

Regulation of Internet

Abstract

The internet is today one of the most rapidly evolving technological tools at our disposal. What started out being used for research and academic purposes over four decades ago, has evolved into a behemoth virtual community that has been shaped by millions of role-players and users. What started out as a self-regulated platform is coming under serious scrutiny as more and more we are finding that the current regulatory framework has massive gaping holes and human rights breaches are happening by the thousands, on a daily basis, across various internet platforms. It seems it is only a matter of time before a serious human rights or data catastrophe is on our hands. Regulation created under the stress of trying to recover from a catastrophe would be strict and have excessively tight controls and result in the loss of many freedoms which the internet has afforded the world. It is in light of this that the topic of the regulation of the internet is explored through this thesis. The internet has grown and evolved exponentially, and it is time that regulation of this space catches up to this evolution and is able to effectively govern and regulate this vast and multidimensional layer.

The aim of this diploma thesis was to understand the dynamic relationship between regulation and the Internet. To explore the relationship, we have analysed the concept of cyberspace and the distinct area of law that it concerns. We took into consideration the primary methods of the effective regulation by analysing the specifics of traditional regulation and self-regulation. In the theoretical portion of this thesis, we have utilized the knowledge of cybernetics, to understand law as an information system and method of meta-regulation. We applied this to the environment of cyberspace: a newly rising social system. We have examined which entities are capable of direct and indirect regulation of cyberspace and deliberated these various modalities of regulation. In conclusion we have determined that a symbiotic relationship between these modalities achieve the purpose of effective and legitimate organization of Cyberspace. The basis for this analysis was the teleological interpretational method and legal pragmatism. The practical portion of the thesis is divided into three sections. The first section explores the establishment of liability of internet service providers for their own and user-generated content in Czech law. This ISP liability takes into consideration the context of the internet gatekeeper theory. The precondition of the second section was to differentiate content in terms of fundamental non-discrimination of the information type transmitted in the electronic communications network. This knowledge is the basis of a non-discriminatory European approach to open Internet. The rights and obligations of ISPs and users

are described in more detail, as a principle for anchoring the concept of network neutrality. The third section, in lieu of network neutrality, addresses selected problems of blocking access to certain content, which are described on two national models of the regulatory framework. Czech Republic is elaborated on as a model state with an insufficient regulatory framework, where we pointed out the specific possibilities of prevention of access to child pornography and provide detailed analysis of the current issue of blocking illegal Internet gambling. The conclusion of the thesis reflects back to the many legal and technical concepts outlined in this thesis and are portrayed in a metaphorical form as the progressive rise of a civilization. Armed with the knowledge we have gathered throughout this thesis, a suggested recourse for the contemporary regulatory framework of the internet was derived to be a meta-regulation system that could provide a suitable internet regulatory framework for the future.

Keywords: regulation of internet, cyberspace, liability, net neutrality