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ІНТЕРНЕТ-ЛІБЕРТАРІАНСТВО ТА ІНТЕРНЕТ-ЕТАТИЗМ В КОНТЕКСТІ ІНТЕРНЕТ-ПРАВ ЛЮДИНИ

Анотація. *В роботі розглянуто проблему неузгодженості та дисбалансу між інтернет-лібертаріанством та інтернет-етатизмом з точки зору інтернет-прав людини. В роботі узагальнено протилежні фундаментальні позиції у питаннях балансу між правами і свободами людини та юридичними і фактичними можливостями державної влади щодо контролю інтернет-простору та його суб'єктів. Автор пропонує власний стислий опис названих парадигм, надає оцінку їхніх ключових ідей, пояснює їх на прикладах. Надана характеристика основних проявів дисбалансу між цими парадигмами, що мали місце в останні роки. Виокремлено найбільш недискусійні, помірковані постулати інтернет-лібертаріанства та інтернет-етатизму, аналізуються точки зору деяких науковців на досліджувані проблеми. Інтернет-лібертаріанство та інтернет-патерналізм – це парадигми, що склалися в результаті дискусійного розгляду питання можливостей державної влади щодо контролю інтернет-простору та його суб'єктів. Фундаментальні цінності, які репрезентуються цими парадигмами і ступінь втіленості яких на практиці залежить від балансу, – це свобода та безпека. В істотній залежності від вирішення цієї проблеми перебувають інтернет-права людини. Інтернет-права за своєю природою більше реалізуються через призму свободи, а інтернет-етатизм та інтернет-патерналізм є найбільшою загрозою для них. Однак, з іншого боку, необхідно визнати, що повноцінне існування інтернет-прав та користування ними потребує також і достатнього рівня безпеки в Інтернеті. Тому пошук балансу між вказаними парадигмами є вкрай необхідним для повноцінного функціонування екосистеми інтернет-прав людини. Пошуки балансу потребують виокремлення найбільш недискусійних, поміркованих постулатів інтернет-лібертаріанства та інтернет-етатизму, які можуть бути суміщені в інтегративному підході. На основі цього автор формулює пропозиції щодо побудови врівноваженого підходу, за якого був би досягнутий баланс між забезпеченням інтернет-прав і загальних прав людини та можливостями держави у сфері контролю елементів інфраструктури Інтернету.*

Ключові слова: інтернет-права, інтернет-лібертаріанство, інтернет-етатизм, баланс.

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INTERNET-LIBERTARIANISM AND INTERNET-ETATISM IN THE CONTEXT OF THE INTERNET RIGHTS OF A PERSON

Abstract. *The article gives a description of the problem of inconsistency and imbalance between the Internet-libertarianism and Internet-etatism in the context of the Internet rights of a person. The author generalises opposing fundamental positions on the matter of the balance between human rights and freedoms on the one hand and legal and factual capacities of the state authority to control the Internet space and its members on the other hand. The author's brief description of mentioned paradigms is given, the author evaluates their key ideas and describes them by using examples. The profile of the newest basic examples of imbalance between these paradigms is provided. The article includes the most indisputable and rational postulates of Internet-libertarianism and Internet-etatism. Relevant views of some scientists are analysed. On this basis, the author provides proposals for the creation of a well-adjusted approach whereby the balance between ensuring the Internet rights and common human rights on the one hand and state's capacities in the sphere of control of the Internet infrastructure elements, on the other hand, is possible.*

Keywords liberty, safety, state, authority, balance.

INTRODUCTION

Seven years have already passed since the moment of recognising at the UN level the essential role of the Internet for the sphere of human rights and freedoms and, in particular, it was accentuated that the Internet provided people with the access to information and knowledge that had previously been inaccessible, and in such a way it made a significant contribution to the "discovery of the truth and the progress of the society as a whole" [1]. The continuous development of the Internet infrastructure all over the world and the improvement of the quality standards of access to the Internet demonstrate that the way to openness and access to the Internet for as many people as possible is an absolute priority of the civilised world. As of June 2018, about 55.1% of the world's population has access to the Internet [2]. And this access should include not only the possibility of passive and contemplative stay on the Internet, but also a set of opportunities for every person to actively participate in all available Internet processes. An example is the right to develop one's own Internet resources [3]. The need for recognition and proper legal protection of the Internet rights of a person is evident in civilised legal systems. Besides, even the right of the whole cultures to be presented on the Internet is constituted [4]. The historical role of certain categories of the Internet resources (first all, social networks and messengers) continues to grow rapidly. One of the most outstanding examples of recent times is the well-known

events related to the significant leakage of personal data on Facebook Social Network before and during the last presidential elections in the United States that probably had the purpose to affect the results of these elections [5]. At the same time, technological methods of fighting against criminality on the Internet are being improved, in particular, with certain Internet resources that in one way or another contribute to the criminal activity which obvious purpose is to ensure the security of the Internet space for everybody. However, at the same time, there is a growing threat to the Internet human rights (as well as the Internet freedom in general) from the authorities of individual states and their structures which receive direct or indirect access to such technological capabilities. The rationale of the research subject is due to the fact that the Internet functioning has significantly transformed and continues to transform both the private lives of people and economic, educational, cultural and even political processes. However, the Internet space, in some its part, remains vulnerable because pressure on it by interested government officials on the condition of getting the assistance to them from the side law enforcement agencies, courts and, in some cases, Internet providers and hosting providers creates comfortable conditions for the effective oppression of both sufficiently developed Internet resources and individuals who own them and / or who are their administrators.

The aim of the research is to carry out a cross-sectional analysis of directed ideals of freedom and controllability of the Internet space in the context of ensuring normal conditions for the implementation of the Internet rights of a person. However, one should develop and propose orienting points for a balanced correlation between the paradigms of Internet-libertarianism and Internet-etatism which are based on these ideals.

The matter of the balance between freedom and security (protection) in the Internet space was touched upon in the research works of such Ukrainian researchers as L. M. Novak-Kaliaieva [4; 6], A. M. Novytskyi, R. I. Radeiko [7] and A. O. Tlusta [8]. The problems of the state regulation of the Internet were investigated, in particular, by K. V. Stepanenko, Ye. V. Pischevska [9]. The problems of censorship on the Internet, among the others, were considered by T. M. Muzhanova [10], O. Riabokon [11] and the others. However, the controversial concepts of the state intervention in the Internet space, in particular, in the context of ensuring the Internet rights of a person, remain poorly investigated. The historical events in the field of legal regulation of the Internet in recent years which took place in Russia, China and some other countries are extremely indicative in the context of this problem and require a doctrinal evaluation.

1. MATERIALS AND METHODS

In the course of the research the methods of generalisation and analysis as well as method of synthesis for the formation of an integrative approach to the solution of

the problem were used and some terms that were recently introduced into scientific use were applied. In this study they are understood as follows: 1) Internet rights are specific human capabilities the implementation of which is possible only in connection with the Internet functioning and mainly on the Internet (they were discussed in more detail in the previous research of the author [3]); 2) online is an adverb that means "on the Internet, in the Internet environment"; 3) offline is an adverb that means "outside the Internet" and the antonym of the term "online"; 4) content is electronic information of both a separate Internet resource and the Internet as a whole.

Also, one should note that the well-known term "Internet" in this research is used primarily as notation of the general information space of mankind to which a potentially unlimited number of people has access by connection to the technical global network of the same name. So, this term covers the information space formed on the basis of the most common "network of networks" which does not single (autonomous) local information networks of individual governments, educational establishments, industrial, military and other organisations. Also, it does not include permanent or temporary local computer networks created for private purposes and to which there is no access from any point of the "world Internet". Thus, human rights and freedoms mentioned in this research should be understood primarily as rights related to the direct participation and activity of a person in the world (world) Internet space.

2. RESULTS AND DISCUSSION

There are several informal but explicit paradigms of perception of the Internet in terms of the balance between, on the one hand, human rights and freedoms and, on the other hand, legal and actual possibilities of the government to control the Internet space and its subjects (hereinafter reffered to as "paradigms").

2.1 Internet-libertarianism

Since the introduction of the Internet in the world use there has begun to appear and develop a paradigm that can be called "Internet-libertarianism". It lies in the fact that the Internet, unlike traditional mass media (television, radio, press), has become a "zone of freedom" where every person, firstly, has a much greater choice of content for perception, and secondly, can independently create content and make it available for the other people around the world. That is, the Internet has eliminated numerous barriers (primarily psychological, economic and territorial) that did not give people the opportunity to get acquainted, communicate, gain new knowledge and spread their own experience in such an easy way. Thanks to the provided opportunities and unsurpassed properties, the Internet was started to be paid tribute. One of the most outstanding demonstrations of this in 1996 was the Cyberspace Independence Declaration (hereinafter reffered to as the CI Declaration). Its author, John Perry Barlow, for his strong position regarding the matter of the boundaries of government intervention in the Internet space was called a "cyberlibertarian" [12]. Undoubtedly, we

should admit that the CI Declaration contains a lot of sharp statements that, at first sight, reduce its scientific value, but in its text it is still possible to identify several rational ideas:

– in the offline space, the state obtains authorities (power), as a rule, with the consent of the entities to which the exercise of such powers should be directed, whereas in the online space (namely, on the Internet) did not take place such socio-political processes, and therefore, one can not say that states have some power over the Internet users and can impose their own understanding of the Internet space development;

– for the representatives of the online space it is proper the ability of value and behavioral self-regulation and self-maintenance of order in the cyberspace that will be much more effective than external impact of the state, in particular, because of their awareness of the specifics of cyberspace because they are, relatively speaking, "on their territory" [13].

Although it is impossible to fully agree with such a statement. First, the mutual integration of online and offline spaces in terms of law means that, for example, the protection of a person from violence, discrimination, slander and other violations of his rights on the Internet should be no less principled and effective than in the traditional offline environment. It follows from this that law enforcement and human rights activity should be forcibly carried out in the Internet space, which in fact represents the intervention of the relevant authorities. These can be both long-standing intelligence agencies, and specially created authorities (e.g., cyber police). Second, relying on self-regulation and the maintenance of law and order by an indefinite number of private entities that had not previously undertaken to anything and whose results are not accountable to anyone is also largely unreliable. So, the principle "to be afraid of wolves means not go to the forest" as a warning to those people who are afraid of becoming a victim of arbitrariness on the Internet, in the civilised world does not work any more: The Internet is increasingly being controlled with the aim of ensuring the rule of law in the actions of different entities and guaranteed bringing law offenders to responsibility. However, of course, this should not mean the beginning of the Internet restructuring exceptionally in line with the vision of the government officials.

For the ecosystem of the Internet rights of a person, the Internet-libertarianism is a favourable paradigm because in the absence of any external restrictions and pressure, in particular, from the state, the best conditions are created for the free exercise of everyone's Internet rights.

2.2 Internet-etatism

Subsequently, with the increasing availability of the Internet around the world, it became clear that the Internet can be actively used for illegal purposes, with the task of real harm to people, enterprises and even entire groups of people, and in some cases the security of individual states. The examples of such use can include creation and implementation of different kinds of fraudulent schemes which are based mainly on

the lack of sufficient technical knowledge of the majority of users; online trafficking in drugs, weapons and other objects the circulation of which is limited or prohibited; the spread of child pornography; committing hacker attacks and the spread of "computer viruses"; spread of misinformation and defamation (slander, insults, etc.); violation of personal data legislation; violation of intellectual property rights; incitement of intolerance and enmity in any sphere; coordination of terrorist activities and any other offences that can be committed using the Internet. Some criminal schemes and businesses can completely hide in the Internet space practically leaving no traces offline. Ye. Pischevska draws attention to the fact that "the Internet has caused the appearance of new forms of criminality" [9]. However, in our opinion, it is methodologically justified to say that the appearance and development of the Internet created the conditions for the appearance and development of these new forms of criminality since the Internet itself causes nothing and leads to nothing.

All this caused the expected chain reaction in political debates and legislative processes the final goal of which is creation of the secure Internet where human rights and freedoms as well as national security of the state should be protected no less effectively than offline. At first sight, only the state can take over responsibility for the systematic and responsible implementation of this activity, and that is the beginning of the story on how states increasingly understand the mechanisms of different elements of the Internet infrastructure and develop the measures to control the Internet at all levels has begun. That is the way the paradigm of Internet-etatism appeared and began to gain strength.

One of the most threatening tendencies in the development of the Internet-etatism is so-called "the Internet censorship". T. M. Muzhanova singles out three groups of methods of its implementation: technical, non-technical and indirect; a non-technical state can apply directly (for example, to create the necessary legal regulation) [10]. The researcher concludes that in the modern conditions censorship on the Internet is "widely used by the governments of many states and poses a direct threat to the basic interests of citizens in the field of information security" [10]. However, such a generalisation alone is not enough as there are different styles and forms of the Internet censorship. Thus, O. Riabokon singles out five censorship models: "Asian" (broad opportunities of the state and developed paternalism), "middle Eastern" (orientation to religious norms-restrictions), "monopoly of power on information" (fight against oppositionists and content of human rights defenders), "European" (fighting against socially dangerous resources and infringers of intellectual property rights) and "liberal" (fighting only with law violators blocking their resources) [11]. These models are generally listed in the manner of reduction of the social danger of censorship that makes it possible to draw the following conclusion: the "liberal" model, actually, is not censorship in the traditional sense. At the same time, these demonstrations are an indicator of the state's ability to authoritatively determine what kind of content should not be on the Internet and therefore, to intervene in the Internet space.

For the Internet rights of a person the Internet-etatism (and in some cases the Internet-paternalism, as will be discussed below) is the biggest threat, especially in conditions where such rights are not legally enshrined, as in Ukraine. But even in case of entrenchment of such rights, the threat remains real and significant, taking into the specificity of the Internet space and individual Internet resources. For example, it is extremely difficult to make blocking an individual Internet resource proportional to the purpose of such blocking, and most often such blocking becomes unproportional that confirms the example of Roskomnadzor's activity in Russia in spring of 2018.

2.3 Demonstration of imbalance between the paradigms

The analysis of the ideas about the possibility of control of the Internet space by the state confirms that these paradigms are not compatible. They do not contradict one other at least in solving the matter of the extent of permissible state intervention in the Internet space functioning. For the Internet-libertarianism, such interference is either not allowed at all or is allowed only to the extent necessary for maintaining the normal functioning of the Internet itself, that is, the concept of the minimum necessary (forced) "evil". In this case, the conditional principle "The Internet is the territory of freedom outside the borders of any state and outside any state authority" is applied. On the contrary, according to the ideas of Internet-etatism, the nature of such an interference can be practically unlimited if it is necessary for the protection of an individual, society and state, national security, peace and any other values the protection of which is legally and factually entrusted to the state. The essence of the Internet-etatism is represented by the conditional principle, namely, "the power of the state on the Internet ends where the rights of its citizens protected by it end; where end the limit of whatever it is authorized to protect; where its own interest ends". Therefore, in practice, the Internet human rights under different paradigms will have different potential for the implementation. The imbalance between these two paradigms appears in several directions: value and applied.

As for the value direction, in the Internet-etatism, observing the practice of individual states, it is legitimate to single out such a subdirection as the Internet-paternalism. It comes to the situations where the state or its individual authorities, actually, are trying to fulfill the role of the father who carefully protects the Internet users from threats on the Internet. The examples of such care are the protection against pornography that "perverts"; protection against access to gambling and video games with elements of violence; protection from "unreliable" (opposition to the dominant ideology regarding political content; protection from "wrong ideas" and protection from "revolutionary news" (the last three examples are particularly evident in the Chinese segment of the Internet). So, in some cases the Internet-paternalism becomes an enemy of pluralism in both politicy and culture. The greatest "progress" in this field was achieved by such states as China, North Korea, Iran and some other states of the Middle East and Africa, mainly, with authoritarian governments and/or religious cul-

tural context. To a some extent, Russia is on this way as well. Also, the demonstration of the Internet-paternalism can be called the cases as blocking by one state a social network or other Internet resources which are infrastructure is based in a state hostile to it and/or controlled by its representatives to protect their citizens from the enemy impact.

As for the applied direction, the Internet-statism is demonstrated in gradual acquiring the practical opportunities by the representatives of the state power: 1) initiation of effective completion of the process of blocking an Internet resource, web address or other means of "warning of receipt of certain content by the end user" [7]; 2) tracking technical events on the Internet at all levels or access to the specific data (data on the owner of the Internet resource for investigation purposes; details of the traffic of a particular consumer of the Internet services; data on the IP address from which the commentary was left through a special form on the news site, etc.). This, in particular, is connected with the so-called pressure on the Internet providers. The Internet providers, not wanting to lose their business which is now very promising, make concessions and cooperation with the government officials.

Also, the studied direction ensures the appropriate legal support of the opportunities provided to the state, that is, the adoption of appropriate legal acts which regulates the procedures for blocking the elements of the Internet infrastructure. Thus, in Ukraine, July 12, 2017 in Security and Defence Section there was registered a Draft Law on Amendments to Some Legislative Acts of Ukraine regarding countering threats to the national security in the information sphere (so-called Bill No. 6688) which is still under consideration. Apart from the claims about cybersecurity and the fight against terrorism set out in the explanatory memorandum which are well-known to the recent history of mankind, it is obvious that the main novelty of this bill is a significant expansion of the powers of the Ukrainian Security Service, some other authorities and entities (which carry out a pre-trial investigation) in relation to "extrajudicial blocking the Internet resources. Also, there is stipulated a new list of obligations and requirements for the Internet providers [14]. This bill has caused serious concern from the side of a large part of the domestic public including human rights defenders.

In the modern legal practice, appropriate technical conditions are being developed to identify the violations committed on the Internet and through the Internet, and establishment of identities of offenders on the basis of identification of the acts having signs of not only criminal acts, but also administrative and civil offenses. Beyond doubt, this is a positive trend because criminality in the wide sense, no matter where it takes place, online or offline, should be prosecuted and punished everywhere. However, one should remember that the fight against criminality should be carried out with the help of proportionate means, that is, without the risk of excessive collateral harm. In this context, destructive and counterproductive systematic attempts of Roskomnadzor to block Telegram messenger in Russia in spring of 2018 are very indicative which led to the

malfunction of hundreds of web resources and services. These events led to a protest rally in Moscow of more than 12 000 people [15], that, however, did not lead to any changes. So, the specificity of the Internet in combination with the modern achievements in the field of anonymisation of the Internet traffic significantly complicates blocking specially prepared online resources, and therefore, creates difficulties for supporters of the Internet-etatism as complete blocking such Internet resources requires the measures that definitely have no aim of such blocking. Consequently, such measures can be challenged in the court, human rights organisations and the like. In general, to be criticised from the standpoint of the rule of law, justice and reasonableness.

In our opinion, the opposite vectors of the paradigms of the Internet-libertarianism and Internet-etatism do not allow to find the balance within these paradigms themselves, and the solution to this problem requires the analysis at the theoretical and legal level. The result of such a decision should be a rational approach which would most appropriately combine the best demonstrations of the paradigms under consideration.

2.4 Search of balance

First of all, it is necessary to determine what postulates of the Internet-libertarianism and Internet-etatism we consider acceptable and what, in our opinion, representatives of both these paradigms could agree with. This is the first step towards the dialogue and cooperation between them.

The rational postulates of the Internet-libertarianism with which, in our opinion, it is impossible not to agree should include such as

1) it is necessary to preserve a free, open and decentralised basis of the Internet, that is, the qualities which significantly distinguish it from traditional media as well as make it a "weighted average", pluralistic, independent and distributed environment. The Internet would become the biggest threat to the society if it was centralised because, for example, provided to a successful hacker attack on the "center", the "periphery" would suffer as well;

2) any censorship or "pre-moderation" of the Internet (i.e., prior external evaluation and filtering the content before its publication) should be avoided. This is, among the other things, a direct threat to freedom of speech. The Internet, "like a library, should remain the place of freedom and openness which directly concerns the position and policy of the authorities in this matter" [6].

L. M. Novak-Kaliaieva draws attention to the fact that for the state authorities the prohibitions and penalties have always been "usual measures of impact" and have traditionally been considered effective in the context of implementation of tasks of counteraction to dangers and protection from the negative, however, these means are not effective in relation to the current scale of technological changes, and therefore, it is necessary to act by the methods that have nothing to do with violence in any form" [6,

p. 72]. Indeed, the methods of action in the online world should take into account its elegance and complexity, but not just be a primitive reflection of similar actions offline. Thus, when Roskomnadzor, trying to block Telegram, stubbornly carried out the blocking of the entire groups of IP-addresses that disrupted the work of a number of web services of different scale and orientation which are no way related to this story [16], from the standpoint of cyberspace, this should be interpreted as real violence, as a kind of act of aggression.

The rational postulates of the Internet-etatism with which it is impossible not to agree include the following:

1) an individual and society should be protected from a crime wherever they can be present and where their rights and legitimate interests can be harmed. With the appearance of new spheres of life sooner or later in these areas, someone invented new ways to harm human rights and legitimate interests. Therefore, the state reacted to this and interpreted these actions in a legislative manner as criminal, administrative or other violations. At same time, the actual and legal means of fighting against criminality have been improved, the criminal procedural codes have evolved, and so on. This is the standard historical path "the appearance of new evil and the invention of new weapons to fight against it". History shows that the Internet should not be an exception in this respect, contributing to the rise of criminality within it.

2) a person who commits a violation in the Internet space (or with its help) should be identified and brought to legal responsibility in the way and to the extent that complies with the nature and severity of the violation committed by it, in particular, the harm done by it. So, for this task perfoming the authorised representatives of the state can take special measures that ensure the identification and tracking of such an entity in compliance with the procedures established by law.

As for the Internet-paternalism, we consider the following points positive and justified:

1) the need to protect children from the impact of content with the elements of excessive cruelty or sexual perversion which exceed the typical level of cruelty and sexual freedom proper to the culture of the society in which these children live;

2) the need to protect children from the impact of the specific Internet communities and subjects that promote and incite to risk, self-harm and suicide or otherwise do harm to the child's psyche as well as incite them to commit illegal actions.

In such cases, the child's implementation of his right to access and stay on the Internet in conditions of "effective" action of such negative factors objectively represents a greater threat to it than the positive result of the implementation of this right. In such conditions it is considered appropriate to insulate a child from such a threat until he reaches the age of majority when he should theoretically be able to adequately evaluate the reality and perceive such content with understanding. However, such

insulation should not take the form of a ban on the Internet use until the age of majority (which is an example of imbalance, but already from the side of parents), content filtering systems have already been developed and and being improved ("parental control") as well as are the rules and mechanisms of social networks which aim to protect children from the dangers of this kind gradually being improved. In our opinion, from the theoretical and legal point of view, reaching the majority by a person should be understood as the moment when The Internet-paternalism regarding its moral and ethical development and the isolation from the dangers of the Internet should be reduced to a minimum level.

As for the matter of the state intervention in the Internet space in general cases which are not related to child protection, it is necessary to develop some doctrinal positions. Thus, L. M. Novak-Kaliaieva notes that "the state interference should be assistive" and that only subject to the detection of violations or the unwillingness of entities to act according to the generally accepted values of the Internet space the state can "motivate violators to adopt the state regulation based on the methods of transparency and frankness" [4]. However, the state regulation should comply with the values of both the Internet space and common sense. For example, if the law gives the representatives of the state authority the opportunity to significantly violate the Internet infrastructure functioning in a transparent (official) and procedurally correct, but unproportional way, the implementation of such a law will not mean that such assistive interference of the state complies with the ideas of balance, justice and reasonableness. The following position should also be taken into account: A. O. Tlusta considers it is an exaggeration to accuse social networks of generating protests and revolutionary movements, they are rather "just an information channel that serves the revolution, but does not cause it" [8]. Thus, one should not resort to the restriction of certain Internet resources only on the grounds that they are a means of communication for protesters because based on the same motives it would be possible to forbid any collective "calls" on the Internet, telephone communication, scientific conferences and so on.

CONCLUSIONS

Therefore, it is legitimate to propose the following constructive generalisations and proposals.

1. The Internet-libertarianism and the Internet-paternalism are the paradigms which have developed in the result of the debatable consideration of the possibilities of the state power to control the Internet space and its subjects. The fundamental values represented by these paradigms, which in practice depend on balance, are freedom and security. The Internet human rights are heavily dependent on the solution to this problem. The Internet rights by their nature are implemented to a larger extent through the

prizm of freedom and Internet-etatism and Internet-paternalism are the greatest threat to them. However, on the other hand, one should admit that normal existence and use of the Internet rights also requires a sufficient level of security on the Internet. Therefore, the search of a balance between these paradigms is essential for the ecosystem's normal functioning of the Internet human rights.

2. The search of balance requires the identification of the most undiscussed and rational postulates of the Internet-libertarianism and the Internet-etatism which can be combined in the integrative approach.

2.1 The rational postulates of the Internet-libertarianism is the need to maintain decentralisation and openness of the Internet and avoid the Internet censorship in any form. The censorship on the Internet which should include pre-moderation and filtering is not a method of fighting against violations, but, in fact, a separate threat, in particular, for freedom of speech. Due to this we can raise the question of the need to classify the Internet censorship as such as a violation against the society. Therefore, the Internet censorship should not include the measures on blocking content that has been declared illegal in accordance with the procedures established by law. Regarding protection of children, filtering of unwanted content as a form of "user-side censorship" is a forced and justified means formed as the Internet-paternalism.

2.2 The rational postulates of the Internet-etatism are the need to prevent the transformation of the Internet into a hotbed of criminality and the need to ensure the inevitability of identification of an offender with further bringing him to responsibility for his own illegal actions (harm). It means that the state should be objectively endowed with the means and procedural capacities that enable it to achieve these goals. However, these procedures should be carried out in strict accordance with the ideas of proportionality.

3. The most generalised idea that combines both paradigms are the idea of proportionality of both legal and technical measures implemented by the state on the Internet, proportionality of their impact on the Internet space with the volume and importance of the historical tasks they solve.

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