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**Revisiting legal protection of
minors conscience against
negative information influence**

The article analyses state measures on minors and children mind protection against negative information influence. The authors analyzed the legislation of the Republic of Kazakhstan and other countries on mass media and internet. Comparative analysis showed necessity of state regulation of children legal interests' protection.

Key words: information influence, children, children's interests, media blackout, negative information.

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**Бала санасын кері ақпараттық
әсерден қорғау мәселесі
жөнінде**

Мақалада балалар мен кәмелет жасқа толмағандар санасын кері ақпараттық әсерден қорғауға бағытталған мемлекеттік шараларға талдау жүргізіледі. Жұмыста Интернет пен БАҚ қызметін шектеу мәселелеріне қатысты ҚР мен бірқатар елдер заңнамаларына талдау жасалған. Салыстырмалы талдау балалардың қызығушылықтарын қорғау үрдісіндегі мемлекеттік араласудың қажеттілігі жөнінде қорытынды жасауға мүмкіндік берді.

Түйін сөздер: ақпараттық әсер, балалар, бала қызығушылығы, ақпарат таралуын шектеу, кері ақпарат.

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**К вопросу о защите сознания
детей от негативного
информационного
воздействия**

В статье проводится анализ государственных мер, направленных на защиту психики детей и несовершеннолетних от негативного информационного воздействия. В работе сделан анализ законодательства РК и ряда иных стран по вопросу ограничения деятельности СМИ и Интернета. Сравнительный анализ позволил сделать вывод о необходимости государственного вмешательства в процесс защиты законных интересов детей.

Ключевые слова: информационное воздействие, дети, интересы детей, ограничения распространения информации, негативная информация.

**REVISITING LEGAL
PROTECTION OF
MINORS CONSCIENCE
AGAINST NEGATIVE
INFORMATION
INFLUENCE**

Psychologists, sociologists, mental specialists and lawyers acknowledge that public conscience and conscience of each individual exposed to unprecedented wide information influence and becomes the object of information security. Human conscience is always under influence of different information flow coming from mass media, teachers, parents, colleagues, official sources, etc. It is quite difficult to control such streams and adult individual has to filter it at own discretion valuing it as useful or useless, positive or negative. At the same time minors do not possess such mechanisms of conscience protection that becomes available to them only upon reaching certain psychological and mental maturity.

Strengthening influence of mass media to people conscience entails potential threats connected with spread of negative and publicly dangerous information. As was mentioned before such information is dangerous mostly to children and minors due to vulnerability of their mind to destructive informational influence.

In this regard the experience of the European Union is attractive the member countries of which created on their own national and international level political and legal mechanisms against mass media destructive influence. So the directive of the EU 89/552/EEC dated 3 October 1989 «Television without frontiers» in its special section «Protection of minors and public order» stipulates: ban on tobacco advertising; limitation of alcohol advertising; requirement to advertisement to create no physical or mental harm [1].

The directive 98/560 EU dated 24 September 1995 contains recommendations to promote national legislation related to children protection and human dignity, and growth of parents literacy and vigilance to buffer children's mind and control of Internet use and online services by them [2]. The program «Safer Internet» with the budget of 55 mln. euro was developed and implemented and the main aim of which was to inform parents, children and teachers on safe use of Internet [3].

The same path was taken in Russia. On 29 December 2010 the Russian Federation adopted the federal law «On children protection against content hurting their health, moral and intellectual development». So the law introduced the marking of the content distributed through mass media. The law outlines the following age categories: «universal» – «U», «from 6 in the presence of the

parents» – «6+», «from 12» – «12+», «from 16» – «16+», «from 18» – «18+», and special content «from 18» – «18+C».

Besides the Federal Law outlines the content restricted for circulation among children such as:

- 1) propaganda of antisocial and criminal offence;
- 2) propaganda of violence and cruelty;
- 3) discrimination of the family institution;
- 4) of pornographic character.

Also the specified law establishes restriction to the content spread among children of certain age. So the restricted content information is:

- 1) picture or description of violence;
- 2) picture or description of cruelty;
- 3) of intimidate character;
- 4) picture or description of antisocial or dangerous actions;
- 5) picture or description of crimes and persons committing the crimes;
- 6) of erotic character.

In our opinion the experience of Kyrgyzstan seems interesting in this respect, they significantly improved legislation related to the protection of children rights and interests including the issues of children conscience protection against negative impact. So the Law of the Kyrgyz Republic «On advertising» dated 24 December 1998 #155 sets the following limitations on advertisement:

- discreditation of parents and tutors authority, betrayal of confidence towards them;
- inculcation to minors so they convince the parents or others to buy the advertised goods;
- attraction the attention of minors to aspire possessing certain goods that gives some advantages to them over other minors and that lack of that goods give converse effect;
- placement in advertisement textual, visual or sound information showing minors in dangerous places and situations;
- understatement of necessary level of skills of minors to possess goods. In case the results of goods use are illustrated or described in the advertisement itself shall give information on possible attainability of designed goods for certain age category;
- representation of false (warped) conceptions by minors about the cost (price) of the goods intended for minors use by means of words such as «only» «as little as», etc. and also by using direct or indirect indication that the advertised goods are available for a budget of every family [4].

It is necessary to specify that the current legislation besides imposing bans on advertising shall provide as well for maximum control regulating

spread and designation of access to any information containing real or potential threat to mental and psychological condition of the minors. Therefore it is concluded that the only possible player providing cyber and mental security to the individuals is a state itself that possess all necessary tools of influence, including the system of controls and supervision and coercive means.

In order to create adequate and workable system of state-law regulators ensuring cyber security of the individuals it is necessary as a matter of priority to apply for scientific research results. So the science experts more widely use cyber psychological security of the individual. Roshin S.K. argues that psychological security means the condition of public conscience where the community itself and every single individual perceives current level of life as an adequate and reliable since that level creates viable possibilities to satisfy natural and social needs of the citizens in present and gives them grounds to be confident in future [5, p.32].

Popov D.G. defines cyber psychological security as a condition of mentality resistance against different informational factors (impacts) that create obstacles and make it difficult to set and perform adequate orientative frameworks of human social behavior and living in modern society [6, p.19].

Kamytov K.T. understands cyber psychological security as «security of every person and or (group) of persons against negative cyber psychological influence and related other vital interests of the individual, community and a state in information environment» [7, p.123].

In our opinion all mentioned definitions can be generalized in one definition «negativity». Information influence shall not bring decline of life conditions, health condition, human behavior, his social status, and also shall not promote aggression against himself, relatives, wider public, demonstration of disrespect, full or partial rejection of moral standards and tradition of society, political disorientation, etc.

The objects of cyber psychological influence are: a) cyber psychological environment of the society that is a part of information environment of the world community and is connected with use of information, information resources, information infrastructure to impact mind and behavior of people; b) information resources (about spiritual, cultural, historical, national values and traditions, etc.) c) system of public conscience training (ideology, political views, spiritual values), d) political decision enabling system, e) psycho and behavior of human (8, p.258).

The sources of that threats are different and are defined by the aims that set in front of a subject under influence, that can be the organizations, people possessing abilities to psychological impact. Kovaleva N.N. classifies the sources of cyber psychological security as: 1) «physical entities with natural abilities to impact minds to people; 2) development of technical tools and programs; 3) religious and other groups; 4) anthropogenic zones; 5) geopathic zones» [9].

Psychological basis for cyber psychological security is a Fromm's theory of disruptiveness saying that information becomes in benign and malignant behavior.

Accordingly the following belongs to destructive information: a) destructive information of violence and cruelty (naturalistic and misplaced image or description of pain, sufferings, tortures against human or animals, also similar actions (non actions), events, scenes, their consequences fixed on details, anatomic specifics, physiologic processes);

b) information of amoral and antisocial behavior, based on denial of family values and disrespect against parents and the members of the family; on lie and cheating and hypocrisy; on sexual dissoluteness; on luxury consumer oriented life style;

c) information on self destroys of a personality (direct and indirect propaganda of alcohol, drugs,

prostitution, sexual deviation, different forms to escape from reality).

In order to protect minds of its citizens use different tools of influence. The role of a state in managing information space is limited but shall not be diminished. The most widely used tools of control are licensing and controlling mass media, registration of websites, monitoring of publications in paper and electronic mass media, etc. These tools help to reveal and suppress negative information influence, to neutralize it. Mentioned direction of cyber security shall become one of the most important in the system of information policy in Kazakhstan.

In order to rehabilitate persons harmed by negative cyber psychological influence the state develops and excels the tools and means revealing and neutralizing such influence; organizes rehabilitation of persons harmed by cyber psychological influence; sets systems of licensing, certification, expertise and control in the area of cyber psychological security; develops and accepts standards in the area of cyber psychological security as well as special means and tools of cyber psychological influence. The state is also obliged to inform population about activities of people and organizations that abuse the law of cyber psychological security, contribute into development and implementation of the international law norms in the area of cyber psychological security.

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