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FREEDOM OF CREATIVITY AND INFORMATION SECURITY CULTURE: INTERRELATIONSHIPS

Each person expresses his intellectual and psychological characteristics by implementing freedom of creativity. Therefore, the manifestation of this freedom depends on the intellectual level of the subject. The low level of literacy in the information field at the time of the formation of the information society could also have a negative impact on the quality of the creative product offered by individual. The aforementioned issues raise the issue of the interrelationship between freedom of creativity and information culture.

As one of the characteristic elements of the information society, information culture is the ability to work with information purposefully and use information and communication technologies to receive, process, and transmit information as part of general culture of society. All layers of the population should have a high information culture in a knowledge-induced information society to be closely acquainted with the achievements of scientific and technological progress and use it in their creative activities.

Interrelationship between information culture and freedom of creativity is more evident in scientific and technical creativity. Scientific activity makes the basis of scientific creativity, which is the process of scientific research, scientific-technical, scientific-experimental and scientific innovation that promotes the development of science. Science is the field of human activity that involves the acquisition, collection, systematization, processing, dissemination and application of objective knowledge and information about the essence of events and reality.

The subjects of scientific activity have the right to free access to scientific and scientific-technical information and to carry out exchange of information in accordance with national legislation, observing the rules established by law, except for information acquisition of which is restricted by law.

Scientific activity is not only a creative process aimed at acquiring and applying scientific knowledge, it also involves the promotion of that knowledge. Such promotion can be manifested in various forms, and thus new rights and freedoms emerged. For example, academic freedom as a form of scientific creativity involves the freedom of scholars to express their views about the institutions and systems they work and the freedom to spread information and truth without limits.

It is also appropriate to clarify the concepts of "information security culture" and "electronic culture" when it comes to the interrelationship of

creative freedom and information culture. Because a person who fails to protect his/her creative product - knowledge or information from various threats will not be able to fulfil his/her creative rights in a normal way. Culture of information security is the ability to protect against attacks (threats) aimed at violating completeness, availability and confidentiality of information. A person who is not guaranteed information security cannot engage in free information creativity. It is no coincidence that measures on the prevention of the unlawful restriction or violation of this freedom are one of the main directions of public policy. It is particularly necessary to clarify the notions of “plagiarism” and “piracy”. Piracy is the production and distribution of the pirate product, while the pirate product is the copies prepared (produced) and distributed without the consent of the legal holder. Plagiarism is the complete or partial assimilation or the presentation of the work, scientific discovery and invention, rationalization proposal, the product of innovation of others, without referral to the author and the source. Thus, piracy is an illegal possession of intellectual property financially, while plagiarism is an illegal acquisition of intellectual property immaterially. Both assimilations have different forms and types.

Classification of plagiarism is made according to various criteria. The characteristics of a particular plagiarism types and the measures to struggle against it are determined respective of these measures. For example, plagiarism cases are distinguished in art, fiction, science, and education, depending on the scope of application and each of them has its specific features. In our opinion, it is appropriate to look at the classification of information plagiarism for its interpretation due to its content. In all cases, the content of plagiarism is divided into two types according to the process method: Copy plagiarism or Copy & Paste plagiarism; Plagiarism or intellectual plagiarism with change.

When copy plagiarism or Copy & Paste plagiarism involves the process of person’s appropriation of copyrights with little or no labor, intellectual plagiarism is when a person submits a new form of the work he/she wants to appropriate with changes under his/her name. In the first case, plagiarism is self-evident, so it can be discovered more easily, while in the second, it is difficult to determine the act of plagiarism, because of the intellectual contribution of the plagiarist to some degree.

Plagiarism forms occurred as a result of violations of the principles of scientific ethics are encountered in practice. For instance, "coordinated" plagiarism - co-authorship of ideas for different reasons (guides, friendships, kinship); "ordered" plagiarism - reveals itself as an author or co-author with a certain payment for ideas; “anonymous Plagiarism” - since official and unofficial documents, instructions and instructions are available for use, cases of illegal use occur more than others upon preparation, and etc. [1, p. 329].

Thus, as plagiarism attempting freedom of creativity, as well as intellectual property rights is widespread, measures on struggle against it must be

developed in legal, technical and organizational ways. We should note that, the imposition of sanctions for such acts serves deterrence on the basis of avoidance principle. Therefore, civil, administrative and criminal liability were defined for various forms of plagiarism (Article 185-188 of Code of Administrative Offenses of the Republic of Azerbaijan, Article 165-166 of Criminal Code of the Republic of Azerbaijan). We must meanwhile bear in mind that, plagiarism is not limited to national borders. The ideas of foreign authors are "stolen" in most cases. International norms should be guided upon national and legal actions directed to the elimination of plagiarism and all states should interact with each other in resolving this problem. UNESCO's Recommendations on the Development and Use of Multilingualism in Cyberspace and Accessibility for All are recommend to Member States to update national copyright legislation and considering balance among authors and public interest to adapt it to the cyperspace [7]. This recommendation comes from special role of Internet in recent widespread of plagiarism.

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ПОЗИТИВНА ДИСЦИПЛІНАРНА ВІДПОВІДАЛЬНІСТЬ ДЕРЖАВНИХ СЛУЖБОВЦІВ ІРАКУ ТА УКРАЇНИ

Важливим інститутом службового права як підгалузі адміністративного права Іраку і України є дисциплінарна відповідальність державних службовців. Розглядаючи даний інститут в контексті характеристики правового статусу державного службовця, маємо констатувати наявність різних підходів дослідників в Україні: одні зазначають, що юридична відповідальність (яка включає зокрема дисциплінарну) є елементом правового статусу [1, с. 17]; переважна більшість, відносять дисциплінарну відповідальність до інституту, через який характеризується (визначається) службова деліктоздатність державного службовця. В адміністративному праві Іраку превалює концептуальний підхід, за якого дисциплінарну відповідальність аналізують при характеристиці правового положення (статусу) державних службовців [2].

У результаті попереднього вивчення численних праць провідних вчених України та Іраку ми вважаємо доцільним означити теоретичну гіпотезу, яка вказує на нашу прихильність до групи дослідників з відстоювання двохаспектної сутності дисциплінарної (як різновиду юридичної) відповідальності державних службовців. Загальний зміст такої гіпотези полягає у твердженні про позитивну й негативну сторони дисциплінарної відповідальності державного службовця, їх невід’ємність одна від іншої, в сукупності які відображають цілісну сутність даної відповідальності.

В даній роботі, яка містить більшою мірою постановку завдання, а ніж його вирішення, ми означимо загальні положення даної гіпотези, акцентувавши більшою мірою увагу на позитивній відповідальності, які у подальших дослідженнях будуть більш глибоко аргументовані й досліджені.

Виділення двох аспектів дисциплінарної відповідальності державних службовців не є новим у науці українського адміністративного права (службового права), й водночас може утворити новий напрям