THE INFLUENCE OF SOCIAL NETWORKS ON THE SYSTEM OF PUBLIC ADMINISTRATION, LAW AND ORDER, AND THE JUDICIAL SYSTEM

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ABSTRACT

Objective: This article examines the theoretical foundations and practical implications of social networks in the institutional landscape of public administration, law enforcement, and judicial power. It employs the paradigm of netocracy institutionalism to assess the multifaceted influence of social networks and the need for new concepts to understand the complexities of today's communication society.

Methods: The research employs a systematic approach, drawing from theories like netocracy, e-government, legal field theory, and concepts related to internet communications and the information society. It utilizes structural-functional, institutional, and interdisciplinary approaches to analyze the role of social networks in public policy and modern political communication.

Results: Social networks play a pivotal role in modern public administration, with an increasing reliance on information and communication technologies. The notion of e-government encompasses activities based on these technologies, including providing services, information exchange, public procurement, and more. A broader view of e-government focuses on transforming internal and external interactions for optimizing management and enhancing public services, thus promoting electronic democracy. The concept of netocratic public management emphasizes transparency, cooperation, and public involvement in decision-making, aligning with the principles of the information society. Netocracy, represented by a technologically adept elite, influences and manipulates public consciousness and behavior through advanced communication abilities in the digital realm.

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Conclusions: The study underscores the growing significance of social networks in modern governance, with netocracy emerging as a powerful and influential force in the digital age. It also highlights the need for new social structures and concepts to grasp the complexities of today's communication society. In this context, social networks have become indispensable tools for communication between governments and citizens, offering extensive opportunities for interaction and engagement.

Keywords: social networks, netocracy, netocratic public management, digitalization (digitalization), virtual middle, information and communication technologies.

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A INFLUÊNCIA DAS REDES SOCIAIS NO SISTEMA DE ADMINISTRAÇÃO PÚBLICA, NA LEI E ORDEM, E NO SISTEMA JUDICIAL

RESUMO

Objetivo: Este artigo examina os fundamentos teóricos e as implicações práticas das redes sociais no cenário institucional da administração pública, da aplicação da lei e do poder judicial. Emprega o paradigma do institucionalismo da netocracia para avaliar a influência multifacetada das redes sociais e a necessidade de novos conceitos para compreender as complexidades da sociedade da comunicação atual.

Métodos: A pesquisa emprega uma abordagem sistemática, baseada em teorias como netocracia, governo eletrônico, teoria do campo jurídico e conceitos relacionados às comunicações pela Internet e à sociedade da informação. Utiliza abordagens estrutural-funcionais, institucionais e interdisciplinares para analisar o papel das redes sociais nas políticas públicas e na comunicação política moderna.

Resultados: As redes sociais desempenham um papel fundamental na administração pública moderna, com uma dependência crescente das tecnologias de informação e comunicação. A noção de governo eletrônico abrange atividades baseadas nestas tecnologias, incluindo a prestação de serviços, a troca de informações, os contratos públicos e muito mais. Uma visão mais ampla do governo eletrônico centra-se na transformação das interações internas e externas para otimizar a gestão e melhorar os serviços públicos, promovendo assim a democracia eletrônica. O conceito de gestão pública netocrática enfatiza a transparência, a cooperação e o envolvimento público na tomada de decisões, alinhando-se com os princípios da sociedade da informação. A netocracia, representada por uma elite tecnologicamente adept, influencia e manipula a consciência e o comportamento público através de capacidades avançadas de comunicação no domínio digital.

Conclusões: O estudo sublinha a importância crescente das redes sociais na governação moderna, com a netocracia a emergir como uma força poderosa e influente na era digital. Também destaca a necessidade de novas estruturas e conceitos sociais para compreender as complexidades da sociedade da comunicação atual. Neste contexto, as redes sociais tornaram-se ferramentas indispensáveis para a comunicação entre governos e cidadãos, oferecendo amplas oportunidades de interação e envolvimento.

Palavras-chave: redes sociais, netocracia, gestão pública netocrática, digitalização (digitalização), meio virtual, tecnologias de informação e comunicação.
1 INTRODUCTION

In today's digital world, where information moves extremely fast and continuously, social networks have become an important agent of influence on various areas of society's life. Among the most significant areas that have begun to feel this impact, are the public administration system, law and order, and the judicial system. The importance of this issue cannot be overestimated, as it concerns both harmony in society and the independence and efficiency of judicial bodies.

Social networks have captured the attention of millions of users around the world, and this influence extends to all areas of public life, including politics, law and order, and the judiciary. With publicly available platforms for sharing information and communication, social networks have caused radical changes in the ways of shaping public opinion, mobilizing the masses, and even influencing political and legal decisions. Therefore, an urgent task is to consider the theoretical and practical aspects of the influence of social networks on the processes of public administration, the activation of civil society, and the formation of new challenges for judicial bodies and law enforcement services. Understanding these aspects is critical in developing effective strategies and policies aimed at ensuring fair legal order and improving the quality of the judicial system in today's digital environment.

2 THEORETICAL FRAMEWORK

Considering the works of well-known researchers and scientists who have made significant contributions to this field, directing attention to various aspects, including cultural, social, psychological and political aspects of the use of social networks, one should note, in particular, the works of Nick Pew (2020), who specializes in study of the political influence of social networks and their role in the dissemination of information and the formation of public opinion, on revealing the mechanism how social media platforms such as Twitter, Facebook, and others were used by candidates, political parties, and voters during elections. In particular, he shows how candidates and campaigns used social media to reach and engage with voters, and how they used targeted advertising, live broadcasts, or other strategies to get their ideas across to the average social media user - potential voter. A separate branch of his research is the analysis of information dissemination: how news and information spread through social media channels and the analysis of the impact of cases of disinformation on pre-election debates.
Zeynep Tufekci (2019) devotes his work to the study of the influence of social networks on mass communications, in particular, in the context of social movements and political events. She focuses on issues of censorship, social network algorithms, information bubbles, and other aspects of this topic.

A separate layer of scientists studies the use of social networks in public administration, including authorities and public services. For example, Aroon P. Manoharan (2021) focuses on the application of social media and Internet platforms namely in public administration.

Among the achievements of scientists in the field of the use of IT technologies and social media in public administration and related communications, one should note, in particular, the works of Stephen Goldsmith (he studies the transformation of local government and the use of technologies, including social networks, to improve services for citizens), Mary K. Feeney (her research concerns the impact of social media on government-to-citizen communication and internal communication within government structures), Davide Arduini (he examines the role of social networks in enabling interaction between authorities and the public), Greta Nasi (her research focuses on technological innovation and its impact on public administration and public management), Yu-Che Chen (he researches the use of social networks in public administration and e-government) (Semenets-Orlova, 2022).

In today's conditions of global digital transformation of society, and activation of political, economic, cultural, social, and other processes, the issue of creating a highly efficient system of electronic governance is gaining great importance. This meets the expectations of citizens regarding effective public administration and is an urgent need in the modern world. Different forms of using electronic means to express the will of citizens are observed in different countries of the world. The development of electronic governance contributes to the gradual transition of society and the state to a new “communicative” level.

Traditional bureaucratic procedures, such as physical visits to government institutions, keeping paper documents and lengthy formal procedures, are gradually changing to more efficient processes of management decision-making and personal responsibility of specific individuals. As a result, state policy becomes more public and accessible to the population, which allows society to more actively influence global
The investigated problem is relevant for several reasons. First, it is due to the objective need of citizens to receive high-quality public services with minimal expenditure of time, emotions, finances and other resources, as well as the need to enable effective citizens’ political participation. No less important is the ongoing integration of social networks in the field of ensuring the legal order and functioning of the judicial system, which, accordingly, causes the emergence of new social processes that require research.

3 METHODOLOGY

A systematic approach is used as a general theoretical and methodological basis for the study. The paradigm of netocracy, the concept of e-government, and the theory of the legal field are used. Theories of Internet communications and information society are the basis for the study of modern methods of political communication in the modern network space.

The selected complex methods allow for analyzing the concept of social media in the field of public policy as a complex structured system, identifying the factors that determine its specificity, and analyzing the development and application of network field technologies in public policy.

Among the main (general) methods, structural-functional, institutional, and interdisciplinary approaches are distinguished.

4 RESULTS AND DISCUSSION

Modern state institutions cannot function without the integration of information and communication technologies, which currently play a key role in public administration. It has become impossible to imagine the work of state bodies without automated information systems, special software and complex automation tools. At the same time, there is no single interpretation of the concept of “electronic government” in the scientific literature, but there are two main approaches. The first, narrow approach, defines e-government as the activity of state authorities, which is based on the use of information and communication technologies. This approach includes the provision of services to the population and business, the organization of public procurement, financial
transactions, information exchange, and so on (Fang, 2002). The second, broader approach considers e-government as a process of transformation of internal and external interaction in the public administration system through the use of information and communication technologies. The main goal of this approach is to optimize management, improve the quality of public service, and protect the constitutional rights of citizens (McDonagh, 2005).

These two approaches point to the integration of management in the virtual information space, which creates prerequisites for the formation of effective electronic democracy. Elements of e-government that are successfully tested are gradually being implemented for widespread use. This indicates the gradual formation of netocratic management, which provides more opportunities, tools, and methods of communication between the government and society.

By netocratic public management, we mean a management model that is based on transparency, openness, cooperation, and public involvement in the decision-making process through information and communication technologies. This approach promotes a more democratic and open nature of governance, which is a necessary attribute of the information society (Storozhenko, 2023).

One of the non-traditional actors in the political process of the modern information society is precisely the netocracy - the information “network” netocratic elite. Let us note that this is a unique and still little-studied phenomenon. New electronic communication technologies are taking political processes to a higher and better level. In modern society, there is a power cluster that controls both virtual and physical reality, the so-called netocratic or cyber elites (Kumar, 2023).

According to the concept of Swedish scientists A. Bard and J. Soderqvist (2002), netocracy represents the power of a technologically developed society over the social world. Netocrats have those outstanding communication abilities in the field of the latest information technologies that allow them to manipulate the consciousness and behaviour of other network users. Swedish researchers believe that ‘traditional’ elites are giving way to netocracy, gradually losing their positions in society. Netocracy itself does not grow directly from the elite. It is formed from economic relations generated by globalization and new information technologies. Information production, the basis of which is the distribution, consumption of information, the means of its creation, transmission and
control over information flows, create the basis for the power of netocracy (Bard and Soderqvist, 2002).

Netocracy, as a social stratum, is formed from people from various social groups, provided that, due to certain qualities, they have occupied the main nodes of the networks of social domination. The theory of netocracy is confirmed by the growth of online communities united on various topics. Currently, the network represents another level of social reality, where certain channels of control appear and power relations are built.

The development of new media platforms in the era of mobile Internet has made social networks a completely new factor influencing global political communication. In a network society, the subject of information power no longer controls ideology and political power as in a traditional society, since the network community represents a huge number of ordinary members of society who have an absolute numerical advantage (Liu, 2011: 17). Additionally, some experts believe that social media is becoming a kind of diplomatic force due to its strong prevalence in their own and other countries (Patrut, 2014).

In the age of social media, the government “shares its power with active constituencies” (Margetts et al., 2015). Freedom of speech is perceived as an incentive for political communication on social networks. On social media platforms, every citizen feels like a representative of civil society. The proliferation of online politics activates a sense of ownership among most citizens to participate in politics.

The OECD considers the concept of “e-government” as a tool for achieving better government, and in this context emphasizes that governments should use information and communication technologies, in particular the Internet, to improve the quality of their work. The dominant factor is management itself, and less attention is paid to aspects of technology. However, it is important to note that “e-government” is more about government than technology, as the OECD states in its activity in the e-government field.

This means that governments should actively use the capabilities of the information society to ensure that their work meets the needs of citizens as much as possible. Some researchers consider e-government as a continuous process of optimization of service provision, citizen participation in management, and continuous transformation of internal and external government processes, using information and communication technologies and other tools (Storozhenko, 2023).
Since 2009, many countries have begun to consider opportunities for e-government creation, including the use of social networks. Pursued goals included increasing operational efficiency, increasing the Internet presence of government bodies, ensuring transparency of government procedures and regulations, as well as involving citizens in the management process.

The speed and convenience of organizing the communication process, increasing the level of trust, as well as creating a positive impression of government feedback (response) are the undoubted advantages of social networks. However, several Western researchers reasonably emphasize that for their effective implementation and functioning in the public administration system, it is necessary to ensure: the presence of rules of use and compliance with the principle of confidentiality, prompt updating of sites, financing of relevant analytical activities, as well as special training for civil servants. Thus, from a synergistic perspective, “parameters of order” should be defined (Koliba et al., 2018).

Let us present several examples from American practice. The official portal of the US federal government (USA.gov) contains links to its pages on Twitter, YouTube, and Facebook, as well as applications for mobile phones and its blog on the Internet. Several government agencies, such as the Consumer Product Safety Commission, use social media as a ‘complaint book’ where consumers can post complaints about products that have caused, are likely to cause harm, or represent potential danger. The system also allows manufacturers to respond to complaints made. The Federal Bureau of Investigation is also registered on the social networks Twitter, Facebook, and YouTube to inform users. Applications for iPhone and iPad can be downloaded from these sites, where the FBI offers to send information about wanted criminals and other news. These applications also contain contact information for the nearest FBI office (Hubanova, 2021).

The Federal Reserve, which is one of the key US government bodies in the economic sphere and plays an important role in overcoming financial crises and the consequences of global monetary instability, has begun to use social networks to popularize its decisions, including political election campaigns. Also noteworthy is the Open311 system, which is open software that is integrated with the government agency’s customer relationship management system and makes round-the-clock communication and response possible. Open311 applications perform many functions, in particular, they connect users in self-service mode to sections of the website of a specific government agency, where they can leave complaints and claims, as well as write reviews about the
quality of government services. Many city governments in the United States, including the municipalities of Boston, San Francisco, and New York, are participants in the Orep311 project (Swann, 2019).

The synergistic potential of public administration is determined by the dualism of state and society (Bourgon, 2011). The potential of society is largely implemented through the resource of management, which in the conditions of network communication acquires a nonlinear character. The latter, in turn, makes it possible to ensure the sustainability and efficiency of the development of the national state, including providing that new key competencies are formed among civil servants. We include in these competencies the following:

- Receptivity to innovation;
- Awareness in the field of psychology of electronic communication;
- Preparedness in the field of self-government and self-control;
- Holistic, integral vision.

Particular attention should be paid to the fact that today generations for whom digital technologies are an integral part of life are coming of age. While for people of Generation Y (born in 1981-1995) digital technologies were the future, for Generation Z they are the present. The very nature of new people born after 1996 is changing. Currently, this age group of the countries’ population is becoming a full-fledged active participant in political life. Traditional methods of working with this part of the electorate are ineffective, which requires the state to take a new approach based on the use of digital technologies, in particular, social networks.

According to reports from WeAreSocial and Hootsuite, at the beginning of 2020, there were 3.8 billion registered users on social networks. This is almost 60% of the world's population. This figure is growing every year: back in 2019, there were 3.48 billion users (Luttrell and Wallace, 2021).

Thus, with the development of digital technologies, social networks are considered as a new channel of interaction between the authorities and the electorate. This requires government officials to go online and actively work with the audience. However, the potential of this channel is not fully used, which is partly due to the sceptical attitude of government officials towards digital tools.

According to J. Reale, the crisis of political representation of civil interests within the framework of such traditional institutions as trade unions and political parties
indicates an increase in “consumer citizenship” based on Internet technologies. Such a transformation of citizen behaviour requires a revision of the culture of public administration and a transition to a more open system that can adapt to modern standards of transparency, public participation, and civil government cooperation (Reale, 2014: 195-206).

One of the most significant works on the use of social networks in government activities is a study by I. Mergel. Based on interviews with representatives of executive departments, she concluded that platforms are new channels of interaction with society, through which citizens receive information about the activities of government officials and government officials, in turn, receive data about local problems. Mergel (2013) identified three purposes for which social media are used in the public sector – transparency, collaboration, and participation –, and classifies the uses of social networks in public administration into three categories according to their function:

– Push. The use of social media as a route for citizens to get information. The administration is present on social media with the primary goal of placing messages and avoiding direct interaction with citizens.

– Pull. Because it seeks information from the same audience, it promotes user participation in their networks. Despite its limitations, it craves engagement.

– Networks. Pursue horizontal and ongoing communication through open discussions with users.

In addition to Mergel et al.’s (2020) classification, and based on the aforementioned classification, social networks supplement the provision of some public services and establish social transactions. As a result, some authors (Criado, 2020) divide the usage of social media in public administration into three categories:

– Information distribution. Aims to provide fundamental administration information (activities, events, press releases, etc.).

– Interaction with citizens. Administrations seek contact with citizens through bidirectional dialogue on platforms.

– Providing government services. Associated with the dissemination of information about the administration's public services (health recommendations, weather alerts, water care recommendations, calls to action, and so on).
The use of social media as a tool for new public management of existing public organizations ‘is having a noticeable impact on many services and different public policies” (Villorde, 2020: 384). The communicative and participative potential of social networks in public administration is most visible in the management of emergencies and the combating of false information in the same networks. Such dissemination is employed by administrations to their advantage and to promote the goals of the public administration towards society.

In the US and Europe, social networks and blogs are becoming the most common and widely used tool for public discourse. Almost every politician has his account on online platforms, where he posts information related to his political and personal life.

These countries have accumulated positive experience in using a variety of tools that allow, based on social network analysis, to monitor the effectiveness of public administration. Portugal uses automatic categorization of messages received from citizens regarding problems related to the provision of various government services by the ISO 37120 standard. Users direct their complaints or feedback on specific services to the relevant organizations on official profiles of government organizations.

The very essence of social networks lies in the changes they bring to the system of political communications. Thus, the presence of politicians and citizens in a social network as equal users allows them to interact directly, without intermediaries, in contrast to political communication carried out, for example, through newspapers or television. As a result, political communication becomes more personalized and transparent, although still carried out in public spaces. Such changes concern not only the direct interaction of politicians with users of social networks, but also political communication in general, which can occur without the direct participation of politicians. Social networks can become a platform for discussing important socio-political issues, capable of influencing the opinions of millions of users on these issues, i.e., influencing the formation of public opinion on these issues.

Thanks to these properties, the new communication tool became attractive to everyone who, in a pre-information society, did not have access to existing channels of information dissemination, such as newspapers, television, and radio. Social networks have allowed the birth of a new type of community - virtual social groups that began to actively produce and consume, communicate and coordinate actions to achieve their goals. With the help of this tool, people or groups of people become capable of
disseminating information, becoming famous online, gaining public recognition, and accumulating and increasing their social capital. Thus, new pressure groups and new lobbying potential have emerged.

In very general terms, the process of adaptation to social networks is similar to how the state mastered new information and communication technologies in the past. This similarity was reflected in the three-stage model of social media adoption by public sector organizations proposed and tested by S. Bretschneider and I. Mergel (2013). In the first stage of “entrepreneurship and experimentation,” social networks are used unsystematically and experimentally by politicians to determine the opportunities, limitations, and risks of a new technology. At this stage, the strategies and ways of using social networks by politicians, officials, or government bodies may differ greatly from each other, since general rules or norms of behaviour in social networks do not yet exist and each participant determines them for himself. At the next stage, “order from chaos,” the experience of using social networks at the first stage is comprehended and the potential of social networks is determined, as well as the need to form a set of rules for their use. In the third stage, which scientists call “institutionalization,” organizational forms develop that clearly describe state-approved behaviour in networks and types of interactions. Sometimes, these norms may take the form of regulations and laws (Lytvyn, 2022). Since social networks are being integrated into the already existing system of political communications, in which the media already operate, existing norms and rules of behaviour in the process of institutionalization can be transferred to social networks, and special departments are created in the press services, filled with specialists in blogging and creating video content, account moderation, etc.

Social networks, being a multifaceted social phenomenon, also have an impact on the rule of law. In this context, the legal basis for ensuring citizen participation in public affairs through social networks should also be considered.

In many countries, legal regulation of the involvement of citizens in the conduct of public affairs through social networks is carried out mainly through Social Media Policy. Below, there are several examples illustrating these provisions.

M. Klang and J. Nolin examined 26 provisions on social networks of local executive and administrative bodies in Sweden. Among the most important issues regulated in the regulations, there are the following: control over activities on a social network, studying citizens’ opinions about the organization, the procedure for
documenting this activity, the period required to respond to the user, consistency with other Internet resources (Klang and Nolin, 2011).

In the United States, the Office of Government Ethics has adopted a standard of conduct for the use of social networks for personal purposes. This standard of conduct covers issues of rational use of working time, indicating a position in a personal account, searching for a job, maintaining an official account, etc. (United States Office of Government Ethics, 2015).

The UK has adopted Social Media Guidelines for Government Officials to encourage the appropriate use of internet technology by a code of ethics, which covers the use of social media during and outside of work hours. This document provides the opportunity for government officials to interact with citizens, including by discussing decisions being made or drawing attention to any events (Cabinet Office, 2014). It is important to note that the UK is ranked number one in the world in the e-Participation Index, a component of the e-Government Index (United Nations, 2016).

The European Commission has adopted Recommendations on social networks for employees of the European Union, which outline the basic principles and rules. The blurred boundaries between personal and official use of social media accounts are emphasized. This document lists positions whose occupation allows speaking on behalf of the European Commission, while other persons can express exclusively their own opinions. Of interest is the rule obliging respect for intellectual property.

In the USA and Canada, special supervisory authorities have been formed that monitor the activity of government employees in the virtual space and have the authority to request not only a link to profiles but also input data to them. In France and several European countries, the practice of declaring accounts is already implemented when an employee signs a job contract, and it is one of the mandatory requirements (Shchokin, 2023).

Separately, it is worth noting the use of social media controls on not only state and municipal employees, but also individual citizens. In particular, one of the mandatory requirements for those wishing to obtain an American visa may be the provision of passwords for all existing personal profiles on the Internet (Ure, 2019). Having the input data, US immigration services gain full access to all users’ personal information, while the principle of privacy is “voluntarily diminished.”
In April 2017, German authorities adopted legislation introducing large fines of up to 50 million against owners of social networks who posted false news information. Even though the main goal of this legal act is to ensure effective counteraction to incitement to hatred and the posting of false information, the state is gradually developing tools to ensure control of the information space (Garcia and Hoffmeister, 2022).

Thus, new social realities created by the penetration of social networks into all “cells” of the social organism determine transformations in the legal field.

The intensive development and mass use of the network resources under consideration complicates the content of the legal status of persons participating in Internet communication, and the legal status of an individual, in our opinion, is of fundamental importance among the legal aspects of any social phenomenon, including social Internet networks. In general, it can be argued that the emergence and functioning of modern network Internet resources is based on the implementation of constitutional rights as an integral component of the legal status of an individual. These rights include the right to association (communities and groups are formed within the structure of a social Internet network regarding a wide variety of interests, but the creation of such associations should not contradict the foundations established by the Constitution); the right to freedom of thought and speech (one of the reasons for the attractiveness of online social networks for users is the opportunity to express their opinion, judgment, assessment on any issue); information rights related to the distribution, transfer, receipt, and use of information.

At the same time, the implementation of these constitutional rights is often accompanied by unlawful manifestations and entails violations of legal rights and interests. For an individual user, this may include illegal access to personal data, disclosure of confidential information; defamation; copyright infringement; fraud, misuse of bank data, etc.

Many of these issues are generally regulated within the framework of the current branch legislation (for example, criminal, administrative, and civil acts), which equally applies to subjects of real and virtual communication. However, existing legal regulators largely do not take into account the transformations in the characteristics of the status of an individual who has become a participant in virtual Internet communication organized in social Internet networks, although the legal field is increasingly beginning to cover the specifics of social networks.
Gradually, the border between virtual and ‘off-line’ reality can become so transparent that it will be unknown who is the subject of real social relations - a “virtual personality” or a “real” person. For a legal norm to have a regulatory impact on social relations of a new type, its creators must take into account who will be the subject of these relations and form the “body of the norm” by new trends in the development of society (Mangan and Gillies, 2017). In this regard, the difference between a “subject of law” and a “subject of a legal relationship”, elements of the mechanism of legal regulation, changes conceptually, and often at the stage of individualization of legal norms in the information society, it becomes impossible to identify a “virtual person” with a real subject of a specific legal relationship, so the problem of regulation of social Internet networks through mechanisms and procedures established in legislation arises.

It should also be noted that anonymity on the Internet allows illegal activities to be carried out, which is an obstacle to bringing perpetrators to justice since the possibilities of conducting operational search activities and investigative actions are limited due to the lack of forces and means in the territories of other states and ineffective international cooperation in this. And since modern computer technologies provide the opportunity, while being in one country, to send traffic through other countries, the problems become even greater.

Today in legislative practice there are many problems related to the regulation of various aspects of anonymity on the Internet and de-anonymization of users in cases necessary for law enforcement. However, it can be stated that the process of improving the legislative framework in the analyzed area is not preventive, but rather operational. Legislative bodies hastily and sometimes thoughtlessly introduce regulatory innovations. The legislator seeks to solve existing problems, while not keeping up with the rapid pace of evolution of modern technologies, which provide criminals with advanced technical capabilities for committing criminal acts.

Legal research on social networks began relatively recently. Much attention is paid to the public legal aspect related to the fight against fake news and disinformation, the manipulation of public opinion, the protection of personal data and the prevention of their illegal use, the use of content as evidence in criminal proceedings, the study of the impact of negative information received through the Internet on minors (sometimes even encouraging them to commit suicide), etc. In judicial practice, new types of labour disputes related to violations of communication ethics and posting content on social
networks are emerging; enterprises are establishing regulations and rules of conduct for employees on social networks.

In 2021, the textbook “Social Network Law and Ethics” by American professor D. H. Lipshultz was published, which reveals key issues of copyright, data privacy, protection of honour and dignity, government censorship, rules of social network platforms and employer policies, presents legal concepts, which can be applied to social media content management practices (Lipschultz, 2021). Earlier, in 2016, a textbook by Texas legal scholar and lawyer Daxton Stewart was published with the same title, in which, in addition to the above issues, the problems of account ownership (the legal nature of an account in a social network), the use of data presented on social networks in court hearings were discussed (Daxton, 2016). In general, researchers proceed from the need to create a legal framework for regulating relationships that arise in social networks, without reducing them to “providing information.”

The initial problem of a civilistic nature is to determine the legal nature of the account (user’s page), which accumulates all information (content) that is of commercial/non-commercial interest to the user. The scientific literature has attempted to define a social network account as an object of civil law (Mangan & Gillies, 2017). Several experts believe that an online account should be considered “as a result of intellectual activity (as complex objects, for example, multimedia products)” and “taking these points into account when proving authorship” (Houser, 2022). Analysis of doctrinal conclusions and user agreements, based on which relations arise between the owners of social networks and their users, allows saying that an account (user page) on a social network cannot be classified as an object of civil law. Theoretically, it can be classified as a type of digital rights, subsuming it under the “other” category, but on the condition that it is named as such in some law. But even in this case, it seems that its definition in this capacity is very doubtful: the account does not belong to the user - it belongs to the copyright holder of the social network, as evidenced by the content of the user agreements.

Issues of understanding social networks as a legal phenomenon are currently not even at the level of their understanding as concepts, programs, development strategies, etc. It is still too early to move to a specific legal plane and fundamentally resolve the issue of the need for private law regulation of relevant relations within the framework of existing legislation or the creation of an independent regulatory legal act. The law of
Social networks should become a unifying force capable of resolving many issues related to establishing a clear and precise understanding of the subject (user) of the account, the owner of the social network (for example, it is possible to establish subsidiary liability of the owner of the social network if consumer rights were violated by persons using for illegal purposes fake account), create real legal measures to protect the account. The formation of the law of social networks and the allocation of the corresponding legal institution as an independent one, in need of adequate legal regulation, is an urgent task of our time (Mulska, 2022).

However, legal regulation of the use of social networks is taking its first steps. In 2017, Germany passed the Social Networks Law, according to which social network administrations must respond to user complaints and remove illegal content (Mangan and Gillies, 2017). For violation of this law, fines of up to 50 million euros are provided for legal entities. In 2020, the French parliament passed a law to combat online hate speech, which obliges social media administrations to remove offensive content out of court. As a measure of liability, fines of up to 1 million 250 thousand euros are also provided, and in case of repeated violation - up to 4% of the annual global turnover of the online platform (Garcia and Hoffmeister, 2022).

Social networks can be an important tool not only in attracting attention to justice and law and order but also in influencing the judiciary. In particular, social networks play an important role in the organization of petitions and campaigns, because with their help it is easy to create online petitions or launch campaigns on social networks to collect signatures and support for specific initiatives or changes in the judiciary, law and order.

Considering the presence of certain restrictions in extra-office activities due to special status, the question arises: can judges use social networks? The answer is, of course, positive, because the very fact of participating in social networks does not lead to a violation of ethical standards. It is also impossible not to take into account that social networks help inform the population about the activities of the judicial system, increase the transparency of the courts, can be used for legal education of the population, and, in general, have become part of world culture, therefore, “isolating” judges from participation in the global information environment is impossible and not makes sense.

But since the Internet space is one of the areas of a judge’s life where his image is formed, the question of what should be considered appropriate and where is the line of what is permissible for a judge on social networks is extremely relevant. The study of the
The ethical component of the participation of judges in social networks is aimed at asserting the need to establish criteria for such behaviour for judges. Contradictions that arise in connection with the moral rules of conduct on the Internet and professional ethical guidelines that a judge as an individual has must be eliminated. And here the questions arise: what information does the judge himself consider possible to publish on the Internet, and to what extent does his opinion about the admissibility of this information coincide with the opinion of the judicial community?

The UNODC report notes that the Bangalore Principles of Judicial Conduct describe six key indicators by which judges should conduct their professional and personal lives: independence, objectivity, honesty and integrity, ethical standards, equality, competence and diligence (Schoeller-Schletter, n.d.). When using social media, judges should always be guided by the Bangalore Principles, as well as their detailed Commentary. However, it is worth noting that social media did not exist at the time these documents were written, and therefore neither the Principles nor the Commentary explicitly address their use or provide guidance regarding the unique challenges and opportunities presented by social media.

The role of social networks as an evidence base in trials is also of interest. Several American courts have simply rejected requests from litigants to disclose information from social networks, finding that they have not proven that this information is relevant to the case. In Kennedy vs. Contract Pharmacal Corp., the plaintiff sought damages by accusing the defendant of gender discrimination. The defence attempted to push for the plaintiff's extensive disclosure of information from his social media accounts. Thus, the defence broadly requested “all materials regarding, connected to, reflecting and/or related to the plaintiff’s use of social media.” In declining to compel the Plaintiff's request, the U.S. District Court for the Eastern District of New York found that “the request is vague and the defence has made no effort to narrow the requests to cover only proposed actions related to the dispute” (Graves, 2020; Bondarenko, 2022).

In Ford v. United States, the District Court for the District of Maryland rejected the government's request for broad disclosure of social media information. The government wanted to obtain “any materials, posts, photographs, messages, or recordings of any kind on social networking sites during the specified period related to the claims of the plaintiffs and their experts.” The court refused to oblige the plaintiffs to comply with this request, holding that the government's request was not worded specifically enough...
and “did not describe the categories of materials being sought, requiring plaintiffs to identify which of them may be relevant.”

Other courts, while not denying social media discovery requests outright, have narrowed the scope of the requests very seriously before ordering the disputing party to comply. For example, in the case Mailhoit v. Home Depot, which was heard in the Central District of California, the defendant requested widespread disclosure of information from social networks, including (Hoffmeister, 2014):

- All profiles, posts and messages on social networks related to the mental state of the plaintiff;
- Messages from third parties addressed to the plaintiff, putting the plaintiff's messages into context;
- All photographs of the plaintiff; and
- Social media communications between the plaintiff and current or former Home Depot employees, as well as communications in any way related to her employment with Home Depot or the lawsuit.

The court considered the last category of information to be reasonably requested, excluding all others because they were not described specifically enough and were unlikely to identify materials admissible as evidence.

Issues of disclosing information contained on social media will inevitably come up with increasing frequency in US federal and state courts. As courts grapple with the implications of such e-discovery issues, litigants should understand that while social media information is generally subject to disclosure, courts require greater specificity from requests for social media information, as they assess their relevance to the case at hand.

In 2022, the Supreme Court ruled unconstitutional a Texas law that prohibited social media companies from banning or censoring users based on their “worldview.”

This year, the US Supreme Court ruled that social networks are not liable for materials posted by users, even if the content is related to terrorist themes, leaving unchanged Section 230. In the US, Section 230 of the Communications Decency Act protects online content providers from claims related to user-generated content posted on platforms. The Supreme Court considered two lawsuits. The first alleged that Twitter aided and abetted terrorist activity by allowing ISIS content to be posted on its platform.
The second lawsuit accused Google of using algorithms to promote ISIS videos to interested audiences on YouTube. Both claims were rejected by the Supreme Court.

In recent years, the courts have begun to build accounts on social media sites to strengthen ties with residents. According to a Conference of Court Public Information Officers survey, 41% of American courts do not use social media. This is a decrease from 2013 when more than 48% of respondents said their courts did not use social media. Nonetheless, the survey finds that 26% of court officials believe social media is unnecessary, and almost one-third are neutral on the subject. Professional culture and the function of the judicial department in government may explain such a cautious approach to open, multidirectional, and instantaneous communication. The courts are conservative institutions by nature. They have been wary of social media because of a concentration on “information” communication, with an emphasis on access and accuracy, limited resourcing, legal limitations, and sociocultural restrictions, including language (Ure, 2019). Similarly, judicial culture operates unidirectionally. Judges speak through their decisions, and their mission is to settle disputes. In a one-way communication process, courts accelerate orders and parties obey. The courts use social media in a variety of ways. According to the CCPIO report, Facebook is utilized to publish job openings and calendar events. Courts frequently utilize Facebook to publicly recognize workers who have accomplished professional success or who have retired. More than 60% of courts use Twitter to announce rulings and manage emergencies, and more than 50% use it to gather and monitor news. Indeed, notifications of future issues concerning high-profile cases of media interest, as well as information about operational procedures, such as when a court will reopen following a weather delay, are made public. YouTube videos are typically more instructional. They are aimed at self-represented litigants and contain “how-to” information. They are also accessible in Spanish.

The Michigan Supreme Court issued specific guidelines for the allowed use of official social media accounts across the state. Except for a few exceptional references to stakeholder participation, almost all of these uses are largely centred on direct communication and the facilitation of access to justice. Social media platforms can be used to disseminate information about the court; for community outreach, education, and interaction, such as improving access to court services, soliciting feedback on surveys, and publicizing special events and volunteer opportunities; to issue press releases; to direct inquiries for more detailed information; to notify jurors or stakeholders when the
court is unable to operate; and to train staff and use technology. The Florida judicial branch has established a four-year communication plan that includes social media objectives. The statement values interactive platforms as tools that enhance transparency and accountability (Jonston, 2017). The section also promotes dialogue between courts and journalists and provides an opportunity to hear public concerns. Finally, social media may be used to educate citizens and build trust in Florida's justice system.

In short, the judiciary is already using social media for a variety of purposes, including internal communication within the courts, employee recruitment, training for judges, employees, and self-litigants, the publication of public information, such as locations, hours, parking, media releases, and so on; and community outreach and interaction for access to services, solicitation of input, opportunities to volunteer, and so on.

5 CONCLUSION

The study proved that social networks, along with traditional channels of interaction, are a new important tool for communication between society and government. The opportunities that social networks have as a channel for interaction between government and citizens are extremely broad. For objective reasons, the influence of social networks in political and civil movements and processes will only increase over time.

Thus, in the process of social evolution, the culture of communication constantly changes its configuration, which leads to the emergence of qualitatively new forms of organization of power in society. Humanity must each time adapt anew to new conditions of communication. The urgent task today is to promptly recognize and predict these conditions, developing new social structures that correspond to forms of communication and power. Of course, network communication is a productive way to resolve some of the contradictions in which the information society exists. Modern public philosophy should concentrate on the study of a communication society, which is extremely dispersed and complex, and understanding the nature of which requires the development of new approaches and concepts.
REFERENCES


Janoski-Haehlen, Emily M. (2011). The Courts Are All A 'Twitter': The Implications of Social Media Use in the Courts, 46 Val. U. L. Rev. 43. Available at: https://scholar.valpo.edu/vulr/vol46/iss1/2


Tufekci, Z. (2019). We're building a dystopia just to make people click on ads. TED Talk. Available at:
https://www.ted.com/talks/zeynep_tufekci_we_re_building_a_dystopia_just_to_make_people_click_on_ads?language=en

