

19.1.2025

Author

HOFFMANN-RIEM, Wolfgang

Title

Regelungsstrukturen für öffentliche Kommunikation im Internet

Publication year

2012

Source/Footnote

In: Archiv des öffentlichen Rechts. - 137 (2012) 4, S. 509 - 544

Inventory number

34076

Keywords

Multimedia / Internet ; Urheberrecht ; Kommunikationstechnik

Abstract

The Internet as a place for public communication has become a dynamic force in nearly all areas of life. This is where personal, social, and political realities are created. The ability of the Internet to serve as a space for freedom depends not just on pushing back against unjustified interference by states; it also needs to be protected against misuse and violations of the rights of the individual occasioned by private actors. Although sovereign law is generally applicable to the Internet, its effects are limited in practice - due not least to the Internet's global dimension, which touches upon many legal systems, and to the diverse possibilities for these actors to avoid the consequences of such systems. This does not however mean that the Internet is not subject to a variety of rules. In addition to various forms of privately created soft law, there are notably social norms and so-called codes that are embedded in the architecture of infrastructures. The Internet's most influential actors - such as Google and Facebook - have more than just outsized power in creating and applying rules. Above all, they also have the power to control access, to filter content, to use traffic data, and to exploit content generated and disseminated through the Internet for their own business models or those of others. In

19.1.2025

doing so, they are subject to virtually no effective oversight. Transparency is too limited, and there is a lack of systematically available counterweights. The sovereign-imposed elements of the Internet's structure of rules have not yet been effectively aligned with those put in place at the private level. In the future, a paramount task will be the development of new modes of trans- and international cooperation in rule-making, as part of a new model of Internet governance. (HRK / Abstract übernommen)