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Facebook e-court: Online justice for online disputes

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Owing to their significant popularity, Facebook and other social network sites have gained considerable importance. The popularity of Facebook can be signified through more than 1.2 billion users, i.e. one in every five persons in the world is a Facebook user. It is being used for a variety of activities including sharing of opinions, announcing something or sending invites to parties and events, meeting new people, etc. This paper examines the legal aspects of resolving disputes, which occur in the world of social networking. The social matters are pertinent to the legal aspects. Thus, this article will focus on social science in most areas to present a more thorough approach. For example, the association between disclosure of private information and the friends list, the relation between disputes and social activities and the limitations on viewing others' private profiles will be reviewed.

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1. Introduction

In the entire world, the Internet is one of the top universal technologies. It has facilitated change in the habits of people around the globe. Its features and uses serve all aspects of peoples' lives, such as healthcare, education, research, entertainment, commerce, travel, and science. There are unlimited services and information available. In addition to many other aspects, it is also a way to access legal justice. The benefits of the Internet and its impact have modified the human world and improved the capabilities to record data. It is quite common to see videos becoming viral on YouTube, for example the video "Oh Charlie bit me". Millions of people have watched it. This shows that the Internet has still not reached its full potential. It should be noted that confidence of users in using the Internet has still to increase, in addition to economic and development disparities, so that the Internet can reach its full potential.

For several researchers, a limited level of confidence signifies that a legal system and dispute resolution system is required for the Internet. However, these views are contrary to other researchers who believe in the concept of a non-regulated Internet. The discussions related to Internet governance indicate that there are people who desire safer use of the Internet and a better-trusted online world.

The needs of these users do not match with the nature of Internet itself. Since the Internet is of such vast power and capacity, it is difficult to maintain a set of laws, which can regulate all Internet transactions and activities. For several reasons it is not easy to maintain such control. For example, it is difficult to determine jurisdiction in respect of users' rights and duties and implementation of these regulations when disputes occur, particularly in the case of users in different parts of the world, who thus come under different jurisdictions.

This suggests that the Internet has expanded to the point when it has become impractical to regulate all its activities.

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Secondly, not all tasks in the world have legal solutions. Since the laws progress so slowly, a number of disputes occur even before the law has caught up and sanctioned appropriate rules. To resolve disputes, precedents are usually formed. Therefore, if the Internet is viewed as an online global resource, in its midst are inhabited islands representing a boundary to the rest of the world, each having policies which regulate its citizens. These islands are the social networking sites of Twitter, Facebook, Google plus, etc.

Facebook users, with their billions of 'likes', have broken numerous world records. However, the issue is whether these users require a regulation and dispute resolution system. Are there solutions available for Facebook users and do they require a customised dispute resolution system? If they do, then what type should it be? Will such a dispute resolution system be sufficiently effective to resolve disputes amongst users? All these queries require answers and this paper will present some analysis of the above-mentioned queries.

The questions presented above will be considered first by a literature review of past research and then measuring it against a quantitative study presented in this paper. This will take place in three stages: (i) a discussion regarding the social network activities, the conflicts that can occur, and the options available for users to resolve those conflicts; (ii) analysis of whether online arbitration could be a dispute resolution system for the field of social networking. This will involve discussion of the benefits of online arbitration and the way it might solve domain name disputes, which have been taken from Uniform Dispute Resolution Policy (UDRP); and (iii) whether a legal framework for online arbitration is needed to resolve social network disputes.

Following this, voluntary online arbitration will be discussed. For this, an application will be presented which has been developed to resolve conflicts between friends.

This article then will be broken down into three parts: social network disputes and the role played by online arbitration to resolve these disputes will be analysed in stage one; a legal framework for compulsory online arbitration in the field of social networking will be presented in the stage two; and a hypothesis for this paper will be put forward in the third stage. For this, an application is proposed which provides for a voluntary online arbitration system for all disputes involving Facebook users. This application will be known as the Facebook e-court. It is accessible via www.facebooke-court.com.

2. Social network

The concept of a 'social network' has several definitions and will be used in this article. Sociologists use it to explain the structure of interactions amongst a group of people.¹ According to Danah Boyd² social network sites are basically web-based services. They enable people to:

- (1) Develop a public or semi-public profile within a confined system;
- (2) Present a list of users with whom they have a connection;
- (3) View and check their entire list of connections and the connections made by others in the system.

Facebook is the focus in this article for several reasons. Facebook has an extensive take up as an online social network, having more than one billion users, and is ranked number one on Alexa's list of the most popular websites on an international level at 58.51%, forming almost 46% of social logins.³ Moreover, the vertical growth of Facebook, including Facebook telephone and other services, will increase, enabling more people to join in the immediate future. It is anticipated that this will increase exponentially, since half of the entire world's population is now less than 25 years old⁴ and in comparison to the older generation, this younger generation utilises social network tools more frequently and efficiently.

The considerably high magnitude and success of OSNs is due to the fact that they have an exceptional capability to self-identify and communicate, as well as mimic human intimacy. Profiles can be easily created and updated. This helps with disclosure and self-invention in a perceived community. In addition, Grimmelmann claims that increasing use of social networks and how users use social network services arises due to three key reasons, as follows.⁵

2.1. Identity

This is the most evident social factor since a social network site enables you to state who you are. It was found by Erving Goffman that regular social interactions include numerous attempts, big and small, to make others accept all that you are claiming about yourself. This is also the case with online interactions. Individuals can use a range of resources from their chat nickname to homepage, in order to influence what others think of you.⁶

2.2. Relationships

A social network site facilitates the making of new friends and improves your association with your existing friends. A major aspect of intimacy is the sharing of personal information. Communication technologies have been used over time to connect people even before the introduction of the Internet⁷ and numerous authors have observed the significance of online associations.⁸

³ See <<http://www.alexa.com/topsites>> accessed 21 March 2016.

⁴ 'Population by Age and Sex' <http://esa.un.org/unpd/wpp2008/peps_population-by-age-and-sex_5x1.htm> accessed 21 March 2016.

⁵ Grimmelmann, James, 'Saving Facebook', (2008) Iowa Law Review, Vol. 94.

⁶ Erving Goffman, *the Presentation of Self in Everyday Life*, (Anchor Books 1959).

⁷ Julian Dibbell, *My Tiny Life: Crime and Passion in a Virtual World*, (Owl Books, 1998) 235.

⁸ Lior Strahilevitz, 'A Social Networks Theory of Privacy', (2005) University of Chicago Law Review, Vol. 72, 919.

¹ Linton C. Freeman, *The Development of Social Network Analysis: A Study in the Sociology of Science*, (Vancouver, Canada: Booksurge Publishing, 2004) 180.

² 'Danah Boyd, What's in a Name?' <<http://www.danah.org/name.html>> accessed 21 March 2016.

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