The Need for a Digital Domestic Right

Abstract

The borders between "real" physical world and Cyberspace are blurring. In the light of constantly increasing data power in public and private hand the right to respect for privacy needs specific attention. A renewed and extended definition of privacy is indicated. In the present poster we devise the need for a digital domestic right, relating it to the legal concept of the sanctity of the home.

Categories and Subject Descriptors
K.0.4; K.4.1; K.5.0 [Computers and Society]: General, Public Policy Issues, Privacy, Regulation; K.5.1; K.5.2 [Legal Aspects of Computing]; General, Governmental Issues – Regulation.

General Terms
Security, Human Factors, Legal Aspects.

Keywords
Territoriality; Human Rights and Fundamental Freedoms; Privacy; Digital Domestic Right.

1. Introduction

We now more aspects of our life move to the Internet – i.e. the underlying information infrastructure is increasingly becoming a dominant part of "our" physical world. And it is obviously transforming this world, where it is blurring the lines between the real and the virtual. With developments such as the semantic web, coming from the virtual towards the real, more and more information can be automatically processed and approaches such as web 2.0 enable a semantically rich and higher level of information sharing. Information becomes more and more transparent. This opens various challenges for privacy, and is not balanced.

Despite the frequently rather careless behavior of part of users, this will become a central issue in our societies, also with respect to human rights. In this context we propose the concept of a digital domestic right, relating it to the legal concept of a domestic right.

2. The Legal Concept

In the public international law system of Westphalian states, it was understandable, in a world where states still hold the highest authority and power within their territory, that territorial sovereignty is a commonly accepted and successful principle of peace. The invention and virtual space of the Cyberspace is, however, only virtually territorial. As a result, we are moving to a new world order of global governance with governmental networks and a disaggregated sovereignty. The growing importance of networks of business and civil society should also not be forgotten.

At the moment the Cyberspace seems to be a Wild West. As John Wiley stated in 1796, a "Cholera is also the domestic disease". The relations between illegal, significant people and "Wild West" areas of the global individual on-line, however, often resemble the various legal status of health control over on-line health. A few of us are well aware of our individual legal status, the beginning of a cyber-citizen status is obvious to enable user accounts and individual online behavior. The absence of legal control is like a form of which are now a part of the virtual. However, after a short time reflection of the states invoke behavior and are not mandatory in their behavior, in legally significant f...