to access information is clearly defined, the elements of electronic citizenship are specifically listed and their content is revealed, the content of the norms for establishing new rights such as the right to be forgotten arising from the application of new technologies and the right to determine the fate of one's own information is clear. formulated, in order to eliminate contradictions between information

rights and the right to privacy, a proposal was presented regarding the list and content of changes to the legislation, all of which can be evaluated as an innovation for the field and science of national information law.

Theoretical and practical significance of research. The theoretical importance of the research is determined by the definition of the range of basic rights and freedoms in the field of information, the differences between freedom of information and the right to obtain information, the theoretical and conceptual foundations of the information field and the information society, as well as the precise presentation of the list of theoretical sources for individual new information rights, as a result of their detailed analysis, it was expressed in the development of theoretical proposals.

The practical significance of the research is in revealing the existing contradictions and shortcomings in the determination of rights and freedoms in the field of information in the national legislation, presenting recommendations on their elimination, examining the aspects of the impact of digitization processes on information rights, and developing proposals for legal changes arising from the demand of the time, as well as information has manifested itself in the proposal of effective mechanisms for the application of the experience of international judicial bodies in national courts in order to preserve the proportionality between human rights and other human rights and freedoms.

The results of the research can be widely used in the teaching of subjects: “Information Law”, “Cybersecurity Law” at the bachelor's level; “Basics and current problems of Information Law”, “Information society, law and human rights”, “Information Law: theory and practice”, “International and comparative aspects of Information Law” “Legal problems of information technologies”, “Internet law”, “E-government” in “Information Law” specialization at the master's level; “Individual human rights”, “Human rights in the global information society”, “New technologies and human rights” in specialization “Human rights” at the master's level. At the same time, it can be referred to as a theoretical and empirical source in future studies in the field of information law.

Approval and application. The results and innovations obtained in the research were reflected by the author in the scientific articles published in various languages (Azerbaijani, English and Russian) on the subject of the dissertation in the prestigious scientific journals of the republic and foreign countries, as well as in the materials of international scientific conferences (in the Azerbaijani, Russian, English languages).

The name of the institution where the dissertation was performed. The dissertation was completed at the UNESCO Department of Human Rights and Information Law of the Faculty of Law of Baku State University.

The structure of the research. Dissertation consists of introduction, four chapters, conclusion and list of references.

DİSSERTASİYANIN ƏSAS MƏZMUNU

In the introductory part of the dissertation, the relevance of the topic is justified, the degree of development, object and subject of the research, goals and objectives, scientific innovation, new scientific provisions presented for defense, the theoretical and practical importance of the research are explained, the approval of the research results and the structure of the research are given.

The first chapter of the thesis is called **"Impact of the development of the information society on human rights"** and consists of two paragraphs.

In the first paragraph called "Formation of information society and development of human rights", the factors determining the formation of the information society, the characteristic features of the information society, theoretical and historical issues regarding knowledge societies are analyzed.

In this paragraph, the theories on the formation and development of the information society are classified into three groups:

The second half of the 60s of the 20th century – Japanese reports[34]: In those reports, the general characteristics of the information society are given as follows: wide development of quality information sources and easy access to them by everyone; the high level of automation and robotization that frees people from routine tasks (including many of their intellectual types); increasing the role of information in the value of the product.

Middle Ages – Daniel Bell's "The approaching post-industrial society. Social forecasting practice" book[35]: As mentioned, the fifth information revolution resulted in the transition of industrial society to information society. Therefore, in the early days, the information society was called a post-industrial society. These theoretical views are based on the concept of "Post-industrial society" by the outstanding American sociologist Daniel Bell (1919-2011). In this concept, the author emphasized that the development of knowledge and technology affects the progress of society.

Later period – Peter Drucker and Manuel Castells' theory about the transition to an economic system based on information and knowledge[36]: M.Castells characterizes the problems of the network society as follows: problems related to the management of the Internet; restrictions on using the Internet, digital inequality; problems related to the development of information processing ability; problems related to the transformation of labor relations; problems related to the increase in the intensity of exploitation of natural resources; the fear of man-made technologies becoming out of his control.

The second paragraph called "The place of basic rights and freedoms in the field of information in the human rights system" is dedicated to defining the different characteristics of the right to obtain

[34] Əliquliyev, R.M., Mahmudov, R.Ş. İnformasiya cəmiyyətinin formalaşmasının multidistiplinar elmi-nəzəri problemləri. // – İnformasiya cəmiyyəti problemləri, 2016. №2, – s. 4.; Масуда, Е. Информационное общество как постиндустриальное общество. – Москва: Эксмопресс, – 2003. – с.155.

[35] Bell, D. The Coming of Post-industrial Society: A Venture in Social Forecasting. Basic Books, – 1976. – 507 p.

[36] Castells, M. The Rise of the Network Society: The Information Age: Economy, Society and Culture. – Wiley, 2000. – 624 p.

information and freedom of information, and specifying the scope of rights and freedoms in the field of information as a whole.

When determining the scope of rights and freedoms in the field of information, the impact aspects of information technologies and digitalization were taken into account, and the rights and freedoms in the field of information include freedom of information, the right to obtain information, freedom of creativity, freedom of opinion and speech (freedom of expression), the right to obtain environmental information, the right to Internet access is included. Unlike most approaches in the legal literature, the right to privacy (even if it is related to personal data) is not included among the rights in the field of information. However, the right to informational self-determination and the right to be forgotten, arising from his legitimate interests regarding his personal data, have been interpreted as one of the information rights.

In the current paragraph, a legal interpretation of the concept of the information field is given in order to determine the scope of rights and freedoms in the field of information. For this, referring to the legislation in the field of information and Article 50 of the Constitution of the Republic of Azerbaijan, it was accepted that the field of information includes relations related to the collection, search, processing, storage, search, acquisition, transmission, distribution, as well as destruction of information.

The author refers to Hohfeld's approach in order to distinguish between the right to access information and freedom of information. Thus, if access to information is considered as freedom, individuals will be able to act freely in obtaining information, but the state or any institution in a narrower sense will have no duty other than to limit the possibilities of obtaining information. In this case, it is not possible for a person to apply to the judicial authorities regarding the state's responsibility for this restriction, to demand that the information be obtained. If access to information is considered as a right, the right holder is given the opportunity to request information from other persons, especially the state, and the parties who are obligated to the right holder are under the obligation to provide the requested information and documents based on this request. In this regard, the

right to obtain information should not be considered as freedom. However, since the concept of law is the embodiment of freedom, the right to obtain information is based on sources such as freedom of thought and expression, freedom of communication, and freedom of information.

The second chapter of the dissertation entitled "Mechanisms of national and international legal protection of basic human rights and freedoms in the field of information" consists of three paragraphs.

The first paragraph entitled "Definition of basic rights and freedoms in the field of information in international and national law" consists of two sub-paragraphs and is based on a comparative analysis of international norms and national norms on the protection of basic rights and freedoms in the field of information.

In the current paragraph, the international legal documents adopted on the establishment and development of the information society in the information-legal regulation are analyzed in relation to the international-legal regulation of rights and freedoms in the field of information.

The direction of development of the national legislation in the field of information is determined in two ways. The first way includes the creation of legal norms depending on the circumstances and their systematization under various laws and legal acts. Thus, the establishment of the information society necessitated the legal regulation of the new relations emerging in the society, and this conditioned the adoption of many normative legal acts in the field of information.

The second way involves the development of new draft laws based on the doctrinal interpretations of jurisprudence and their subsequent application to practice. For example, legal scholars who analyze the complex nature of information legal relations and the fact that many legal fields of these relations are subject to regulation propose the codification of information legislation.

The thesis states that the main problem of the regulation of rights and freedoms in the field of information in the national law stems from the fact that these rights are excessively affected by digitalization.

From this point of view, the problems related to the application of new technologies in our republic are conventionally grouped as follows: the need to form a new legal regulation; legal uncertainty or incompleteness; "aging" of laws, that is, obsolescence; incompatibility of new legal concepts with existing legislation.

Presentation of legal proposals and recommendations in order to prevent the listed problems is the main point of the current paragraph.

The second paragraph entitled "Activity of international organizations for the protection of information rights" talks about the role of the UN and its institutions, regional organizations in ensuring information rights and freedoms. It is noted here that the UN, guided by fundamental principles such as peace, human rights, independence and development, operates in various directions on the regulation of new relations in the field of information. This activity manifests itself both in connection with the international legal establishment and protection of freedom of information, which is part of the basic human rights and freedoms, and also sets forth the task of ensuring equality among people around the world. Ensuring equality, as a result, conditions the state's access to ICT to the same level and the provision of access to information for all members of society.

UNESCO, a UN agency specialized in science, education and culture issues, which gives special importance to freedom of thought and expression, communication and information problems in its activities, offers suggestions and recommendations on the regulation of relations that are being formed in the information field.

The standards set by the International Telecommunication Union (ITU), another UN agency, are of great importance in strengthening the global telecommunication system. By creating a broadband Internet network, the institution provides equal access to ICT and the Internet. For this purpose, ITU works in mutual relation with both public and private sector.

All regional mechanisms for the protection of human rights and freedoms have an important role in the study of problems related to the realization and provision of information rights. In connection with the establishment of the global information society, directions for the regulation of information relations have been determined in the

activities of many international and regional organizations. For example, the Organization for Economic Cooperation and Development, the World Alliance for Information Technologies and Services, etc.

In the third paragraph, called "National protection mechanisms for the provision of basic rights and freedoms in the field of information", it is stated that the national information policy for each state should first be determined legally and a normative base should be created in this field. It is those normative sources that determine the directions of implementation of the national information policy. The national information policy in the Republic of Azerbaijan is implemented on the basis of a number of principles. These principles are based on both the Constitution of the Republic of Azerbaijan and other sources of law.

The current paragraph states that all general principles of information law (guaranteeing human rights and freedoms, equality before law and law, rule of law, social justice, etc.) should also be guided by the national information policy. In addition, according to relevant field sources, a number of principles of national information policy are determined: education, transparency, equality, innovation, nationality, phasing, international cooperation, leadership, etc. principles.

In world practice, either an independent information ombudsman institution operates for the protection of information rights, or a separate department is formed in the Office of the Ombudsman. From both legislative and practical point of view, information rights are protected equally with other rights in Azerbaijan and a separate institution has not been created. Although this is not welcomed by many media representatives, it is believed that there is no need to create an independent information ombudsman in order to realize the freedom of information in most cases mutually with other rights. Simply, it is more appropriate to create a separate department for the protection of information rights in the Office of the Ombudsman, as well as to increase the number of separate regional centers in the territories and to operate them in a coordinated manner.

The third chapter of the dissertation is called "Realization of basic rights and freedoms in the field of information in the new society: international and national-legal problems" and consists of five paragraphs.

The first paragraph is called **"Directions of impact of digitalization processes on the realization of rights and freedoms in the field of information: general aspects"** and includes the analysis of the positive and negative impact directions of digitalization processes and the development of new technologies on the realization of rights and freedoms in the field of information. This paragraph states that, in general, the impact of new technologies on human rights can be characterized as follows:

According to the first direction, informatization and automation processes do not prevent the realization of rights in the traditional form. The choice is left to the individual.

The second direction envisages the realization of traditional rights with new electronic methods. For example, the impact of electronicization has led to changes in the realization of labor rights. The use of electronic information systems provides favorable conditions for everyone to easily obtain information related to their work. In addition, innovations in modern society have given impetus to the development of labor relations in the form of remote labor relations.

The third direction, based on the demand of the time, stipulates the formation of new rights. For example, the right to be forgotten.

The second paragraph is called **"Development of new technologies and violations of the principles of human rights: solutions to legal and practical problems"** and offers suggestions and recommendations to prevent violations of the principles of human rights and freedoms during the application of new technologies. The author notes that inequality and discrimination in the application of artificial intelligence in most cases originate from the inequalities of traditional society. Therefore, information is not created or collected equally in society. As William Gibson says, technologies are morally neutral until we use them. Therefore, discrimination can be prevented through comprehensive measures.

The dissertation proposes the following as ways to eliminate existing inequality and discrimination on the application of new technologies: compliance with the transparency test; overcoming digital and traditional differences; improving legal regulation.

In the third paragraph entitled **"E-citizen and new forms of realization of information rights"**, the elements of e-citizenship are analyzed at the level of realization of information rights and freedoms. Here, it is recommended to define the elements of electronic citizenship in the following form: electronic availability; electronic security; electronic liability; electronic rights and freedoms; electronic participation.

Electronic accessibility takes into account the provision of access to the Internet, the absence of electronic inequality. Electronic security includes ensuring the completeness, availability and confidentiality of information, so that a citizen participating in the electronic environment must be sure that his rights and freedoms will not be violated. Electronic rights and freedoms include rights and freedoms realized in a new form and under new conditions, as well as newly formed rights. An e-citizen should know that he is responsible for his actions, that he has the opportunity to use electronic services without violating the rights of other people.

The Electronic Participation Index is evaluated based on the following criteria based on a three-level model: Electronic information – refers to the provision of information through the Internet; Electronic consultation – includes online organization of consultations with the public, involvement of citizens in public discussions; Electronic decision-making means direct involvement of citizens in the decision-making process.

In the fourth paragraph called **"Digital inequality as the main obstacle in the realization of rights in the field of information: ways to eliminate it at the global and local level"**, the problems caused by digital inequality to the realization of information rights, as well as the issues related to the elimination of digital inequality at the global and local level, are analyzed. The author states that the methods of eliminating the digital inequality should have a dual function. On the one hand, existing social, economic, political, cultural contradictions

should be resolved, and on the other hand, ICT development should be encouraged. The elimination of digital inequality is not possible without the development of ICT, the factors that slow down the development of ICT cause digital inequality. Also, by using the possibilities of ICT, it may be possible to solve many social, economic, political and cultural problems. As a result, measures taken in both directions serve to ensure human rights and freedoms. Thus, the most important and important task of eliminating digital inequality is ensuring the right to equality. The right to equality is one of the basic rights and freedoms of a person, and in most cases it creates conditions for the normal implementation of other rights. It is no coincidence that equality is reflected in the UN Millennium Declaration among the fundamental values of the twenty-first century, and solving global problems based on fundamental principles such as social justice and equality is defined as a task. Therefore, the rule of digital inequality directly violates people's right to equality. Therefore, the elimination of this problem guarantees the guarantee of human rights.

It is noted in the dissertation that the successful implementation of measures aimed at eliminating digital inequality within the country results from their planning in stages. State Programs and Action Plans for different years have been adopted in order to implement the directions of action envisaged in the Strategies for the establishment and development of the information society. All these programs and plans have determined the measures to be taken in a logical sequence by years.

The fifth paragraph of the third chapter is entitled **"Ensuring net neutrality in the digital world: a comparative legal analysis in the context of information rights"**, and here it is given a legal definition of net neutrality, referring to the experience of various parties and the decisions of the EctHR. It is noted here that although it is accepted that the internet traffic control methods of internet providers can be evaluated in the context of freedom of expression, on the other hand, the limits of the state's interference in the freedom of expression of internet providers should be investigated. In this case, of course, the intervention in question must comply with the conditions of limitation

stipulated in international norms: it must be legal, it must protect one of the legitimate interests, it must be necessary for a democratic society.

According to the author's conclusion, first of all, there should be a statutory regulation in domestic law regarding net neutrality. For users, net neutrality provides access and transparency to internet content and enables the availability of all internet services and applications.

Analyzing net neutrality based on the experience of foreign countries and EctHR, the author believes that network management methods that can positively affect the rights of all end users, such as the protection of net neutrality of internet providers, are in the interests of public order, so it seems appropriate to provide wider protection in favor of internet providers. However, non-public, commercial Internet traffic management by Internet providers is at the discretion of the states.

The fourth chapter is called **"Problems of applying national legislation in ensuring individual rights and freedoms in the field of information in the global information society"** and includes four paragraphs.

The first paragraph is called **"The main features of the information-legal regulation of freedom of information"** and consists of six sub-paragraphs, where information is analyzed as the central element of freedom of information, the essence, classification and legal regime of information, the elements of the right to obtain information, the national-legal regulation on the right to obtain information issues such as the problems and their solutions, the right to obtain environmental information and the specific features of its legal regulation, right to internet access, and the right to informational self-determination are studied.

The current paragraph states that in order to determine the scope of the right to information, it is necessary to look at its elements. These elements vary depending on the type of information and the legal regime to which the right to access information is directed. Depending on this, the right to obtain information is realized in two forms: the rights of a person to his own information and the right of a person to obtain other information. Both forms contain different powers and include the following rights: the right to access information and documents; the right to disclose information and documents.

Domestic legislative acts contain legal norms that regulate the definition and methods of disclosure of open information. From the interpretation of those norms, it can be seen that one of the main goals of the legislator in the wide range of information included in open information is the establishment of a transparent society in the country. It is not accidental that the most important principle of the formed information society is that this society is open and accessible to everyone.

The most problematic cases of the right to access information from closed types of information are related to personal data, which in most cases requires ensuring proportionality between privacy, right to access information or freedom of expression. It has been accepted that when the requested information or document is available, the benefit to the person is greater than the damage to the security of the state or the public and the interest that the requester will gain from obtaining the relevant information, and in this case the information or document must be given to the requester. However, the relevant information or document should not be made available if the possibility of endangering the security of the state or the public outweighs the interests of the individual. In this context, the scope and limits of the right to obtain information should be specifically determined by national legal regulations.

The second paragraph, called "Information-legal regulation of freedom of thought and speech", consists of three subsections, and includes a comparative analysis of international and national legal norms on freedom of thought and speech, problems in the legal regulation of online freedom of expression, and restrictions on freedom of thought and speech (freedom of expression). Includes comparative legal analysis of EctHR decisions and national practice.

In the current paragraph, the author states that freedom of expression should not be equated with freedom of information. The second is broader and includes access to information, search and other rights. In general, freedom of expression (or freedom of thought and speech) and freedom of information cannot be imagined in isolation from each other. Based on the analysis of many decisions of the ECtHR,

it is stated that in most cases one of them is of special importance in ensuring the other.

The scope of freedom of expression is related to what expressions are protected under this right. The concept of expression is essentially a broad concept and is formed by the transfer of ideas formed through thinking to the outside world. In this context, it is necessary to assess how ideas, emotions or thoughts arise and which of these types of expression are covered by freedom of expression. In fact, expressions can be reflected in the external world in many different ways: symbolic, artistic, behavioral and political expressions.

One of the main issues to be highlighted regarding the scope of online freedom of expression is whether internet accessibility is a right under freedom of expression. Because in Estonia, France, Costa Rica, Finland, Malta, Switzerland, Canada and other countries, access to the Internet has been defined as an independent right for each person, although it has different technical characteristics. In most cases, the restriction of freedom of expression online is observed by restricting or banning access to the Internet. It can be bilateral. On the one hand, it is the restriction of access to social media that is believed to be infringing, and on the other hand, it is the determination of restrictions on the ability of individuals to use internet services. For the first case, the WikiLeaks website created in 2006 can be cited as an example. Most countries, including the Republic of Turkey, have blocked access to this site due to the creation and sharing of harmful content that is against the public interest.

The third paragraph is called **"Legal and practical aspects of the provision of freedom of creativity"** and includes two sub-paragraphs. This paragraph explains issues such as the nature and characteristics of freedom of creativity, the interaction between this freedom and information culture.

The declaration of freedom of creativity in the constitutional order (Article 51 of the Constitution of the Republic of Azerbaijan) is based on international norms that provide for human rights and freedoms. It can be seen from the content of international norms that there are three cultural rights – right to culture, freedom of creativity and right to intellectual property. These rights and freedoms mentioned in

the Constitution of the Republic of Azerbaijan are reflected in separate articles. Article 40 of the Constitution establishes the right to culture, Article 51 defines the guiding provisions of freedom of creativity, and Article 30 provides for the right to intellectual property. The declaration of the listed rights and freedoms in the framework of the same article in international sources results from their interrelatedness. The interesting point is that freedom of creativity and the right to intellectual property are included in the article of the right to culture in the international norms. At the same time, the concept of right to culture includes not only the participation of a person in cultural life and the use of cultural resources, but also participation in scientific progress and scientific creative activity.

A person who participates in cultural life in various ways depends on his own desire to engage in creative activities. If this desire is realized, freedom of creativity can be considered realized, and after that, issues related to intellectual property rights arise.

The last paragraph of the fourth chapter of the dissertation is called **"Interrelation of basic rights and freedoms in the field of information with other rights"** and includes three sub-paragraphs. Here, issues such as the ways and possibilities of legal regulation of the boundaries of freedom of information in the sphere of a person's personal life, the interpretation of the right to be forgotten as a right arising from the development of new technologies, and the interaction of freedom of conscience and information rights are studied.

The right to the inviolability of personal life is interpreted within the framework of information rights, because the most conflicting right during the realization of the right to obtain information is related to personal life. When there is a conflict between privacy and the right to information, there is no yardstick to measure which right is superior to the other. The source of the conflict between the right to information and the right to privacy is the question of whether an individual's right to information or privacy deserves legal protection. Thus, giving information about a person's personal life to third parties through the right to obtain information, and thereby disclosing information to the public through media means, will be against personal rights. On the other hand, because the information is related to the person's private life,

the right of the person who is denied the information request will be prevented. Apparently, the exercise of one of these rights may result in the violation of another.

In the event of a conflict of interest, the issue to be considered is the consent of the public and the individual. It is accepted in almost all legal systems that there is no restriction on the access to personal information disclosed by a person in a public space (either offline or online). In most states, taking photos or videos in public is constitutional. Although the state grants people the right to privacy, if they are in public, no one has the said right. As we have seen, paparazzi harass celebrities in public but never get sued. Also, street photographers often take pictures in public places.

It is necessary to know the commercial and non-commercial use of images. Any photos taken in a public place can be used for non-commercial purposes. While general photography does not raise any privacy concerns, a photo taken privately may not be used.

The right to be forgotten was previously defended more in the context of privacy. However, the right to be forgotten cannot be equated with the right to privacy. The right to be forgotten comes from a person's desire to develop himself and continue his life independently without being stigmatized or criticized for any negative actions he committed in the past. If the right to privacy includes information that is not generally known, that is, confidential information, the right to be forgotten is understood as the deletion of information known at a certain time and not allowing third parties to access that information.

When interpreting the problem of Sharenting in the direction of the parent's freedom of expression and the child's right to privacy, the author believes that there are no restrictions on parental sharing regarding the child's online safety in current international and national norms (except for France[37]) and the importance of the child's consent to these sharing. adequate protection and high awareness have not been

[37] Proposition de loi n°84, adoptée par l'Assemblée nationale visant à garantir le respect du droit à l'image des enfants. [Elektron resurs]. URL: https://www.assemblee-nationale.fr/dyn/16/textes/l16t0084_texte-adopte-seance [last access date: 11.12.2023]

communicated. In addition, due to the young age of the child, the question of obtaining his consent also seems illogical. Although the risks posed by the application are relatively reduced with the measures taken by social network sites with a risk-based approach, unfortunately, it is not enough to eliminate the problem. Even if social networking platforms have child-friendly terms in mind by design, these protection provisions may not be effective if the user is not a child. In this regard, sharenting cannot be completely prevented. Educating parents in this area can be one of the main solutions to the problem. At the same time, the content rules for sharing on social networking platforms should limit the sharing of photos and videos of naked or partially naked children, so as not to create problems for the child later. Because even though such content is shared with good intentions, it can be used by others in unexpected ways.

In the conclusion of the dissertation, the results obtained as a conclusion of the research are defined in 22 points:

1. The formation of the information society and the change in the role of information in all spheres necessitated the re-development of regulations related to the mechanisms of ensuring rights and freedoms in the field of information. First of all, we aimed to determine exactly which rights and freedoms should be interpreted under rights and freedoms in the field of information. As a result of the analysis of theoretical approaches, we excluded the aspects of these rights and freedoms related to information technologies and telecommunication activities and defined the range of rights and freedoms in which information acts as a direct object. However, the purpose of using the information is considered as the main point here. That is why, unlike many authors, we did not include the right to privacy among the rights in the field of information, but only some subsidiary rights related to management powers over personal data. Thus, the following have been accepted as rights and freedoms in the field of information by us: freedom of information; the right to obtain information; freedom of creativity; freedom of thought and speech (freedom of expression); the right to obtain environmental information; the right to internet access; the right to informational self-determination; the right to be forgotten.

2. We believe that the term information society no longer meets the requirements of the time. We are not in favor of replacing this expression with the concept of digital society, and we have justified this in our research. In our opinion, more successful is the idea of a knowledge society founded by UNESCO. Because language and cultural differences in individual societies act as an obstacle to access to the global information space. By moving to a knowledge society, it is possible to avoid such differences. Because knowledge societies are societies whose source is individual diversity and individual skills.

3. From our side, the field of information is evaluated in a broad and narrow sense. In a broad sense, the information field includes relationships on information search, acquisition, storage, production, processing, transmission, dissemination, destruction, utilization, relationships on the application of information technologies and the organization of information protection, and relationships on information security. However, within the framework of our research topic, we are interested in the interpretation given in a narrow sense, that the information field includes relations related to the collection, search, processing, storage, search, acquisition, transmission, distribution, as well as destruction of information. During the research, the informational rights and freedoms of individual persons were studied on these relations.

4. As a result of a complete analysis of the essence of freedom of information and the right to obtain information, such a proposal was put forward that most of the norms of the Law on Freedom of Information do not meet the requirements of the time, on the one hand, they are reflected in more modern domestic norms. From this point of view, we consider the repeal of that Law appropriate.

Another issue arises in relation to the term freedom of access to information. As a result of the comparative analyzes of the concepts of freedom and rights, it was accepted that the expression right to access information is more correct.

5. The problems related to the classification of information according to the legal regime, which is the direct object of the right to obtain information, form legal and practical problems for the

realization of this right. The division of information into open and closed information in the legislative order stipulated different legal regulation for both types. From the analysis of the legislation, it appears that there are some conflicting points regarding the content of different types of classified information, rules of their use and protection mechanisms. This mainly occurs during the application of special and general information law norms. Therefore, it is appropriate to review the norms related to restricted access information and specify the scope of information included in all types of closed information included in the concept of secret, comprehensive regulation of liability issues. As a result, we propose to define confidential information in the legislation as follows: Confidential information is information whose access is restricted for the purpose of protecting the legal interests of individuals and legal entities.

6. Different rules have been defined regarding the content of closed information. According to the Law On Obtaining Information, obtaining information is provided upon request. Neither written nor oral information requests are provided with a direct instruction on the subject of information requests. In general, according to the mentioned law, it can be concluded that the documented information of the information owners is included in this subject. However, this should also be taken unequivocally. Because the Law stipulates some restrictions on the subject of the information request (Article 2.4-1; 4.2.1). The law reflects the mandatory exclusion of information constituting a state secret from the subject of an information request. In our opinion, imposing restrictions on information requests should not be considered as a violation of the right to information. Limitation of rights and freedoms on several grounds is considered acceptable even in international norms. In this regard, we believe that the restrictions established by national legislation are based on international principles. However, the main problem here is related to the imprecise legal regulation of the concept and content of confidential information, as well as individual types of information. The boundaries of different information secrets collide from a legislative point of view and unnecessary duplications occur. For example, official secrets and investigative secrets, professional secrets

and official secrets, etc. In order to prevent such inaccuracy, it is important to recognize the confidentiality of any type of closed information that is sanctioned.

7. The application of artificial intelligence brings with it many new technical and legal concepts and terms from the point of view of information rights. In many cases, it is difficult to use those terms in accordance with existing legislation. For example, the translation of the word privacy, which is recognized as one of the most important ethical principles, in the Azerbaijani language means secrecy. Since privacy is not a legal term, we must use the concept of privacy. This is not correct from the legislative point of view. Because according to the Law On Obtaining Information, information whose access is limited by law is distinguished as secret and confidential according to its legal regime. Secret information includes information constituting a state secret. If we accept the principle of secrecy, then we must apply the rules of secrecy to all information. This will violate the boundary between confidential and secret information, and will create confusion in the legal regulation. Therefore, we have to respond to the word privacy with the expression of confidentiality. In order to overcome such legal problems, the legislator's approach to the new terms should be adapted to the existing laws.

8. The scope of freedom of information is covered by the totality of its elements. Based on the comparative analysis of international and national norms, we can say that the elements listed in our Constitution have a wider content. So, according to Article 50 of the ARK, these elements include the right to search, the right to obtain, the right to transmit, the right to prepare and the right to disseminate information. The 1966 Covenant and the 1948 Declaration provide for three elements: the rights to seek, receive and impart information. The European Convention provides a more limited approach, establishing only rights to receive and disseminate information. It should be noted that if we analyze the current information legislation in our republic, the transfer of information should be interpreted not as the right of individual individuals, but as the authority of the relevant information owners within the framework established by law (Articles 2.1.8, 2.1.16 and 14 of the Law on Personal Data). The question may arise: If it is a

question of the transfer of personal data of the person, can it be considered as a right to transfer? – The dissemination of information is given in such a wide content in the legislation that it includes the transmission of information about himself by a person to other persons (Article 2.1.12). As for the right to prepare information, this element is included in the content of freedom of creativity and intellectual property rights. Therefore, we believe that it would be more correct to remove the words “to prepare” and “to transmit” from Article 50, Para I of the Constitution.

9. During the research, the elements of the right to obtain information were described and analyzed as follows: The first group of elements includes the duty of the state to disclose information, the duty of the state to protect closed information and the legal regime of information. The second group of elements includes a person's right to information about himself, the right to information about others, and the right to open information.

10. Among the rights and freedoms in the field of information, we have included the right to internet access. In fact, although the literal translation of the word Internet access is expressed as access to the Internet, we preferred the word availability as a more acceptable option. We have strong reasons to accept the idea that free internet access is a human right. Because it is necessary to ensure a minimum decent life in the digital age. Internet access should be free of charge through tested means. In rich societies, internet access should be considered part of the social minimum. This means that everyone should have the right to an adequate Internet connection, just as all citizens in many advanced societies have the right to a telephone connection. Such legislation already exists in some countries (for example, Germany).

If we turn to our own glorious history, we must emphasize the information war conducted during the 44-day war, and the role and importance of access to the Internet in terms of influencing decisions at the international level is undeniable. Although access to the Internet is not an official channel that provides formal opportunities for global influence, it is an effective means by which individuals can exert collective influence. Therefore, Internet access should be

recognized as a universal right as it offers a meaningful channel of accountability and influence in the global sphere.

Considering that according to the instructions of the Law On Obtaining Information, the mandatory method for disclosing public information is disclosure in Internet information resources (Article 30.1) and the use of other methods is not mandatory (Article 29.2 provides “may be disclosed” has been established), therefore, internet access must be guaranteed to ensure access to open information for society members.

11. Like many rights, there are situations where the right to obtain information conflicts with other rights and some legally protected interests. In obtaining information and documents, the interests of individuals should be balanced with the individual interests of the state and other individuals. Determining which conflicting and competing interests prevail is vital to the exercise of rights and freedoms. Provision of some exceptions to the use of the right to access information is closely related to the balanced use of the said right. A person who does not know the limits of the right to access information will find it difficult to exercise this right, or at least he will not be able to use this right effectively. In order to use the law effectively and according to its purpose, it is important to know its scope. Therefore, it is important to specify the restrictions on freedom of information, like other rights and freedoms. Although such restrictions are listed in the international norms cited during the research, there is no regulation on this in either Article 50 or Article 47 of the Constitution of Azerbaijan. Only from the content of Article 2.4-1 of the Law On Obtaining Information it is possible to determine the scope of such restrictions, and there is inaccuracy in this norm itself. For example, when determining the scope of the state's interests, strategic interests such as foreign-political, intelligence and counter-intelligence were left out of the norm. Therefore, we believe that the scope of restrictions should be defined in accordance with international norms in the constitutional order.

12. The technique of public education on environmental issues is a positive obligation imposed on states by many international environmental agreements. In order to ensure

development through environmental protection, i.e. to achieve sustainable development, individuals must exercise their right to environmental information and have a say in the environmental decision-making process. Actions taken as a result of misinformation will lead to further pollution of the environment. Therefore, environmental information included in the content of the right to receive environmental information should be classified as open and closed. The obligation imposed on the states is related to open information. For this, states should create integrated environmental information systems. Environmental data collection, distribution and analysis systems should be created and experts should be trained to operate these systems. However, regarding closed information, this right is realized by issuing various requests, in which case the rules stipulated by the law must be followed.

13. Article 47 of the Constitution of the Republic of Azerbaijan declares only the freedom of opinion and speech of everyone. Freedom of expression established in international norms has a wider content, as it also includes the rights of individuals to exchange information and knowledge. The main reason for establishing both rights in the same article in international norms is their close connection. Therefore, the regulation of freedom of expression based on international norms can be considered as a more successful experience. From this point of view, it is more appropriate to name Article 47 of the Constitution as freedom of expression, to remove the concepts mentioned in the proposal regarding freedom of information from Article 50, Para I, and to add Article 50, Para II to Article 47.

14. The main purpose of clarifying points related to the right to personal integrity during the research is that information rights, especially the right to access information or freedom of expression, collide with the right to personal integrity in most cases. Because, on the one hand, it is important to protect a person's personal and family life, on the other hand, everyone's right to access any information should be ensured. Therefore, the content of the right to privacy should be clearly defined in order to specify exactly what kind of information should be restricted. We believe that Article 32 on the

right to privacy in our national constitution is not very successful. On the one hand, limitations are only partially provided for the confidentiality of correspondence in Para IV. On the other hand, it is not possible to justify the provision of information related to personal life in Para VII and the neglect of family life. In addition, since information about belief, religion and ethnicity is already information about personal life, it seems very contradictory to emphasize this type of information. Taking into account the above, there is a need to revise Article 32 of the ARK and make appropriate changes.

15. The main point where the right to privacy and freedom of information collides is due to everyone's desire to know more information, while the other side wants to keep their personal and family life private. It is no coincidence that all legal norms existing in the country do not allow video recording, photographing or audio recording of a person without his consent (i.e. secretly). Such recording and filming is permitted only in the cases provided for by law and in the manner established by law. The main issue here is the inclusion of photo and video recording in the content of freedom of information. As it is allowed to obtain information by legal means according to the constitution, we can consider such recordings as a source of information. We believe that the absence of a norm in the legislation regarding the conduct of such filming in public places calls into question whether it will be the subject of controversy later. If we look at the legislation, although a person's photo is considered information about personal life in most states, as well as in the practice of ECtHR, such regulation is not provided for in our republic. Therefore, it is not entirely clear what rights a person whose picture or video is taken in public places will have in this regard. During the research, we looked at the experience of various foreign countries, and we consider the regulation of Germany, Russia and Turkey acceptable as a more suitable experience. Thus, filming in public places cannot be allowed only if a person is the main object of such filming. It is also not allowed to use that recording later for commercial purposes. At the same time, exceptions should be reflected here. For example, unauthorized broadcasting of footage of a crime, filming of children without the permission of a parent or

guardian in full disclosure. It is necessary for such issues to be reflected in the legislation.

16. According to the European and Anglo-Saxon experience, it can be concluded that the right to delete data from the information system is equated with the right to be forgotten. Thus, in Article 17 of the General Rules of Personal Data Protection, the right to be forgotten is written in parentheses in the name of the article that provides for the right to deletion. In our opinion, the special category data provided by the Law of the Republic of Azerbaijan on Personal Data (data related to race or nationality, family life, religious belief and conviction, health or conviction) is related to the content of the right to be forgotten. it is A similar norm is contained in Article 6 of the Convention on the Protection of Individuals with regard to automated processing of personal data.

Also, the fact that information related to family life is not included in Para VII of Article 32 of the Constitution of the Republic of Azerbaijan is somewhat controversial. In fact, the basis of the existing problems stems from the lack of full understanding of personal information in the national legislation. By personal data, the legislator (Law of the Republic of Azerbaijan on Personal Data) provides for any information that allows to directly or indirectly determine the identity of a person and other norms in the field of information. is evaluated as a set of information about personal and family life. If we consider special categories of information as the content included in the right to be forgotten, then it would be more correct to edit Article 32, Para VII of the Constitution. Thus, the legislation of the Republic of Azerbaijan does not equate the right to deletion of data with the right to be forgotten. In fact, by making the above-mentioned edits to the content of personal data, it is possible to include special categories of data with the right to be forgotten. You just need to remember one point here. The right to be forgotten should be limited to the deletion of information from mass media and Internet information resources. Here we are not talking about the complete destruction of the information available in the state information systems. The point is that although the General Regulations on Personal Data Protection also combine both rights

under the same article, they indirectly regulate the right to data deletion. Because it provides the data subject with the right to obtain from the controller the deletion of personal data related to him without undue delay, and the controller is obliged to delete personal data without delay in cases where one of the grounds specified in the Rules is applied. Under the name of the controller, the Rules unite a natural or legal person, state body or other institutions that alone or together with others determine the purposes and means of personal data processing. Therefore, the Rules will not protect the right to be forgotten in cases where a person's conviction is brought out years later from any social network and his personal life is morally damaged.

17. The problem is that the person who wants to delete his personal data must apply to all the relevant entities for this. At the domestic level, this is not so difficult. However, if it is a question of subjects belonging to separate jurisdictions without applying for deletion, difficulties will arise already at this time. Because it is possible that the information can still be found in another part of the website. In addition, data may still be stored on backup data carriers or cloud storage, which is practically impossible to avoid. Finally, there remains the possibility that as-yet-unknown third parties may retain private copies and post these copies on the Internet in the future. In this regard, it is not correct to link the right to be forgotten with information systems. Because the activity of information systems falls under the internal jurisdiction of states, but the deletion of data from the Internet belongs to cyberspace, which no longer knows the borders. Therefore, international legal norms regarding the right to be forgotten should be clearly accepted and steps should be taken to apply these norms in the national practice of the states.

18. Sharenting, which is an actual problem of the time, confronts the freedom of expression of the parent and the child's right to privacy. In fact, in most cases, the parent does not intend to harm the child in sharing for various purposes (nutrition, child development, etc.). A complete ban on the sharing of photos and videos of the child on social networks by parents can lead to an unreasonable restriction of freedom of expression. If the child does

not want those shares to be tracked by third parties after reaching adulthood, he can dispute this wish in the context of the right to be forgotten. However, in our time, in many cases, we witness that naked or partially naked photos and videos of children (especially newborns) are viewed by parents on social networks, and this is directly included in the scope of the right to privacy. We believe that it is appropriate to add the phrase "including information depicting naked or partially naked images of children" in Article 13-2.3.6 of the Law on Information, Informatization and Information Protection (in the list of prohibited information).

19. There is a need to codify information legislation in the Republic of Azerbaijan, and there are a number of factors that determine this. First, a number of problems are revealed in the legal regulation of relations that have emerged as a result of the establishment and development of the information society. This is related both to the broad aspect of activity in the information field, and to the regulation of the same relations with other legal norms. So, in order to specify exactly what types of relations are included in the subject of information-legal regulation and to eliminate the gaps and contradictions that arise in practice, it is considered more appropriate to adopt a single legislative act in the field of information. At the same time, it is necessary that the norms improved as a result of the generalization of information law science and experience should be reflected in the information code. Another reason is related to the need to accurately define the terminological apparatus of information law and the need for the legislator to express his attitude to it. As it is known, the development of ICT resulted in the inclusion of new terms in the lexicon. It is necessary to give a uniform definition to such terms in the legislation. It is true that many concepts are provided in the legislative acts in the field of information. Simply put, in most cases, it is appropriate to adopt a single code in order to avoid duplication and provide a more detailed interpretation.

20. In our opinion, changes related to the nine elements (digital access and accessibility, digital commerce, digital communication, digital literacy, digital labels, digital rights, digital

rights and duties, digital health, digital security) proposed for the interpretation of the e-citizen in the modern sense should be considered. For example, it is somewhat incorrect to separate digital health and digital commerce as separate elements, and to include other rights and freedoms in the framework of digital rights and duties. We suggest defining the elements of electronic citizenship in the following form:

- Electronic availability;
- Electronic security;
- Electronic responsibility;
- Electronic rights and freedoms;
- Electronic participation;

21. E-citizen and global citizen should be distinguished. A global citizen is a person who actively participates in the life of society at both the national and international level, and at the same time treats others and the environment with mutual understanding. Also, unlike a virtual person, a global citizen should not be connected only to the global network - the Internet. Of course, this does not deny the role of the Internet in increasing the activity of global citizens. As a result of summarizing what has been mentioned, we can say that even though e-citizen and global citizen are both concepts of the new era, there are a number of different aspects between them:

- The electronic citizen was formed as a result of the electronic state building in connection with the transition to the information society. A global citizen is formed by globalization and global goals;

- An e-citizen is limited by the jurisdiction of any state, that is, an e-citizen is a person who realizes his e-rights and freedoms and bears duties by a specific state. A global citizen has a transnational character, not limited by the borders of a state;

- Electronic citizenship is possible within the framework of the rules of conduct established by law. Global citizenship has a social content, is characterized by social responsibility and powers.

22. Digital inequality is one of the reasons that hinders the realization of rights and freedoms in the field of information. In the study, the factors leading to information inequality of digital

inequality, as well as economic, political and social inequalities existing in traditional society and the obstacles they create to information rights were studied in detail. So, since the construction of the information society basically involves the active participation of all members of the society in the information process, the guiding principle here is the guarantee of basic human rights and freedoms. A citizen of an economically underdeveloped state cannot be characterized by information activity. Because above all, people use new conditions to increase their sources of income. From this point of view, information economy is one of the main research objects of information law. A member of the society who understands the contributions of the information society gives more priority to economic interests. The legality of those interests is considered an important factor in the realization of economic rights.

We believe that more attention should be paid to measures in the field of encouraging the population in domestic law. Because it is precisely as a result of encouraging measures that interest in ICT can be aroused in the simple layers of the society. Therefore, it is more appropriate to define a list of various measures, both general and specific, to eliminate the digital inequality between individuals. As a result of the information policy carried out in recent times, citizens across the country use various social networks to buy and sell, etc. provide or use commercial services. However, despite the adoption of various laws regulating e-commerce, there are still problems in the regulatory mechanism in this area and tax evasion is common. In this regard, it is appropriate to periodically monitor the activity of e-commerce subjects not only in Azerbaijan, but in all states.

The main provisions of the dissertation are reflected in the following scientific works of the applicant:

1. Yaradıcılıq azadlığının realizəsində informasiya-hüquqi aspektlər: beynəlxalq və konstitusion tənzimetmə // "Dövlət atributlarından Konstitusiyaya" adlı respublika elmi-praktiki konfransının materialları, - 12 noyabr 2019-cu il. s. 33-37.
2. Понятие информации, ее социальная, правовая природа и специфические особенности / Алиев А.И., Ибрагимова А.Н. // - Lublin: Fundacja "Ośrodek Rozwoju Kompetencji

Akademickich" area nauki, kwartalne międzynarodowe czasopismo naukowe - 2019. c. 4-16.
3. Информационное общество и тенденции его развития / Ибрагимова А.Н. // - Волгоград: Актуальная наука: международный научный журнал, - 2019. №1 (18), с. 69-75
4. Digital age, globalization: Ensuring economic rights in the new information society // Law Review of Kyiv University of Law, 2019. №3, - pp. 115-128.
5. Information and media rights in the information society: social and legal analysis / Ibrahimova A.N., Aliyev A.I., Alakbarova N.A. // - Warsaw: XIV international scientific and practical conference social and economic aspects of education in modern society, - 2019. pp. 41-49.
6. Усовершенствование механизмов развития и реализации прав человека в контексте развития глобального информационного общества // - Kiev: X International Scientific Conference «Juridical Science Innovative Development in Conditions of Social Modernization», - February 28th, 2020. c. 180-182.
7. Meaning and position of human dignity in the constitution - theoretical and dogmatic dimensions / Ibrahimova A.N., Aliyev A.I., Mammadrzali S.S. // Global human dignity project, - 2020. pp. 1-11.
8. Information security: theoretical, legal and organizational challenges / Ibrahimova A.N., Aliyev A.I. // Journal of Information Science, - 2020. Vol.8, - pp.1-14.
9. Digital divide as an obstacle to the formation of information society / Ibrahimova A.N., Aliyev A.I. // - Baku: Proceedings of the 7 th international conference on control and optimization with industrial applications, - 2020. pp. 107-110.
10. Digital citizen and information security / Ibrahimova A.N. // - Baku: Proceedings of the 7 th international conference on control and optimization with industrial applications, - 2020. pp. 326-329.
11. Qapalı informasiya və informasiya əldə etmək hüququnun realizəsi // Azərbaycan Hüquq Jurnalı, - 2020. №2, - s. 96-105.

12. Information creativity as a right in the digital society // - Vilnius university: 8th International Conference of PhD Students and Young Researchers – “The future decade of the EU law”, - 2020. pp. 180-192.
13. Protection of human rights violated by cybercrimes in global information society // Науковий вісник Дніпропетровського державного університету внутрішніх справ, - 2020. №2, - pp. 35-41.
14. Organization of information security in e-government as means of information rights protection / Ibrahimova A.N. // Legal Journal “Law of Ukraine”, - 2020. №4, - pp. 225-244.
15. Freedom of creativity and information security culture: interrelationships / Aliyev A.I. // - Kiev: XI International Scientific Conference «Modern law in the era of social transformation», - 2021. pp. 119-122.
16. The impact of new technologies on human rights in the context of the right to be forgotten and the right to privacy / Ibrahimova A.N. // Legal Journal “Law of Ukraine”, - 2021. №2, - pp. 125-150.
17. Artificial intelligence and personal data: international and national framework / Ibrahimova A.N., Aliyev A.I. // PHRG Journal of University of Padova, - 2021. Vol 5, Issue 1, - pp.97-123.
18. Information rights and information security in the context of fair trial / Ibrahimova A.N., Aliyev A.I. // International Asian congress on contemporary, - 2021. pp. 124-167.
19. Rəqəmsal bərabərsizliyin aradan qaldırılması üzrə istiqamətlər: Əsas insan hüquq və azadlıqlarının təminatı // Polis Akademiyasına Elmi Xəbərləri elmi hüquq jurnalı, - 2021. №1 (29), - s. 35-43.
20. Robot yoxsa insan: Süni intellekt sistemlərinin insan hüquqlarına təsir istiqamətləri // Ulu Öndər Heydər Əliyevin anadan olmasının 98-ci ildönümünə həsr olunmuş “Heydər Əliyev və Azərbaycanın inkişaf strategiyası” adlı respublika elmi-praktiki konfransının materialları, - 07 may 2021-ci il. s. 48-52.

21. Süni intellekt sistemlərinin tətbiqində bərabərlik, ayrı-seçkiliyə yol verməmə vacib şərt kimi // Azərbaycan Prokuroru Jurnalı, - 2021. s. 57-64.
22. Qloballaşma və rəqəmsallaşma: qlobal vətəndaş və ya elektron vətəndaş // "Müasir dövrdə daxili işlər orqanları üçün kadr hazırlığını həyata keçirən xüsusi təyinatlı ali təhsil müəssisələri: mövcud vəziyyət və perspektivləri" adlı beynəlxalq elmi-praktiki konfrans, - 26 may 2021. s. 73-77.
23. E-dövlətdə informasiya təhlükəsizliyinin təşkili və informasiya hüquqlarının müdafiəsi / İbrahimova A.N. // Polis Akademiyasının elmi xəbərləri elmi hüquq jurnalı, - 2021. №1 (30), - s. 96-112.
24. Virtual məkanda kibertəhlükələr və insan hüquqlarının müdafiəsi: beynəlxalq və milli-hüquqi tənzimetmə / İbrahimova A.N. // Azərbaycan hüquq jurnalı, - 2021. №1, - s. 42-65.
25. Electronic identity or human: Problems in legal regulation // - Baku: Proceedings of the 8th international conference on control and optimization with industrial applications, - 2022. Vol II, - pp. 414-416.
26. New technologies and new rights: basic principles // - Baku: International conference: XXI century, new challenges and modern development tendencies of law, - 2022. pp. 366-376.
27. Onlayn mediada ifadə azadlığına dair məhdudiyyətlər: İHAM qərarları və milli təcrübənin müqayisəli-hüquqi təhlili / Əliyev Z.H. // Azərbaycan xalqının Ümummilli Lideri Heydər Əliyevin 100 illik yubileyinə həsr olunmuş "XXI əsrdə insan hüquq və azadlıqlarının müdafiəsi sahəsində müasir nəzəri və praktiki yanaşmalar" mövzusunda elmi-nəzəri konfrans, - 19 mart 2023. s. 205-220.
28. Qlobal informasiya cəmiyyətində informasiya iqtisadiyyatı və insan hüquqlarına təsir aspektləri // Azərbaycan Hüquq Jurnalı, - 2023. №2, - s. 12-24.
29. Rəqəmsal dünyada şəbəkə neytrallığının təminatı: insan hüquqları kontekstində müqayisəli-hüquqi təhlil // Polis Akademiyasının elmi xəbərləri elmi hüquq jurnalı, - 2023. №1 (37), - s. 163-173.

The defence will be held on 07 June 2024 at 11:00 at the meeting of the Dissertation Council One-time BED 2.44 of Supreme Attestation Commission the President of the Republic of Azerbaijan operating at Baku State University.

Address: Baku city, Academic Zahid Khalilov street, 23. Postal Code: AZ 1148, I building, auditorium 608.

The dissertation can be found in the library of Baku State University.

Electronic versions of dissertation and its abstract are available on the official website of the Baku State University

Abstract was sent to the required addresses on 02 May 2024.

Signed for print: 05.04.2024

Paper format: A5

Volume: 41171

Number of hard copies: 100