

Scientific
Journal of
**Applied
Social and
Clinical
Science**

DOES ACCESS TO SOCIAL NETWORKS VIOLATE RIGHTS?

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1
2

Abstract: The following research document states that the “vulnerability” of new technologies enables the rationalization, speed and security of different skills, however, their use can be contradictory to human rights, becoming a threat to harm human beings, the risk of vulnerability in the private life of the individual can even be reduced, since there is the possibility of harming personality rights, both nationally and internationally.

The prosperity of technology has recognized that having a smart terminal creates a series of isolated consequences since they not only provoke rights as established by the third generation of the Universal Declaration of Human Rights, but also represent and incorporate great challenges, such as lack, social inequalities at various levels, discrimination, armed conflicts, blackmail, illegality, lack of democracy, as well as weakness in institutions

New technologies offer benefits to human beings, instituting, regulating and eliminating barriers, however, they must be manipulated as learning or work tools, with responsibility in order to prevent human rights and personality rights from being lacerated. from third parties through the use of social networks, so the gap in learning, capacity, responsibility, commitment and security must be implemented when using social networks.

The excessive, undisciplined, independent and free use of communication and information technologies manages to undermine their functioning, putting the rights of third parties at risk, since personal data can be manipulated without the consent of the individual, putting the rights of the individual at risk. rights of personality, intellect and even heritage, freedom, security and even the life of human beings, since various social networks have an implicit risk of being violated.

Keywords: Social networks, vulnerability, human rights, new technologies.

INTRODUCTION

The research presented attempts to show that the uncontrolled use of new information and communication technologies (ICTs) enable the rationalization, urgency and security of some experiences, skills and expertise; however, improper use can generate negative results, even presenting itself as an ultimatum to the detriment of human beings, including the risk of interference in private life, the possibility of harming human rights.

New technologies, particularly Social Networks, provide great benefits to human beings, organizing, systematizing and eliminating barriers, however, they must be used as a work tool and responsibly in order to avoid harming the rights of third parties.

The immoderate, undisciplined and free use of communication and information technologies can harm their functioning and put the rights of other people at risk, since having personal data can be used without the authorization of the individual and put at risk the personality, the intellect and even the patrimony and even the life since with the misuse of technology and social networks every user runs the risk of being a victim of some criminal act, since social networks today are have been used for criminal purposes and not specifically for social, labor or commercial purposes.

The preeminence and notoriety regarding the use of social networks is evident in The third digital divide itself, which belongs to the disagreement between the discernment of a specialist and the social knowledge or knowledge of little and insufficient value promoted on social networks, which brings with it the violation of human rights, such as defenses against honor, coercion, extortion, threats, fraud, identity theft, harassment, corruption of minors, among other crimes.

Although it is true that both the Universal Declaration of Human Rights and the Political

Constitution of the United Mexican States have established the rights to freedom of expression, freedom of the press, as well as freedom of information since they have been considered rights of democracy, development and dialogue, these rights must be regulated since opening up social networks, web pages, emails can transgress fundamental rights of the individual.

METHODOLOGY

This research document was prepared using the documentary method, also the so-called cabinet technique, which consists of research, observation and analysis, using exploration, study and publication of the representation and establishment of the problem. research, the technique of observation was acquired since it answers questions such as what?, how?, why?, when? and where?, those that establish references to the questions that arise, which are useful for the analysis and presentation of the topic.

DOES ACCESS TO SOCIAL NETWORKS VIOLATE RIGHTS?

One of the topics of study in the era of information and communication technologies (ICTs) is the use of digital tools as well as the way in which human beings interact today, the collection of data and information. private through social networks, since the contacts themselves reveal information that the user wishes to keep hidden or anonymous, revealing private information that can put the individual at risk, thereby infringing personality rights.

The individual regularly joins various social networks with the purpose of undertaking social relationships or to communicate with people with whom he lived in the past and even to connect with third parties with whom he shares common interests, without doing so with caution. and sharing personal

information that can be used to the detriment of the person sharing it.

Due to the above, we must pause to reflect on the significance and limits that surround human rights, protecting the rights to legal security, which are embodied not only in the Political Constitution of the United Mexican States, but also in the Universal Declaration of Human Rights, safeguarding honor, dignity, credit and prestige, ensuring private and family life free of violence. respect for the reproduction of the image and voice, those derived from the name or pseudonym, cultural belonging, affiliation, origin and identity, domicile, aesthetic presence, affective aspects derived from the family, friendship and property, as well as respect, safeguarding and protection of physical, psychological and patrimonial integrity, as established in article 2.5 of the Civil Code for the State of Mexico, rights that must be respected and consolidated as part of the culture of legality not only physically or in person but also through the use of social networks.

It is worrying that we must be concerned and concerned about stopping the exposure of private life that occurs daily on social networks since it transgresses and breaks the private life of human beings, since the consequences are detestable for violating rights such as privacy, integrity, the freedom of expression of the human being, for not being aware of the damage that we can cause when using social networks, since they join them without reading the conditions established in the adhesion contracts that each social network establishes. since the clauses are not read and you only click on it.

In the same way, human rights are violated when images, photographs, videos are published without the authorization of their owners, thereby violating human rights, mainly the rights to privacy, and if we add to this that today They have apps (applications

designed to run on smartphones) that steal data and subjective rights are at risk due to the lack of regulation in this regard.

The excellence and transformation regarding the use of the Internet has even forged forms of discrimination with the Digital Divide, violating the rights of human beings since, although it is true that for some, buying, requesting a service or storing information is part of their rights, It is also true that for a part of society it becomes just an idea or part of the imagination for not having a device and much less having the skills to use it since it has become clear to us that not all of us have the discernment and use of new information and communication technologies (Ramírez and Pallares, 2011, p. 307).

The above forces States, companies and users to evaluate the context, contractual conditions, practices and social media platforms with the objective of certifying respect for individual guarantees and human rights.

Information and communication technologies, social networks and platforms offer a number of rights, but at the same time they generate conflicts and even crimes to the detriment of both individuals and legal groups since human rights such as privacy are frequently violated, the protection of personal data, identity rights, honor, prestige, privacy, bodily freedom, expression, publication, among others, so we must be aware of the risks that the misuse of social networks brings with it because the frequency with which they are used has become more common.

It is noteworthy that the Political Constitution of the United Mexican States in article 6 establishes fundamental rights such as the manifestation of ideas, free access to plural and timely information, the right to receive and disseminate information and ideas through any means of expression, as well as the right of access to information and communication

technologies, it is also true that article 90 section II of the Federal Telecommunications and Broadcasting Law establishes that telecommunications concessionaires must keep records and control of communications that are made from any type of line that uses own or leased numbering, under any modality, that allows users' personal data to be accurately identified, for a period of two years, thereby violating human rights already established in the Federal Constitution, not only those established in articles 6 and 7 but also article 16 since it establishes that no one can be disturbed in his person, family, home, papers or possessions, except by virtue of a written order from the competent authority, which establishes and motivates the cause. legal procedure and article 189 of the Federal Telecommunications and Broadcasting Law establishes that telecommunications concessionaires and, where applicable, authorized and application and content service providers are obliged to comply with all written, founded and motivated orders. of the competent authority in the terms established by law. The heads of the security and law enforcement agencies will designate the public servants in charge of managing the requests made to the concessionaires and receiving the corresponding information, which is broken down to only require:

“Approval from judicial authority in the case of interventions in private communications and it is necessary to point out that neither the geolocation nor the data preserved from the calls are a private communication” (Human Rights Commission of the Federal District).

The violation of human rights through social networks corresponds to a series of recklessness or illicit indiscretions against honor, privacy, protection of personal data, exercise of freedom of expression, violations of intellectual property rights, violations to the protection of consumers as well as children

and adolescents, among others.

At this time there is a wide range of human rights such as the right to privacy, which includes rights to private life, family privacy, honor, image, dignity, identity, which is why Villanueva and Díaz (2017) establish that Privacy is a right not to be distinguished by third parties, that is, it is a secret that focuses on others not knowing what we are or what we do (p. 22), rights that are also established in article 12 of the Universal Declaration of Human Rights that establishes:

No one will be subjected to arbitrary interference with his or her private life, family, home or correspondence, nor to attacks on his or her honor or reputation. Everyone has the right to protection of the law against such interference or attacks.

Aspects that are frequently violated on social networks since they transgress the intimate life of human beings.

Likewise, the International Covenant on Civil and Political Rights in article 17 establishes rights to privacy and the Pact of San José in article 11 mentions the following:

1. Every person has the right to respect for his or her honor and recognition of his or her dignity.
2. No one may be subjected to arbitrary or abusive interference in his private life, that of his family, his home or his correspondence, nor to illegal attacks on his honor or reputation.
3. Everyone has the right to protection of the law against such interference or attacks.

From the above, it follows that we currently describe rights that violate rights, so in the event of a violation of human rights we must resort to the application of what is established by article 1, second paragraph of the Political Constitution of the United Mexican States (Pro Persona Principle), as a rationale for the

interpretation and application of the legal system that grants broad protection, which may be the domestic or international legal system, a principle that federal, state or municipal authorities must observe, with the objectives of not only promoting but respect, preserve and guarantee the human rights established both in the Universal Declaration of Human Rights and in the Political Constitution of the United Mexican States.

The role of law in the face of progress and the emergence of new information technologies is to serve as a disciplinary element that paralyzes the degeneration and destruction of human rights and protected freedoms, which makes it not necessary, but rather mandatory, to regulate the use of networks. social networks, and protocols aimed at the free circulation of information among users of social networks, which makes it essential to know the consequences that can occur with their misuse.

RESULTS

Both at the national and international levels, it can be observed that the use of information and communication technologies, as well as social networks, entails a severe danger with respect to human rights for both people who consent to access to social networks and for those who do not use them, whether they are individuals or legal entities.

An attempt is made hereby to establish the dominance that social networks exercise over human rights such as honor, credit, prestige, dignity, private and family life, image, identity, aesthetic presence, physical integrity, psychological and patrimonial in order to analyze the legal system that regulates them and demonstrate the vulnerability in which people who access social networks find themselves, being able to be victims of the violation of human rights which can lead to a crime and even put integrity at risk.

DISCUSSION

The new information and communication technologies have achieved great importance since currently human beings develop under this instrument both in their personal, work and social actions.

Social networks have become the main means of communication and entertainment, forming part of everyday life, however, excessive and unconscious use can cause addiction and psychological or health damage, since online communication can reduce the aggressiveness of human beings, eating disorders, physical problems such as obesity or overweight, muscle pain, as well as personal, family and even work-related complications due to carelessness in the activities carried out by spending a long time on social networks or unlimited use of the Internet.

Nowadays, human beings find themselves in a situation of vulnerability to human rights because we are faced with various antisocial and criminal behaviors due to the fact that social networks are used to express what they conceive and violate human rights protected not only in the Political Constitution of the United Mexican States, but in the Universal Declaration of Human Rights.

CONCLUSIONS

The significance of new information and communication technologies, as well as the use of social networks in relation to human rights, is a valuable topic that requires not only legal regulation but also awareness regarding their use, since Social networks establish an instrument for affecting rights when they are not monopolized correctly.

The above makes it inevitable to analyze the ICTs that surround us in order to identify the problems that may arise against human rights and demand that tactical and regulatory measures be taken aimed at addressing the violation of fundamental rights in social networks.

The technologies and social networks that are part of our environment must be addressed with the objective of ensuring the necessary measures that minimize the transgression of subjective rights, which forces Federal, State and Municipal government bodies to update public policies that promote practices developed with the objective of providing a safe space for the development and protection of their fundamental rights, since although it is true that social networks provide benefits and are useful, it is essential to take institutional actions with the aim of reducing privacy risks, safeguarding personal data and safeguarding personality rights that could be transgressed.

This is why government bodies are committed to protecting and guaranteeing the exercise of rights in the digital environment, through the promulgation of a legal system that safeguards human rights against the use of social networks.

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