

INFORMATION HUMAN OBLIGATIONS: STATE AND PROSPECTS OF DOCTRINE INTERPRETATION

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Abstract: The world is not standing still, and the development of information technology is giving rise to even more new areas of social relations. It is only logical that new human rights and responsibilities arise. The sphere of information relations is quite new and is rapidly developing. While the international community and national authorities pay a fairly high level of attention to information rights by introducing special regulations, they pay less attention to obligations. This is due to the absence of a single unified act, and therefore, in general, the concept of duty is consistent with law, including in the field of information relations. This is the relevance of the study, which is driven by the rapid development of informational and legal relations and the improvement of the digital space, as well as the strict fulfillment of obligations arising from them. The purpose of this article is to emphasise the urgent need for doctrinal changes in the human rights system caused by the deep informatization of human life, in particular the interrelationships of information rights and human obligations, their prospects, and their significance for the promotion of human rights in the global information society. The results obtained will be useful for further research and will be aimed at improving the regulation of the process of fulfilling duties by participants in informational and legal relations. However, the study of the trajectory of the information progress of humanity and the understanding of information responsibilities, based on their inherent connection with the information rights of a person, can have not only a scientific sense but also a positive contribution to the development of human rights in the information society.

Keywords: Information obligations, information rights, human rights, human responsibilities.

1. INTRODUCTION

The traditional understanding of the legal obligation in the theory of law is the measure (limits, variants) of behavior of a person, the necessity of which is determined by law (legally) and is provided with the possibility of application of compulsory measures. The well-known and axiomatic legal formula “there are no rights without responsibilities”, which is considered to be a manifestation of justice in law for thousands of years. However, in light of modern ideas about human rights, both the first and the second elements are not perceived so categorically. It is reasonable for some coexisting criteria to

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be broadly acknowledged and codified in law, which gives rise to the concept of human rights. Meanwhile, their textual expression at the most general legal level in the form of declarations, conventions, charters must always be regarded in terms of completeness and universality, as well as the amount of moral and legal components as primary and secondary ones. As a result, now the practice of obtaining a positive legal form by human obligations is much more serious in cultural terms: it takes place mainly at the national level, taking into account the diversity of socio-cultural space.

Understanding of human rights, and therefore, human obligations, goes beyond any legal normative text. The content of human rights is not limited to recognized, defined, or known rights and is developed alongside changes of the human world perception. Therefore, the problem of expanding the content of human rights and the emergence of new rights will remain a topical issue, especially in connection with deep informatization, which significantly influences both the content and the processes of human rights realization. The aim of this article is to emphasize the urgent needs for doctrinal changes in the human rights system, caused by the deep informatization of human life, in particular, the interrelations of information rights and human obligations, their prospects and significance for the promotion of human rights in the global information society.

The debate on human responsibilities is conducted as much as the discussion of human rights as universal moral claims for all humanity, regardless of cultures and traditions. However, international instruments containing universally recognized human rights standards (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms) are formed mainly by liberal Western doctrine and do not focus on the obligations equally to the rights (European Convention on Human Rights, 2022). This is attributed to historical features of the establishment of the idea and practice of human rights, first of all, as a standard of dignity and freedom of each person in relations with the state.

In contrast to the state's duties to human rights, human obligations are mentioned in an abstract way, that is, mostly as a necessity to respect and not violate the rights of others. Thus, Art. 1 of the Universal Declaration of Human Rights (1948) declares that all people "are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". Moreover, the Art. 29 provides that "1. Everyone has duties to the community in which alone the free and full development of his personality is possible. 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society" (Universal Declaration of Human Rights, 1948).

As part of our study, it is worth defining a person's informational obligations to further explore the specifics of their observance. Informational human obligations are the assumption of responsibility and the performance of a certain range of actions that individuals, organizations, and governments have to ensure the observance and protection

of human information rights. Informational obligations in human rights dogma are justified and reflected in the idea of the Universal Declaration of Human Rights (Universal Declaration of Human Rights, 1948) and other international documents containing basic human rights standards. This document is the basis for stating that everyone has the right to express their views, the right to freedom of thought and conscience, etc. As a result, everyone has the right to receive and disseminate information necessary for development, education, work, and generally the usual way of life. Among other things, informational obligations are justified by the principle of equality before the law, meaning that everyone has the right to access professional legal assistance and everyone has the right to receive information about the scope of their rights and, accordingly, their obligations. In this case, the state is obliged to provide access to all necessary information and to take all necessary actions to protect freedom of speech. Information obligations are inextricably linked to democracy and citizen participation in decision-making.

In our opinion, it is also worth noting that the transition from freedom and equality of rights to obedience, responsibility, and self-restraint required by obligations can be justified on the basis of the principle of social theory, namely social justice. That is, every person coexists peacefully with other people, and everyone fulfils their duties for the common good. In other words, the scope of responsibilities correlates with the scope of rights and freedoms. Under such conditions, people bear and accept responsibility for their actions and limit themselves when necessary for the common good. Only under such conditions does society function as an integral system (Trajkovic, 2015). However, not every person is able and ready for certain kinds of restrictions on themselves, which creates problems for universality. It is also important to note that some people may have more opportunities and means to fulfil their responsibilities, which in turn creates inequality in society. We must say that some people may believe that the common good is not important compared to their own good and therefore avoid any kind of restriction. It is very important that such restrictions do not become an object of abuse by the authorities and lead to harmful consequences.

The above statements emphasize the equality of everyone in rights and freedoms and the need for a balance between the rights and interests of people in society. However, these statements do not embrace specific content as legal obligations. In other words, it is the perception of human obligations as a principle or a moral standard, with the emphasis on the legal relationship of each particular right and the corresponding obligation or responsibility of the person being substantially lost.

2. MATERIALS AND METHODS

The mainly aimed foundation of the study is the axiologic analysis of phenomena and processes in the world, which enables one to track changes in legal standards, particularly in regard to human rights and obligations, as a result of the emergence of the information society's positive guiding principles. Namely, freedom of expression and association, open access to knowledge, information security, and widespread adoption of digital technologies in daily life. We will also try to demonstrate a theoretical representation of the information obligations of a person, with the help of a hypothetical-deductive

method, content analysis, comparison, and interpretation. The arguments will be based on the theoretical position on the possibility of allocation of information human rights, which embrace recognized rights of information nature (the right to freedom of expression of views and beliefs, to privacy, to education), and a set of new rights, conditioned by the development of information technologies (for example, the right to be forgotten, the right to access to the Internet, the right to a multi-faceted and secure information space) (Tykhomyrov, 2020). The axiomatics of the inherent link of the right and the obligation in law is also taken into account, which we believe to be relevant at the level of human rights, at least in relation to information rights and human obligations.

The main content of the article is structured in the following way. The first section focuses on the necessity of a discussion about human responsibilities, in particular information ones, within the framework of liberal doctrine of human rights, taking into account the attempts to promote the idea of the Universal Declaration of Human Rights and its ideological substantiation. The second section dwells upon the creation of an empirical material, that is, the demonstration of variants of already existing legal consolidation of information obligations at the level of international human rights standards and recognized trends of their development in the information epoch. In the third section, the attempt of theoretical substantiation of the allocation of information obligations as a relatively independent entity is made. In particular, the concept of soft and hard duties is proposed, the possibilities of classification are outlined, as well as the interpretation of such duties in the context of human rights generations is realized.

3. OBLIGATIONS OF A PERSON IN LEGAL DOCTRINE

Although the idea of responsibility and a certain differentiation of human obligations has not been clearly expressed in the UN human rights documents, it is still part of the traditions of many countries around the world. American Declaration of the Rights and Duties of Man (1948), American Convention on Human Right (1969), African (Banjul) Charter on Human and Peoples' Rights (1981) contain some sections dedicated to human duties. In particular, the American Declaration of the Rights and Duties of Man (1948) declares that “The fulfillment of duty by each individual is a prerequisite to the rights of all. Rights and duties are interrelated in every social and political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty”.

The Association of Southeast Asian Nations (hereinafter – ASEAN) Human Rights Declaration (2012) defines among the principles that “6. The enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and the society where one lives”. At the time of the creation of the Universal Declaration of Human Rights, Rene Cassin (1947), as a representative of France in the Drafting Committee, proposed the following article as part of “Chassis’s draft”: “...each one owes to society fundamental duties which are: obedience to law, exercise of a useful activity, willing acceptance of obligations and sacrifices demanded for the common good” (Glendon, 2001).

Within the universally recognized concept of human rights, the imbalance between rights and obligations constantly draws attention of modern philosophers, especially representatives of Asian cultures, where the awareness of a person's responsibility toward oneself, society and family belongs to deep moral foundations. For example, Jeremy Kee (2014) strongly suggests that the term “human obligation” is not used often because its philosophical basis is not known to many people while some of them even disregard it. Besides, according to Ashutosh Kumar Singh (2020), human obligations are linked to “a higher purpose”. He also considers that “Acting on this mysterious and sacred duty that we feel towards one another is the glue of any society”. Shashi Motilal (2015a) substantiates an “International moral code of human conduct” as a manifestation of “a uniform system of moral code”. It is possible due to the fact that “a broad notion of moral obligation is to be found in major ethical and religious systems of the world”. “At the same time the same concept of human moral obligation derived from the vast and variegated foundational background of different metaphysical, ethical and religious systems of thought would be expressed in diverse cultural practices making room for the diversity of multi-dimensional belief systems to be found in the world community” (Motilal, 2015a).

As it can be seen, even eastern philosophers, who support and develop the idea of a universal moral obligation of a person, mainly dwell upon cultural diversity of understanding of its foundations and forms of existence. Therefore, from the rational positions of the general jurisprudence, the possibility of forming the duties of a person in the form of an independent moral minimum at the international level is unlikely at present. However, the concretization of human obligations, which are rooted in the universally recognized rights and reflect the ethics of their use, may have a legal meaning, although it can be controversial.

In 1997, in order to support and strengthen the ethical foundations of the Universal Declaration of Human Rights, the InterAction Council proposed a draft of A Universal Declaration of Human Responsibilities (1997). The content of this document focuses on the fact that human responsibilities are not limited to inner conviction in respect for the rights of others, but almost every human right is naturally related to the long-term responsibility of a person and his/her obligation, which provides for the possibility of realization of this right by all in society.

The idea of A Universal Declaration of Human Responsibilities (1997) is based on the Golden Rule – “...we not do to others what we do not wish be done to us”, in particular, “If we have a right to freedom of thought, conscience and religion, we also have the obligation to respect other’s thoughts or religious principles”; “If we have a right to be educated, then we have the obligation to learn as much as our capabilities allow us and, where possible, share our knowledge and experience with others”.

The mentioned proposals of the InterAction Council did not find the official support. However, they demonstrated that human responsibilities can have a legal framework not

only in the norms of national laws that define specific legal relations, but also at the level of general declarations of the following principles:

- 1) the necessary active behavior, due to the responsibility to the society where a person lives and enjoys his/her rights;
- 2) restrictions on human rights to maintain the balance of rights and interests and specific prohibitions (e.g., dissemination of socially harmful information, propaganda of war, etc.) as passive components of the duty.

Therefore, it can be argued that the promotion of human rights will not be possible without the fulfilment of the state's obligations, as well as without human responsibility as a carrier of rights to oneself, other people, and society. This is assuming that the legal maxim "there are no rights without duties and no duties without rights" can be applied in the field of human rights. This responsibility can be structured by a set of obligations, namely: moral and legal, active and passive, perspective and retrospective. There is an ongoing discussion regarding their content and legal forms.

To a greater extent, one can talk about the legal formation of the duties of a person as a citizen of a certain state, as their list with a sufficiently clear content is established by national constitutions. Nevertheless, in modern democratic states, constitutional duties of a citizen as well as constitutional rights are mainly a national interpretation of the generally accepted ideals of human participation in social and public life. That is why, they could also be interpreted at the general level of human rights, for example, the duty to protect one's state, pay taxes, comply with the laws of the state, or not to harm the environment. However, as it has already been noted, such accents are not inherent in the international human rights standards, which were formed under the dominant influence of the Western liberal doctrine.

The very fact that a person has a duty as a citizen of a certain state in the constitutional acts shows that not only rights, but also specific human obligations are fundamental to the legal system and need to be institutionalized, i.e., to be transmitted from a moral dimension to a legal one. Unlike constitutional human rights, which are the direct embodiment of the recognized universal requirements of justice, the constitutional content of human duties is largely determined by national culture, consciousness, traditions, religion and other foundations of a certain society. As a result, the current state of national consolidation of human rights and duties demonstrates the unification of constitutional human rights, and at the same time a certain diversity of constitutional obligations. This is not so much due to the plurality of constitutional responsibilities in different countries as to the fact that "universal human responsibilities" as an element of global justice (if any) are not currently defined in international legal standards equally to universally recognized rights.

However, the ethical importance of human obligations as a manifestation of universally recognized values does not depend on their direct legalization, because they remain part of the moral basis of the human rights system and an integral element of social justice, i.e., the link that makes sustainable development of society possible under the domination of the "individualistic" concept of human rights. Hence, it is necessary to

support critics of the Western liberal doctrine (Motilal, 2015b), who emphasize that in the conditions of the unification of rights, it is the moral obligations of the person in a certain socio-cultural environment and their performance make the person and society as they are.

If we reject the purely legal context and turn to the modern vision of the prospects of mankind, it becomes clear that the development model is based not only on the human rights approach. Hopes are also based on a social and useful activity, which requires combining the efforts of the state, the private sector and civil society, the responsibility of people to themselves, others and humankind, the motivation to act for the benefit of society and future generations. According to the Transforming our world: the 2030 Agenda for Sustainable Development (2015), “Children and young women and men are critical agents of change and will find in the new Goals a platform to channel their infinite capacities for activism into the creation of a better world”. Therefore, the modern concept of human rights and ideas it is based on have significant prospects for further consideration and criticism of their role as a global moral standard (Motilal, 2015b), (Trajkovic, 2015), (Jones, 2010), (Jones, 2001), (Alexander, 2004) or ethical foundations of the human development (Schmidt, 2002), (Raz, 2007).

In this regard, it is proposed to rely on the statement that the further functioning of the modern human rights system is possible only if its moral basis is deeply understood, which can be presented in the form of a complex of universal rights and human responsibilities as a responsible member of the world community. In this system, every universal human right, having acquired legal recognition, does not lose a functional connection to the corresponding obligation or a set of obligations which may not be legally institutionalized at the international or constitutional level.

The absence of a universal formula for legalization of human duties (i.e., their standardization similarly to the rights) should not be considered a failure of the liberal Western doctrine of human rights. Owing to different understanding of the moral principles of human responsibilities, the format and scope of their consolidation in national law, the ways of establishing common values of human rights for each unique society will be to some extent original. Consequently, in the context of the unification of key legal ideals, this promotes the preservation of cultural and legal diversity in the world.

Thus, the assertion of any universal human right, based on the immanence of the connection “right – duty”, is always conditioned by the corresponding obligations of the state and the duties and responsibilities of people. For example, one has the right to dignity. However, a person can really enjoy it only in a society where people respect the dignity of each other while the state ensures such harmony by all possible legal means.

The above-mentioned conclusions suggest that, despite the dominance of the “individualistic” representation of human rights in the liberal Western doctrine, the collectivism is inherent in them by nature because the existence of human rights outside the social environment is meaningless. In this case, the collectivism means that the successful promotion of human rights is determined not so much by the claims of the rights themselves but by the behavior of each person in relation to others, based on

the dignity (internal duty to respect), and by active actions to create the social environment that promotes the rights of every person, personal growth and the development of the whole society.

4. INFORMATION OBLIGATIONS OF THE PERSON IN THE INTERNATIONAL DECLARATIONS OF HUMAN RIGHTS

The content analysis of the key international human rights documents shows that information obligations in different forms and with different levels of specificity are included in these texts. This allows to interpret and discuss information obligations at the general level of human rights, at least in terms of theoretical comprehension.

In order to demonstrate that such obligations do not only exist in the legal form, but also have their own trajectory of development, first of all, it is advisable to consider general and regional declarative acts on human rights, and secondly, “special” ones, which were adopted due to information transformations.

A. In the International Charter and regional declarations (American, European, African, Arab, Asian) of human rights (Table 1), a textual expression of human information obligations can be found within the following frameworks:

- 1) the emphasis on the right to freedom of expression, especially the right to knowledge, correspondent obligations, and responsibilities, even if it is in its most abstract form;
- 2) the ethical basis for using the right to freedom of expression (the right to information) in the following forms:
 - the observance of restrictions on these rights, established by law that are necessary and admissible in a democratic society;
 - prohibition of the propaganda of war, violence, national, racial or religious hatred;
- 3) requirements regarding compulsory primary education.

For example, the Art. 19 of International Covenant on Civil and Political Rights (1966) states that the exercise of the right to freedom of opinion and expression “...carries with it special duties and responsibilities”. Moreover, the Art. 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) establishes the ethical frames of the rights, i.e., “The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety...”. In addition, the right to education should be aimed at increasing respect for human rights and promoting mutual understanding and agreement in society, among ethnic groups and peoples. Therefore, the need for equal access to education is highlighted in the Universal Declaration of Human Rights (1948) that establishes the requirement that “elementary education shall be compulsory” (Art. 26).

Table 1: Content analysis of general and regional declarative acts on human rights

Document	American Declaration of the Rights and Duties of Man	Universal Declaration of Human Rights	Convention for the Protection of Human Rights and Fundamental Freedoms	American Convention on Human Rights + «Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights (“Protocol of San Salvador”)	African Charter on Human and Peoples’ Rights	Charter of Fundamental Rights of the European Union	Arab Charter on Human Rights	ASEAN Human Rights Declaration
Information human obligations in the text	OAS, 1948	UN, 1948/1966	EC, 1950	OAS, 1969/1988	OAU, 1982	EC, 2000	LAS, 2004	ASEAN 2012
the existence of obligations and responsibilities for the right to freedom of opinion and expression		+	+					
limitations of the right to freedom of opinion and expression		+	+	+	+		+	
compulsory primary education	+	+		+		+		+
prohibition of the propaganda of war, violence, national, racial or religious hatred		+		+				+

B. International agreements of special nature (Table 2), which can be called the newest in the human rights system and embody processes of the evolutionary formation of the legal foundations of the global information society. The Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society (European Council, 2005), The promotion, protection and enjoyment of human rights on the Internet: draft resolution (United Nations, 2016), and the European Declaration on Digital Rights and Principles for the Digital Decade (European Council, 2022) are the main ones.

These documents also declare key human rights accents, provoked by an information technology jump, digitalization, problems and risks of information. As a continuation of ideas of the liberal doctrine of human rights in the context of the information vector of

Table 2: Content analysis of international agreements of special nature

Document	Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society	The promotion, protection and enjoyment of human rights on the Internet: draft resolution	European Declaration on Digital Rights and Principles for the Digital Decade
Information human obligation in the text	EC, 2005	UN, 2016	EC, 2022
prohibition of illegal (harmful) content	+	+	+
prohibition of misinformation, manipulation			+
prohibition of bullying			+

human development, new rights are suggested (the right to access to the Internet, the right to protection of personal data, the right to be forgotten, etc.), which already claim the status of human rights.

There is also a new framework of duties (technological and informational), which corresponds to the right to freedom of expression (the right to information). This is the concretization of the limits of this right through the prohibition of illegal (harmful) content, disinformation, manipulation, and bullying. In the era of the information freedom, these requirements apply to all agents of the information space, i.e., people, private organizations, the state, and international actors.

For example, by recognizing the right of everyone to access a reliable, diverse and multi-language online environment, the countries of the European Declaration on Digital Rights and Principles for the Digital Decade are obliged “to tackle all forms of illegal content in proportion to the harm they can cause, and in full respect of the right to freedom of expression and information, and without establishing any general monitoring obligations” (European Council, 2022). It is obvious that in the legal field such measures will provide for the establishment of certain prohibitions (as the manifestation of negative information obligations) on the dissemination of information on the Internet.

4.1 Theoretical Substantiation of the Category “Information Human Obligations”

Research of information human rights is relatively young and is only gaining popularity in the legal science. Therefore, it is difficult to call the information obligations of a person a formed object of scientific research, being a consequence of the influence of the liberal doctrine of human rights, which traditionally does not focus on specific human

duties. Currently, in the work of European authors such as Donnelly and White (2019), Janssen and Howells (2005), Wilman (2022), Wijesuriya and Walker (2017), the notion of “information obligation” is studied mainly as a duty of a certain person to inform other persons, in particular in the sphere of consumer rights, medicine, commerce, and data protection. Generally, the focus is on the content of the duty and its meaning as an element of providing different legal relations (a pragmatic instrumental approach), their subject often not belonging the information sphere.

Ukrainian researchers pay attention to information obligations mainly in the context of philosophical principles of information rights (Danilyan et al, 2018), within the structural aspect of the consideration of “an information and legal status” of various subjects (Zolotar, 2018; Kuznetsova, 2018; Kushnir, 2018; Kharenko, 2015) and the content of information legal relations in certain areas of activity (Aritova & Chernadchuk, 2012). So, this aspect is studied in different variants, but not purposefully. As for a person, this is usually done on the basis of a purely constitutional and legal interpretation of the duty, without delving into the inherent connection of human rights and obligations, their moral and socio-cultural dimensions.

The information obligation as a necessary behavior of a person resulting from the system of the information rights has a wider character and orientation and performs a major role. Nowadays, the system of those responsibilities that have already been legally recognized must be referred to the mechanism of the exercise and the guarantee of information rights of the person as a general public orientation in the information society with the priority task of creating equal opportunities for the realization of information rights by everyone in a certain socio-cultural environment. Other duties claim to be gradually recognized as not only moral or ethical norms, but also legal guidelines of social and useful behavior of a person in the information society, and require an appropriate legal registration.

The presence of human rights in the international standards that can be regarded as human information obligations, in our opinion, confirms the existence of this group of responsibilities and also makes possible a theoretical discussion of their content and role in the human rights system. The search for further normative reasoning and detalization of information duties of a person will take place at the level of more specific legal acts of national legislation.

Available formats of textual consolidation (abstract or concrete, direct or indirect) indicate different levels of the legal significance of regulating the behavior options that are proposed to be understood as information obligations. The range of their functions extends from general declarations, which record valuable recognition, to specific requirements, which create legal borders of information rights (the instrumental role) at different levels of legislation, promoting equality and fairness of their exercise by all in society. There are several approaches to the perception of the legal obligation essence in the scientific discourse, in particular, through the categories of “proper”, “necessary”, and sometimes “possible”.

When it comes to the constitutional duty of a person and a citizen, Ukrainian scholars tend to understand it within the framework of the requirements of legal certainty and the guarantee of compliance with the relevant legal means. Accordingly, Then the “legal necessity” prevails among the essence. For example, the constitutional duty is “the material and guaranteed necessity in the behavior of a person, the limits of which are defined by the norms of objective law...” (Biloskurska, 2011) or is “the necessity, based on international law and stipulated by the Constitution...” (Popovych, 2018). It is important to note that these statements by Ukrainian researchers, as representatives of the Ukrainian school of human rights, are based on doctrinal foundations, which include, first of all, the equality of everyone before the law and the inalienability of rights and freedoms; the existence of democracy as a driving force; the inviolability and universal nature of human rights, their unlimited time and space; publicity and transparency in all processes. The Ukrainian school of human rights is primarily based on the introduction and development of legal culture in society, the development of tolerant and conscious attitudes towards each other, even if someone does not like the views and preferences of another person. It is worth noting that human rights are protected both at the level of the state and at the level of civil society organisations (including through social media). A striking example is the submission of both draft laws and issues of lesser importance for public discussion.

In the theory of law, within the context of the general category of a “legal obligation”, in addition to the aforementioned fundamental characteristics, the duties are viewed as a measure, a type of legal behaviour, and a requirement of the state authority, which is conditioned by the interests of various subjects (the authorised party, society, and state), is clearly defined by legal norms, and is guaranteed by the possibility of applying state coercion. The obligations are also regarded as an element, a mechanism, and a way of providing the subjective right, or as an independent legal value (Hanba, 2019; Popovych, 2020; Serdiuk, 2005; Tykhomyrov & Zavalnyi, 2010). Thus, the perception of a human duty solely from the traditional positions of the general theory of law will logically lead to its conditional determination by positive law. This certainly has a constructive effect on the understanding of the duty properties when its legal recognition and consolidation has already taken place. However, it does not facilitate understanding what exactly the options of human behavior are and at what time they claim universality and universal recognition at the level of human rights.

The primary sources of human responsibilities are natural law, universal moral principles (as much as humanity has developed them), and ethical principles inherent in any society. Human rights obligations can be legally defined as certain options of necessary behaviour through the forms of positive law, in particular the constitution. Still, it concerns only those obligations that are recognized by society as a universal requirement to their members. Therefore, in order to cover all the revealed aspects of the information human obligations, it is advisable to rely on a broader and flexible interpretation of the constitutional duty, for example, as “measures of obligatory, proper behavior and activity in the political, economic, social, cultural (spiritual) spheres of social life”, defined by the Constitution and the laws (Pohorilko & Fedorenko, 2006).

At the moment, if information obligations are considered purely through the prism of legal certainty, the measure of necessary behavior is mostly a specific duty of negative character (a duty not to interfere with the rights of others). This creates a framework for the use of a certain information law and abstract duties in the form of general declarations, which reflect the importance of everyone's efforts on the path of the information development of society. They are not unconditional and have more moral-ethical nature than legal. Society certainly needs "proper behaviour" of a person, but the demands cannot be evenly applied to all because their fulfillment depends on the abilities and skills of each person (intellect, culture, education, profession, etc.). Therefore, the essence of such duties better reflects the formula of "desired behavior within the framework of collective achievement of social goals". For example, the obligation to participate in the formation of a secure and multifaceted information space as a continuation of the obligation to act for the sake of the well-being of one's society follows this formula.

The public need to fulfill this obligation, which will lead to the appropriate legal registration in the future, is particularly acute in the context of the development of the national information space as a sign of identity in the era of global informatization. However, the Art. 17 of the Constitution of Ukraine already contains an example of a kind of legal emphasis on the indisputable importance of everyone's participation in the common cause as a moral obligation to the society – "ensuring economic and information security is the most important functions of the state and the matter of the whole Ukrainian nation" (Constitution of Ukraine, 1996). The level of determination by the moral or global justice, the absence of mandatory legal formalization, and the flexibility of perception within the doctrine of human rights make it necessary to interpret human information obligations in a complex and detailed way. In this regard, it is proposed to introduce the concept of "soft" and "hard" duties of a person, which can be applied not only to the information obligations.

The soft duty is based on a person's awareness of his/her active role in society and perspective responsibility, and provides for a certain freedom of performance, which is conditioned by individual abilities and qualities of a person as a member of a particular society. In the information sphere, such human capacities include intellectual development, information culture, information technologies skills, critical thinking, technological awareness, etc. The soft duty of a person is a universal duty, which can have an abstract (purely declarative) legal definition without a well-established connection with legal means of provision. Therefore, it is not conditioned by external motivation inherent in the legal obligation. Variants of a soft information duty of a person are the participation in the formation of information culture of society, information space, content, promotion of information development, etc.

The "hard" duty is directly formalized in international human rights agreements, specified in national legislation and provided with mechanisms of implementation, in particular by means of legal responsibility. The primary form of a hard duty may include options for legally defined, necessary, socially useful actions (a positive duty), or frames for unacceptable behavior, i.e., necessary inaction (a negative duty), which maintain a

balance between rights and interests in society. The secondary form may include the obligations related to the restoration of violated rights, in particular, the obligations of legal responsibility. For example, this can be necessary actions established by law in order to facilitate the refutation of false information. Thus, in the national context of Ukraine, the requirement of respect for the rights and freedoms of other people regarding the exercise of the right to freedom of opinion and expression (Art. 19 of the Universal Declaration of Human Rights) is disclosed by the following directly defined information obligations:

- refrain from propaganda war, incitement to discrimination, hostility or violence (Art. 20 of the Universal Declaration of Human Rights, Art. 436 of the Criminal Code of Ukraine);
- do not interfere in the personal life of others by collecting, storing, using, or disseminating confidential information about a person without his or her consent (Art. 32 of the Constitution of Ukraine, ART. 302 of the Civil Code of Ukraine, Art. 182 of the Criminal Code of Ukraine);
- to make sure that the information disseminated is reliable (Art. 302 of the Civil Code of Ukraine);
- to deny false information if it is disseminated (Art. 277 of the Civil Code of Ukraine).

Thus, the “soft” duty of a person embodies the most general idea of the desired active role of a person in society, having acquired legal forms at the normative levels where declarations are admissible (usually not below the constitution). The “hard” duty corresponds to the classic concept of legal obligation in the format of positive and negative obligations, prohibitions, etc. The study of information obligations of a person by the classification method can be continued from different angles, formed by many already known criteria. In particular, it is possible to allocate such dual forms as independent and correspondent, absolute and relative, active and passive, positive and negative, individual and collective, defined by legal documents and undefined, those based on a perspective and retrospective responsibility.

At the same time, the perception of information human obligations as an element of the human rights system enables them to be interpreted through the lens of human rights generations. We do not propose the division of human duties according to the principles of a generation concept because now a significant part of them has a moral and ethical dimension while their legal consolidation is fragmented, situational and unrecognized by international agreements. However, due to the inherent connection of “right-duty”, at least the information obligation, which corresponds with the recognized right of a person of a certain generation, has a correlation with this generation. Then, the duty to refrain from spreading prohibited content, which corresponds to the right to freedom of opinion and expression, belongs to the first generation, while the duty to receive primary education, which results from the right to education, belongs to the second one.

In addition, information obligations can be presented in the context of discussions about the human rights of new generations. It is about creating ideas about new independent

human responsibilities in the global information society, which claim to become general moral standards, for example, the need to invest in information security, the formation of a multi-faceted information space, and the creation of high-quality content.

5. CONCLUSIONS

The formation of information obligations of a person takes place under the influence of complex combination of various factors, i.e., axiologic, evolutionary, technological, cultural, psychological, and legal. If human rights are a moral minimum, which has a universal legal content, the obligations that are inherent in these rights will have the same moral nature and, accordingly, the prospects for legal recognition. It is possible to predict that the growth of generations of people in the conditions of information society leads not only to the obvious formation of information culture and consciousness, but also adds some new ideas about the role and behavior of man in society to the well-known moral ideals. The information human obligations will become part of the content of this “information morality”, which we can only suppose today.

At present, the information obligations of a person, which are already legally provided for, are mostly prohibitions, logically determined by the needs to ensure the recognized human rights as a kind of ethics of information behavior. Such an approach generally corresponds to the rational modern jurisprudence. Nonetheless, it would be a mistake to ignore a person’s informational obligations from a legal perspective, particularly in the current era of the rapid development of information society and technologies. Another question is how and at what legal level the formalization and the definition of their content must occur. The proposed concept of a soft and hard duties can help to understand this further. Strict instrument obligations are fixed at the appropriate level along with the human rights they ensure and are detailed in national legislation.

In addition, the practice of legal representation of soft, mostly declarative, duties should be reconsidered, taking into account the long-running criticism of the human rights liberal doctrine regarding the minimalism of the corresponding accents. Finally, international documents on human rights are a legal consequence and form of recognition of universal moral ideals. At the same time, they constitute a competent and accessible to every source of ideas about these recognized ideals, as well as a certain standard for the formation of the content of national legislation. Therefore, the strengthening of the emphasis on soft information obligations may have a sense, especially for the comprehension, and subsequently, the boost of each person’s role in the information society, and the raise of the level of information consciousness, culture and autonomy of the individuals, without which the sustainable development of the mankind is impossible.

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