



FORMATION OF STATE INFORMATION POLICY THROUGH THE LENS OF INFORMATION AXIOLOGY

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Summary

The article examines the issues of formation of the state information policy by taking into account the positions of the informational axiology. The aspects of modern methodological crisis in the formation of the conceptual foundations are examined; ways out of it are offered; the information security policy (cyber security), which is mainly aimed at preventing the information-related threats, and public policy are differentiated. The author analyzes the background and features of the information society and tries by analyzing to formulate new theoretical and predictive models of further development of mankind.

Key words: public information policy, information axiology, legal regulation of information policy, information, axiological dimension of information policy.

Аннотация

В статье исследуются вопросы формирования государственной информационной политики с учетом позиций информационной аксиологии. Рассматриваются аспекты современного методологического кризиса в формировании концептуальных основ исследуемой сферы, предлагаются пути выхода из него, дифференцируется политика информационной безопасности (кибербезопасности), которая в основном направлена на предотвращение информационных угроз, и государственная политика. Автор анализирует предпосылки и особенности становления информационного общества и пытается на основе анализа сформулировать новые теоретические и прогностические модели дальнейшего развития человечества.

Ключевые слова: государственная информационная политика, информационная аксиология, правовое регулирование информационной политики, информация, аксиологическое измерение информационной политики.

Accession. The emergence, formation and development of information and telecommunication technologies, and as a result, entering into the information age and the formation of information society in the leading countries on the one hand, and also rethinking of the role and value of individual, his human rights and freedoms in regard to the state's interests in the perspective of its priority on the other hand, led to the need for new concepts of scientific research to further the development of society and the state.

Legal regulation of a common information space Ukraine should contribute to the harmonious development of information resources, information services and means of information production in the country during its movement towards the information society. The importance of the problem of legislation development in the field of information and informatization, establishment of a law governed state, development of network society is determined by the fact that norm of law of this sphere significantly affect legislative regulation of relations of subjects in all areas and other parts of the country and society. Accordingly, we can contemplate how in a modern society in the new ideology of post-industrialism there arose a new kind of society – an information society.

Epistemological nonrandomness elected by us for research of problems of informational axiology is associated with correct methods of perception of the subject of investigation, which is the state information policy. Moreover, it is the adequacy of selected research methods of a subject investigation that correlates with efficiency and success in general. Thus, among the methodological problems of informational legal science a prominent place is occupied by the question of the determination of values, epistemology and ontology that obviously correlates with the correct and exact definition of the research subject outline the structural and genetic relationships of the studied subject area.

The relevance of the topic is due to the fact of generally recognized provisions of philosophy of science, that the science reflection itself concerning their own cognitive problems is one of the most important criteria of scientific character of the latter. The axiological knowledge of Information Policy provides insight into the evolution of information and legal phenomena, acts as an essential condition for understanding their essence. Achieving the set **purpose of the article** is due to how seriously the scientific community refers to solving significant epistemological problems.

Methods and materials. Informational globalization is the

most controversial manifestation of contemporary reality. On the one hand, many researchers describe the positive aspects of information society, deregulation of informational relations and formation of free information market [1, p. 67; 2, p. 263; 3]; on the other hand – researchers focus in their own research on the formation of a balanced state information policy, the development of reliable mechanisms of information security [4; 5, p. 263]. Instead, the authors slightly in their own way interpret the information society, based on the provisions postulated in an informatiological paradigm [6, p. 102; 7, p. 160, 181; 8, p. 39; 9, p. 11; 10, p. 75]. First of all, it concerns the understanding of the information and its importance in public life [11, p. 140].

The modern world is undergoing significant changes concerning not only the paradigmatic transformation of scientific postulates, but also the ontological structuration by new axiological criteria. The ontology of informatization no longer requires its axiomatic proof and will be taken for granted, but the question of epistemology and axiology in its organic unity quite rarely becomes the object of scientific analysis. In this regard, the concept of the information society and, electronic governance respectively, establishment of networking spaces,



design of state-powerful effects through the mechanism of legal regulation is not studied systematically, which makes it impossible to holistically understand this phenomenon. This is because the main and determining factor in this case is a research of bonds and genesis of development. Important role in this methodological chaos play the works, which, opposed to the axiological dimension, have scholastic ideas in motion, which sometimes have features of a vulgar defragmentalism [1, p. 67; 2, p. 263; 12; 13]. On this background, noteworthy are the works of V. Tsimbalyuk, who's seeking to move away from old clichés and to form their own views on systemic solutions of given scientific problems [14, p. 40; 15; 16, p. 226].

It should be noted that the process of informational globalization, transparency and the further development of civil and informational society have different levels of load on the system of public administration.

Currently, many researchers pay attention to the devaluation of traditional notions of state sovereignty, because, in fact, the state does not actually always is absolutely independent in making certain important decisions for it. The existence of supranational bodies determines the formation of supranational jurisdiction. Thus, when joining the EU, the states, while transferring some powers to the EU, actually partially lose their own sovereignty.

A. Turina said that the European Union stands as an interstate integration entity, that in its jurisdiction covers an economic, political and legal integration [17]. Given the current realities we must add, that this jurisdiction is significantly expanded and already covers the social, environmental and information integration. Under these conditions of a partial loss of sovereignty, employing the methodology of the past, we can say that the EU actually has become a supranational entity, which aims to consolidate power and policy in the countries (effectively bypassing national governments). However, in fact, the roots of this fallacy in thinking are caused by non-use of the axiological approach, through which those values are formed, for which this formation was formed. Understanding the duality of categories, such as form and content. As well as a priori truth that the form is institutionalization of

the phenomenon and a static category, and content is variable and dynamic. Because of the correlated time-spatial format of the form existence, we come to different conclusions.

The content of the concept of the state and the immanence of its attributes as a holistic formation do not change depending on the filling of its content. We may profess different political views, from anarchist and ochlocracy to chauvinistic or democratic, but these views only characterize the various content elements, i.e., filling of holistic formation, which is represented by the state.

Similar arguments can be built on the loss of identity by nations and ethnicities, artificial planting of contempt for nationalism and patriotism, promoting the idea of state failure on the regulation of public relations in today's era of globalization, the loss of national identity through aggressive transculturation, implementation of information models of system and structural and functional transformations, aimed at forming a controlled from the outside information policy, and more.

In this aspect, ignoring of the informational axiology as one of the areas of modern design informatology serve as a source to develop effective public information policy. So, the balance between form and content will not be disturbed, because the legislation itself is only a form of expression of the will of the ruling elite, and not always conforms to the national interests. One of the theoreticians of legal security of a person A. Loboda underlines the importance of axiological approach [18, p. 16].

Today, one of the most important tasks of the Ukrainian information-legal science is the development of methodological problems. In the most general terms, these questions are paid attention to in a legal theory [19, p. 3; 20, p. 151; 21, p. 33; 22; 23, p. 3; 24, p. 20; 25, p. 3]. So, obviously, we can assume that this also applies to information policy, which has not been investigated from the standpoint of information and legal science.

It is likely that a large amount of information analyzed is impossible to comprehend in one work (study of one author), so we raise the question of the need to institutionalize within information-legal science the science information law schools, including

us proposing the establishment of methodological, epistemological, axiological, praxeological, ideological, legal and other important aspects of this problem necessary for the development of the information law.

From the standpoint of information axiology, the state information policy acts as such in its nature, if it aims to establish justice, coexistence of mutually informative interests of the individual, society and state. This statement is the content of values of information policy, by which the unity and interdependence of justice and of the state information policy affirm as a specific social values.

Information policy cannot be seen outside the context of informational axiology, for a hierarchy of values of the individual, society and the state fills the state information policy with its own content.

Based on the information of values we consider the state information policy in three dimensions: legal policy – the ideas, principles, methods of realization of state information policy is clearly defined in the current informational legislation of Ukraine; real politics – public information policy that is embodied in real life; smart politics – reference model of state information policy, based on the informational axiology.

According to the informational axiology, the state information policy should act as a means of integrating values, which can significantly reduce the level of information stratification of Ukrainian society.

Conclusions. State informational policy is an activity of authorized bodies of state power and administration, which determines the objectives of function, principles, priorities, based on the values of the Ukrainian nation, information policy, methods and tools to support them. The main directions of a state information policy are: to provide free public access to public information; effective and competitive national systems and networks; strengthening scientific, logistical, financial, organizational and legal foundations of information activities; ensuring the effective use of information; establishment of a general security information; promote international cooperation in the field of information to ensure the information sovereignty of Ukraine.



Axiological dimension of a state information policy provides opportunities for its analysis and study of both specific, but adequate modern trends of development of the information society phenomenon.

The current methodological crisis in shaping the conceptual foundations of state information policy has its axiological roots. Aborted system of national values, including information, defragmentation of holistic methodology and leveling deontological principles of training modern specialists were the result of global information and promotion of the rule of consumer identity and lifestyle. Mental and ideological crisis as a means of implementing the state information policy and methodology of the study were an overall echo of a methodological crisis studies in the information field. The lack of data developed can lead to incorrect and spontaneous, uncontrolled development of the information society, the formation of new threats to the interests of the individual, society and state, failure of state information policy to form reliable mechanisms to guarantee the legitimate rights and information interests.

One of the important conditions for exit from this crisis, we think, is addressing the scientific attention to theoretical questions of formation of methodology of information policy, which should be considered within components such as axiology, praxeology, gnoseology, ontology and epistemology.

The analysis of complex methodological issues demonstrates the need for further reorganization of the restructuring and modernization of all components of the state information policy, based on a combination of informational axiology, informational gnoseology and methodology information.

In theory, the conceptual approaches to develop principles of information policy are largely devoid of an axiological component, and its presence if there is any, does not correlate with scientific results. The philosophy of liberalism, combined with a Neo-Kantian tradition, does not give a complete picture of the phenomenon of information policy; for the isolation level of Kantian ethics and the level of dangers of liberalism and development of ideas of a global information society, which partially threatens the institutional component,

generally do not give an adequate idea of the content of current processes taking place in the information sector. We believe that the information could reach at least the axiology algorithm of clear awareness of communication between different phenomena of surrounding reality. In particular, one should distinguish between the policy of the information security (cyber security), which is mostly aimed at the prevention of threats to information, and the public information policy, aimed at forming guaranteed and state secured favorable conditions for sustainable progress of objects of information relations, implementation of information rights and freedoms, legal information interests.

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О ПОКАЗАНИЯХ СВИДЕТЕЛЕЙ, КОТОРЫЕ ПРИНИМАЮТ УЧАСТИЕ В УГОЛОВНОМ ПРОЦЕССЕ ПОД ПСЕВДОНИМОМ

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Summary

The article deals with the legal and theoretical problems of witnesses' participation in a criminal proceeding when the security measures could be apply as regards to them to ensure the confidentiality of information about a person. It focuses on the theoretical importance of rethinking of the procedural significance and admissibility of anonymous testimony in criminal proceedings. The author proves the necessity of determining the conditions which may ensure the balance between the need to ensure the safety of persons taken under protection and the right of the suspect (the accused) for a fair trial. It is proposed at the level of the resolutions of Plenums of the higher courts which summarize judicial practice to pay attention to the courts on the limited weight and probative value of the testimony of an anonymous witness in the case where such kind of evidence is not backed up by other evidence.

Key words: participant in criminal proceedings, witness, security measures, pseudonym, anonymity, confidentiality.

Аннотация

В статье рассматриваются правовые и теоретические вопросы участия в уголовном процессе свидетелей, в отношении которых применяются меры безопасности, направленные на обеспечение конфиденциальности сведений о лице. Сконцентрировано внимание на теоретическом переосмыслении процессуальной значимости и допустимости анонимных показаний в уголовном процессе. Доказывается необходимость определения условий, которые могут обеспечить баланс между необходимостью обеспечить безопасность лица, взятого под защиту, и правом подозреваемого (обвиняемого) на справедливое судебное разбирательство. Предложено на уровне постановлений пленумов высших судебных инстанций, обобщающих судебную практику, обратить внимание судов на ограниченный вес и доказательственную ценность показаний анонимного свидетеля в случае, когда такие показания не подкреплены иными доказательствами.

Ключевые слова: участник уголовного судопроизводства, свидетель, меры безопасности, псевдоним, анонимность, конфиденциальность.

Постановка проблемы. В последнее время в практической деятельности судебно-следственные органы все больше сталкиваются со случаями дачи анонимных показаний, то есть таких, которые предоставляются участниками уголовного процесса под псевдонимом или свидетелями, взятыми под защиту с сохранением достоверных сведений об их личности. Однако в научной литературе отсутствуют основательные публикации, посвященные вопросам допустимости и процессуальной пригодности таких показаний. Это при том, что проблема оценки доказательств в уголовном процессе представляет собой одну из центральных проблем теории доказательств, которая имеет большое практическое и теоретическое значение.

Актуальность темы исследования подтверждается малой степенью исследования правовых и теоретических вопросов участия в уголовном процессе свидетелей, которые принимают участие в уголовном процессе под псевдонимом. В настоящее время отсутствуют научные работы, касающиеся процессуальной значимости и допустимости анонимных показаний.

Отдельные проблемы обеспечения безопасности участников уголовного процесса и их участия в уголовном производстве под псевдонимом исследовались в трудах известных ученых, в частности В.П. Бахина, В.И. Галагана, А.Ф. Долженкова, В.С. Зеленецкого, А.В. Ищенко, Н.С. Карпова, В.К. Лисиченко, Д.И. Никифорчука и других. На монографическом уровне указанную проблему в своих работах за-