

Research on Internet Infringement from the Perspective of “Human Flesh Search”

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Abstract

With the rapid development of network technology, we are ushering in an era of information explosion. We enjoy the convenience and benefits brought to us by the information age. Efficient and convenient information sharing allows us to keep up with the times. Communication, but at the same time, the double-edged sword of the Internet has brought its side effects, that is, the leakage of personal privacy and the rampage of online violence. “Human flesh search” is the dark side brought by network information sharing; this article will explore the status of Internet infringement and its legal regulations from the perspective of “human flesh search”.

Keywords

Human Flesh Search, Internet, Privacy, Infringement

1. Introduction

In recent years, Internet infringement cases caused by human flesh search have not been surprising. When new hotspots appear on the Internet, netizens always have a strong interest in the protagonist of the incident. Some incidents also involve ethics and morals, leading the public to Collecting information may also make radical judgments or affect the life of the person involved. Human flesh search engine does not rely on technology and technology, it relies on a large number of netizen groups “people asking people”, “people looking for people”, “people looking for people”, one stone arouses thousands of waves, based on the rapid and widespread information transmission on the Internet Sexually, the information of the parties dug out by human flesh search is often comprehensive and in-depth. At the same time that Internet netizens revel, it brings the pain of the parties’ rights being deeply violated.

2. The Concept and Source of Human Flesh Search

The human flesh search is referred to as “human flesh” for short, and refers to the information search process that uses the Internet as a medium and is completed by a certain amount of labor, and the anonymous insider provides information to obtain the personal information of a party. When a hot topic or newsletter erupts on the Internet, some netizens will spontaneously seek personal information of a specific person on Internet platforms such as forums based on a strong interest in the protagonist’s information, good or bad. Different from the traditional search engine, it is not completed by the machine, but through the artificial way of asking people, finding people, and passing people from person to person, and finally get the person’s personal information. Human flesh search is often accompanied by the next actions of the protagonist of the incident, such as cyber violence, personal attacks and other ways to harass others’ lives.

Human flesh search comes from the cat flutter website. Netizens ask questions on the Q&A site, look for information about a specific person, and reward the respondent with the virtual currency of the network. Know the information sought by the questioner, know the insider or hear the fish in muddy water. Netizens who come to defraud virtual currency will answer questions in a thread. Hundreds of people on the Internet conduct information mining on a specific person, and the personal information of the protagonist of the event center will always be found and cracked soon. Gradually, human flesh search developed into a large-scale and well-organized business. The information searcher known as the “bounty hunter” became a professional human flesh search engine “regular army”. The human flesh search mechanism has just grown up.

3. Typical Cases of Human Flesh Search Infringement

In order to understand the nature of human search infringement, I will introduce the following five typical human search infringement cases and briefly review the facts of the case:

3.1. Women’s Cat Abuse Incident

In February 2006, a netizen posted a group of cat abuse video pictures on the Internet. After the incident spread on the Internet, some netizens posted photos of cat abuse women in the “Tianya Community” and made a “universe wanted” “Ling”, the whole network searched for the woman, and the netizens were furious. The incident broke out within 6 days, and the woman’s personal information was dug up.

3.2. Very Yellow and Violent Incident

In December 2007, CCTV broadcast a news on the theme of purifying the network environment, which interviewed a student Zhang Shufan, Zhang Shufan mentioned in the interview: “Last time I checked the information, suddenly a window popped up, very yellow. Violence, I quickly shut it down.” A few seconds

of interviews caused widespread dissemination on the Internet. The phrase “very yellow and very violent” was attacked by posts on major websites. Zhang Shufan received a human search and was also produced. Erotic comics came to attack her (Yu, 2010).

3.3. Death Blog Incident

In 2008, the 31-year-old Beijing female white-collar worker Jiang Yan jumped off the building and died. Before committing suicide, she opened her own “death blog” to record her mental journey before committing suicide. The incident became popular on the Internet. Jiang Yan’s husband Faye Wong became the target of the attack. Netizens searched for human flesh and published his personal information. Some netizens also found the place where Faye Wong’s parents lived. The words “good wife”, Faye Wong was subjected to intimidation, harassment and other online violence, and was dismissed by the unit.

3.4. The Incident of Qian Jun Beating People

The driver Qian Jun beat the sixty-year-old man and was exposed after being recorded by surveillance video. Netizens quickly found the addresses and work units of Qian Jun and his spouse and published the network. They even found the school and class of his daughter under the age of 10. Netizens talked badly about Qian Jun’s family and even called the police station to ask why Qian Jun was not brought to justice.

3.5. Women with Airsickness

The post-90s girl whose net name is Shirley posted an article “Ah!” “Should I Buy a Private Plane” complained about his physical discomfort after taking the plane. As soon as this article was published, there was an uproar on the Internet. Netizens poured into the woman’s personal space, digging her photos and real identity, leaving many attacks. Her remarks.

4. Legal Considerations Brought About by Human Flesh Search Infringement Cases

From the above cases, we can basically understand the characteristics of human flesh search mechanism: First, the speed of human flesh search is astonishing. In some cases, netizens have reached the search results in less than a day, even faster than the speed of police cracking the case. The Internet The information on the Internet is transmitted quickly and widely, and the online speech is mainly in the form of anonymity. As long as the current events meet the appetite of “online viewers”, such events are often fermented very quickly; secondly, because the protagonist of the event center often exists moral ethics Controversy on the Internet, netizens often conduct human flesh searches against others in the name of “justice”, so human flesh searches are often accompanied by insults and attacks on the parties, and even the family and friends of the parties who are not

related to the incident will also be subjected to cyber violence. Finally, human search will bring great public opinion pressure and harassment pain to the parties and those around them. The parties will often clarify the facts or apologize in public due to the inability to withstand the pressure of public opinion. Excessive mental stress, injury, suicide, etc. All in all, human flesh search has a huge impact on the life of the person concerned.

Human flesh search conflicts with privacy. Privacy is a private matter. Anyone who is not known in the field of other people's lives does not violate laws and regulations. Individuals who have nothing to do with public interests have the right to prohibit others from interfering, probing, or making public. The controversy involving the protagonist of most incidents in human flesh search may only be within the scope of moral condemnation, and it is still his personal privacy, or a certain degree of violation of public interest, but it will not be so severely exposed and According to the accusation, netizens must not obtain the permission and consent of the parties during the human flesh search process, so of course they violated their privacy. Netizens understand and spy on the personal privacy of the parties involved in the event in a carnival mode. Usually, the parties' names, family addresses, mobile phones, work units, constellation blood types and their family and friends will be excavated and published. Online.

5. The Legal Rules for "Human Flesh Search" Are Perfect

"Human flesh search" infringement cases are not uncommon, but due to the imperfect regulation of this part of our current laws, many people who wantonly use the "human flesh search" mechanism to infringe on the legitimate rights and interests of others have left opportunities to exploit them. The "human flesh search" legal rule is urgent. The author makes suggestions from the following points:

5.1. Formulate the "Personal Information Protection Law"

The "human flesh search" problem is so serious, the big reason is that my country's current laws do not provide a good protection mechanism for citizens' privacy. In China's current laws, only the right of privacy is included in the scope of civil rights in the Tort Liability Law. The Tort Liability Law stipulates that infringement of civil rights and interests shall bear tort liability in accordance with this Law, and use the enumerated methods to incorporate privacy rights into civil rights (Wang, 2010). Except, the protection of residences in the above-mentioned constitution also falls within the scope of protecting privacy, but the specifics of citizens' privacy rights are not specified in the law, that is to say, the current law in China does not clearly specify the right to privacy Special terms.

In order to avoid online violence and regulate online torts, China should introduce relevant laws, such as the Personal Information Protection Law. It specifically regulates the subject of infringement liability and its responsibility identification, strengthens the norms and benign guidance for online speech, and es-

establishes a benign network cultural orientation.

5.2. Implement the Network Real-Name System

In the Internet world, everyone seems to be wearing a mask to communicate across the screen. The anonymity and opacity of online speech have led to a large number of online infringement incidents. The implementation of the online real-name system determines the infringement of “human flesh search” that is difficult to confirm and to blame. Through the implementation of the online real-name system, it is possible to strengthen the netizens’ sense of responsibility, thereby effectively alleviating the infringement of “human flesh search”. Netizens need to be clear that “free speech” on the Internet does not mean that netizens can speak indiscriminately and damage the legal interests of others. When this happens, the infringer needs to bear legal responsibility for their misconduct. When the Personal Information Protection Law is not yet mature, implementing the real-name system of online speech is a good way to solve the negative problems of “human flesh search”.

The implementation of the online real-name system may require personal information such as real name, gender, date of birth, ID number, and work address to be filled in when the network user registers an account to speak (Zhou & Liu, 2019). Only when the real-name authentication is passed can you speak on the Internet. When everyone in the online world puts off their masks to reveal their true appearance, netizens will truly realize the authenticity of their responsibility for their speech. The Internet real-name system can effectively reduce the occurrence of “human flesh search”, “cyber violence”, and “rumors”. However, the Internet real-name system is destined to be a difficult road, and it is accompanied by the supervision and A series of potential problems such as supervision and personal information trading. There are advantages and disadvantages to the online real-name system, but I believe that with the continuous development of the Internet era, the real-name system will become the only way for online speech.

5.3. Strengthen Industry Supervision

According to China’s Tort Liability Law: “Internet users and network service providers who use the network to infringe on the civil rights and interests of others should bear tort liability.” It can be seen that network operators should also bear the responsibility of improper operation in the “human flesh search” infringement incident. The specific way of assuming responsibility is stipulated in China’s “Tort Liability Law”: “If a network user uses a network service to commit an infringement, the infringed person has the right to notify the network service provider to take necessary measures such as deleting, blocking, and disconnecting the link.” If the operational obligations are not fulfilled, it should be “If the network service provider fails to take the necessary measures in time after receiving the notice, it shall bear joint and several liability for the expanded

part of the damage with the network user. The network service provider knows that the network user uses its network service to infringe If the civil rights of others have not taken the necessary measures, they shall be jointly and severally liable with the network user.” However, this method of requiring the infringer to actively inform the network service provider to protect their rights is still insufficient to protect the interests of the infringed persons. This requires strengthening supervision within the network service delivery service industry.

Network service providers should strengthen industry self-discipline. Operators between platforms can formulate detailed rules and regulations that regulate network speech within the industry. First, network users using this platform should be informed of infringements made by network speeches. Specifically, it can include what kind of rights will be infringed on others by using “human flesh search”. Secondly, it can also specify the responsibilities that should be assumed after infringement, and increase the punishment, such as permanent title. Network operators should also increase their supervision and suppression of on-line infringement, strengthen the industry’s self-discipline, and effectively build a green cyberspace environment (Zhao, 2013).

Of course, it is far from enough to rely solely on the conscious behavior of network service providers, and government agencies should also set up corresponding supervisory agencies. On the one hand, with the industry operators to fulfill their obligations to supervise online speech infringement, with national supervision as the mainstay, network services provide operator assistance, increase punishment for speech infringement, and reduce the occurrence of “human flesh search” cyberstorms; On the one hand, government supervision agencies will also increase supervision of network platform operators, open up channels for public supervision, conduct regular inspection and supervision of network service providers, and criticize, warn and even order unqualified platform operators The method of stopping business to ensure that network operators comply with the rules, monitor network speech, and fulfill their obligations. Through such methods as to promote the industry to develop in a positive and orderly direction.

5.4. Enhance Personal Information Protection

The reason why “human flesh search” can search the real information such as a person’s name, age, address and even ID number on the Internet so efficiently and quickly is not only because the network information is efficient and fast, but the form of “person-to-person” will have a huge impact The wave is also because China’s current protection of personal information is not enough. It is no surprise that personal information is leaked. Network hackers can easily obtain a person’s background information through technical means. After the heated discussion of netizens, the personal information of the protagonists of “human flesh search” is often forced to be exposed to Among the crowd, the right to privacy was completely violated.

Enhanced personal information protection In addition to each of us being careful not to expose private personal information online, network platform operators must also abide by professional ethics, protect customers' private information, and do not disclose or even sell personal information of platform users. Secondly, as mentioned above, corresponding laws such as the "Personal Information Protection Law" need to be introduced. The level of personal information protection in China is not as good as in Europe and the United States. The corresponding laws and regulations are not clear enough to protect the personal information of users, resulting in many "Human flesh search" is a case of infringement of the personal information of others, so the "Personal Information Protection Law" is required.

When the protection of citizens' personal information forms a system of laws and regulations, not only can citizens' personal information be better protected, but the "human flesh search" incident can also be well contained. At present, the second plenary meeting of the Third Session of the 13th National People's Congress is convened. The work report of the Standing Committee of the National People's Congress pointed out in the next main work arrangement that, around the national security and social governance, the Biosecurity Law, the Personal Information Protection Law, and the Data Security Law are formulated It is believed that when the "Personal Information Protection Law" is finally enacted, the "human flesh search" infringement phenomenon can be resolved well.

6. Conclusion

All in all, with the rapid development of network technology, we are ushering in an era of information explosion. We enjoy the convenience and benefits brought to us by the information age. Efficient and convenient information sharing allows us to keep up with the times. Communication, but at the same time, the double-edged sword of the Internet has brought its side effects, that is, the leakage of personal privacy and the rampage of online violence. "Human flesh search" is a double-edged sword in the hands of many netizens, and has to admit that the existence of "human flesh search" has its benefits. Generally, the protagonists of human flesh search are doing things that offend the public's anger. Netizens Punishing the protagonist of the incident through human flesh search has had a positive impact on social integrity to a certain extent. However, the online world is complex and complicated. People often only see one word on the Internet. There will even be unscrupulous media and marketing numbers pursuing click-through rates to lead the wind and distort the truth in order to heat up maliciously. At this time, "human flesh search" will only reduce to the violence of most people, seriously infringe on the privacy of others, and will cause serious harm to the mental health of the parties involved. The American jurist Bodenheimer said: "Justice has a Proteus-like face and is fickle. It can be shaped at any time and has a very different appearance." Netizens only use their own judgment to implement justice. Often it will be counterproductive.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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