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## **LEGAL NATURE OF INTERNET**

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An increasingly important role in our lives begins to play communications. Distances don't matter as before, the world is becoming closer. The amount of information falling upon a person is growing exponentially. A vivid manifestation of these processes is the worldwide computer network Internet, or the World Wide Web (world.wide.web). The fastest growing industries in the world include electronics, communications, communications, electronic media information. This process is so rapid that sometimes the rule of law does not keep up with him. In particular, underdeveloped legal relations of interaction processes people through electronic means of communication when many actions take place not in the real world, but in the virtual. Very often, these actions are outside the scope of legal fields: it can be argued that the Internet today is the virgin land for jurisprudence. And only in the process of interaction, thanks precedents, a legal picture will be built.

When transferring existing existing relationships regulated by law, to the Internet, they transform so much that the rules governing them remain, at best, unclaimed due to the impossibility of their practical use. In many ways, the specificity of the Internet lies in the fact that the Internet originally arose and developed as a self-regulatory structure. In reality, the Internet needs specially developed legal norms that take into account the specifics of real legal relations in the virtual world.

In Kazakhstan, the Internet is a legal vacuum, although it is possible to "adapt" norms from general provisions. In the West, the rules governing relations on the Internet, by virtue of almost ten years ahead of the mass introduction of the Internet in everyday life, to a large extent already framed, however, direct transfer attempts. Western legal norms are inappropriate, since Western common law norms in the mass of details differ significantly from Kazakh norms. This paper reveals the legal nature of the Internet, provides an overview of legislation, both Russian and foreign, the established practice of relations On the Web, the rights and obligations of subjects in legal relations, such as copyrights and their protection, trademark, conclusion of transactions, settlement relationships and others. Disclosed the concept of an electronic document, its legal force and methods of its protection.

The legal nature of the network the Internet. The simplest definition of the Internet is computer networking. And there are many of them - from local ones (for example, combining several computers on one enterprise) to regional and national commercial networks. Clients ("users" or "subscribers") of the Internet also can connect to other computers, exchange emails, receive a variety of information from numerous databases. But the internet has a significant differences from historically previous commercial networks, which provided him with such a rapid development in last years.

Firstly, the Internet is not organizationally is one whole. It does not have an owner or owners selling the information contained therein. This is done by special organizations - information producers, having the ability to access the internet on almost the same conditions as consumers information. Secondly, the Internet has a truly global dimension - it unites computer networks of the vast majority countries of the world.

In cities with over one million population of Kazakhstan, access to the network has 47% of households, in cities with populations from 500 thousand to 1 million people -45% In small cities with populations from 100 to 500 thousand people Network penetration rate accounts for 45% in cities with less than 100 thousand people - 39%. Network access in villages 24% of households have it. Moreover, in Europe, according to Eurostat data, Internet penetration in I quarter of 2010 reached 70% against 49% in 2006 year. Broadband Access (broadband access) 61% of European households owned in the Network compared with 30% in 2006. The network has many features that characterize it as a special kind of reality, among which several more important. The most important of these are extra-spatiality and timelessness. Both signs are characterized by the fact that they are not objectified, that is, they are derived only from subjective sensations, but also characteristic the fact that these subjective sensations exist quite objectively. Non-spatiality means that a network cannot be localized even by name servers. Non-Spatiality Blurs Real Boundaries then the borders between states, entities federation, cities, gives the impression of a unified network

of events, that is, makes them think like something uniform, given in a single form with a difference in content.

Timelessness means that the Network is indifferent to history, since Network forms are spared from its influence. The network is unhistorical even when pointing to historical facts (e.g. indication of the date of legal protection copyright or an indication of update). Timelessness arises due to the subjective perception of the Web as a special kind of reality, which is characterized by non-spatiality. Legal facts are that which is peculiar to time, the Network does not even have internal time - or we can say that network time is always the same; from this one can conclude that the legal fact and the Network are incompatible. Legal fact is property reality with all its causal-temporal connections. The above (non-spatial, localization with infinite content) and timelessness (indifference to history) reveals the Network itself as some kind of illusory reality that exists only here and now and endless in content.

The paradox of such a statement is not given as something that needs to be found a more intelligible explanation, to refute, etc. The possibility of such subjective approaches to the description of the Network only indicates that when analysis of the interaction of legal norms and network surfing of the reality category does not always applicable. The question is, do you need whether to develop new categories. For effective legal regulation it is not necessary to complicate something.

The subjective paradox given above should be kept in mind only in the long term, since over time there will be problems that will require serious philosophical rethinking. A network is just a collection of servers, no more, but no less, and everything related to it processes occur within servers and tools their communications. To become an object of legal regulation, the Network must be objectified, like any social relations, and be expressed in specific subjects.

The Internet as a subject of law. The Internet is not yet sufficiently investigated in terms of legal specificity relations arising in connection with its existence and practical application. And, first of all, two questions of a fundamental nature have to be resolved. The first is about the legal nature of itself The Internet. What is it - the subject of law entering in various relationships with your customers, or object of legal relations, the nature of which still to be clarified? The second question is about the law applicable to these relationships. If it exists, then what regulatory framework does it comprise, to which system and industry can these legal norms be attributed? If it is still not there, then on what the development of the internet to date has been based and what should be done attitude in the future?

In addition, many particular problems can be highlighted. They either arose in the process of using the Internet, or In the near future, they will inevitably declare themselves. At ultimately, issues related to the functioning of the Internet affect huge material, informational, human resources and related cash funds. All this cannot be ignored public authority, and therefore without regulatory regulation in this area.

In cases where the client commits a reimbursable transaction during a communication session on the Internet (for example, subscribes to an interested magazine in an electronic version), he knows that his counterparty is not the supplier, but the organization that provides the specified service (publishing company or editorial office), since in essence such a deal corresponds the process of regular, "non-computer" print subscription. For a manufacturer of network services. Representative of the Internet are specialized companies. Such a specialized company (server owner) is often a supplier at the same time, but it doesn't always, in which case the server owner enters on the Internet on a common basis. For the provider, the representative of the Internet is larger networks that provide them with the ability to connect to them. At each of these networks has its own owner, but, of course, individually none of them. All networks connected by the Internet cannot be technically or legally controlled. Representatives of the largest networks Internet are combined into several organizations the so-called community of the Internet. However these organizations are not governing bodies the network. They primarily deal with the harmonization of technical standards (data exchange, network connections, etc.), as well as registration so called host computers (connected between each other's meeting points) and domain addresses or names

(identification names of such computers). This in itself is very important. for the technical functioning of the network, but not enough to manage the organization. So the Internet is not a subject rights, i.e., a participant in legal relations. Can perhaps, the Internet is and object of law, i.e., about What legal relations arise? We will try to consider the already cited examples of legal relations regarding work on the Internet in order to identify their substantive basis. Computer connection the client's network to the provider's local network is carried out by performing several legally significant actions, the nature of which well-known and is not something exceptional - selling software (programsInternet access) and hardware (modem); communication channel rental (can be carried out analogy with the sale of computer time on Computer or using a telephone line in long distance calls). In other words, used sales contract, contract rent, as well as to a certain extent the norm on the protection of exclusive rights to the software provided (it cannot be reinstall on another computer without registering a new user). In the case of the purchase of any product through the network, again quite theoretically developed concepts are applied - the contract of sale, ownership of the goods sold, etc.

There is no comprehensive (codified) legislation on the Internet. Existing normative (by-laws) acts regulate particular aspects of network functioning, first of all, issues of connecting to it through suppliers providing relevant communication lines, etc. Secondly, the norms that could would apply to relationships about the Internet, "scattered" under other laws branches of law. They are primarily contained in the norms on intellectual and industrial property, as well as in the section, conditionally referred to as "telecommunications law." Thirdly, there is practically no regulation of relations regarding the Internet on international (interstate) level. The above example confirms that very soon it will be needed, at least on a bilateral basis. The need for regulation The Internet, I think, has two sides. On the one hand, the Internet is a technical system and as such is already regulated the current "consensus on key issues" documented by the RFC. Internet content, on the other hand there is a social phenomenon and regulate it or no - society either decides for itself (and then it's almost probably "no"), or allows the government to decide for themselves (and then it is almost certainly "yes"). Nevertheless, the Internet is currently an interesting example of how well and effectively it can to develop such a complex technical system practically in the absence of a formal right regulation. This poses an important theoretical the question of how soon the level of development of social relations associated with the existence of such a system will require the development and application of appropriate legal regulation.

The next, obviously, will be the question of how effective such regulation will be for the development of the technical system itself.

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