

DOCTORAL THESIS

Constructing the internet panoptic-fortification: a legal study on China's internet regulatory mechanism

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Abstract

With the development of the information network technologies and the popularisation of the Internet, Chinese society is experiencing a Triple Revolution. Regulating the Internet has become a priority in China. In this context, this study seeks a comprehensive and in-depth understanding of China's Internet regulatory mechanism. Through the systematical analysis on Internet law in China, supplemented by the case study on how the issue of the Occupy Movement in Hong Kong was regulated, this study argues that China has developed a hybrid Internet regulatory model, which values both external defense and internal control in pursuit of the goal of cybersecurity, and which combines hierarchical regulation with horizontal monitoring to address challenges brought by contemporary network society. The Internet panoptic-fortification model is developed to illuminate China's Internet regulatory mechanism. The Internet panoptic-fortification model is featured by the centralised control from the authorities and ISPs, the establishment of Chinese sovereign cyberspace with jurisdictional and technical supports, the implementation of the network real-name system and the Internet-surfing record backup system to regulate individual Internet users, and the tight ideological control. This conceptual model reflects important aspects of Michel Foucault's account of governmentality, incorporating both centralised power and diffuse micro-power. This study suggests that China's Internet law to some extent has become an instrument for the state to promote the social discipline in the sovereign cyberspace, and the Internet regulatory mechanism serves for the national security and social stability in a broader context.

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