



THE SCOPE OF THE SUBJECTS OF SOCIAL NETWORKS AND THEIR LEGAL STATUS

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Article history:	Abstract:
Received: February 1 st 2023 Accepted: March 1 st 2023 Published: April 6 th 2023	In this article analyzed the scope of the subjects of social networks and their legal status. In addition, since social network, such as Facebook or Telegram, has gained popularity in all parts of the world, the issue of giving legal status to the subjects of social network has become a big issue among legal scholars. In this article, the scope of the subjects of social networks and their legal status will be analyzed and necessary proposals will be made by the author to solve the problem. As a result of these analyses, the author can give several suggestions and recommendations for the development of the legislation of social media law.

Keywords: social network, legal status, liability, privacy concerns, legal subjects, social media law, entertainment law, media sphere, artificial intelligence in media.

INTRODUCTION

Social media has become a very important and integral part of our daily lives. It has revolutionized the way we communicate, share information and connect with people from all over the world. Nonetheless, since social media platforms continue to grow in popularity, several legal issues have arisen and may arise in the future. These issues include privacy concerns, cyberbullying, defamation, intellectual property rights, and so on.

There are many reasons why it is very important to determine the scope of the subjects of social networks and their legal status.¹ First of all, social networks may bring certain privacy concerns. Knowing the legal status of social network users can help prevent privacy violations and protect their personal information from being shared without their consent.² The second main reason is a liability. All subjects of a social network may be held liable for any illegal or harmful content they post online. Understanding their legal status can help them avoid any legal consequences. The third main purpose for determining the legal status of social media subjects is compliance. Different nations have different legal norms regarding social media use, such as data protection laws, hate speech laws, defamation laws, etc. Knowing the legal status of social network users can help ensure compliance with these laws. One more

reason is intellectual property. Social media platforms are often used to share content that is protected by intellectual property rights, such as copyrights and trademarks.³ There is one more important reason for determining the scope of the subjects of a social network. This reason is terms of service. Social media platforms have terms of service agreements that users must agree to to use the platform. Violating these terms can result in account suspension or termination. Understanding the legal status of social network users can help prevent infringement issues.

Learning about the legal status of social network users can help promote the responsible and safe use of social media platforms while also protecting individual rights and freedoms.

LITERATURE ANALYSIS, DISCUSSION, AND RESULTS

Simply saying, the subjects of a social network are people who use social media for certain purposes (communication, posting photos, sharing ideas, and so on). They can be anyone, from friends and family to co-workers and business associates. The scope of the subject of social media is vast and growing every day. Social media includes websites and applications that allow people to communicate and share information. These websites and applications include popular sites

¹ Kadushin, C., 2012. Understanding social networks: Theories, concepts, and findings. Oxford university press.

² Abril, P.S., Levin, A. and Del Riego, A., 2012. Blurred boundaries: Social media privacy and the twenty-first-century employee. Am. Bus. LJ, 49, p.63.

³ Humphreys, S., 2008, October. The challenges of intellectual property for users of Social Networking Sites: a case study of Ravelry. In Proceedings of the 12th international conference on Entertainment and media in the ubiquitous era (pp. 125-130).



like Facebook, Twitter, and LinkedIn, as well as many others. The use of social media has become ubiquitous in today's society. It is used by people of all ages and from all walks of life. All the participants of these sites can be called "legal subjects" of the social network. Also, the legal status of social media is still evolving at the same time. The law is still catching up to the technology, and there are many unanswered questions about the legal implications of social media. However, as social media becomes more ubiquitous, the law is beginning to catch up, and there are more and more cases that are addressing the legal issues raised by social media.

It is important to understand that social media subjects can refer to both individuals and entities, such as companies, big businesses, or organizations. Individuals who use social media platforms are always subject to different kinds of laws governing their activities on these platforms. As mentioned above, anyone who uses social media can be the subject of it. However, this is a bit narrower perspective. If we deeply explore this matter, we can see that there are more specific "actors" in the field of social media law (a branch of law that governs the use of social media platforms by individuals, businesses, and organizations⁴). Some of the most common subjects of social media include the followings:

Politics. Social media platforms have become a hub for political discussions and debates. People use social media to express their political views, share news articles, and engage in conversations with others.⁵

Entertainers. Social media is a great source of entertainment for millions of people worldwide. From memes to viral videos, social media is full of entertaining content that keeps people engaged. Entertainers may have additional considerations related to their intellectual property rights or publicity rights when using social networks to promote their work. It is always recommended that entertainers consult with legal professionals for specific guidance on their situations.⁶

Journalists and bloggers. Facebook and Twitter have become primary sources of news for many people. With so much content being shared on social

media, it's easy to stay updated on current events and breaking news. Journalists and bloggers are protected under freedom of speech laws and have the right to publish content without censorship or interference from social media platforms.⁷ In some cases, journalists and bloggers may face legal consequences for their content on social networks. For example, if they violate privacy laws, defame someone, or incite violence or hate speech, they may be subject to legal action.

Ordinary people. Social media allows people to share their personal lives with others. From sharing pictures of family vacations to updating friends on life events, social media makes it easy to stay connected with loved ones. These subjects may include individuals or groups who create and share content on these platforms or engage in conversations and interactions with others. Social media subjects may also refer to the data and information that is collected through these platforms for various purposes including advertising, analytics, and research.⁸

Business people. Social media platforms are also used by businesses to promote their products and services. Companies use social media to reach out to potential customers and build brand awareness. Businesses also see social networks as a big place for advertisements.⁹ They can be considered legal subjects of social networks in several ways. Firstly, businesses create their own social media profiles and pages, which allow them to interact with customers and potential customers more informally and directly. By doing so, they can build their online presence and promote their brand. Secondly, businesses may use social networks to advertise their products or services to a wider audience. Social media platforms offer a range of advertising options that allow businesses to target specific demographics, which can help to increase the effectiveness of their marketing campaigns. Companies may also use Facebook or Instagram to gather customer feedback and insights. By monitoring social media conversations about their brand or products, businesses can gain valuable insights into customer preferences and pain points. This information can be

⁴ <https://www.winston.com/en/legal-glossary/social-media-law.html#:~:text=What%20is%20the%20definition%20of,that%20host%20or%20transmit%20it>.

⁵ Hooker, M.P., 2019. Censorship, free speech & Facebook: applying the first amendment to social media platforms via the public function exception. Wash. JL Tech. & Arts, 15, p.36.

⁶ Marwick, A.E., 2013. Status update: Celebrity, publicity, and branding in the social media age. yale university press.

⁷ Flew, T. and Wilson, J., 2010. Journalism as social networking: The Australian you decide project and the 2007 federal election. Journalism, 11(2), pp.131-147.

⁸ Krasnova, H., Spiekermann, S., Koroleva, K. and Hildebrand, T., 2010. Online social networks: Why we disclose. Journal of information technology, 25(2), pp.109-125.

⁹ Zimmer, C., 1986. Entrepreneurship through social networks. The art and science of entrepreneurship. Ballinger, Cambridge, MA, 3, p.23.



used to improve products or services and enhance the overall customer experience.

Governments. Many governments worldwide use social media platforms such as Twitter, Facebook, and Instagram to communicate with citizens and provide updates on policies and initiatives. Social media also allows citizens to voice their opinions and concerns about government actions and policies. Some countries have official social media accounts, which provide updates on government policies and initiatives.¹⁰ Some also use social media to showcase their culture and traditions. For instance, India's official Twitter account¹¹ (@India) often tweets about its rich cultural heritage and promotes tourism by highlighting various destinations in the country.

The owners of the social network. They are often discussed and criticized for their policies, decisions, and actions on the platform. They are also sometimes praised for introducing new features or making positive changes to their platforms.

International organizations. International organizations are also subject to social media law in the same way that individuals and companies are. Social media law covers a range of legal issues related to online communication, including privacy, defamation, intellectual property rights, cyberbullying, and hate speech. International organizations must comply with the laws of the countries where they operate and where their social media accounts are hosted. They also need to be aware of the terms and conditions of the social media platforms they use. International organizations with a global presence may face unique challenges in navigating social media law across different jurisdictions. They may need to develop policies and procedures for managing their social media accounts that take into account local laws and cultural norms. In addition, international organizations may have a responsibility to promote responsible online behavior through their social media accounts. This could involve educating their followers on issues such as cybersecurity and online safety, as well as promoting positive online interactions.

The above-mentioned types of social network subjects are not limited. For example, we can also add

the so-called "researchers" category to this list. Researchers who use social networks as a source of data for their studies must abide by these laws to ensure that they are not violating users' privacy rights.¹² They must obtain informed consent from social media users before collecting their data for research purposes. They must also ensure that any information they collect is anonymized or de-identified to protect users' identities.

All subjects of social network law are bound by the terms and conditions set by the social network platform they use. These terms and conditions specify the legal rights, obligations, and limitations of users, as well as the intellectual property rights of the social network. Users who violate these terms may face legal action from the social network platform. All legal subjects of a social network are subject to relevant local laws related to online behavior and speech. For example, hate speech is illegal in many countries and can result in criminal charges for users who engage in it on social media platforms.

According to Čerka, P., Grigienė, J., and Sirbikytė, even AI (Artificial Intelligence) can be a subject of legal relations.¹³ This means that AI can be the subject of social networks as well. On the one hand, this view can be justifiable because some companies use AI algorithms to manage their social media accounts and provide customer support¹⁴. In this case, AI is a tool used by the company to interact with users on social media. However, in our view, AI should not be viewed as a type of subject of a social network. To be a subject of any legal relations, one must meet certain criteria. The subject must be able to have certain rights and obligations, as well as the capacity to enter into legal relations. Also, are some characteristics that can make something or someone a subject of social media:

1. Relevance: The subject should be relevant to the target audience of social media platforms. Relevance is a crucial characteristic that must be met for an individual or entity to be the subject of a social network. The content or information shared must be of interest and significance to the network's users. If it is not relevant, it will likely receive little engagement and may even be deemed spammy or uninteresting.

¹⁰ McGrath, K., Elbanna, A., Hercheui, M., Panagiotopoulos, P. and Saad, E., 2012. Exploring the democratic potential of online social networking: The scope and limitations of e-participation. *Communications of the Association for Information Systems*, 30(1), p.16.

¹¹ <https://twitter.com/mygovindia>

¹² Peck, J.L., 2014. Social media in nursing education: responsible integration for meaningful use. *Journal of Nursing Education*, 53(3), pp.164-169.

¹³ Čerka, P., Grigienė, J. and Sirbikytė, G., 2017. Is it possible to grant legal personality to artificial intelligence software systems? *Computer law & security review*, 33(5), pp.685-699.

¹⁴ Vasalou, A., Joinson, A., Bänziger, T., Goldie, P. and Pitt, J., 2008. Avatars in social media: Balancing accuracy, playfulness and embodied messages. *International Journal of Human-Computer Studies*, 66(11), pp.801-811.



Therefore, it is essential to consider the audience and their interests when sharing content on social media platforms.

2. Timeliness: The subject should be current and timely to generate interest and engagement.

Users expect to see updates and news as they happen, and they want to engage with others who are talking about those same topics. Therefore, individuals and businesses need to stay up-to-date on current events and trends to keep their social media presence timely and relevant.¹⁵

3. Shareability: The content related to the subject should be shareable and easily spreadable across social media platforms. Shareability is a key characteristic that content must possess to be relevant and valuable in the context of social networks. Shareable content is content that people want to share with their friends, family, and followers because it adds value to their lives or helps them in some way.

4. Visual Appeal: A visually appealing subject can increase engagement and attract more attention on social media. Visual appeal is often considered an important characteristic of content posted on social media platforms as it can attract more attention and engagement from viewers. This can include elements such as high-quality images or videos, aesthetically pleasing graphics or designs, and visually interesting layouts or compositions. However, the subject of social networks is not limited to only visually appealing content and can include a wide range of topics and formats.

5. Emotional Connection: A subject that evokes strong emotions is likely to get more attention and engagement on social media. People tend to connect with others who share their values, interests, and emotional states. Social media platforms provide people with the opportunity to interact with others based on shared emotional experiences, such as happiness, sadness, anger, or anxiety. The ability to establish an emotional connection is crucial for building trust and fostering engagement on social networks. It also helps to establish a sense of community among people who share common interests or experiences.

6. Authenticity: Social media users value authenticity, so the subject should be genuine and authentic in its presentation. Authenticity is a crucial characteristic that must be met to be the subject of a social network. Social networks are built on trust and credibility, and users rely on the authenticity of the

information shared by other users. Authenticity ensures that the information shared is true and not misleading, and it also helps to build a sense of community among users. For a user to be considered authentic on a social network, they must have a genuine identity that can be verified. This means that they must use their real name and provide accurate information about themselves. They should also have a history of using the social network, with an established reputation within the community.

7. Interactivity: The subject should encourage interaction and participation from the audience, creating a sense of community on social media platforms. Social networks are digital platforms where users can interact with each other through various means, such as messaging, comments, likes, shares, and more. Without interactivity, a platform cannot facilitate social connections and communication between its users, which is the primary purpose of social networks. Therefore, interactivity is a vital component that must be present in any platform that wants to be considered a social network.

CONCLUSION

In conclusion, determining the legal subjects of social networks can be complex as it involves various laws and regulations such as privacy laws, intellectual property laws, and contract laws. Social networks must also comply with local laws in different jurisdictions where their users are located. However, there are certain bases for us to determine certain types of legal subjects as subjects of a social network. This category may include politics, governments, ordinary people, companies, international organizations, and so on. Of course, we cannot limit this list since we cannot limit the subjects of legal relations. Technology is improving at an astonishing rate. At this moment, catching up to technology is crucial. In such a moment, we need to at least determine each type of social network subject since this can help us to legally regulate the relations going on in a social network. Also, in international and domestic laws, certain definitions must be given for each type of subject in a social network. This is also very crucial because, soon, legal relations arise more in the virtual world rather than a real world.

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