To Examine Dimensions of Social Networks' Filtering Regulations in Iran's law

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ABSTRACT

Social networks play a significant role in today world. These sites affect different aspects of individual and social life of people and the national and even international levels. Accordingly, they are spreading, and will play more important role in the future life. This paper aims to examine the positive and negative effects of social networks' filtering, that creates curiosity and has inverse result.

Keywords

Filtering, social networks, Facebook, Public Sector

Introduction

Filtering is a familiar but vague concept in Iran that there is not precise and legal definition and criteria for determining the instances after passing more than a decade from its emergence and its existing definition is such general that can threaten human freedom and privacy with applying various tastes. In Iran, Filtering is exercised in accordance with the laws enacted by parliament and includes a wide range of internet websites from pornography to political. While blocking access to Web sites is legal in Iran but its process, especially for political and social sites is not precisely clear, and its policies are unclear too.. Since, the social networks as new generation of virtual communication in recent years has been very pervasive, it cannot be denied that a significant part of Iran society especially the youths, despite limited access to these networks, are of their members(users).

In this study, we seek challenges and clarify the legal aspects of filtering in Iran's social networks. In fact, it challenges the two main matters. First matter is the principles of citizenship and human rights, freedom of information and access to data for getting information about current affairs and the promotion of individual and collective knowledge

that in this field various medias such as audio, visual and written are tools for information flow and data transfer to people, and technology related to the use of computer and cyberspace provides a wide and new expanse for data transmission Which could be considered as people privacy.

The second challenge is state supervision in the virtual space on the transfer of data. Governments, while establishing security, should provide necessary facilities for public access to this information, and in all the real and virtual media, this monitoring is based on adopted principles and rules, and each country according to the criteria set forth in its law must protect some privacy and values. Given the importance of this issue, International documents provided some clear rules about prevention from pornography against dignity and immunity of children and youth that countries are obliged to enact regulations in this field and according to legal rules, governments prevents from some users' abuse to attack the moral, cultural, and religious values of people or the national security . however, the main challenge in this case is about the monitoring limits where the government is authorized to monitor without violating the privacy and citizenship rights . Accordingly, no one doesn't have right to act for disseminating information and giving messages which violate public morals and national security, and relevant managers shouldn't refer to maintenance of security, and prevent from information freedom in the way that access to correct information wouldn't be secured, and people are forced to access the data message in alternative methods, and Iran like other countries has not been immuned from the challenges and principles and balance must be established between these two matters. This matter would be addressed in this study. There is another challenge in legal examination of the filtering and filter removal in social networks that the authority for determining punishment such as filtration or the removal of these restrictions is unclear. blocking of Internet

websites in Iran is exercised by the decision of a committee consisted of representatives of broadcasting, telecommunications and information ministry under the supervision of the Supreme Revolutionary Cultural Council, despite the fact that legally if a site is filtered according to the filtering law, there is need to existence of a law in this respect, and also a new law for removing such filtering, and this couldn't be done with a particular decision of person or a Commission. Legally, any commission or committee couldn't play spontaneous role in this way on the matter effective in the public interests. So delegating legislative jurisdiction in this respect to a committee cannot have meaning because the responsibility and authority of the parliament representation legally cannot be delegated to others. Therefore, it is logical that the parliament cannot delegate the authority to a commission for determining the cases that may lead to the site filtration as punishment. Meanwhile, according to the constitution, judiciary has duty to deal with the crimes, and If someone determines a punishment such as the filter for a site, his position must be recognized by the legislature. Even in determining the penalty for individuals' (whether natural or juridical) the judiciary has authority and It is not stated in the law that administrative system of judiciary system can interfere in this matter, namely in general public courts and in particular in media issues , a specific branch of the judiciary called the media court would have jurisdiction. As to the website filtration and blocking that are discussed as punishment it is unacceptable that a committee consisting of the administrative and executive systems of the country have authority to judge on the issue that could affect the macro interests of the population and society.

Question 1: Does the government supervision in cyberspace and especially social networks leads to a violation of privacy?

Question 2: is giving authority for blocking Internet websites to the decision of a committee under the supervision of the supreme council of the Cultural Revolution as violation of the constitution in relation to the exclusive jurisdiction of the legislative body in the criminalization of crimes?

Question 3: is there legal framework for social networks' filtering in legal system?

Hypothesis

Hypothesis 1: Sometimes in Iran, social networks monitoring could lead to violate citizenship rights and privacy.

Hypothesis 2: delegating legislative authority for blocking internet websites to a commission couldn't be reasonable because the responsibility and authority for the parliament representation cannot be delegated legally to others.

Therefore, it is logical that the parliament has not power for determining cases that may lead to website filtration as

punishment to a commission and therefore is a violation of the constitution.

First section
Inspecting Positive aspects of filtration

modern communication technologies have caused the population lose their privacy and national and private borders to a large extent, and that information has crossed geographical boundaries and reached all round the world even the privacy of individuals without any legal and complete supervision because these networks are often programmed and conducted in foreign and western countries and access to their managers and leaders is impossible.

Entering into these networks is similar to entering into a lawless and chaotic city that there everyone decides and acts for himself without any monitoring, even spies and offenders can exchange information there and collude with secrets and hints.[1] Spies' application is to the extent that large companies such as YouTube, Facebook, Google, Microsoft, Apple, Yahoo etc wrote a letter for Barack Obama for regulating spy limits of these networks.[2]

First Speech
Negative effects on families

Because each user can create several accounts and give false information, one cannot achieve an accurate statistics on the number, age, or gender of members of these networks. However, it must be said that adolescents and their families are most damaged class in these networks. In these networks, there are people who join with a mala fide for fraud, blackmail, cheating, information discharge of users, sexual abuse and so on. Thus they entrap their victims by different tricks.

Psychologists belive that one reason for divorce is acquaintances outside the family in social networks, especially facebook which is a plague for the married life. Thus the relationship between husband and wife has been declined and even may amount to divorce or cause many problems or depression. Even children will suffer indirectly from social networks because parental separation will impact on their spirit.. A study in UK shows that about a third of divorces in this country are related to the facebook. This fact led some religious scholars and authorities to consider the use of facebook as illegal. The promotion of promiscuity, immoral and illegal content writings and images contrary to the religious beliefs and values, are of the reasons for the opposition.[3]

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[3] www.farsnews.com .13921024. 001167

Second speech
Political and social negative effects

Most social networks are designed with the aim of spying and overthrow of the other countries, which partly have been able to achieve this aim. Soft war can be cited as one of the threats to social networks. Leaders of these networks take under control and organize the political protests and demonstrations against the target government. Wide activity of bloggers around the candidates in the pre-election period, emergence of political debates and the programs of candidates in the cyberspace and social spaces such as Tweeter and facebook, and extension of slogans and election programs via SMS, messenger and email are of more definite campaign tied with new media. finally, after the election, according to the analysis and interpretation of administrators that these tools are destructive. Then some obstacles and disturbances were created in the course of their activities. Lowering Internet speed up to the inefficiency, unavailability of text messaging and messenger communication, and even temporary cutting out of mobile network are of government responses to this phenomenon.[1] Therefore, by using of these networks, we can change a system. Examples are the movements of people in Egypt and Bahrain, and post-election events in Iran (2009).

Consequences of depression resulting from social networks on people

Several studies show that social networks and specially Facebook may have detrimental effects on our health. Researchers at the University of Michigan examined continuous use of Facebook for more than two weeks and found that people who have more time to use it, have more negative experiences in their daily activities and at higher levels people are unhappy with their lives. Such people with comparing their lives with fake living of the people available in social networks, are subject to frustration and depression. In fact, we do things in a way we expect of ourselves, but when we compare, we become the worst enemy of ourself.[2] Examples are social isolation, feelings of frustration, tending to visit dangerous Web sites, tending to drugs and alcohol, insecure sexual relationship, emergence of audacious and self-damaging behavior , increase in absenteeism from school and educational downfall, food poverty, symptoms of psychosomatic diseases like stomach pain, insomnia, anxiety, narcissism, inability to communicate and concentrate, tending to do dangerous actions and drugs and alcohol dealing. In addition, excessive use of social networks may cause side effects such as, loneliness, inappropriate relationship with family, lack of wide social communication in real life, isolation - lack of participation in social activities such as sports competitions, etc., and inability to influence.

Second topic
Examining the negative aspects of filtration

Moreover, some officials have already stated explicitly or implicitly that they have personal page on these networks. This issue illustrates the fact that the restriction imposed on these networks has not much impact on tending toward them. In fact, the main nature and function of social networks is based on bilateral and multilateral interaction and communication with users and this matter has increased its attractiveness. Generally, free access to information is one of the most basic principles and rights of citizens in today world. In addition, with the time passing and advancement of technology and subsequent increase in new needs and necessities, human life is more tied with social networks. Today the personal computers can analyze the world. [3]

Maintaining the Islamic values may not provide a reason for prohibiting a technology in the country.[4] Filtering the social networks or imposing restrictions on users for accessing each website or blog, unlike the view of some authors, seems not a measure or even a temporary strategy,[5] because, due to the presence of anti-filters which are easily achievable, and thus filtering bypass is possible and in this way creating barriers for easy access to a technology or a new phenomenon will be meaningless. One should not fight to the technology through removing it (and in a more micro-level with technological equipment) .

First Speech
Public scope

This scope is related to thinking, dialogue, reasoning, and language. Open and free conversation in the public scope implies the principle that no individual or group cannot claim better understanding of the interests of society outside this scope (i.e. the power scope). Answer to questions about the meaning of concepts such as freedom, justice, equality, rationality etc could be found and accepted only in the public scope of each society. Public scope that Habermas speaks about it is intermediate between formal state (public authority) which has control over the means of violence, and is the private sphere and it's active social function depends on definite distinction and separation of these two areas. Of objectives of the first public scope, we can refer to the monitoring over the government making clear the political and administrative decisions. Everyone has the potential to

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participate in this space, and no one has any advantage compared to others in this space. Such position makes the role of authorities or influential wealthy elements equal to the role of "ordinary citizens". Public scope is the area that people come together to participate in open and public discussions. For Habermas, the public scope in the sense of the word is an area that any limits doesn't imposed on its activities and that Public scope is the rational, fact finding, and fact making sphere of the society.[1]

Social networks' sites are of the most popular destinations in recent years.[2] Social networks as enabling channels arrived on the scene that this is very nice and helpful. For example, specialists in each field needed forming a specialized group in environments such as virtual environment and be aware of the views of other people to increase their knowledge. It means that after enabling and sharing of information, these networks have been very useful. As we set different types of sessions in real society, could easily find them virtually in the social networks, this is very useful and applicable.

After all, the effects of social networks on the inner health and welfare of the human is an issue that needs further study. But what is evident is that social networks have found their place among the human generation and it isn't possible to depart from human life very soon.[3]

Not far away the days when the world of communication was limited to telephone, TV and radio including one or two channels. In those days, the most important source of news and information for Iranian families was 2 pm press in middle of the day, and radio channels was full of noise, and BBC and America were alien access sources to news. But very soon the information revolution changed this limited and one-sided process of information flow, and with the arrival of the Internet, interactive media emerged and spread quickly.

Now with websites, blogs and social networks the information access to web users was proliferated. So that each user of social network has the possibility to create news, analyze and inform according to his situation in his personal page. Although this process is positive and is promising realization of informational society, Unfortunately, in our country because of blocking legitimate access to the most popular social network in the world namely Facebook, exchange of information and dissemination of news in this network is not carried on by the official media and professional analysts in the country. As a result, Iranian users in facebook engage in canard, informal news and wrong analysis.

General analysis of the new technologies with the capabilities of these tools is based on the matter that they are

tools to achieve civil liberties. But In fact, these tools should be checked according to the specific social and cultural geography of a community. By cynical looking toward new technologies, these tools could have destructive role that spread rumor and control public opinion.

In the absence of official media , the event of the hostage five Iranian soldiers in the hands of a terrorist group called "Jaish al-Adl" is one of the issues that its related discussion and information was extended to cyberspace and Facebook, and since the Iranian official media and professional analysts are absent in that prohibited space. Thus rumors and non-professional analysis in this area about the sensitive and security matter of five hostages reached its highest point. Plurality of virtual identity and the lack of control process over the media, while these tools release information in the community, and that official media virtually ignores its duty or is unable to do so, are of disturbing factors. In such circumstances, the new media can become a tool of invisible pressure groups and therefore an untenable media.

Despite filtration of facebook (a Zionist tool), Iranian users counteract with using of VPN and anti-proxy software and enter into facebook. However, filtering authorities of the country insist on prohibition of facebook because of its being a Zionist tool. Facebook problem before its content is related to the nature and function, because this site is the largest and most wide used tools for information gathering to America and Israel spying services. In a ceremony held by CIA for Zuckerberg the CIA deputy said that Facebook was a dream for us that became true. Facebook was founded by Mark Zuckerberg a Zionist youth. He was known as the Fourth influential Zionist in the world and has close ties with the Zionist regime.

Social network is the tool that allows the user to publish the favorite content on his own page, and generally the origin of the manufacturer of this tool does not affect the content of the news, but governments can also take the initiative and with competent and dynamic presence in this field change the result in favor of society.

But in practice, authorities of virtual space in Iran, by blocking and giving passive response to the notification process in Facebook have opened place for the alien and maybe enemy news agencies.[4]

People with the lowest cost can pass the filtering system. In recent years, social networks as a new generation of virtual communication has been extremely pervasive and one cannot deny that a large part of Iran society, especially young people have joined to these networks despite limitations in access to them.

In fact the restrictions imposed on these networks have little impact on tendency toward them. Perhaps this is one of the reasons that prompted the minister of culture to speak of the need to resolve social network filter in recent days.

[1] Ref: George Ritzer. Op., cit,. P-P. 211- 215 / Ref: ibid., P. 735 / P. 737/738/P.795.
[2] Com. Score. 2007
[3] Famous fashion. (2013). Social networks; helpful or harmful? Health and Medical Forums. www.medicalnewstoday.com

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Moreover, some officials are stating directly or indirectly, from having a personal page in these networks. One of the ministers said in a statement that Facebook is a social network and is not of criminal cases. According to him, what makes social networks popular in all countries including Iran is the interactive nature of these networks. All efforts must be made to create cultural and political open sphere in the country so that all tastes and opinions can express their views without any damaging or threatening national interests. Unfortunately, many of the criticisms are destructive in the way that a "media network against the state" is formed that its work is opposition to the state.[1]

Second section

The positive aspects of social networks Getting the information and being informed of new job opportunities, establishing and maintaining relationships with friends, classmates, teachers etc, teaching children how to communicate with different people, teaching children to communicate in social situations, training empathy with anxious people, Strengthening self-esteem, forming an extensive network of supporters, flourishing creativity, learning to share problems, limiting jealousy, creating and strengthening the spirit of healthy competition.

Social networks which unlike social media are place for mutual or many-sided interaction and conversations, have provided free access to the latest information and world events. Sharing information, photos, videos, etc is one of the main applications of these networks.

By passing time and increasing the number of users of virtual networks, the importance of these networks became more and more evident and positive and maximum utilization of this space has became an undeniable necessity.

According to the latest survey by the " Pew" poll Foundation in 2013 that inspected the number of adults in the virtual network from 2005 to now , about 72 percent of adults in the Internet are present in virtual networks and also youth like the past have leading presence in the virtual space.

According to this survey, the number of older people in virtual networks was considerably growing and increased from 13 percent in 2005 to 43 percent in 2009.[2]

This survey also studied the number of people in Twitter that its users have doubled since November 2010 and that 30% of young people on the Internet are included there.

The high rate of users of virtual networks proves further importance of this space.

Social networks have undeniable advantages. The first and foremost benefit is quick and free could dissemination of news and information, which leads to increase in the analysis

ability and critical spirit empowerment in society. In fact, the analysis of controversial news published in this space, provides criticism power and a deeper look into social issues that ultimately leads to fostering critical wisdom.

One of the main advantages of social networks is the emergence of collective wisdom. Collective wisdom is referred to flowing and dynamic power of thought and mind of users in such environments that as a great processor, processes the information.

In fact, the thinking and mind power of social networks' users have combined through Internet social interactions and taking advantage of these tools, and have made a huge force with the enormous processing power that is a significant capital.

Social networks allows person to express his/her ideas and opinions freely and interact simultaneously with thoughts, tastes, and opinions of others, and remove the boundary between the audience and the media.

In fact, most social network are open for member participation and receiving their feedback and comments. These networks encourage commenting and information sharing.

Another most important application of these networks is making social cohesion among people and accelerating organization of the useful political and social activities of the community.

Social networks like other symptoms of technology and modernity, in addition to having useful and positive aspects, depending on the form of application, may have negative aspects.

Perhaps, the first problem of these networks is the availability of detailed and personal information of the users. In these networks, people's profile information may be used inappropriately and cause problem.

In fact, violation of the individuals privacy has became one of the biggest problems of these networks that threatens all their members.

Many people consider creation of fake profiles as one of problems of these networks. Such profiles are created for setting online relationships and cause various problems. In fact, this problem is one of the negative consequences of these networks, which can ultimately lead to quick spread of false news and rumors.

Other challenges of these networks include possibility of putting inappropriate writings, information, comments, inappropriate, photos and images, which may cause problems for person in the future, and for example, may cause losing of job opportunities.

Other problem of these networks is existence of anti-religious and immoral propaganda, which may be done for removing the ethics and religious culture from the society.

In addition, since these virtual communities will never replace with the real communities, and only are applied as a

[1] Jannati, Ali. (2014), a "media network against the government" was formed as if it has nothing else dealing with the government. Asr-e Iran

[2] (2014) increasing the number of children and adolescents suffering from depression Facebook. New Prevention www.pishgirinovin.com

facilitator of social communications, in case of excessive use may be effective in isolation of individuals from society.

Generally, free access to information in today's world is one of the most basic principles and rights of citizenship.

by passing time and development of technologies, and subsequent needs and necessities, human life is more and more tied to social networks; hence, this matter has an undeniable impact on the lifestyle of people.

Conclusion:

Evidently, examining the problems and its negative consequences as well as inspecting their roots, along with reformative methods, has better results compared to privative behavior toward this new phenomenon.

Finally, when the negative effects of social networks are presented, It is essential to address the humane Society with a human language, and by relying on the skill of culture making which unfortunately is a strange phenomenon in our preventive measures. Then it is essential to trust in Iranian society.

Trust may be created only when is mutual. Focusing on education and culture making for citizens may be the most important action to prevent possible losses.

Lawyers believe that happening of crime is possible in each society, and also in the networks. Hence, there is need to find a basic way rather than codifying laws that lead to crime.[1]

We should narrow the red line limit and reduce filtering rate,. We shouldn't decide on what people to read or not to read. Of course, we can advise and guide them but we shouldn't deprive them of the whole! Readers should reach a level of thought maturity that they could recognize what is good or bad for them. If we keep away all germs from people's living environment, they will be died with an mild disease, because they lose resistance against germs and viruses. People's mental stamina and belief should be empowered . people should be informed through publication of good subjects and criticism of bad subjects. One should not only prevent publication of bad content subjects.[2]

One of the suitable measures to remain immuned from imminent harm of social networks such as Facebook or, satellite networks is increasing users' awareness and information, and educating potential threats in such an atmosphere with dialogue and appropriate literature of the Iranian community, and title of this measure is not necessarily "fight" but is conducting and systematizing the taste of those citizens who have tendency to the tools of cultural globalization such as the Internet and satellite, according to the official and dominant values of Iranian- Islamic diverse society. Without purposeful, systematic, and organized cooperation between government institutions and trustworthy

NGOs that are professional in cultural affairs, the mentioned goal cannot be achieved. The first step in this direction is changing attitudes of related managers and (governmental) officials about the cases of cultural globalization that would leave aside threatened, conspiracy based and enemy based views toward the Internet and satellite, so that they consider these tools as new facility and opportunity for providing and theorizing what is called the original Iranian-Islamic culture.[3]

Social networks' filtration for each society and country is essential for different social and cultural reasons but it must be reasonable and be started from the members and their families in a voluntary manner. The IT authorities should design Internet services in a way that each user with special account and complete identity, be able to chose the facilities and access level that he want.(according to his job).

Although it seems that social networks are causing offense, but we should know that this is an evident matter, and filtering of these networks cannot help to resolve the problem. For example, we cannot gather the public telephones from the cities just because there is a possibility of nuisance and abuse of them.

Before entering each technology it's culture should be entered and then it be used, If users know the true culture for using these networks, certainly aberrance rate would be reduced.

Media and social networks' Experts believe that those who create obstacles in the way of social networks afraid from dialogue and understanding between people.

When our president points to the importance of social networks and defends it, it means that he knows that social networks are open tribune and it could be used for the benefit of the government and country.

According to statistics of the Research Center of the Iran's parliament, Iran is among the first three countries in the world in terms of filtering. This shows that we did everything in the realm of privative actions, but we did not get any positive response.

Of course, heavy costs must be paid for filtering these networks that we can spend these costs in affirmative measures in the field of social networks. Social networks can be a good alternative to the telephone. Fortunately, the President emphasized on the role of social networks in the development and education of the country.

Media experts say that affirmative work is the only work that should be done in the field of social networks, But because affirmative work is difficult like constructing of a building, and that filtering is easy like placing a mine under a construction, authorities have preferred to do privative work While it has not been effective and the growing number of Iranian facebook users in recent years shows that these measures are useless. The president believes that we should

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not be worried about cultural debates because over the years there have been many cultural storms that couldn't take us away from our culture. Internet generation is a generation that will build the country's economy.

Recommendations

Any technology has many implications and benefits and we cannot say that a technology is entirely good or bad, it depends on our view of the technology.

We must change the threat to opportunity and Instead of blocking and filtering, make the Iranian social networks wider, and more varied, and with ads encourage the users to join these networks. One way is joining of the highest rank officials. The authorities can help users to form groups to deal with open and creative dialogue and critique of what happens in the community. Through is method we could even chose the elite persons. by joining this networks we can transfer our culture to other countries, and even spread the Islam and make people informed of its reality.

However, the issue of privacy is one of the concerns raised; but through strong infrastructures, the safety of people in cyberspace would be provided.

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