



An Interpretive Study of Digital Media Laws and Social Media Content

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Abstract: Digital media is a vital mode of communication in the present era of media technology. Almost every person in society is connected to the digital networks of social communication. It's very obvious that communication plays a very crucial role in the development of society and people's opinions. The digital media offer a new world, a new way of thinking, and a new way of communication for the dissemination of information to have a quality growth in the social atmosphere. Similarly, online media such as various social media sites must therefore have ethical guidelines on how Internet users should behave or communicate with each other. The way people communicate is not the same as social media communication in real life, which sometimes leads to legal issues and concerns. The present study mainly focuses on the law and ethics related to digital media content and its significance in the present scenario. The research methodology used in the present study is mainly based on primary data. Some secondary data has also been used to support the analysis of media content.

Keywords: Media laws, Social media, Constitutional rights, Democracy, Social capitals

Introduction

"No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write or print freely on any subject whatever." — Oregon Constitution, Article I, Section 8

Over the past two decades, the development of Internet network infrastructure, followed by the emergence of communication technology products such as smart mobile phones and support programs that can connect directly to the Internet, has led to significant developments in information or communication systems. Access to the network infrastructure is one of the prerequisites for communication via the Internet. Other issues related to the consideration of access include social inclusion, social interaction, and expression. The problem of Internet connectivity has already been solved with the rise of Internet providers, including integrated products and Android. With the advent of social media, users are becoming global generators. Any type of content can be distributed very quickly through social media, to the point where it often becomes problematic, especially if the distributed content can potentially be derogatory or inflammatory. It is very interesting to mention here that the traditional media processes the information before putting it into the public domain as per the guidelines of media ethics, but on the other hand, the content on social media becomes viral immediately with negligible processing. The result is that any type of message that can be easily edited or interpreted according to the requirements of the source can have a

broad impact on the target recipients since the message medium is easily available to both the source and the recipient. Information is very important for the development of any society, and if the information is not well processed and drafted in accordance with media laws, it's a great threat to society and social capital. In the same context, media laws and ethics are of great concern. Social participation is very low due to the high impact of communication via the Internet, and it is very obvious that the authorities' control of social media is also negligible. New media mediated communication has certainly given a new style to communication patterns in the present era. Ethical communication applies not only to the laity, but also to the profession of knowledge and intelligence sharing. The kinetic rise of social media platforms and their effective use in social communication have certainly given a new style to modern democracy. The Internet in the form of digital media or social media sites has fundamentally changed the way individuals and groups around the world interact, transforming the public sector from the communication model of the few and numerous mass media to a diverse structure in which many have become both donors of public discourse and consumers. It is very important to mention that social media is very important for the development and understanding of society. On the other hand, we must not forget that in the age of the technological revolution, social media is also becoming a challenge to a harmonious democracy. Democracy is a highly controversial concept that famously does not accept definitions. For some, the importance of democracy is a key issue. Instead of resolving this debate, this article argues that today's social media ecosystem poses a major challenge to the ethical concerns of democracy, namely "responsibility for the exercise of power and its basic feature." The ethical concern is really a great point to consider in the present era of digital media, as social media is an open platform for all types of media content. The users of social media are now becoming the generators of media content, and there is so much information with fabricated facts and ideas on the walls of social media sites. In this regard, the evaluation of ethical concerns is very important and of great interest. It can also be considered that the law of freedom of expression is compromised at a greater level just to influence the general population with manipulated ideas and opinions.

Discussion Legal Basis of Freedom of Opinion and Expression in India

The recognition and respect of the rights and freedoms of the general population is a core value of democracy, which includes the fair standards that take into account morality, the value of religion, security, and public order in a democratic society. A similar restriction is found in other laws that focus on information provided with the amendment in violation of decency, humiliation, or defamation. An international position on freedom of opinion and expression can also be found in Article 19 of the Universal Declaration of Human Rights. The article states that every nation has the right to express its opinions and expressions. This includes capturing an idea without intervention and finding, accepting, or delivering information or an idea indefinitely through any medium. Freedom of opinion and expression are protected by Article 19.1.a of the Indian Constitution, and they unquestionably empower society and social capital based on the values of humanity and opinion sharing of expression is of great value on social media too, but what we are seeing on social media is of great concern. The issues of the falsification of human character comment on religious sentiments, violence in the name of media entrainment, and defamation of humanity, all in the name of freedom of expression. The other major issues are censorship and issues related to privacy.

Media Laws Vs Social Media

In the context of social media, freedom of speech and expression has been threatened, although the extent of the threat is questionable. If information is censored, it means that the censorship authority does not want the public to be informed about it. Censorship usually comes into play depending on the expected negative effects or the negative effects of sharing unethical or objectionable information or content. Censorship is justified by the fact that the public use of this information can lead to a disruption of the integrity or harmony of the state, the community or some individuals. There are some case studies where it is very lucid that the social media is also undoubtedly used as tool for managing fabricated content to support and promote unethical activities and behavior. These unethical contents can be evidently considered as issues related to media laws.

1. There are so many cases of online crime, such as cyber bullying, which is considered a threat to freedom of expression. In situations where the behavior involves aggressive language and threats of violence, as well as in the case of online harassment and insults, or may be related to humiliating or embarrassing content posted online about the target, which can lead to depression, it certainly falls under the legality of human rights and freedom of expression. Some scholars also claim that young people or schoolchildren are the most vulnerable to cyber bullying because they are at a sensitive age where they lack emotional and mental stability, and therefore laws should provide for their rehabilitation. Anja Kovacs, director, IDPD, stated that such cases of online bullying are increasing due to the high penetration of digital media.

2. Freedom of expression is one of the most valuable rights in a modern democratic state. India was one of the first countries in the world to realize the importance of this valuable principle by including it in its Constitution. As per article 19 of the constitution, freedom of expression is a basic right of every citizen. But it should not allow people to make controversial comments and statements about the sentiments of people, their creativity, and idea generation. As in the case of the movie Padmavat in 2017, the controversy began with the presentation of Queen Padmavati, who sacrificed her life to save the honor of the entire kingdom. Many social groups, like KarniSena, acted very violently and made many comments on the actress and directors of the movie in the name of damaging the honor of any specific community. The use of social media was very negative and, due to this, there was huge damage to the social properties. These radical groups have made it very clear that the presentation of facts in the name of film freedom is wrong, which can harm the esteem and honor of the community. This is undoubtedly a question of free expression and a challenge to the Indian legal system. (abhishek,charvak; isroset:2019)



Fig.1 SocialMedia Hate Message

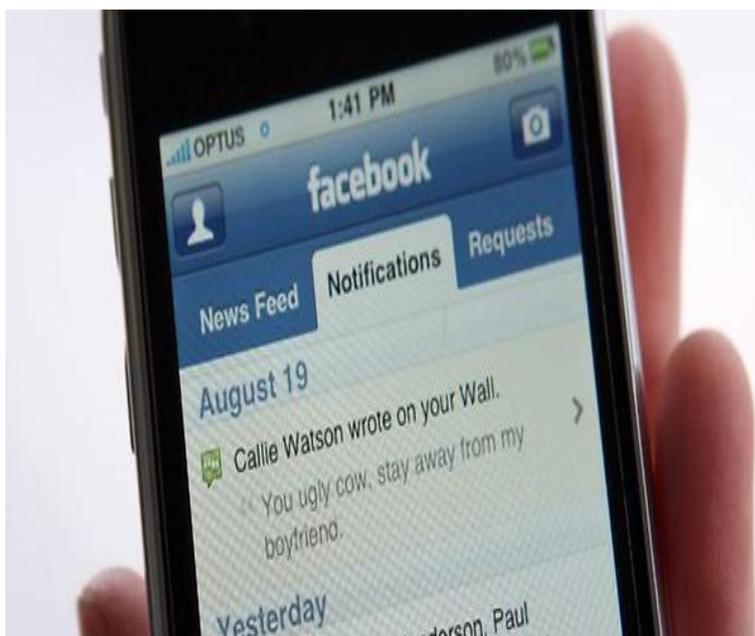


Fig.2. Online Bullying

3. Digital media is becoming very popular in the present generation, but the information is highly fabricated and mismanaged. For example, misinformation and fake news are trends in the present scenario. The social media has many such statements, propaganda, and social messages that are not suitable for the smooth functioning of democracy.

In all these cases, freedom of speech and expression allow the legal coverage of freedom of speech and expression as it is a fundamental right that the Indian Constitution guarantees to all citizens. However, the Constitution does not guarantee an absolute individual right to freedom of expression. Instead, appropriate restrictions that may be imposed on this right by law are considered. However, freedom of expression is essential for the functioning of democracy. For more than half a decade, various circles in society have been considering whether "hate speech"

can be forgiven under freedom of speech. Their positions often vary from case to case. (Engage ewp; 2021). These issues are clearly associated with the conception of law and human rights.

It is very true that social media is a platform to express your opinions and thoughts on any topic. There have been many such events where social media was praised for supporting the right idea and promoting social togetherness for the public interest and togetherness for bringing events in a collective way on various social issues. No doubt, freedom of speech and expression as per the Indian constitution is for all citizens and human beings. No doubt, people are using it for social growth and development. Social media releases tensions between the two communities, which can become dangerous if left unattended. In a country with hundreds of languages and different religious beliefs like India, social media can easily be misused to destroy the centuries-old mantra of unity in diversity.

Objectives

The following are the main objectives of this research based study which attempts to

- Identify and analyse media law cases in the current scenario.
- Explore the purpose of social media laws in the healthy development of society.
- Critically examine the impacts of media laws on the integration of healthy communication patterns.

Research Design and Methods

In this study, we used a quantitative research method to obtain data from Indian social media users. The online interview was compiled in English and shared by around 55 social media users. The respondents were mainly academic professionals, i.e., faculty members aged 30 to 45 years. Of the 55, only 41 rated themselves as suitable and suitable for the study. Descriptive content analysis was used to analyse the data. The analysis was carried out in Excel format. Social media users took part in a random online interview to investigate the ethical concerns of today's social media. Some secondary case studies on the relationship between media laws and social media have also been used to support this study. The data was analysed using simple statistical tools. The results of the study were interpreted in the context of the study design, and general conclusions were drawn about the broader applications of the study results in the following sections.

Findings and recommendations

The study found that social media is widely used by stakeholders to influence the audience in Indian society. The content on social media is very open and sometimes very controversial too. It's a well-known fact that the aim of social media is undoubtedly used to reach the maximum audience in society for social awareness and common ground understanding, but now in the era of globalization, liberalization, and digitalization, most opinion leaders are using social media and compromising media laws for personal or organizational interest. The content on social media is not limited only to social unification, awareness, and understanding.

In the present study, the researchers focused on wanting to know what the public thinks about freedom of expression in digital media. We conducted a survey among people who often use digital media. The elements listed in the investigation were:

1. Do you think it is wise to publish controversial opinions about digital media?
2. Do you think freedom of expression is not under legal coverage and gives absolute freedom of idea presentation? Do you think before posting content online?
3. The issues of online bullying are increasing day by day. Do you believe people have digital media literacy?
4. What do you think the government must do to strengthen the legal framework for freedom of expression in the digital media?

41 respondents fully responded to the interview survey, with an age group between 30 and 45 years old. Out of the 41 respondents, 36% said that they had not posted anything controversial online, while 26% said that it was not safe to publish something blurry or controversial remotely, but they mentioned that freedom of expression is badly compromised on social media like YouTube, Facebook, and Instagram, as the users are putting all vulgar and

disrespectful content in the name of freedom of expression and the concern related to censorship and privacy is not well monitored by the digital media laws and authorities.

Another 83% said that they are well aware of the issue, that freedom is not absolute and there are some restrictions, and that all is certainly coming in the legal framework of the government system, so they thought twice before posting anything on social networks. More importantly, a majority of respondents (89%) felt that they have full freedom of expression and expression, i.e., Article 19.1.a of the constitution. The survey also gave interesting results. The respondents are very clear about the legality of media freedom and the cases of violations of media freedom on digital media platforms. The respondents also mentioned that media literacy is badly needed for the digital media as the media has behaved responsibly towards society. Threats, bullying, and social disrespect are on the rise, and many people are unaware that these are all legal issues. The authorities should also work on this awareness to maintain harmony between people and communities.

Conclusion

Freedom of opinion and expression is guaranteed by the Constitution and legislation, but there is nothing like absolute freedom, as freedom of expression can be a basic right, but if it's used adversely, it certainly raises a question about the harmony of society and the judiciary. Freedom is totally related to the content and information being shared and imparted on the various media platforms. Digital media is very decisive in the present time of digital revolution as digital media, like social media, is everywhere and used by most of the people of society, commonly called netizens. The information shared on digital media or social media undoubtedly has a significant impact on the growth and healthy development of society and social capital. Social media must be carefully and positively monitored and supervised, as content management must be considered within the country's legal framework. Indeed, it is very important for the healthy growth of social intellect. The research paper evaluated the stronghold purpose of social communication and the use of social media as a tool of social awareness. The research also concluded that speech and expression have a positive impact on the behaviour of people, and if content on social media were spread in an uncontrolled way, the impact on people, especially young people, would neither be good nor acceptable as per law. Therefore, as mentioned, social media has a deep root and wide reachability in society. It must be noted that freedom of expression must be taken seriously as it also indicates a sense of social responsibility. Hence, the content on social media must be socially acceptable and legally approved.

References

1. Jeremy Harris Lipschultz (2014). *Social Media Communication: Concepts, Practices, Data, Law and Ethics*. New York, NY:Routledge
2. Media Censorship in China. Retrieved from <http://www.cfr.org/china/media-censorship-china/p11515> 5. Thomas Crompton (2011, January 1). *Social Media in China: The Same, but Different*. Retrieved from <http://www.chinabusinessreview.com/social-media-in-china-the-same-butdifferent/>
3. Adornato, A. C. (2016). Forces at the gate: Social media's influence on editorial and production decisions in local television newsrooms. *Electronic News*, 10(2), 87-104, DOI: 10.1177/1931243116647768.
4. Alejandro, J. (2010). *Journalism in the age of social media*. Reuters Institute Fellowship Paper, University of Oxford, 2009-2010.
5. Belair-Gagnon, V., Mishra, S., &Agur, C. (2014). Reconstructing the Indian public sphere: Newswork and social media in the Delhi gang rape case. *Journalism*, 15(8), 1059-1075.
6. Bloom, T., Cleary, J., & North, M. (2016). Traversing the "Twittersphere" Social media policies in international
7. Gulyas, A. (2016). Hybridity and social media adoption by journalists: an international comparison. *Digital Journalism*, 1-19, DOI: 10.1080/21670811.2016.1232170.
8. Social media has a growing impact on the news #SMING15, Amsterdam.

<https://www.ing.com/Newsroom/All-news/Social-media-has-a-growing-impact-on-the-news-SMING15.htm> accessed 28th March 2017.

9. Johnston, L. (2016). Social News= Journalism Evolution? How the integration of UGC into newswork helps and hinders the role of the journalist. *Digital Journalism*, 4(7), pp. 899-909, DOI: 10.1080/21670811.2016.1168709.
10. Lysak, S., Cremedas, M., & Wolf, J. (2012). Facebook and Twitter in the newsroom: How and why local television news is getting social with viewers?. *Electronic News*, 6(4), 187-207, DOI: 10.1177/1931243112466095. Newman, "The rise of social media and its impact on mainstream journalism", Reuters Institute for the Study of Journalism, Working Paper September 2009.
11. Sivek, S. C. (2010). Social media under social control: Regulating social media and the future of socialization. *Electronic news*, 4(3), 146- 164. Tandoc Jr, E. C., & Vos, T. P. (2016).
12. The journalist is marketing the news: Social media in the gatekeeping process. *Journalism Practice*, 10(8), 950-966, DOI: 10.1080/17512786.2015.1087811. Thomas, C. (2013).
13. Weaver, D. H., & Willnat, L. (2016). Changes in US Journalism: How do journalists think about social media?. *Journalism Practice*, 10(7), 844-855, DOI: 10.1080/17512786.2016.1171162. Weiss, A. S. (2015).
14. The digital and social media journalist: A comparative analysis of journalists in Argentina, Brazil, Colombia, Mexico, and Peru. *International Communication Gazette*, 77(1), 74-101. Wood, J. T. (2009).
15. VinayaDeshpande (2012, December 19). Charges dropped against girls held for FB post on Thackeray. Retrieved from <http://www.thehindu.com/news/national/other-states/chargesdropped-against-girls-held-for-fb-post-on-thackeray/article4214545.ece>
16. India court strikes down 'Facebook' arrest law (2015, March 24 Section 66A). Retrieved from <http://www.bbc.com/news/world-asia-india-32029369>
17. Alexander Howard (2015, May 26). In Saudi Arabia, Embracing New 'Freedom' On Social Media May Come With Serious Risks. Retrieved from http://www.huffingtonpost.com/entry/saudi-arabia-socialmedia_n_7444742.html?section=india
18. Osman Hosain (2015, November 24) Facebook, WhatsApp, Viber blocked 'indefinitely' in Bangladesh. Retrieved from <http://tribune.com.pk/story/997382/facebook-whatsapp-viberblocked-indefinitely-in-bangladesh/>