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APPLICATION OF THE TERM CEBERSPACE IN THE LEGAL TERMINOLOGY OF THE USA

Today, the theoretical and practical aspects of the security of cyberspace are at the center of attention of international organizations and government agencies, research institutions and public organizations, business entities and individuals. A lot of scientific works were based on research of this area. At the same time we come across a lot of problems when trying to understand the application of cyberspace in the legal terminology. Many of us have come across such words as “cyberart”, ”cyberattack”, ”cyberdefence”,”cyberfuture” and so on, but only a few understand the real meaning of these terms. One of the problems of understanding the word “cyberspace” is great number of sources which give different definitions. Before investigating this question in detail lets find out when does this term firstly appeared.

W.Gibson was the first one who introduced the word “cyberspace” in the artistic prose ’Burning Chrome’ in 1984, later political scientists and journalists used it as a metaphor.And now this term is used everywhere including politics. Cyberspace and other derived words with a cyber prefix are based on the word "Cybernetics", introduced by N. Wiener (1948). The cybernetic approach was formulated as a science on the general laws governing the processes of control and transmission of information in machines,living organisms and society [1, p. 17]. According to its Oxford English Dictionary (OED) entry, cyberspace is ’the space of virtual reality; the notional environment within which electronic communication (esp. via the Internet) occurs’ [2, p. 32]. Colins dictionary in the US gives such definition ’cyberspace - the electronic system of interlinked networks of computers, bulletin boards, etc. that is thought of as being a boundless environment providing access to information, interactive communication, and, in science fiction, a form of virtual reality [3, p. 33]. Talking about the frequency of usage of this word we can say that this word started to appear after 2000. I propose that we look at cyberspace not in these prosaic terms, but rather through the lens of international law in order to give cyberspace meaning in our jurisprudence. Unless it is conceived of as an international space, cyberspace takes all of the traditional principles of conflicts-of-law and reduces them to absurdity. Unlike traditional jurisdictional problems that might involve two, three, or more conflicting jurisdictions, the set of laws which could apply to a simple homespun webpage is all of them. Jurisdiction in cyberspace requires clear principles rooted in international law.

Only through these principles can courts in all nations be persuaded to adopt uniform solutions to questions of Internet jurisdiction [4, p. 121].

In simple terms, cyber jurisdiction is the extension of principles of international jurisdiction into the cyberspace. Cyberspace has no physical (national) boundaries. It is an ever-growing exponential and dynamic space. With a ’click of a mouse’ one may access any website from anywhere in the world. Since the websites come with ’terms of service’ agreements, privacy policies and disclaimers – subject to their own domestic laws, transactions with any of the websites would bind the user to such agreements. And in case of a dispute, one may have recourse to the ’private international law. In case the “cyberspace offences” are either committed against the integrity, availability and confidentiality of computer systems and telecommunication networks or they consist of the use of services of such networks to commit traditional offences, then one may find oneself in the legal quagmire.

The question is not only about multiple jurisdictions but also of problems of procedural law connected with information technology. The requirement is to have broad based convention dealing with criminal substantive law matters, criminal procedural questions as well as with international criminal law procedures and agreements [4, p. 122].

The Convention on Cyber crime was opened at Budapest on 23rd November, 2001 for signatures. It was the first ever-international treaty on criminal offences committed against or with the help of computer networks such as the Internet. The Convention deals in particular with offences related to infringement of copyright, computer-related fraud, child pornography and offences connected with network security. It also covers a series of procedural powers such as searches of and interception of material on computer networks. Its main aim is to pursue “a common criminal policy aimed at the protection of society against cyber crime, inter alia by adopting appropriate legislation and fostering international co-operation.” [5, p. 6].

In the U.S. Cyber Law includes rules and regulations established by Congress, legislatures, courts, and international conventions to govern, prevent and resolve disputes that arise from the use of computers and the Internet. There were a lot of cases in USA connected ith the term “cyberspace”. One of the most famous is “Reno v. American Civil Liberties Union(1997)” This case protected online freedom of speech [5, p.7].

So from this observation it is clear that with the development of internet and computers there appeared the forth international space (there were already Antarctica, outer space, and the high seas.) called “cyberspace”- the notional environment in which communication over computer networks occurs.. There is a Cyber Law in US which help to regulate and solve cyber cases. In cyberspace, jurisdiction is the overriding conceptual problem for domestic and foreign courts alike. Unless it is conceived of as an international space, cyberspace takes all of the traditional principles of conflicts-of-law and reduces them to

absurdity. Jurisdiction in cyberspace requires clear principles rooted in international law. Only through these principles can courts in all nations be persuaded to adopt uniform solutions to questions of Internet jurisdiction.

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ФАКТОРИ ВПЛИВУ НА СОЦІАЛЬНО-ПРАВОВЕ ВИХОВАННЯ МОЛОДІ

Правове виховання є важливою складовою частиною ідейно-політичного та морального виховання молоді. Актуальність даної теми полягає в тому, що українське суспільство, кожний окремий громадянин і особливо молодь потребує негайного підвищення рівня своєї правової культури з метою розбудови в Україні правової держави та громадянського суспільства, розвитку досконалої законодавчої системи та виконання законів всіма громадянами. Правосвідомість – форма суспільної свідомості, що містить в собі сукупність поглядів, почуттів, емоцій, ідей, теорій та концепцій, а також уявлень і настанов, які характеризують відношення особи, суспільної групи і суспільства в цілому до чинного чи бажаного права, а також до всього, що охоплюється правовим регулюванням. Формування правосвідомості можна розглядати по-перше, через правовий захист і використання позитивних чинників правовиховного впливу.

Основними позитивними чинниками формування правової свідомості можуть бути: реальність правового захисту громадянина правоохоронними органами і судом (непідкупність, безпристрасність,