

# On the Protection of Privacy of Network Subjects from the Perspective of Harmonious Network

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**Abstract:** In the era of big data, the internet has become another important field of social life. As primary part of the internet, people are faced with severe challenges of privacy protection while they are enjoying it. In view of the fact that the privacy of the network subject is vulnerable to infringement and the impact is poor, the main factor is that the legal regulation and moral restraint have not worked out. This paper studies the protection of privacy of network subjects under the view of the harmonious network, and aims to explore the legal protection and moral support strategy for the privacy of the network subject in the context of the virtualization of the network and the complexity of the data, so as to promote the formation of a harmonious network society.

**Keywords:** Harmonious network; The privacy of network subjects; The protection of the privacy of network subjects

## 1. Introduction

When people are still blurred about the concepts of "cloud computing" and "Internet of things", the 2013, to be known as the "First year of big data", has awakened people in the ocean of data, and people have come to the big data age in a trance. The ethical value of the whole human society has to face great challenges, when big data is changing from technical hot word into a social tide to burst, cleanse and denude the economic and social benefits brought by its development. The privacy protection situation of the network subject is becoming more and more severe. How to prevent, regulate and relieve the privacy infringement of network subject in the era of large data has gradually become a new topic that academic circles and judicial circles can't get around. This paper tries to introduce the concept of "harmonious network" into the protection of privacy right of the network social subject, and calls for the combination of legal protection and moral self-discipline to build a harmonious network society.

## 2. An Analysis of the Current Situation of the Protection of the Privacy Right of the Network Subject

### 2.1. The privacy rights of the network subject are easily to be infringed

The right of privacy refers to a personality right that the peaceful private life and private information enjoyed by natural person is protected according to law, not being

harassed, known, utilized and exposed by others. The right of privacy belongs to the basic right of personality rights. The privacy right of network subject, or simply "network privacy" for short, refers to a personality right that the peaceful private life and private information that enjoyed by the network subject are protected by law in the network society, not being harassed, known, utilized and exposed by others. Although it is originated from the west, it has attracted wide attention in China.

The security problems caused by the network society are born with the times when the tide of the virtualization of the network subject flows to the reality and divides the society into the real society and the network society. When people enjoy the "powerful strength" of network tools, they are also deeply affected by all kinds of private information being leaked and stolen, and network infringement occurs from time to time. The subject of the network privacy right makes groundless accusations and was free to hide under the cover of Virtual Society. It includes the infringement of individual, the infringement of commercial companies, the infringement of some hardware and software equipment suppliers, the infringement of network providers and the infringement of network managers, etc. They take advantage of the loopholes in "technology alienation" to carry out violations. They "participate" in the field of individual activities of other network subjects, that is, the personal communication content, security of personal computer data, tranquility of personal life, etc. They peep at the field of personal information, that is, personal income, credit, property, consumption, etc. The means of Internet privacy in-

fringement have shown a trend of diversification and high-technology, specifically including the use of technical loopholes to collect and use personal privacy information illegally without the permission of the victim; fraudulently collecting personal information of victim; collecting personal information through the way of purchase from related institution or company for profit purpose and the illegal use of the personal information of the victim. Such as the accident of 12306 website users information leakage happened in 2014, due to website vulnerabilities, a large number of registered users' accounts, plaintext passwords, ID cards, mailboxes and other private information are leaked. However, the way of leakage can't be verified, and the subject of network infringement is hidden in boundless virtualization.

## 2.2. The baneful influence of tort

When privacy right is infringed, the spirit of the victim individual is tortured, making people feel dangerous or even afraid in the Internet society. Sometimes even suddenly feel like naked, exposed to high-definition cameras. Once the privacy information of the network subject is stolen, on the driven of great benefits, the subject of illegal tort makes the use of technical means and the rapid mobility and broad ductility of the network to disseminate privacy information in a short time, causing various degrees of damage in spiritual and material losses to the victim subject. What's worse, in the process of information dissemination, some people distort the truth with malice, and have a bad social impact.

The sensational event "The first case of cyber violence in China" is a typical case that Internet privacy right is vulnerable to infringement with serious consequence. The private life information of the parties was publicized on the internet, then it was reprinted by net citizen and all kinds of "human flesh search" and cyber violence followed. It made the party's work and life almost shut down, and even their family was harassed, and the spirit was perplexed. This "human flesh search" type of network privacy violations is nothing new now.

With the emergence of cyber violence, there are many similar plots in movies and television programs to reflect the reality. Such as the internet violence in TV dramas "Mr. Love", the leading role is pushed to the teeth of the storm because of a medical accident. The pressure of public opinion and the cyber violence have even evolved into personal injury in real life and the affection is very badly. In this process, it also reflects the jumble of network information transmission. The Internet users have gradually distorted the facts, because they parrot and mislead the fact and make groundless accusations. The cold violence in the network public opinion may turn things out of control and into more serious personal injury. Whether it is a factual case or a refraction of a film and television work, the concealment of the means of

infringing on the privacy right of the network subject, the uncontrollability of the dissemination process, the ambiguity of the subject of the liability, and the complexity of the influence are all thought-provoking.

## 3. Exploration of Vulnerabilities in Privacy Protection of Network Subjects under the View of Harmonious Network

Harmony is the perfect state of adaptation, coordination and balance, which is the coordination and unity of diversity. The concept of "harmony" is introduced into the governance of cyberspace, that is, "harmonious network society", which aims to pursue the comprehensive and harmonious state of the virtual social system in cyberspace. However, the dilemma of the privacy right of the network subject has clearly shown the disharmony of the network society.

### 3.1. The "shortcomings" of legislation on the protection of the privacy right of the network subject

Although our country once mentioned about "Proposal on the "People's Republic of China Cyber Privacy Protection Act", it is a great pity that China has not yet introduced a law specifically protecting privacy right. The protection of privacy is scattered in different laws, such as "The right of dignity of citizens of the People's Republic of China shall not be infringed upon by others", "Protecting citizens' freedom of communication and Communication Secrets" and so on. Moreover, the right of privacy does not exist as an independent right, but as a "dependent" to the right of personality. The relevant laws and regulations have not yet formed a complete and rigorous system. The law is the external guarantee of the harmony of the network society, it is the deterrent to the scheme, the punishment to the tort, the ruler of the network subject behavior and the protection of rights and interests. The legislative shortcomings of the protection of online privacy have made the ideal and harmonious state of the cyber society seems to be a fish under the knife. The weakness of law and the alienation of technology in network application threaten the privacy of the network subject and the harmony of the network society.

### 3.2. The Self-discipline Defects in the Protection of Privacy of network Subjects

Another reason for the privacy rights of network subjects are in dilemma is that moral self-discipline in network society has not been implemented. Morality is the standard of consciousness that regulates people's behavior, and it is the lubricant for building a harmonious network. It is determined by the material conditions of life and guaranteed by public opinions and people's inner beliefs. Whether or not the network subject has a good moral quality and correct value orientation is the decisive factor

in the network's double-edged sword showing "good" or "evil" aspects. As Einstein said, "science is a powerful tool. How to use it to bring happiness or disaster to mankind depends entirely on people themselves rather than on tools. Therefore, the moral anomie of the network subject is the root cause of the infringement of personal right of privacy. This kind of disharmony is the root cause of hindering the construction of a harmonious network.

The phenomenon of moral anomie in the perspective of harmonious networks is that people's personal life and social life cannot be properly adjusted and adapted, and they appear to be out of control, disorder, and confusion. On the one hand, there is a deviation in the value standard of the network subject, that is, the subconscious habit of parrot, the loss of resolution on complex network information, resulting in the redundant information blindly spread. Three people becoming tigers, which encourage the infringement of Internet privacy. On the other hand, the lack of the network social ethics system and the traction of the great commercial interests make the desire break free from the bound of the boundary. It is bound to pursue a broader "freedom" and even grows up to do whatever they want in an online society. Thus the network subjects disregard the interests of other subjects and the order of the whole society as a result of pursuing their own freedom, which leads to the abuse of the right of privacy in the network society. The contradiction between people's value standards in the network society is due to the pursuit of absolute "freedom" by the network subjects. Harmonious network is not the pursuit of identity, but the unity of harmony and diversity. Therefore, in the liberalized network society, the privacy protection of the network subject depends on the moral self-discipline of the network subject.

#### **4. Searching for the Way of Protecting the Right of Privacy of the Internet under the Perspective of Harmonious Network**

The era of big data puts people in a dual society where the real society and the Internet society are deeply integrated. The harmony of the network society is an important subsystem of the whole construction of the socialist harmonious society. The realization of the goal of the harmonious network puts forward higher requirements for the protection of the privacy of the network subject. In this perspective, the protection of the privacy right of the network subject needs to be based on the current situation, enhance awareness and reconcile outstanding contradictions, so as to achieve the right balance between the subsystems of the network society.

##### **4.1. Building the wall of the legal protection of the privacy right of the network subject**

The deterrent force and compelling force of the comprehensive and rigorous law on the protection of privacy of network subjects are a powerful barrier to protect the privacy of network subjects. It is also like an indestructible wall that protects a harmonious network society.

##### **4.1.1. Establishing the prestige of the independent Law of Privacy protection**

To protect the privacy of network subjects, we need a complete and strict legislative system of privacy. First of all, the right to privacy is given as an independent right posture. The promotion of legal status can also arouse the public's awareness of privacy protection. Second, privacy protection law and network data use, dissemination and other relevant laws need to be implemented. Through legislation and judicial interpretation, it gives a detailed definition of the concept, scope, elements of infringement and the responsibility of the infringing party on the privacy right on the Internet. The use and dissemination of related data are the times topic of protecting data security in the era of big data. It is also a technical platform for the privacy protection of the network subjects. Third, in order to establish the authority of the law, we should punish the infringements strictly, and realize that "there must be laws to go by, the laws must be observed and strictly enforced, and lawbreakers must be prosecuted". The relevant laws expressly stipulate the responsibility of the main body in order to achieve the deterrent effect, it can also stifle the illicit ideas in the cradle.

##### **4.1.2. Casting technical guarantee for legal prestige**

Due to the hi-tech nature of network infringement, the ineffectiveness of general legal provisions, Criminals use technology loopholes in virtual society to get away with it. Therefore, improving the technical system and legal system is like "two wings of a bird". Technical supervision and legal deterrence are mutually reinforcing. It is a strong institutional support and technical guarantee for protecting the privacy of network subjects. Therefore, we must increase research and development efforts from the network technology level, update the technology of network privacy data source to against invasion or prevention of invasion. On the one hand, the network subjects should improve the awareness of privacy protection and action, and consciously use the network tools to clean up the computer history independently, which to some extent can avoid the illegal collection of users' data easily.

##### **4.1.3. Building a regulatory framework for legal prestige**

In order to effectively implement the deterrent effect of privacy protection law, we also need to provide an executive level guarantee through a sound regulatory system. From the macro level, this system needs to establish specialized and professional supervision institutions, make

clear the power and responsibility, guarantee the prohibitions of the execution, and carry out macro monitoring on the network information dissemination, the operators and the internet user's behavior. In order to make the supervision effective, it is necessary to constitute an intelligent team composed of experts in the fields of technology, management, law and so on. In the process of carrying out the supervision, it gives intellectual support when encountering a sudden problem. Because of the virtual nature of the network society and the concealment of the tort subjects, the supervision mechanism should have long-term and normalization, and play a preventive role. It should change the current situation of repeated violations of the tort, and make the network social order harmony get relatively stable power support.

From the microscopic point of view, the key to supervision of the network society lies in two main groups: network operators and ordinary Internet users. In order to restrict the network subjects from infringing the privacy of other subjects for the purpose of going after the absolute freedom of the individual, the construction of China's network social supervision mechanism can draw on international experience -- the implementation of network real name system. Aiming at the concealment of the subject of network infringement, the Korean government implemented the network real name system in December 2006. It requires all major portals to provide technical support for information protection, "The user's identity is determined before the user posts, and a personal identification number is required for the replies." Correspondingly, we should support and perfect laws and regulations such as the "Basic Law for Promoting Informatization", "Basic law on the protection of information and communication", and make network real name system legalization, so the situation of network anonymous attack has been effectively improved. Similarly, the network real name system can also be implemented in China's network society supervision. Under the network real-name system, the freedom of speech of the main body of the network is bound by the responsibility. When netizens express their opinions and disseminate information, they will naturally consider, judge, and choose the information, thus cutting off the spread of some malicious information. On the other hand, under the real-name system, criminals can no longer freely steal or disclose the privacy information of other Internet subjects. They can also no longer be free to spread information that distorts facts and attacks others. Although the risk of responsibility can not completely prevent infringement, it is to some extent an invisible barrier that works together with the apparent deterrence of the law.

#### **4.2. Promoting the backbone of the moral self-discipline in the harmonious network society**

In addition to wearing legal clothes to protect against external violations, the protection of the privacy rights of online subjects also needs to address both the symptoms and the root causes, and they must grasp the key points at the source, that is, the self-discipline of network information disseminators. However, the backbone of the construction of a harmonious network depends precisely on moral self-discipline. It is very effective to curb tort and expand harmonious factors through the strong self-consciousness of moral self-discipline.

##### **4.2.1. Promoting internet social governance with netizens' moral self-discipline**

It emphasizes that the netizens' moral self-discipline accords with the concept of network autonomy. In the appeal of correct moral values, netizens' behavior tends to be rational, and they promote the autonomy of the network content with self-consciousness and self-knowledge, which is the backbone of harmonious network society. This is in accordance with the principle of materialist dialectics: the changing development of things is the result of the joint action of internal and external causes, and internal factors are the basis for the change and development of changes in things. Therefore, to protect the privacy of the network subjects and build a harmonious network should strengthen the positive publicity of the moral autonomy of the network subjects, and establish the concept of self-discipline and autonomy of netizens. First, adhere to the principle of harmlessness, that is, "the behavior of any network subject should avoid unnecessary harm to others and the network environment as much as possible. Harmless principle is the moral bottom line of freedom of expression of network subjects. The rumor stops at the wise. People should guide their behavior with self-discipline, respect the privacy of other network entities, identify the malicious behaviors that disseminate the privacy of others rationally and refuse to communicate irresponsibly. It is helpful to format the clean and righteous network space. Second, we should stick to the principle of honesty and improve the "purity" of network information. Netizens' insistence on the principle of good faith can guide them to rationally judge the credibility of information and analyze the authenticity of data sources in the wave of mixed network information. They will forward and disseminate the real and objective information, so as to suppress the spread of vulgar and malicious information by everyone's power. To a certain extent, it can alleviate the mental damage of network violence to the victim. What's more, it also helps to improve the credibility of network information and make the network life based on integrity, so that network information and people's spiritual world are in a harmonious state. Third, stick to the beneficial principle, that is, the ultimate goal of moral self-discipline is to guide the behavior of the network subject advance towards the goal

of harmonious development of the network society. Under this principle, Internet users' moral self-discipline is endowed with the "optimization function": moral self-discipline optimizes the behavior of the network subject, making it consciously move closer to the positive energy, taking the initiative to shoulder the responsibility of purifying the cyberspace, so as to help the network society to be more harmonious as the higher behavior standard. Therefore, the netizens should not only control their own words and deeds, but also resolutely oppose other subjects' violations of the privacy right of others, and eliminate the threat factors of data security and network harmony in the bud. Thus it can reduce the occurrence of the infringement of the network privacy, and reduce the adverse effects of the tort incidents and promote the harmonious factors of the network society.

#### **4.2.2. Promoting cyber harmony with network operators' self-discipline**

As a major body of harmonious network construction, network operators also need moral self-discipline. Therefore, the industry association should actively guide the business activities of the network operators. Through some rewards and punishment measures such as "making strict industry access standards", "implementing the management reputation evaluation mechanism" and so on, to punish the evil and praise the good and to severely punish websites or media that infringe on the privacy of netizens. In addition, the industry association should actively cooperate with the government regulators to protect the monitoring and investigation of the privacy right of the network, and provide external supervision with intellectual support and action assistance, and put multiple chains of shackles on the infringement of privacy rights of network subjects.

The self-discipline of network operators must also follow the principles of harmlessness, good faith, and beneficial principles. On the one hand, operators should take the discipline of obeying the law as the minimum standard and consciously implement the policy of network social governance advocated by the government in big data and information age. On the other hand, the operators should guide the management behavior with the sense of responsibility, publicize and carry out the socialist core values. We should pursue the highest value in serving the people and serving the society, and avoid losing the principle and get bogged down in the mire under the temptation of

huge commercial interests. The website and the media should work together to build the network society into a harmonious society that disseminating advanced culture, shaping good souls and promoting social integrity. First of all, we should use a higher professional quality to resist the despicable act that selling internet users' privacy information, malicious attacking on others and meddling in other people's privacy space. Secondly, network operators need to recognize the symbiotic relationship between themselves and netizens, consciously safeguard the legitimate rights and interests of netizens, protect their private information, and promote a "harmonious" relationship with netizens. They must resolutely resist bad information that deviates from moral requirements and infringes upon the privacy of network subjects. They should also oppose the dissemination of information that is mercenary and ignore social influence, and create a clear network space.

In short, the privacy protection of network subjects requires a comprehensive governance system, with legislative deterrence, supporting supervision, technical support, and moral support are complementary to each other. Finally, the network society will be built into a harmonious network society, which contributes to the construction of a socialist harmonious society.

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