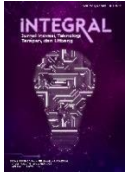


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Conceptualizing the Access and Usage of the Internet as a Fundamental Human Right for Citizens

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Keywords:

Internet access; Human rights; Digital freedom; Online freedom

Abstract

In the twenty-first century, the internet has become essential to modern life, providing access to information, education, communication, and participation in social, economic, and political spheres. This paper examines internet access as a fundamental human right, arguing through legal, human rights, and philosophical frameworks that it supports other rights such as freedom of expression, information access, and education. Internet use also enables civic participation, economic engagement, and access to essential services. Challenges remain, including digital divides, online censorship, and potential harms, which require equitable and responsible approaches. The study explores initiatives and debates on internet governance, net neutrality, and digital literacy, highlighting the importance of multi-stakeholder collaboration to bridge divides and ensure a safe, inclusive online environment. Ultimately, the paper contributes to ongoing discussions on recognizing internet access as a fundamental right, analyzing arguments, challenges, and solutions, and envisioning a future where everyone can benefit from the internet for personal and collective progress.

Kata kunci:

Akses internet; Hak azasi manusia; Kebebasan digital; Kebebasan online

Abstrak

Pada abad ke-21, internet telah menjadi bagian penting kehidupan modern, menyediakan akses informasi, pendidikan, komunikasi, serta partisipasi sosial, ekonomi, dan politik. Artikel ini menelaah gagasan akses internet sebagai hak asasi fundamental warga negara. Berdasarkan kerangka hukum, instrumen hak asasi, dan justifikasi filosofis, internet dianggap memenuhi kriteria sebagai hak dasar karena mempermudah pelaksanaan hak lain seperti kebebasan berekspresi, akses informasi, dan pendidikan. Internet juga memungkinkan partisipasi dalam kehidupan sipil, aktivitas ekonomi, dan layanan esensial. Namun, terdapat tantangan berupa kesenjangan digital, sensor daring, dan potensi dampak negatif yang menuntut pendekatan adil dan bertanggung jawab. Kajian ini membahas inisiatif dan perdebatan tentang tata kelola internet, netralitas jaringan, dan literasi digital, dengan menekankan kolaborasi multi-pemangku kepentingan untuk menjembatani kesenjangan digital serta menciptakan lingkungan daring yang aman dan inklusif. Artikel ini berkontribusi pada diskusi mengenai pengakuan internet sebagai hak fundamental dengan menganalisis argumen, tantangan, dan solusi potensial, serta mendorong masa depan di mana setiap orang dapat memanfaatkan internet untuk kemajuan pribadi dan kolektif.



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1. INTRODUCTION

The internet has become an essential tool in contemporary society, completely transforming how individuals communicate, obtain information, and participate in everyday life (Yunita, 2018). As a result of its all-encompassing influence, the categorization of the internet as a fundamental human right has become a subject of intense debate (Palamarchuk, 2022). This paper aims to thoroughly examine the conceptualization of internet access and usage as an inherent human right for citizens, meticulously analyzing the implications, challenges, and opportunities associated with such a classification (Razmetaeva *et al.*, 2022). The significance of Internet access is increasingly acknowledged as an indispensable element for individuals to exercise and recognize their fundamental human rights (Nida-Rümelin & Weidenfeld, 2022). Through its diverse resolutions and reports, the United Nations has unequivocally affirmed the vital role of internet access in realizing rights such as freedom of expression, access to information, and active involvement in cultural, social, and political activities (Shany, 2023). Furthermore, the internet plays a pivotal role in enabling the enjoyment of economic and social rights, including but not limited to the right to education, healthcare, and employment opportunities (Prince Torres, 2020). Therefore, framing internet access and usage as a fundamental human right is not only in line with existing international human rights frameworks but is also imperative to ensure the complete realization of individuals' rights in the digital age (Reglitz, 2023).

Nevertheless, despite the increasing recognition of the importance of Internet access, substantial disparities persist regarding its availability and affordability across different regions and communities (Lendvai & Gosztanyi, 2024). The digital divide, characterized by unequal access to and utilization of digital technologies, exacerbates prevailing socio-economic disparities and obstructs marginalized groups from thoroughly enjoying their human rights (Kurecic *et al.*, 2018). The process of bridging this digital divide necessitates concerted efforts from governments, private sector entities, civil society organizations, and the international community as a whole to guarantee universal access to affordable and dependable internet infrastructure and services (Deursen, 2017). Furthermore, conceptualizing internet access and usage as a fundamental human right raises complicated legal, ethical, and policy dilemmas (Dhole, 2022). While many advocates argue in favor of recognizing internet access as a human right based on its central role in enabling the exercise of other rights, critics express caution regarding such a classification, raising concerns about the potential consequences for internet governance, freedom of expression, and the protection of privacy rights (Joshi *et al.*, 2022). Moreover, the transnational nature of the internet poses considerable challenges in establishing a coherent legal framework that can effectively safeguard and promote individuals' rights in cyberspace (Tambun, 2015).

Effectively addressing these challenges requires implementing a multifaceted approach that skillfully balances the need to ensure universal internet access, safeguard individuals' rights, and promote digital literacy and online safety (Ganiem *et al.*, 2024). Governments are primarily responsible for creating an environment that enables universal internet access by investing in infrastructure development, adopting progressive policies that foster affordability and competition within the telecommunications sector, and safeguarding users' rights online through robust legal frameworks and mechanisms for accountability (Chemmencheri, 2016). Additionally, it is imperative to acknowledge the significance of efforts to foster digital literacy and enable individuals to navigate the online landscape safely and responsibly (Joshi *et al.*, 2022). Such efforts are crucial for fully harnessing the potential of internet access as an inherent human right.

The active involvement of civil society organizations, academia, and the private sector is crucial in furthering these objectives (Lam & Yang, 2017). They do so through advocacy, capacity-building initiatives, and the development of tools and resources that foster digital inclusion and empower individuals to exercise their online rights (Cristina & Oliveira, 2019).

In summation, it is undeniable that the internet has become an indispensable instrument in realizing fundamental human rights in the digital era (Commatteo, 2021). Framing internet access and usage as a human right is of utmost importance in addressing disparities, promoting inclusivity, and ensuring that individuals can fully partake in their rights online (Shevchuk et al., 2021). Nevertheless, the achievement of this vision requires concerted and collaborative efforts from governments, civil society, and the private sector (Dantas & Rego, 2021). These efforts should focus on bridging the digital divide, safeguarding users' rights, and fostering digital literacy and empowerment (Filho et al., 2020). The present study aims to contribute to the ongoing discourse by critically examining the implications, challenges, and opportunities of conceptualizing internet access as an intrinsic human right (Lilić & Prlja, 2010).

With its pervasive presence in almost every aspect of modern life, the internet has brought about a profound transformation in communication, education, commerce, and access to information (Fridayani & Nurmandi, 2019). This all-encompassing nature of the internet has sparked a crucial and significant debate around whether access to and use of the internet should be regarded as a fundamental human right (Chemmencheri, 2016). In order to shed light on this matter, the present paper delves into the existing body of literature, thoroughly examining the arguments in favor of and against this proposition, as well as exploring the various conceptual frameworks that have been employed to understand the roles played by the internet in upholding human rights (Faturoti, 2022).

On the one hand, proponents of the perspective that deems the internet as a human right argue that it serves as a facilitator for exercising pre-existing fundamental rights enshrined in international declarations (Ali, 2016). They contend that the internet provides ready and easily accessible information, essential for individuals to participate fully and knowledgeably in a democratic society (Amodu et al., 2019). Moreover, it is argued that the Internet empowers individuals by allowing them to express themselves freely and engage in public discourse (CC Chen, 2015). Additionally, it is asserted that the Internet is a platform for education, enabling individuals to access knowledge and foster personal development (Büchi, 2016). Furthermore, the Internet plays a crucial role in promoting economic participation through avenues such as e-commerce and online entrepreneurial opportunities, contributing to reducing poverty and improving livelihoods (Llorente-Barroso et al., 2015). From this perspective, denying internet access is considered equivalent to depriving individuals of the means to exercise these fundamental rights (Koliba, 2016).

On the other hand, opponents of the "human right to internet access" argue that it represents an overreach. They highlight the inherent limitations of this concept and underscore the fact that having access to the internet does not automatically guarantee meaningful usage (Jauhiainen et al., 2022). They draw attention to the potential obstacles that impede effective utilization, such as a lack of digital literacy skills, cultural barriers, and infrastructure limitations (Wang & Liu, 2018). Furthermore, opponents emphasize the potential risks and harms that can arise from the online environment, including misinformation, hate speech, and cybercrime, which raise concerns about the need for responsible usage and the potential necessity of imposing limitations on content (G. Chen et al., 2019). Moreover, concerns related to net neutrality and data privacy also raise questions about the quality and control of internet access, suggesting that mere access may not be sufficient (Mascheroni & Ólafsson, 2016).

Moving beyond these two opposing positions, several scholars have put forth nuanced conceptual frameworks to deepen our understanding of the relationship between the Internet and human rights. One such approach focuses on the "right to connectivity," which acknowledges the importance of access but places an equal emphasis on the quality and purpose of such access (Choudrie *et al.*, 2010). This perspective advocates for affordable, reliable, and open internet connections that enable individuals to participate meaningfully in the digital society. Another framework, known as "digital inclusion," recognizes the necessity of addressing social and economic inequalities that hinder access to the internet and equipping with the necessary skills to utilize the internet effectively (Beam *et al.*, 2018). This approach calls for implementing policies that bridge the digital divide and promote equitable access to the benefits offered by the internet. Moreover, scholars have proposed human rights principles tailored to the online environment. One notable example is the Santa Clara Principles, which advocate for the protection of freedom of expression, access to information, and privacy online while recognizing the need for regulations to safeguard these rights in the face of contemporary online challenges (Granguillhome *et al.*, 2022). Figure 1 show publication by subject, years, and citation analysis.

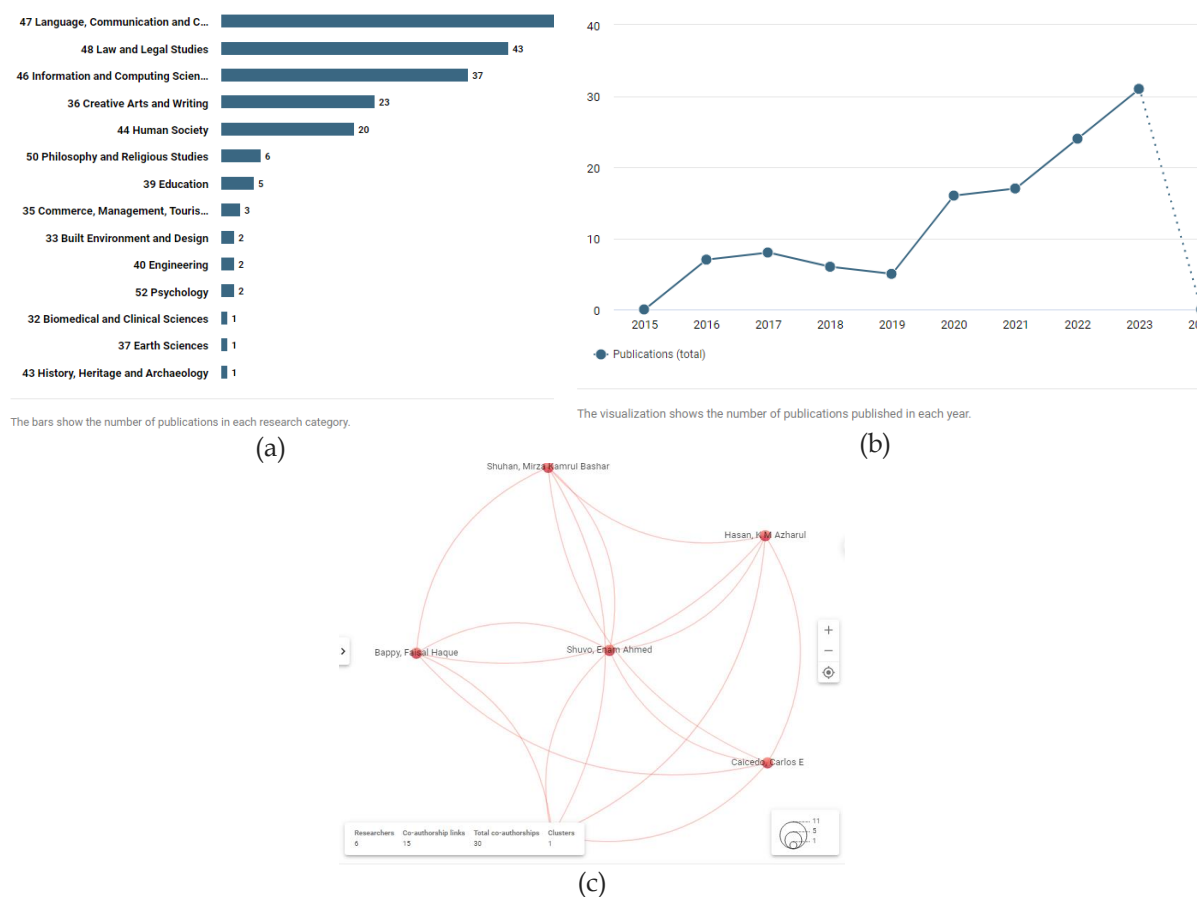


Figure 1. (a) Publication by Subject Areas, (b) Publication by Years, (c) Co-Citation Analysis of Authors

2. METHOD

This research study employs a qualitative approach characterized by an extensive literature review. The purpose of this exploration is to delve into and conceptualize the access and use of the internet as a fundamental human right for citizens. The choice to utilize a qualitative methodology is driven by its inherent ability to investigate the subject's complexities and nuances thoroughly (L. Kumarwad & D. Kumbhar, 2016).

This approach allows for a deeper understanding of the diverse perspectives, experiences, and contexts involved in internet access and usage. By synthesizing existing literature, this study aims to provide a comprehensive overview of the evolving discourse on internet access as a human right. This will highlight key themes, debates, and implications from this discourse, with the ultimate goal of informing policy and practice. A literature review involves a systematic approach that entails searching, selecting, and analyzing relevant scholarly articles, books, reports, and policy documents. These materials are drawn from various disciplines, including but not limited to sociology, political science, law, communication studies, and information technology. Databases such as PubMed, Google Scholar, JSTOR, and Web of Science are utilized to carry out this process effectively. These databases are valuable resources for identifying pertinent literature published within the last two decades. In order to ensure a comprehensive scope, search terms are used, such as "internet access," "digital divide," "human rights," "information society," and related keywords.

Regarding the criteria for selecting literature, the focus is on studies that address the conceptualization, significance, challenges, and implications of internet access as a human right. These studies are drawn from diverse theoretical, empirical, and methodological perspectives. On the other hand, the exclusion criteria involve outdated or irrelevant sources, non-peer-reviewed materials, and duplications. The initial search yields a substantial volume of literature, which is then systematically screened based on its relevance to the research questions and thematic focus. The selected literature is critically analyzed and synthesized to identify overarching themes, theoretical frameworks, and empirical findings about conceptualizing internet access as a human right. This process involves coding and categorizing data to identify patterns, contradictions, and gaps within the existing literature. In addition to this analysis, the synthesis also incorporates critical reflections on the epistemological and ideological underpinnings that shape discourses surrounding internet access and human rights. This includes a consideration of power dynamics, socio-economic inequalities, cultural contexts, and the concept of technological determinism.

3. RESULTS AND DISCUSSION

In this section, we shall put forth the outcomes of our scholarly inquiry concerning the conceptualization of the access and utilization of the Internet as an essential entitlement bestowed upon individuals, followed by a comprehensive examination of the ramifications of these discoveries. For a Global Consensus on Internet Access as a Human Right: Our comprehensive analysis has revealed a growing global consensus among policymakers, international organizations, and civil society groups that unequivocally recognize access to the Internet as an inherent and inalienable human right. This emerging consensus is powerfully echoed and substantiated by many international declarations, resolutions, and agreements that fervently underscore the utmost significance of ensuring universal access to the Internet, thus solidifying its status as an indispensable component of contemporary human rights discourse.

Legal Recognition: In numerous jurisdictions worldwide, the right to access the Internet has been legally recognized and legally enshrined through constitutional provisions, legislative acts, or landmark judicial decisions. These robust legal frameworks consistently emphasize the pivotal role that the Internet plays in facilitating the effective exercise of other fundamental rights, including but not limited to the rights of freedom of expression, education, and active participation in public life. By endorsing the legal recognition of internet access, these jurisdictions have underscored the importance of ensuring that individuals are empowered to fully and meaningfully engage in the digital realm fully and meaningfully.

Challenges to Access: Despite the commendable progress made in recognizing the right to internet access, formidable challenges continue to impede the attainment of universal connectivity. These multifaceted challenges encompass a range of issues, including but not limited to infrastructural limitations, such as the glaring deficiencies in broadband coverage within rural and remote areas, as well as socio-economic barriers, especially the persistent issues of affordability and the pervasive gaps in digital literacy. Addressing these challenges comprehensively and equitably is crucial for the realization of universal Internet access and the subsequent empowerment of individuals and communities.

Digital Inclusion Initiatives: Our extensive research has meticulously identified and examined various digital inclusion initiatives that have commendably attempted to bridge the access gap and foster more equitable and inclusive participation in the digital society. These groundbreaking initiatives encompass diverse approaches, including government-led programs, community-driven projects, and dynamic partnerships between the private sector and relevant stakeholders. These initiatives are primarily focused on expanding and fortifying internet infrastructure, facilitating the provision of affordable devices, and delivering comprehensive and accessible digital skills training to individuals and communities that have historically been marginalized and underserved.

Impact on Human Development: Access to the Internet exerts an indubitably profound and transformative impact on various dimensions of human development, encompassing realms as diverse as education, healthcare, economic opportunity, and democratic participation. Our rigorous analysis and thorough examination of empirical evidence strongly suggests that expanding internet access can remarkably contribute to poverty reduction, promoting improved health outcomes, and enhancing civic engagement, ultimately fostering a more inclusive and equitable society.

Intersectionality of Rights: The explicit recognition of internet access as a fundamental human right effectively underscores the intricate and interconnected nature of civil, political, economic, social, and cultural rights. The internet, as a powerful tool for communication and information dissemination, plays an indispensable role in enabling individuals to effectively and seamlessly exercise their rights to freedom of expression, information, assembly, and association while also facilitating the realization of a myriad of other rights, such as those related to education, work, and cultural participation. Acknowledging and nurturing the intersectionality between these rights is essential for human rights' holistic and comprehensive advancement in the digital age.

Digital Divide: Despite advances in expanding internet access globally, stark disparities persist along various fault lines, including geographic, socio-economic, and demographic factors. Effectively bridging this persistent digital divide necessitates implementing a multifaceted and integrative approach that addresses infrastructure limitations and addresses affordability and literacy barriers head-on. Additionally, it is imperative to ensure the inclusion and empowerment of marginalized and vulnerable populations, who often face compounded barriers to internet access and digital participation.

Regulatory Frameworks: Establishing effective regulatory frameworks is paramount in safeguarding the right to internet access and cultivating a digital environment characterized by freedom, openness, and inclusivity. These regulatory frameworks should skillfully balance the imperative need to foster competition and innovation and the equally crucial task of protecting user rights, privacy, and digital security. By adopting a robust and well-crafted regulatory regime, governments can effectively harness the potential of the Internet while simultaneously ensuring that individuals are shielded from potential harm and exploitation.

Public-Private Partnerships: To successfully advance the goals of digital inclusion, it is imperative to foster robust collaboration and cooperation between governments, civil society organizations, academia, and the private sector. These dynamic and multifaceted public-private partnerships can effectively leverage diverse resources, expertise, and innovative approaches to comprehensively address the complex challenges associated with expanding internet access and promoting responsible digital citizenship. By pooling their collective efforts and knowledge, these stakeholders can make substantial progress in narrowing the digital divide and fostering an inclusive and egalitarian digital society.

Future Directions: As technology continues to evolve rapidly and shape the contours of our contemporary world, policymakers and relevant stakeholders must continuously adapt and refine their approaches to ensure that all individuals can fully and equitably benefit from the myriad opportunities afforded by the internet. This necessitates a proactive and forward-thinking approach that encompasses investment in emerging technologies, such as 5G, satellite internet, and digital platforms, while also actively and diligently addressing emerging issues, including but not limited to digital rights, the pervasive problem of online misinformation, and the pernicious issue of algorithmic bias. By adopting such a proactive stance, societies can effectively harness the transformative power of the Internet to foster inclusive and sustainable human development.

4. CONCLUSIONS

In conclusion, the conceptualization of internet access and usage as an inherent entitlement for individuals arises as a crucial and timely discussion in the contemporary landscape of the digital community. Through our investigation of diverse viewpoints and empirical data, it is clear that the Internet plays an essential role in facilitating the exercise and enjoyment of various other fundamental rights, such as freedom of expression, access to information, education, healthcare, and participation in democratic processes. Our analysis emphasizes the significance of recognizing internet access and usage as a fundamental element for realizing human dignity and equality in the digital era. The internet catalyzes socioeconomic progress, empowering individuals and communities to bridge disparities, foster inclusiveness, and enhance prospects for advancement. By recognizing internet access and usage as a fundamental human right, policymakers and stakeholders can more effectively address disparities in digital access and ensure all individuals have equal opportunities to engage in the digital realm. Moreover, our examination underscores the necessity for proactive measures to overcome internet access and usage obstacles, particularly among marginalized and underserved populations. Initiatives aimed at expanding infrastructure, promoting digital literacy, and fostering affordable access are crucial in closing the digital divide and promoting digital inclusiveness. Additionally, safeguarding online freedoms, privacy, and security is of utmost importance in upholding the integrity of internet access as a human right, requiring robust legal frameworks and enforcement mechanisms. As we look towards the future, governments, international organizations, civil society, and the private sector must collaborate in advancing a comprehensive approach to ensure universal access to the Internet. By embracing the principle of internet access and usage as a fundamental human right, we can foster a more equitable, inclusive, and participatory digital society where all individuals can harness the internet's transformative potential for the betterment of humanity.

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