

## REGULATION OF SOCIAL MEDIA PLATFORMS: BALANCING FREE SPEECH AND HARMFUL CONTENT

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### ABSTRACT

*These days, there is a growing amount of discussion over the influence that social media has on society, particularly in light of any possible negatives that may be associated with it. As a result, the primary foci of this investigation are the three locations at which basic freedoms and social media intersect: freedom of speech, freedom of information, and privacy. To begin, we will investigate the purpose of social media and social networking sites, as well as their evolution since the turn of the twenty-first century and the benefits that they offer. Our objective is to identify violations that were committed in relation to basic rights and social media. A study of the relevant literature provides a description of these unethical activities. This evaluation brings to light a number of concerns, such as the profiling of data, the personal content and privacy settings of users, the variety of sources, the spread of false information, the arbitrary censoring of speech, and restrictions on the right to free expression. Finally, we offer a few solutions to each of those issues that have been brought up.*

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**Keywords:** Social, Regulation, Balancing, Speech.

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### Introduction

Can you tell me a few social media postings from recently? In terms of views and popularity, which videos are now dominating the web? A guy is shown slaughtering Muslims in their mosque while simultaneously taking photographs of the crime and sharing them on Facebook, in addition to a video depicting a woman brutally abusing and neglecting her child<sup>1</sup>. In the footage, the thief greeted the elderly guy with a kind smile and the words "Hello brother." The man was there when the gunshots were fired. Worse yet, during the most recent worldwide pandemic, individuals were caught on camera coughing during COVID-19 transmission attempts or licking random items in supermarkets and pharmacies. This kind of action is referred to by these people as "pranking."<sup>2</sup> The danger associated with these practices becomes apparent when kids watch these films and try to imitate what they see, thinking it would be fun for them, but they end up hurting themselves or even dying. Another famous app that has become quite popular is TikTok. Its "challenges and branks," like the one where ice water is spilled, are famous and popular among the app's youthful user base. Two siblings were eager to follow in the footsteps of a famous actor who had just poured water on himself the day before. Although the actor insisted that the water was boiling, it was actually just plain old water. The end result was that they ended up in the hospital with second-degree burns. While two of the youngster's pals were trying to roll him over while listening to a certain song, this app caused the untimely death of another teen who felt a pressure on his neck and died instantly. This had an impact outside of the US as well, in Qatar, where footage surfaced of a juvenile criminal brutally beating an immigrant worker for no apparent reason.<sup>5</sup> Who is to blame for the recent fatalities? Please inform me who makes these vids. Also, how can we make sure that kids can't view these posts?

The role of social media in modern life has grown increasingly important throughout the years. Because some kids can't eat without seeing something on social media, it's already a tough scenario. To provide just one example, some kids start viewing YouTube videos over lunch and then it becomes a daily habit. "The most ardent users of social media platforms and the new technologies that enable

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regular access to them are children and young people (minors)."Because of this, it is critical to limit access to violent content and ensure that children do not have it in their possession. A lot of people find it gripping and funny to watch films that show violent activities. They end up telling their friends about these movies, who then tell their friends about them. After that, it starts to pass around endlessly till kids see it and it has a negative impact on their mental health. Undoubtedly, civilizations are in a constant state of flux; hence, the measures used to preserve them should be flexible enough to adapt. Therefore, having a powerful tool to regulate violent posts on social media, like the one that will be suggested in the next portion of this work, is very crucial. "Legislative bodies have a clear role to set off, monitor, and regulate the social changes; in addition, they are responsive to those changes."7. The major goal of this article is to protect society by proposing legislation that would outlaw the posting of violent information on social media, irrespective of the platform. Worst of all, the article will avoid talking about free speech and the First Amendment altogether. Consequently, why is this subject so crucial? This film's negative impact on global civilization is a direct result of how quickly it spreads across several social media platforms. The influence these movies will have on young people, who often mimic the actions of others they see on social media, is a major cause for worry. Evidence of this may be seen in the widespread distribution of the violent films, which killed many children and affected many more in a bad way.

### **Methodology**

In this literature review, we evaluate accounts of social media-related violations of basic human rights. The right to privacy, the right to free speech, and the right to access information are all violated in this way. This review includes articles that were published between 2008 and 2018 that cover those issues.

By combining the search terms "Social media" with "Rights" and "Freedoms," the Scopus database (2018) revealed 148 academic articles published between 2008 and 2018. The objective of developing a theme analysis in response to Segado-Boj, Grandío, and Fernández (2015) was to identify the most significant subjects explored in the field and the major discourses present in the literature. After these problems were identified, workable solutions were suggested to handle the main points where fundamental rights and freedoms interact with social media platforms.

### **Results**

#### **• Free Speech**

The right to freely express oneself has been an essential component of democratic principles ever since the development of the printing press (Sunstein, 1995; Martin, 2001). Regulatory oversight of the creation and distribution of content on newly developed media is something that is always being demanded. On the social media platforms, it is feasible to disseminate and make use of this expansive idea of free speech.

The following are the primary concerns with social media and free speech:

#### **• Arbitrary Censorship**

According to Plantin, Lagoze, Edwards, and Sandvig (2018), people now openly discuss and trade information about politics and social issues on social media. Regardless, the centralized management and governance structure of social media remains unchanged. Companies may now limit the flow of information and hide or conceal difficulties, among other consequences. Among the numerous consequences, this is but one. Public content shared on social media platforms can be edited or removed by the business hosting the platform, according to Plantin et al. (2018).

This situation presents an opportunity for social media sites to work together with law enforcement in the fight against illegal activities, hate speech, and terrorist groups. They may also be useful in identifying and prosecuting members of these groups as well as in removing any propaganda or information linked to them.

The fact that social media companies may remove posts and information from their sites whenever they choose is a drawback of these services. This undermines the power of these platforms to control the information that users post and also threatens the freedom of speech.

From what was said before, they do occasionally exercise this jurisdiction to protect society from damaging or illegal content. Any scenario including explicit sexual content, violent images, or other sensitive subjects falls under this category. In contrast, there is a constant barrage of accusations that social media corporations block information for no good reason at all. Facebook falsely accused the feminist group FEMEN of "promoting pornography" when its members displayed nudity during their protests.

- **Boundaries of Free Speech**

It is well acknowledged that the right to free expression is not absolute but rather limited by other fundamental rights. Hate speech, false news, defamation, criminal groups and activities, and hate speech are now the most contentious topics highlighting the need for these restrictions.

Legal action may be taken against a social media platform even in the US, where the right to free speech is guaranteed by the First Amendment, if it is found to contain content that could incite or support terrorist activities or groups (Tsesis, 2017a).

A more stringent crackdown on news outlets and harsher penalties for individual users might be based on the very idea of terrorism. Legal action against social media companies and ISPs is now limited to specific situations where posts encourage indoctrination, recruit members for terrorist groups, or incite terrorist activities, according to a US court ruling.

- **Freedom of Information**

For many people throughout the globe, social networking sites now serve as their primary news source. The majority of Americans (68%) follow news stories on social media at least somewhat often, according to Matta and Shearer (2018). Facebook is the primary news source for 48% of Spanish Internet users in Europe. Newman, Fletcher, Kalogeropoulos, and Nielsen's results were published in 2018. As stated before, commenting and sharing news has grown in popularity and is now an essential aspect of social media platforms (Noguera-Vivo, 2018; Masip, Guallar, Suau, Ruiz-Caballero, & Peralta, 2015). This is so even when "citizen journalism"—the practice of consumers creating their own informative content—does not occur very often (Wall, 2015). Because of this, steps should be done to make sure that social media sites are trustworthy places to share and get factual, unbiased information. For democracies, this is a fundamental tenet.

- **Information Quality: Detecting and Flagging Fake News**

Social media sites, and Facebook in particular, have come under fire for allegedly influencing voters' decisions and the results of the US presidential election by the content they allowed to circulate. Out of all the concerns voiced about this topic, the term "fake news" has allegedly received the most amount of attention (Allcott and Gentzkow, 2017). "Fabricated information that mimics news media content in form but not in organizational process or intent" is one way to describe them (Lazer et al, 2018). False news reports are one kind of such information. News satire, news parody, fabrication, manipulation, advertising, and political propaganda are all part of this umbrella phrase, according to Tandoc Jr., Lim, and Ling (2018). According to Ardèvol-Abreu and Gil de Zúñiga (2017) and Chadwick, Vaccari, and O'Loughlin (2018), it is possible to attribute fake news, partisan information, or low-quality journalism tainted by sensationalism or editorial bias to a widespread lack of faith in journalism and the media as a whole. As an added downside, social media has greatly promoted a new, solitary, and superficial way of consuming news (Muller, Schneiders, & Schafer, 2016). Before, news was disseminated under broad categories, organized hierarchically, and delivered in a structured packaging that made it easy for consumers to understand and assess the content. Groot Kormelink and Costera Meijer (2019) state that this new paradigm includes non-news content and different types of communications alongside news and discussions on civic issues.

- **Diversity of Sources, Topics and Views**

In most cases, viewers and users of social media platforms get their news and information through a personalized and automated selection process driven by well-designed algorithms (Bucher, 2012). In computing, "algorithm" signifies "embedded programs that analyze past user data and search history in combination with other users' searches and history" (Cohen, this year). Digital results are computed with the help of these algorithms, and viewers are provided with feeds that mirror their individual immersive media settings. There may only be 29% of the population that knows that algorithms determine what shows up in news feeds and timelines on social media, but these algorithms are crucial to the development of social media and other online environments (Digital News report, 2018). Users, however, are starting to value algorithmic selection more than old-fashioned editorial curation (Thurman, Moeller, Helberger, & Trilling, 2018). This is due, in large part, to the widespread perception that the media exhibits an unhealthy dose of prejudice.

On the other hand, algorithms cannot ensure that data is neutral or typical of the total. Unfortunately, there is evidence that algorithmic selection can't guarantee fair data transfer every time. There has to be some thought given to this. Bozdag (2013) asserts that human and technological factors

can impact news algorithmic filtering and priming, which in turn might define the news's kind, direction, or source. Consequently, critics have pointed out that biased algorithms might emerge and pose a serious threat to AI (Knight, 2017).

A tailored news selection based on each user's interests and preferences is the end result of these kinds of algorithms. The news feed of each one Facebook user is distinct from every other user's feed on the network. It has been argued that algorithms used by social media platforms to choose content add to the growing inequality and individualization in this environment (Just & Latzer, 2017). However, this is different from the old-fashioned model of mainstream media, in which viewers were dictated what to see and what to hear. People aren't getting enough information from a variety of sources because of the way people are now consuming news. Pariser (2012) uses the metaphors of a "filter bubble" or a "echo chamber" to explain a scenario in which people only see content that confirms their preconceived notions and biased opinions. These terms describe the same thing: the "filter bubble" or "echo chamber." This element plays a role in the rise of political polarization and extremism. But some empirical research suggests this influence could be exaggerated and its effects might not be as strong as first thought (Dubois & Blank, 2018b).

- **Privacy**

An further fundamental right affected by social and digital technologies is privacy, as stated in the resolution "The protection of privacy and personal data on the Internet and online media" (Rihter, 2011). Specifically, the resolution emphasizes this.

However, the use of personally identifiable information is one of the concerns in this area. Thanks to the explosion of digital technology, service providers and platforms may now collect and analyze a plethora of consumer data. An internal use of this data does occur from time to time; for instance, it may be used to assess the content's efficacy or to study user behavior in order to enhance specific features. Data sale to unaffiliated third parties is an integral aspect of several social media businesses' business models. In order to get this data from other places, a more direct approach called "semantic polling" might be used.

- **User Consent and Privacy Settings**

The data that can be found on these sites seems to be directly related to the subject at hand. In most cases, customers have no idea that a service is collecting data about them based on the way they use it. Golbeck (2013) cites the idea that Facebook calls "self-censorship posts" as a noteworthy example. There is no way for this social media site to lose any of a user's posts or comments—not even if they never publish or delete them.

In this case, user consent is vitally critical. Users are bound to a collection of use terms and conditions when they sign up for and engage with social networking services. Most individuals don't understand what these terms and conditions signify, even if they sound like contracts. Their presentation to customers is frequently riddled with obtuse and complicated terminology since their main goal is to sidestep legal complications rather than to clarify the services' impacts.

- **Data Profiling**

It is well-known that Facebook allows advertisers to contact accounts whom the platform's algorithm has labeled as "jew haters" (Angwin, 2017). Another study by Wang and Kosinski (2018) found that automatic data classification can identify homosexual users, even if the user does not knowingly provide the platform with information about their sexual orientation. Some are worried that this profiling may lead to social media businesses collecting too much personal information about their users and then using that information in their apps. Additionally, this data profile may be able to handle the type of micro-targeted advertising that may cause some worry.

## **Conclusion**

Efforts to control the business have been made recently, but civilizations are still suffering from the fast proliferation of horror films. The people who shared it and those who stole it are currently attempting to legally cover themselves by citing the First Amendment and the freedom of expression. The rapid expansion and extensive usage of social media platforms has brought to light a variety of criminal concerns that have a negative impact and are becoming worse, as is the case with other internet-related activities."Is 67 Governments must take proactive measures to mitigate this effect before it worsens, as societal issues might worsen if we do nothing.

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