Ekonomi ve Dış Politika Araştırmalar Merkezi

edam

A PRIMER ON MISINFORMATION, MALINFORMATION AND DISINFORMATION

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INTRODUCTION

Although disinformation is not a new problem and challenge, it has become a popular topic of discussion and even a buzzword with many different dimensions. Disinformation carries both social and political implications. Hence a multidimensional approach is needed to understand the effects of disinformation, its nature, and the strategies that can counter it. To comprehend the significant challenges disinformation presents to societies, one must understand and analyze the dynamics and context of our current media ecosystem. In addition, the criteria defining disinformation and approaches and frameworks developed for detecting disinformation are important components in adopting policies to address the challenges and problems associated with it. Thus, policies developed to counter disinformation are intrinsically tied to the semantic debates surrounding it. Consequently, this study aims to provide a comprehensive and concise overview of disinformation, its effects, the literature and the approaches developed to tackle disinformation-related challenges.

The paper is divided into 4 chapters. The first chapter will establish the relevance of this discussion by explaining the background and the trends. It will also introduce and describe the main challenges and problems of the new digital media ecosystem which amplifies the information disorders. The second chapter will mainly conduct a literature review and focus on the main debates and discussions in academia to underscore and explain the challenges of defining disinformation. Drawing on this discussion, the third chapter aims to analyze and explore the case for public intervention. Firstly this chapter will discuss the necessity of regulation or certain mechanisms to tackle disinformation (mainly public intervention). Afterwards, the risks, challenges and pitfalls of public intervention will be examined and discussed. Fourth and the last chapter aims to compare and analyze the approaches of western institutions such as the European Union, Council of Europe, NATO and countries such as Germany, France and the US.

CHAPTER 1: DIGITAL MEDIA ECOSYSTEM AND DISINFORMATION

Digital Media as a Medium

Neither digitalization, nor digital news media and social media platforms, are new phenomena or trends. Digital media as a concept is widely recognized as one of the key dimensions and aspects that shape the public and political discourse since digital news media and social media platforms are highly influential mediums of communication. Therefore, it's necessary to examine and analyze the trends, significant changes, and dynamics in this field to comprehend the information ecosystem, interpret the changes, and identify effective solutions. The significance of this endeavor could be emphasized with the famous phrase "Medium is the message.[1]" coined by the famous communication theorist Marshall McLuhan. In his book, he argues that the way each medium transmits and disseminates information is different due to their inherent differences and as a result this dramatically affects how the content is transmitted and consumed. Thus the message that the medium carries is "the change of scale or pace or pattern that it introduces into human affairs."[2]. In conclusion, the specific characteristics of a medium should be considered a significant factor when assessing its impact on society. Therefore, analyzing and discussing the impact of digital media necessitates examining its prevalence in the current media ecosystem and its key characteristics.

The prominent role and substantial share of digital media, including social media platforms and information pollution in the media ecosystem, are not recent trends. Nonetheless, to articulate and underscore the significance and impact of the policies and strategies being devised to counteract disinformation, it's crucial to outline the current context and dynamics. Information operations and information pollution have existed for a long time, although the digital news media and social media platforms have dramatically increased the impact and the potential threat of the information crisis. Contrary to traditional media, due to the specific characteristics of social media platforms and the digital landscape "content no longer needs to be created by professionals, content creators may be anonymous, the absence of editorial policy, unlimited publication space and finally the extremely vital role consumers play as gatekeepers and amplifiers of information, able to decide through new technologies what other consumers also consume."[3]. While these specific characteristics dramatically increase the capacity of multiplication of information disorders such as misinformation, disinformation and malinformation, various studies and analyses reveal that the abundance of information and the increasing informational capacity negatively

1   Marshall McLuhan and Lewis H. Lapham, Understanding Media: The Extensions of Man, Reprint edition (Cambridge, Mass: The MIT Press, 1994). 7.
2   Ibid 8.
3   Androniki Christopoulou, "The Information Disorder Ecosystem: A Study on the Role of Social Media, the Initiatives to Tackle Disinformation and a Systematic Literature Review of False Information Taxonomies," April 18, 2019, https://repository.ihu.edu.gr//xmlui/handle/11544/29381 .18.

impact the attention span and the cognitive ability of the public[4]. As a result, the abundance of content online and the limits of human attention span, intensify the competition for consumer attention. This is further amplified by the low barriers to entry in this attention economy which makes it possible for various actors with different agendas and goals to participate in and engage with consumers in this space. Moreover, this attention economy monetizes disinformation and makes it a lucrative business[5].

Additionally, regarding the attention economy and the spread of false or misleading information, it is also important to note the role of social media platforms and algorithms in this digital media landscape. The fact that the algorithms of these social media platforms have as their primary goal to attract user attention and boost engagement, deepens the information crisis by enabling false or misleading information to spread faster and more effectively. This dynamic can be further explained by the common characteristics of the content created with the intent to manipulate the consumer. Research shows that the impact of false online content is amplified by digital media since false online content, due to its characteristics (being scandalous, using emotional language, appealing to negative emotions) has a bigger potential to attract attention and increase engagement.[6] Moreover, online content that is more controversial and overshadows the ability to act rationally by appealing to emotions, offers opportunities to actors aiming to make a profit or influence large audiences, as it facilitates the spread of content through interaction between users and can be supported by algorithms that aim to generate interaction[7].

While it is generally accepted and supported by research that the spread of verifiably false information is faster and easier in digital and social media, to understand the significance of this problem and why measures need to be taken to address it, it is necessary to examine how large and significant the difference between the spread and influence of verifiably true information and verifiably false information is.

The comprehensive research by Vosoughi et al., examining the spread of true and false news (verified by several independent fact-checking organizations) on Twitter from 2006 to 2017, reveals that the spread of false news is significantly swifter than that of true news. False news reaches 1500 people 6 times faster than true news reaches the same number of people and these false news are spread by robots and humans at practically the same rate[8]. This difference is even larger for political news. According to the study, while in general falsehood reached more people faster and got retweeted more compared to the truth, " False political news

4   Stephan Lewandowsky et al., "Technology and Democracy: Understanding the Influence of Online Technologies on Political Behaviour and Decision-Making," JRC Publications Repository, October 26, 2020, https://doi.org/10.2760/709177.   27.

5   Camille D. Ryan et al., "Monetizing Disinformation in the Attention Economy: The Case of Genetically Modified Organisms (GMOs)," European Management Journal 38, no. 1 (February 1, 2020): 7–18, https://doi.org/10.1016/j.emj.2019.11.002. 9.

6   Stephan Lewandowsky et al., "Technology and Democracy: Understanding the Influence of Online Technologies on Political Behaviour and Decision-Making," JRC Publications Repository, October 26, 2020, https://doi.org/10.2760/709177. 62-63.

7   Bertin Martens et al., "The Digital Transformation of News Media and the Rise of Disinformation and Fake News," SSRN Electronic Journal, 2018, https://doi.org/10.2139/ssrn.3164170. 22.

8   Soroush Vosoughi, Deb Roy, and Sinan Aral, "The Spread of True and False News Online," Science 359, no. 6380 (March 9, 2018): 1146–51, https://doi.org/10.1126/science.aap9559. 1146, 1148.

traveled deeper and more broadly, reached more people, and was more viral than any other category of false information. False political news also diffused deeper more quickly and reached more than 20,000 people nearly three times faster than all other types of false news reached 10,000 people... Although all other categories of false news traveled slightly more broadly at shallower depths, false political news traveled more broadly at greater depths, indicating that more-popular false political news items exhibited broader and more-accelerated diffusion dynamics."[9].

It's also important to note here that the impact social media, as a medium, has on society is further amplified by another significant trend: the decline of local news. Due to the major shift to online news consumption and a lack of resources, most of the local newspapers aren't able to invest in digital media and lose a huge amount of their readers. Furthermore, the rise of social media and consumers being able to consume news on social media platforms for free has dramatically impacted the business model of local newspapers and a significant number of these newspapers closed down as a result of declining revenues and readership.[10] This decline of local newspapers is an important phenomenon that exacerbates the negative impacts of information disorders and digital media. "Local news is a vital tool for civic engagement; the FCC has reported that as much as 85% of the news that feeds local democracy comes from local papers. Without news media providing this civic function, the public becomes less informed about issues that affect them and there is an agenda-setting vacuum left behind." [11].

The dynamics of the diffusion of false news online explained above show that, specific characteristics of digital media (entry costs, attention economy, monetization, increased interaction between users, algorithms that aim to promote engagement and attract attention) amplify the impact of information disorders, namely misinformation, disinformation and malinformation.

The Risks and Challenges Faced by Societies

The definitions and differences between these information disorders will be explained in detail in the following chapter. However, before delving into the differences between misinformation, disinformation and malinformation, it is imperative to examine the main challenges and problems that society confronts in the digital media environment, because only in this way can one understand the necessity of taking action to address these problems and the need for a conceptual categorization, when developing an approach to effectively regulate the digital media landscape without violating people's rights and freedoms.

9   Ibid 1148.
10   Becca Lewis and Alice E. Marwick, "Media Manipulation and Disinformation Online," Data & Society (Data & Society Research Institute, May 15, 2017), https://datasociety.net/library/media-manipulation-and-disinfo-online/.41 .
11   Ibid 42.

Globally media consumption behaviour in the last ten years has been dramatically affected by the change in media landscape. According to Eurostat data in 2021, among internet users aged 16-74, 72% have used internet for reading news sites, newspapers or news magazines. Even though these numbers have varied from country to country, even in countries with strong traditional media presence such as Germany and France, 62% and 63% of users have used internet for reading news[12]. Although, 2022 Reuters Digital News Report shows that, while global consumption of traditional media declined, online media consumption hasn't been able to bridge this gap. Consequently, as explained by the report, even if the majority still remains engaged, many people are losing interest in the news. According to the report, between 2017 and 2022, overall interest in news has fallen from 63% to 51% with trust levels following suit[13]. While the report highlights the decline of people's engagement with the news, the confusing digital and social media environment for consumers is presented as one of the main reasons that drive down people's engagement. Considering the fact that people who use social media as their main source of news are a lot more concerned about whether a news story is true or not than those who do not use social media to get information[14]. The confusion and apathy stemming from rapid media change is only one of the main current challenges societies face globally. Citizens' inability to distinguish truth from disinformation and misinformation can undermine the political process, particularly the electoral process in democratic countries, by preventing voters from making informed decisions, while increased cynicism can lead to long-term societal problems by reducing trust in credible and reliable official institutions. Moreover, by exploiting the vulnerabilities of the digital media ecosystem, the spread of false information could also amplify social divisions[15]. This division, fueled by information disorders emerges as a key challenge to democratic societies. Due to the increased polarization, people "are getting more isolated and are becoming more divided into 'truth publics' with parallel realities and narratives online."[16]. This digital media and social media platforms should be considered as where appropriate solutions and policies should be developed to tackle information disorders that lead to various negative social and political impacts. However, developing a comprehensive approach necessitates an adequate categorization and classification of information disorders. As argued by many academics, the lack of a comprehensive categorization makes it a lot more difficult to identify the nature of the problem which makes it almost impossible to take effective measures that get to the root of the problem and efficiently address it. Furthermore, treating all false or misleading information as harmful and as a problem that needs to be tackled, can seriously undermine freedom of expression.

12   "Consumption of Online News Rises in Popularity," accessed May 9, 2023, https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220824-1.
13   "Digital News Report 2022," Reuters Institute for the Study of Journalism, accessed May 9, 2023, https://reutersinstitute.politics.ox.ac.uk/digital-
14   news-report/2022. p 10-11
15   Ibid 26.
16   Ibid 11.

CHAPTER 2: LITERATURE REVIEW

Given the aforementioned challenges, it is of utmost importance that both civil society, policymakers and the private sector agree on terms and definitions to combat this multidimensional challenge and that these terms and definitions do not pose new risks to rights and freedoms. (For this very reason, the literature and academic debate on this issue stand out as crucial components. There are many different terms and concepts that have been and are being used in the literature to describe false, misleading or fabricated information such as false news, digital misinformation, rumors and fake news. However, among these, the term fake news stands out compared to the others, as a term that has been widely used and abused in public debate.[17]

"Fake News" as a term: What does it mean?

While there are studies that focus on examining fake news in an academic context, there are two main reasons why the term fake news is seen as problematic, and its use is generally avoided in an academic context. Firstly, the term fake news is too broad. It is not suitable for a precise and nuanced analysis, as it is used for many different types of information, ranging from honest mistakes made by reporters and partisan political discourse to foreign actors undermining and interfering in the political process of democratic countries[18]. The research conducted by Reuters Institute demonstrates that in the eyes of the public, the term "fake news" is generally associated with poor journalism, propaganda from political actors, advertisements and sponsored content online.[19] Moreover, "fake news" as a term is highly politicized. Besides being a vague term, as Ethan Zuckerman noted in 2017, fake news has been used by Trump as an effective tool to advance his political agenda.[20] Additionally, the politicization of the term is not limited to Trump and his administration, "fake news" is appropriated as a buzzword by many politicians in different countries and "In this way, it's becoming a mechanism by which the powerful can clamp down upon, restrict, undermine and circumvent the free press." [21]. Consequently, due to the reasons mentioned above, both the literature and organizations such as the EU and the Council of Europe refrain from using fake news as a term and utilize relatively clearer and more precise definitions and categorizations to identify information disorders.

18   Madeleine De Cock Buning, A Multi-Dimensional Approach to Disinformation : Report of the Independent High Level Group on Fake News and Online Disinformation (Publications Office of the European Union, 2018), https://doi.org/10.2759/739290. 10.

19   "'News You Don't Believe': Audience Perspectives on Fake News," Reuters Institute for the Study of Journalism, accessed May 10, 2023, https://reutersinstitute.politics.ox.ac.uk/our-research/news-you-dont-believe-audience-perspectives-fake-news.

20   Ethan Zuckerman "Stop Saying 'Fake News'. It's Not Helping.". January 31, 2017, https://ethanzuckerman.com/2017/01/30/stop-saying-fake-news-its-not-helping/.

21   Claire Wardle, Hossein Derakhshan. "INFORMATION DISORDER: Toward an interdisciplinary framework for research and policy making". Council of Europe. (F-67075 Strasbourg Cedex, October 2017). 16.

Misinformation, Disinformation and Malinformation

In order to understand what disinformation is, the subject of this paper, and to understand how it differs from the pervasive term fake news, it is first necessary to examine the meaning and definitions of the related terms such as misinformation and malinformation in the literature, as well as the main criteria that distinguish disinformation from these two other terms.

The semantic debate in the literature hinges on 2 main axes, namely intention to do harm and falsehood. These two criteria distinguish between the terms misinformation, disinformation and malinformation.

According to the conceptual framework developed by Wardle and Derakshan, misinformation is: "Information that is false, but not created with the intention of causing harm.[22]". Disinformation is: "Information that is false and deliberately created to harm a person, social group, organization or country."[23] and malinformation is defined as "Information that is based on reality, used to inflict harm on a person, organization or country."[24]. Therefore, in alignment with this widely accepted framework, the main criterion that distinguishes disinformation from misinformation is the intention behind the dissemination of information. During the dissemination process of misinformation, the actor sharing the information does not share the information as false or misleading information intended to cause harm, whereas for disinformation, it should be taken into account that this action is done deliberately. What is important here is that this definition is independent of the resulting effect of the dissemination of information. Misinformation, like disinformation, is false or misleading and can lead to social polarisation, manipulation and various negative consequences. However, the main distinguishing dynamic here is not the effect it causes, but the fact that disinformation is deliberately false or misleading and it is intended to cause harm.

It becomes evident that the primary difference between malinformation and disinformation lies in whether the content of the information is false. Even if both disinformation and malinformation have the intention of harming an actor, state or organization, in terms of their creation and dissemination objectives, it is the nature of their relationship with the truth that distinguishes the two terms, as opposed to the difference between misinformation and disinformation. Examples of malinformation within the framework of this definition include leaks, hacking and publication of personal information[25].

22   Claire Wardle, Hossein Derakhshan. "INFORMATION DISORDER: Toward an interdisciplinary framework for research and policy making". Council of Europe. (F-67075 Strasbourg Cedex, October 2017). 20.
23   Ibid.
24   Ibid.
      "Understanding Information Disorder," First Draft, accessed May 12, 2023, https://firstdraftnews.org/long-form-article/understanding-information-
25   disorder/.

INFORMATION DISORDER
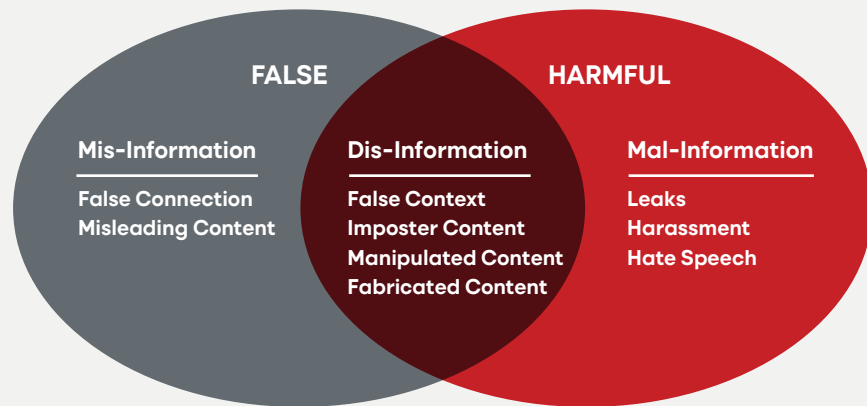
Claire Wardle, Hossein Derakhshan. "INFORMATION DISORDER: Toward an interdisciplinary framework for research and policy making". Council of Europe. (F-67075 Strasbourg Cedex, October 2017).

Even though disinformation is considered the intersection of other information disorders such as malinformation and misinformation and has a more limited, precise and clearer definition than concepts such as fake news and problematic information, remains susceptible to politicization and may be interpreted differently by various actors.

The shortcomings of defining disinformation based on truth and intent to harm: Criticisms in the literature

Criticisms centered around the shortcomings of this definition of disinformation are quite common in academic literature. They argue that the unambiguous characterization of an information as true or false is problematic because the truthfulness of information cannot always be objectively assessed because the way in which information is perceived and evaluated by people is highly dependent on the social context and socially constructed reality, and subjectivity has a great influence on this evaluation process. In a similar vein, certain scholars argue that disinformation can exist outside the dichotomy of true and false, and that disinformation can be true but misleading information[26]. Beyond the debates concerning the criteria of truthfulness and falsity, the criterion of "intent to harm" and how to define and comprehend this intention also constitutes a significant subject of debate, both in theory and practice. Karlova and Fischer explain the problems of focusing on the intention behind the action as a criterion in several

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26   Natascha A. Karlova and Jin Ha Lee, "Notes from the Underground City of Disinformation: A Conceptual Investigation," *Proceedings of the American Society for Information Science and Technology* 48, no. 1 (2011): 1.

different ways, highlighting the difficulty of analyzing people's intentions in this regard. They explain the problems of focusing on the intention behind the action as a criterion in several different ways, mentioning the difficulty of analyzing people's intentions in this regard. In their model, Karlova and Fischer emphasize the difficulty of understanding the motivations and intentions of the actors who produce or disseminate disinformation. They argue that disinformation doesn't necessarily have to intend harm[27], by stating that "people often disinform in the service of socially acceptable expectations, such as the performance of community membership, adherence to cultural values..."[28]. Therefore, the model developed by Karlova and Fischer classifies intention as an unknown and defines disinformation as information that deliberately aims to deceive the recipient of the message, regardless of the underlying intent. However, similar to the previous definitions, the point to be considered here is not whether the recipient of the message is deceived or not, but the intention of the message to deceive[29].

	Information	Misinformation	Disinformation
True	Y	Y/N	Y/N
Complete	Y/N	Y/N	Y/N
Current	Y	Y/N	Y/N
Informative	Y	Y	Y
Deceptive	N	N	Y
Y=Yes; N=No; Y/N=Could be Yes and No, depending on context & time			
Table 1. A summary of feauters of information, misinformation, and disinformation.			

Source:

The Global Disinformation Index, on the other hand, proposes a relatively different approach from the conceptualizations so far and makes extensive criticisms. The GDI states that if deliberately sharing information online with the intention of lying is considered disinformation, posts about Santa Claus could also be considered disinformation, and argues that disinformation determined on the basis of falsehood and intention is incomplete and erroneous, since a dichotomy of right and wrong is not a comprehensive approach[30]. GDI argues that "definitions that overly rely on true versus false dichotomies – or related solely on fact checking – miss some obvious examples of disinformation. One such scenario would be an instance where a malicious actor was crafting a misleading narrative by selectively presenting cherry-picked elements of fact without providing a complete picture."[31]. Thus, the framework for disinformation proposed by GDI, "Adversarial Narrative Conflict" focuses on the techniques of disinformation rather than the semantic

27   Natascha A. Karlova Fisher Karen E., "A Social Diffusion Model of Misinformation and Disinformation for Understanding Human Information Behaviour," (Professor T.D. Wilson, March 15, 2013), https://informationr.net/ir/18-1/paper573.html.
28   Ibid.
29   Ibid.
30   Danny Rogers, "Disinformation as Adversarial Narrative Conflict". Global Disinformation Index. 22.06.2022. https://www.disinformationindex.org/blog/2022-06-22-disinformation-as-adversarial-narrative-conflict/.
31   ibid

discussion and this model defines disinformation as "Intentionally distributed narratives without a required chronology or sequence of content ("artefacts"), and which seek to enrage and divide internet users[32]" and as per this definition it "operates across multiple platforms, is driven by a spectrum of threat actors, cloaks seeds of truth in conspiracy, and uses language and content to form narratives that fan the flames of conflict."[33].

The need for frameworks and methods to detect and define disinformation

The aforementioned discussions in the literature show that there are areas of consensus in the definition of disinformation, as well as areas where criticisms are prevalent and open for debate. These discussions make it clear that additional mechanisms and frameworks are needed to regulate and detect disinformation, whether by social platforms or by governments, and to develop policies to take measures against it.

If attempts are made to regulate disinformation without these frameworks and mechanisms, challenges such as determining intent, defining harm, and deciding when information is considered false (as discussed above) can be manipulated and abused by various actors. This could lead to censorship and undermine values that should be prioritized in democratic societies, such as freedom of expression. Additional frameworks and mechanisms for regulation in this area therefore remain crucial to safeguard the principles that ensure the functioning of a free and open society and the rights and freedoms of people.

Developed Frameworks to Better Understand Disinformation

The ABC framework, first proposed by Camille François, is one of the important frameworks developed to regulate and detect disinformation. This framework is divided into 3 different dimensions as Actor, Behaviour, Content and defines the main characteristics of disinformation in 3 different areas. The aim is to prevent the problems that may arise from focusing only on the individual actor, only on the content shared or only on the behaviour that is seen as suspicious, and to prevent disinformation from being understood and interpreted through a singular lens[34]. This approach points out that, public debate mainly (especially in the US) focuses on who the manipulative actors are, social media platforms and the tech industry mainly focuses on deceptive behaviour, and governments mainly focus on harmful content and regulating what content can and cannot be shared. Therefore, the

32   "Adversarial narratives are the new model for disinformation". Global Disinformation Index. 01.08.2019. https://www.disinformationindex.org/blog/2019-8-1-adversarial-narratives-are-the-new-model-for-disinformation/.
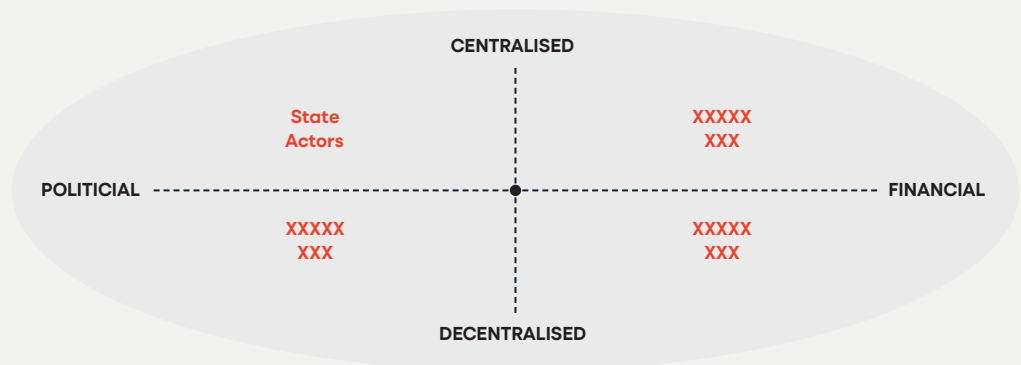
33   ibid

34   Camille François. "Actors, Behaviors, Content: A Disinformation ABC Highlighting Three Vectors of Viral Deception to Guide Industry &Regulatory Responses". Transatlantic Working Group. 20 September 2019. Accessed 08.12.2022. https://science.house.gov/imo/media/doc/Francois%20Addendum%20to%20Testimony%20-%20ABC_Framework_2019_Sept_2019.pdf.

ABC framework is developed since each dimension has different consequences, different disciplines have to be included to detect and define disinformation[35]. Building upon this framework, James Pamment proposes to add the components of Degree and Effect which create a disinformation ABCDE. In this framework the Degree component focuses on the distribution of the content and the audience that the content reaches and is added to the framework to better assess the gravity and the scale of the problem[36] and the effect component is added to the framework to assess and determine the potential harm that a threat may cause[37].

Who are the actors and agents?

Since disinformation is generally analysed from the perspective of governments and through the lens of security and politics in general, foreign actors (namely Russia) stand out among disinformation actors. However, disinformation actors encompass a very broad spectrum and are generally organized in intertwined networks. These actors could be state actors(governments and state linked actors), private influence operators (for-hire companies), grassroots trolls (individuals, activists and extremists united around an issue), pure rent-seekers (groups whose only concern is to make a profit with clickbaits and bots and adverts with the interaction they generate[38]). It is important to remember that these actors interact with each other in a network and that a disinformation campaign is often not limited to one actor. The narratives and posts of actors disseminating disinformation through certain channels can also be used by politicians, individuals, rent-seekers seeking to profit, or foreign actors. This networked interaction between actors behind disinformation may be planned and organized however it doesn't necessarily have to be coordinated and could be spontaneous as well[39].

CENTRALISED

State Actors   XXXXX XXX

POLITICIAL —————————————————————— FINANCIAL

XXXXX XXX   XXXXX XXX

DECENTRALISED

35   Camille François. "Actors, Behaviors, Content: A Disinformation ABC Highlighting Three Vectors of Viral Deception to Guide Industry &Regulatory Responses". Transatlantic Working Group. 20 September 2019. Accessed 08.12.2022. https://science.house.gov/imo/media/doc/Francois%20 Addendum%20to%20Testimony%20-%20ABC_Framework_2019_Sept_2019.pdf.

36   James Pamment. "The EU's Role in the Fight Against Disinformation: Developing Policy Interventions for the 2020s". Carnegie Endowment for International Peace. 30 September 2020. Accessed 08.12.2022. https://carnegieendowment.org/2020/09/30/eu-s-role-in-fight-against-disinformation-developing-policy-interventions-for-2020s-pub-82821.

37   Ibid.

38   "Cutting the Funding of Disinformation: The Ad-Tech Solution". Global Disinformation Index. 01.05.2019. https://www.disinformationindex.org/research/2019-5-1-cutting-the-funding-of-disinformation-the-ad-tech-solution/. 6-8.

39   Michael Hameleers, "Disinformation as a Context-Bound Phenomenon: Toward a Conceptual Clarification Integrating Actors, Intentions and Techniques of Creation and Dissemination," Communication Theory 33, no. 1 (January 30, 2023): 1–10, https://doi.org/10.1093/ct/qtac021.

What could be the main underlying motivations?

Comprehending the motivations behind disinformation is crucial for a better understanding of the phenomenon. Lauren Hamm suggests that disinformation campaigns can be broadly classified into 4 categories. These "faces" of disinformation are foreign influence campaigns, political disinformation, lucrative disinformation and issue based disinformation[40]. As pointed out by Lauren Hamm, through disinformation campaigns, foreign actors can aim to destabilize countries by influencing public discourse and elections, especially in democratic societies. With political disinformation, domestic actors, such as politicians or political parties, may use disinformation during election periods or in pursuit of long-term goals to damage their opponents or to increase the influence of their own discourse. Issue-based disinformation can be spread by activists, NGOs or extremists who are strongly committed to a particular issue as an agenda[41]. It is also important to recognize that disinformation can be used as a tool to make a profit or to protect financial interests. Lucrative disinformation can be used primarily in social media to increase engagement and make a profit. It can also take a hybrid form in combination with political, ideological or foreign influence disinformation[42].

Common traits of the behaviors, tactics, and tools used by disinformation actors

Analyzing and assessing the behaviours of disinformation actors is especially crucial and useful. Solely relying on assessing the content or the actor creates potential problems of free speech. This is precisely why analyzing and assessing an actor's behaviour is critical for detecting and analyzing disinformation in order to understand the actor's intentions and whether there is coordinated behaviour[43]. Disinformation actors use a wide variety of tools and tactics to achieve their goals. These behaviours and tactics include manipulating search engine results to artificially boost the spread of disinformation, using bots on social media platforms, hiding the real source and the sponsor of the message, impersonation of influential actors and institutions and micro-targeting specific groups by using consumer data[44].

40 Lauren Hamm. "The Few Faces of Disinformation". EU DisinfoLab. 11 May 2020. Accessed 08.12.2022. https://www.disinfo.eu/publications/the-few-faces-of-disinformation/.

41 Ibid.
"Cutting the Funding of Disinformation: The Ad-Tech Solution". Global Disinformation Index. 01.05.2019. https://www.disinformationindex.org/research/2019-5-1-cutting-the-funding-of-disinformation-the-ad-tech-solution/. 6-8.
Michael Hameleers, "Disinformation as a Context-Bound Phenomenon: Toward a Conceptual Clarification Integrating Actors, Intentions and Techniques of Creation and Dissemination," Communication Theory 33, no. 1 (January 30, 2023): 1–10, https://doi.org/10.1093/ct/qtac021.

42 Michael Hameleers, "Disinformation as a Context-Bound Phenomenon: Toward a Conceptual Clarification Integrating Actors, Intentions and Techniques of Creation and Dissemination," Communication Theory 33, no. 1 (January 30, 2023): 1–10, https://doi.org/10.1093/ct/qtac021.
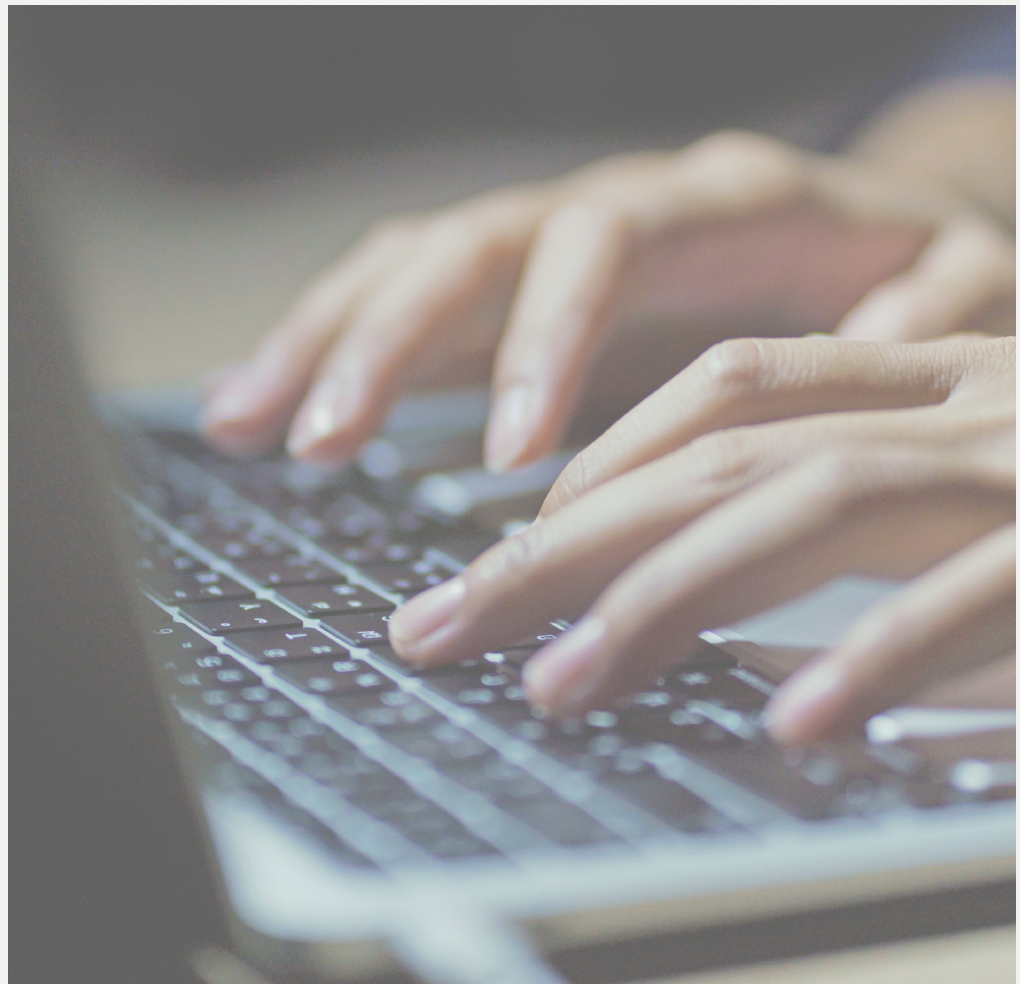
43 James Pamment. "The EU's Role in the Fight Against Disinformation: Developing Policy Interventions for the 2020s". Carnegie Endowment for International Peace. 30 September 2020. Accessed 08.12.2022. https://carnegieendowment.org/2020/09/30/eu-s-role-in-fight-against-disinformation-developing-policy-interventions-for-2020s-pub-82821.

44 European Parliament, COLOMINA, Carme, Héctor SÁNCHEZ MARGALEF, Richard YOUNGS The impact of disinformation on democratic processes and human rights in the world. (Brussels: Policy Department for External Relations Directorate General for External Policies of the Union, April 2021). 6-7.

What are the main characteristics of the content?

In discussions about disinformation and combating disinformation, content is often at the centre of the debate, and it is one of the elements of disinformation, along with its actors, that attracts the most attention from the public. We can observe that the false claims and narratives spread online are a mixture of lies, personal opinions and some facts combined with strong emotional language to influence and agitate people. These emotional narratives can be combined with fully fabricated, altered or decontextualised images and videos, aiming to create confusion, distrust or strong emotional reactions on the targeted group of people[45].

45   UNESCO, "Balancing Act: Countering Digital Disinformation While Respecting Freedom of Expression," UNESCO, September 18, 2020, https://en.unesco.org/publications/balanceact.

CHAPTER 3: REGULATION AND DISINFORMATION

Having analyzed the definitions of disinformation in existing literature, the debates surrounding these definitions, and the criteria differentiating disinformation from other information disorders, along with an explanation of the actors, motives, tools, and tactics behind disinformation, this chapter will discuss the need for methods of combating disinformation. The chapter will initially delve into the importance of regulations and policies for fighting disinformation. It will then focus on explaining the critical importance for democratic societies of ensuring that these policies remain relevant and evolve in response to current and new threats. Afterwards, the arguments for the need for public intervention and government regulation will be discussed and the discussion will focus on the potential challenges and specific risks of public intervention and government regulation.

Disinformation, Democracy and Human Rights

As explained in the first chapter, the structural characteristics of digital media and the impact of social media platforms have dramatically increased the speed of the spread of disinformation and other information disorders. In addition, it has been explained in the previous chapters that disinformation is effective in shaping people's opinions and actions both through emotive content that appeals to people's emotions and by exploiting the dynamics human psychology. These dynamics are necessary but not sufficient to explain why disinformation should be regulated and policies should be developed to combat disinformation. Disinformation has the potential to undermine and influence democratic processes, such as elections, especially in democratic societies, since freedom of expression is protected and state interference in public discourse is more limited in democratic countries compared to authoritarian ones. Cambridge Analytica in 2016 US elections, as well as the Macron Leaks in France or the Lisa Case in Germany, which are among the most widely known examples of disinformation campaigns, demonstrate that disinformation is a challenge that needs to be tackled to protect the democratic processes in these countries.

In order to better understand the need for regulation, it is necessary to examine what is meant by "democratic process" and to what extent disinformation has an impact on it. Disinformation can be used as a critical tool for leaders, organizations or other actors with authoritarian tendencies to suppress and diminish rational and informed debate and consequently make their discourse more effective by removing it from a political context where rational and informed debate is dominant. Moreover, people do not need to believe the news and narratives disseminated through disinformation for disinformation to undermine democracy. When disinformation becomes mainstream in news, social narratives and political debates, people do not know what to believe and trust, and their skepticism of

the system increases, dealing a major blow to public participation and a well-informed electorate, which are essential for democracy. In addition, people's inability to agree on common facts makes it more difficult to hold politicians in power accountable[46].

Social Impact of Disinformation on Disadvantaged Groups

In addition to being a structural problem and threat to democracy, disinformation does not affect everyone in society equally. It is possible to argue that there are social, cultural and economic inequalities and that certain groups are more harmed and targeted by disinformation, or that the prevalence of disinformation affects certain groups worse.

Firstly, disinformation creates inequalities in access to accurate and reliable information; while certain groups of people have relatively greater access to reliable information due to both economic and social advantages, a large segment of society receives news from sources heavily contaminated by disinformation, creating inequalities in being well informed and accessing information[47].

Marginalized communities and minorities are also more vulnerable, targeted and affected by disinformation. According to EUvsDisinfo's database, the majority of disinformation campaigns in the EU target Muslims and migrants. At the same time, the news and narratives disseminated through disinformation also target minority groups such as Jews and Roma, aiming to increase hatred and oppression of these groups by capitalizing on already existing social tensions and stereotypes. Moreover, this weaponization of disinformation does not only negatively affect social cohesion by increasing social polarization. Certain disinformation campaigns have targeted the Roma population by portraying the Roma population as the cause of the spread of the virus during the pandemic, associated the coronavirus with the Roma and as a result discriminatory and restrictive measures were imposed on the Roma minorities in several EU member states[48]. Based on these analyses, taking into account the gendered dimension of disinformation on minorities and also on women[49], disinformation increases and negatively affects social tensions, conflicts, polarization and, as a result, pressure on disadvantaged groups. Thus, in democratic countries, in addition to being a structural challenge for democracies, disinformation should also be interpreted as a human rights issue and the debate on the regulation of disinformation should take this area into account.

46   "Disinformation and Democracy: The Home Front in the Information War," accessed May 12, 2023, https://www.epc.eu/en/publications/Disinformation-and-democracy-The-home-front-in-the-information-war~21c294. 4.

47   Lejla Turcilo, Mladen Obrenovic. "Misinformation, Disinformation, Malinformation: Causes, Trends and Their Influence on Democracy". Heinrich Böll Stiftung. August 2020.

48   "The Impact of Disinformation Campaigns about Migrants and Minority Groups in the EU | Think Tank | European Parliament," accessed May 12, 2023, https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA(2021)653641. 6-8.

49   Association for Progressive Communications ."Disinformation and freedom of expression". February 2021. Accessed 08.12.2022. https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/disinformation/2-Civil-society-organisations/APC-Disinformation-Submission.pdf .

Role of Public Intervention, the Risks and Challenges

While the harms and threats posed by disinformation at the level of both democratic systems and societies are evident, what remains to be answered is what measures should be taken and who should be the actors taking these measures. This section will discuss and explain the arguments in favor of public intervention, while also examining the limits of this approach and the risks and challenges of public intervention. The arguments in favor of public intervention are generally based on the premise that the problems detailed in the first part of this chapter are large-scale, systemic problems, in which foreign actors in particular can destabilize countries, and disinformation campaigns in general can harm citizens, and that the state, with a duty to protect its citizens and democratic processes, should play a role in combating these threats. These arguments are supported by the rationale and claim that a comprehensive and effective approach is difficult to implement without public intervention. Additionally, the necessity of public intervention is explained by the fact that the decisions made by social platforms on their own without any oversight are inadequate, incomplete, highly arbitrary and far from transparent[50]. Moreover, it can be argued that digital media, and especially social media platforms, have an important function for social discourse and democracy, and therefore their actions and decisions now have a public dimension, as their decisions not only affect their own business models, but also have far-reaching effects. There is also a significant risk that the regulation that these platforms themselves adopt, and their monopoly over what is harmful and wrong and what is not, could lead them to become "arbiters of truth"[51]. Moreover, as discussed in the previous chapters, the fact that platforms' algorithms aim to increase engagement and the content of disinformation is aligned with these goals may create a conflict of interest for platforms to regulate disinformation in an efficient and systematic manner.

In line with the challenges outlined in the previous paragraphs, public intervention can promote transparent, effective and proportional regulation in this area, encourage civil society actors to have access to data and to play an active role and participate in the strategies developed to combat disinformation, and can be a necessary solution to bring together stakeholders affected by disinformation in society to combat disinformation[52].

In order for platforms to embrace an effective, proportional approach and overcome the above-mentioned challenges and adopt a model that brings together different stakeholders, states and institutions (particularly the EU), have expressed their demands for social platforms to develop or improve their self-regulation models. Although the demands of democratic states and institutions

50   Brittany Doyle, "Self-Regulation Is No Regulation--The Case for Government Oversight of Social Media Platforms," Indiana International & Comparative Law Review 32, no. 1 (April 11, 2022): 97–130.

51   London School of Economics and Political Science, "Platform Responsibility," London School of Economics and Political Science, accessed May 12, 2023, https://www.lse.ac.uk/media-and-communications/truth-trust-and-technology-commission/platform-responsibility.aspx.

52   Ben Epstein, "Why It Is So Difficult to Regulate Disinformation Online," in The Disinformation Age, ed. W. Lance Bennett and Steven Livingston, 1st ed. (Cambridge University Press, 2020), 190–210, https://doi.org/10.1017/9781108914628.008.

for platforms to improve their self-regulation models are comprehensive, include many different issues and have diversified over time, it is possible to find common demands and principles both in the initiatives of the EU and in the legislation passed by western states.

These demands and principles are as follows:
 • Increased transparency on how the platforms' algorithms promote or demote content and how they use the data they obtain. Additionally, the discussion on transparency also focuses on political adverts. The discussion here is centered around increasing transparency about which actors make political advertisements and which groups these ads target.

 • Platforms taking more responsibility for preventing disinformation spreading on their platforms, prioritising and developing appropriate methods for identifying disinformation and effective content moderation.

 • Increased cooperation and communication with researchers, civil society and relevant public bodies, in particular with independent fact-checking organizations to develop effective methods to combat disinformation and empower civil society.
 However, when formulating policies and developing strategies to address all these challenges, it is important to ensure that the form public intervention takes does not create new problems such as restricting freedom of expression.

One of the most important challenges in this regard is to determine the criteria for classifying a post or a sharing as disinformation in a transparent and respectful manner that respects rights and freedoms, such as defining public harm, the ways of assessing it and determining intent, which are examined in the literature review chapter. Arbitrariness in the definition of disinformation, public harm and intent, the vague nature of these regulations and the overly broad definition of the concept can seriously undermine freedom of expression, which is a prerequisite for democratic societies; "Topics such as anti- NATO sentiment, protest movements, and anti- corruption are certainly highly political and politicised, yet viewed at this high level it is not clear to what extent they may be considered disinformation.)[53]. It is a risk not only for authoritarian states but also for democratic societies when governments identify disinformation as a major security threat to society and the state and, with the legitimacy derived from this, try to censor certain undesirable political views and prohibit disinformation too harshly. Moreover, overly restrictive laws and regulations restricting freedom of expression passed by democratic states in this area can be adopted by the governments of authoritarian countries, where political authorities in these countries can legitimize their own repressive policies by arguing that western democracies have adopted similar measures[54].

53   "(PDF) The Return of the State? Power and Legitimacy Challenges to the EU's Regulation of Online Disinformation," in ResearchGate, accessed May 12, 2023, https://doi.org/10.4324/9781003008309-12. p 178
54   justitia, "The Digital Berlin Wall – How Germany (Accidentally) Created a Prototype for Global Online Censorship – Act Two," The Future of Free Speech, October 1, 2020, https://futurefreespeech.com/the-digital-berlin-wall-how-germany-accidentally-created-a-prototype-for-global-online-censorship-act-two/.

Thus, the impact of actions taken by the EU, the US, Germany and France in this area is not limited to the West, but has an international dimension. The restrictions on freedom of expression associated with the regulation of disinformation may not be limited to the state's influence on citizens, but may also be reflected in the policies that the state develops in relation to the regulation of platforms. If overly punitive regulations are imposed on social media platforms through public intervention, platforms might enforce excessively harsh and restrictive policies on their content for commercial reasons, to avoid penalties, thereby limiting freedom of speech[55].

However, even if the laws and regulations developed and designed are not intended to censor, they still carry risks that need to be mitigated, "it can be perceived as censorship, generating general dissatisfaction among citizens and a loss of trust in government entities; individuals will eventually find ways to bypass regulations; and, ultimately, the use of strict regulation can inhibit dissent voices and foster misinformation."[56].

All the risks and challenges analyzed and assessed above demonstrate the potential benefits of public intervention, as well as the need to develop an approach that engages different stakeholders, creates effective regulations, and does not directly or indirectly jeopardize people's rights and freedoms, both internationally and domestically. As noted above, the interests of platforms, government and society may conflict with each other. Hence, when defining concepts and issues such as public harm, intent to harm and the impact of disinformation on society in order to regulate disinformation it is essential to guarantee the participation of civil society and empower it to play an active part.

55   "Germany: Flawed Social Media Law," Human Rights Watch, February 14, 2018, https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law.
56   Danielle Caled and Mário J. Silva, "Digital Media and Misinformation: An Outlook on Multidisciplinary Strategies against Manipulation," Journal of Computational Social Science 5, no. 1 (May 2022): 123–59, https://doi.org/10.1007/s42001-021-00118-8.p. 136

CHAPTER 4: APPROACHES OF WESTERN INSTITUTIONS AND COUNTRIES

Having analyzed the debate on the necessity and potential benefits of public intervention in combating disinformation, as well as the risks posed by these interventions and the general challenges, an important question arises. What are the current measures and approaches? In order to answer this question, this chapter will analyze the disinformation approaches of jurisdictions that value the protection of democratic rights and seek to create the right framework for public intervention to combat disinformation while maintaining free speech.

European Union

The approach and the overall strategy of the EU towards disinformation consists of two main dimensions. Firstly the instruments developed within institutions include the EEAS Strategic Communications division within the EEAS, and task forces created by the EEAS Strategic Communications Division, notably the Eastern StratCom. These task forces are part of the EU's counter-disinformation strategy in its neighbourhood. They mainly focus on Russian interference in the EU elections and are tasked with detecting and countering disinformation, as well as strengthening societal resilience to disinformation[57]. Moreover, the Rapid Alert System which is established before the EU elections in 2019, aims to "facilitate information sharing, expose disinformation in real-time, and coordinate with other multilateral efforts by the G-7 Rapid Response Mechanism and NATO" [58]. In light of this, it should be noted that the EU's approach to disinformation is predominantly focused on the political and electoral processes with a specific emphasis on combating Russian disinformation and the foreign interference dimension of disinformation. This approach is also reflected in the EEAS' recent threat report on Foreign Information Manipulation (EU's new buzzword), which specifically focuses on FIMI of Chinese and Russian origin[59].

Secondly, the main legal instruments employed by the EU to tackle disinformation include the EU Code of Practice, Digital Services Act and the Digital Media Act. The EU Code of Practice is the first self-regulation legislation on disinformation that encourages social platforms and large digital media companies to voluntarily co-operate and adopt common measures and solutions.[60] The EU Code of Practice is followed by the Digital Services Act (DSA) and the Digital Markets Act (DMA). With the DSA and the DMA, the EU's approach to digital media, and in particular to combating disinformation on social platforms, is shifting from self-regulation

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57   "The Impact of Disinformation on Democratic Processes and Human Rights in the World | Think Tank | European Parliament," accessed May 12, 2023, https://www.europarl.europa.eu/thinktank/en/document/EXPO_STU(2021)653635. 31-32

58   Ibid 32.

59   EUvsDisinfo, "1st EEAS Report on Foreign Information Manipulation and Interference Threats: Towards a Framework for Networked Defence," EUvsDisinfo, February 7, 2023, https://euvsdisinfo.eu/1st-eeas-report-on-foreign-information-manipulation-and-interference-threats-towards-a-framework-for-networked-defence/.

60   Brooke Tanner, "EU Code of Practice on Disinformation," Brookings (blog), August 5, 2022, https://www.brookings.edu/blog/techtank/2022/08/05/eu-code-of-practice-on-disinformation/.

to coregulation[61]. While the DMA establishes new rules for certain online platforms defined by the European Commission as gatekeepers,[62] the DSA introduces new obligations on digital services that act as intermediaries such as transparency measures, bans on targeted advertising on online platforms, provisions to allow access to data to researchers, obligations for the protection of minors on any platform[63].

NATO

In line with its role as a military and political alliance, NATO classifies disinformation as a component of hybrid threats aimed at destabilizing and undermining societies[64]. Moreover, as an alliance with the role of maintaining the security and peace in the Euro-atlantic area, NATO is predominantly concerned with Russian disinformation. Even if China has emerged as an important actor in this area, in NATO's lexicon disinformation is characterized as a "Russian nuisance" and the main threat and challenge from the NATO perspective is Russia[65].

Over the past years, NATO has aimed to bring together different Allied initiatives, both through the development of various toolboxes and action plans. NATO's counter-disinformation strategy includes regular assessments of Russian and other disinformation activities through various committees and information sharing on the challenges that disinformation can pose to civil liberties and security, with a particular emphasis on institutional co-operation with the EU in this area[66]. Moreover, NATO StratCom Centre of Excellence in Riga focuses on and conducts research on information manipulation, contributes to doctrine and analyses in this area, and examines Russian influence operations against NATO[67]. Additionally, NATO organizes and takes part in disinformation wargames[68].

National approaches to combat disinformation around the world

As opposed to the approach of Western states and institutions, authoritarian states such as China and Russia differ from democratic states in their policies and approaches to disinformation. This section will briefly outline the approaches of China and Russia and afterwards will examine the

61 "Disinformation and Propaganda: Impact on the Functioning of the Rule of Law and Democratic Processes in the EU and Its Member States - 2021 Update | Think Tank | European Parliament," accessed May 12, 2023, https://www.europarl.europa.eu/thinktank/en/document/EXPO_STU(2021)653633. 40-41.

62 "The Digital Markets Act: Ensuring Fair and Open Digital Markets," accessed May 12, 2023, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en.

63 "Questions and Answers: Digital Services Act," Text, European Commission - European Commission, accessed May 12, 2023, https://ec.europa.eu/commission/presscorner/detail/en/QANDA_20_2348.

64 NATO,"NATO's Response to Hybrid Threats," NATO, accessed May 12, 2023, https://www.nato.int/cps/en/natohq/topics_156338.htm.

65 Akın Ünver and Ahmet Kurnaz, "Securitization of Disinformation in NATO's Lexicon: A Computational Text Analysis," All Azimuth: A Journal of Foreign Policy and Peace, May 6, 2022, https://doi.org/10.20991/allazimuth.1110500. 228.

66 "NATO and Countering Disinformation The Need for a More Proactive Approach from the Member States," GLOBSEC - A Global Think Tank: Ideas Shaping the World, accessed May 12, 2023, https://www.globsec.org/what-we-do/publications/nato-and-countering-disinformation-need-more-proactive-approach-member-0.

67 Kathleen J. McInnis and Clementine G. Starling, "Taking Stock: Assessing Existing Alliance and Partner Efforts to Counter Political Warfare," The Case for a Comprehensive Approach 2.0: (Atlantic Council, 2021), https://www.jstor.org/stable/resrep33400.8. 16.

68 "News Media in Focus in the Third Countering Disinformation Wargame Event," Hybrid CoE - The European Centre of Excellence for Countering Hybrid Threats (blog), accessed May 12, 2023, https://www.hybridcoe.fi/news/news-media-in-focus-in-the-third-countering-disinformation-wargame-event/.

China:

China's approach to disinformation involves criminalization through legislation and the intervention of state institutions and agencies, compared to the methods adopted by democratic states and institutions. In China, the gold standard in digital authoritarianism, social platforms are under the strict control of the state. The state requires social media platforms to ask users for their real names when registering, and social media platforms are obliged to prevent and record the spread of messages that disrupt "social order" and "social stability" and report them to government authorities. Platforms that fail to comply with these requirements may be subject to sanctions ranging from fines to revocation of their licenses[69]. Moreover in 2018 China has established a specific platform named "Piyao" to refute "rumors" (the preferred term used by the Chinese state authorities). The sources of the news that this platform shares to debunk fake news and rumors are directly state-owned media, party-controlled local newspapers, and various government agencies. However, state control is not limited to these initiatives and control over social media. The legal framework is a crucial dimension of China's approach and policies. The Ninth Amendment to the Criminal Law of the People's Republic of China adopted in 2015 criminalized the dissemination of fake news, which is punishable by up to 7 years in prison under Chinese law. Moreover, the Cybersecurity Law adopted in 2016 criminalized both the production, publication and sharing of fake news that disrupts the "economic and social order", which is also vague and broadly defined[70].

The recent legislation passed over the past few years also demonstrate that China continues to introduce restrictive measures that increases state control over content published and shared online. According to a new law, even replies, comments and clicking like on posts which are considered as misinformation or disinformation by the Chinese Communist Party will be sanctioned to maintain national security and public interest[71]. The Cyberspace Administration of China shut down 4000 websites and 55 apps in a 3-month period in 2023 after the new law was passed and cybersecurity laws were updated[72].

Russia:
Germany, France and the US:

Germany is the first country to legislate disinformation on social platforms. NetzDG is the first of its kind globally and has received much criticism[73]. Although the main focus of the NetzDG is to prevent hate crime, it also covers disinformation when it is linked to hate speech intended to generate violence. The law targets major

69   Peter Roudik et al., "Initiatives to Counter Fake News in Selected Countries: Argentina, Brazil, Canada, China, Egypt, France, Germany, Japan, Kenya, Malaysia, Nicaragua, Russia, Sweden, United Kingdom," April 1, 2019. 18.

70   Ibid 19-20.

71   Telewizja Polska S.A, "China to Further Strengthen Internet Censorship to Curb 'COVID Misinformation,'" accessed June 12, 2023, https://tvpworld.com/64800988/china-to-further-strengthen-internet-censorship-to-curb-covid-misinformation.

72   "Chinese Censor Has Shut down over 4,000 Websites and 55 Apps in 3 Months," South China Morning Post, May 2, 2023, https://www.scmp.com/news/china/politics/article/3219119/just-3-months-chinas-internet-censor-has-closed-over-4000-websites-and-removed-55-apps.

73   Maximilian Hemmert-Halswick, "Lessons Learned from the First Years with the NetzDG," in Perspectives on Platform Regulation, ed. Judit Bayer et al. (Nomos Verlagsgesellschaft mbH & Co. KG, 2021), 415–32, https://doi.org/10.5771/9783748929789-415.

platforms, giving them 24 hours to remove content that is deemed to be illegal and fining them if it is not removed[74].

Following Germany's NetzDG, which "incentivizes" platforms to modify their content by imposing fines, France has also taken steps to regulate disinformation. The Law Against the Manipulation of Information differs from the NetzDG as it imposes standards and requirements on platforms during the electoral period, mainly to prevent disinformation. Outside the electoral process, content cannot be removed for the reasons set out in the law. Another point of difference in this legislation is that while the NetzDG aims at the swift removal of content in line with the provisions of the criminal code and includes a fine, the French law provides that content that would not normally be regulated can only be removed by a judge's decision during the election period[75].

In the US, even though there are several institutional initiatives such as Cybersecurity and Infrastructure Security Agency and Global Engagement Centre assigned to combat disinformation, there is no regulatory legislation or self-regulation mechanism that directly applies to disinformation[76]. The limited public intervention and regulatory mechanisms in the US compared to the EU and EU countries can be explained by the specific dynamics of the US. The First Amendment and the Section 230 of the Communications Decency Act of 1996 are important barriers in front of any attempt to regulate the media. In addition to being an important provision to protect freedom of expression, it also protects platforms from legal liability for the actions of third-party users. Reforming the CDA to regulate disinformation in the US remains an important challenge[77]. The second challenge related to the regulation of disinformation in the US is the lack of political will and significant polarization. The polarization of politics in the US and the politicization of disinformation debates have led to a strong reaction to the initiatives of politicians and policy makers, and initiatives that try to raise awareness of unregulated people about elections and Covid-19 are associated with authoritarianism and censorship, and as a result, are met with criticisms. An example of this is the shutdown of the Department of Homeland Security's Disinformation Governance Board, which was established to identify inaccurate information that could pose a security threat and to share accurate information, before it became operational[78].

74   "Disrupting Disinformation: A Global Snapshot of Government Initiatives". Global Disinformation Index. 29.09.2021. https://www.disinformationindex.org/research/2021-9-29-disrupting-disinformation-a-global-snapshot-of-government-initiatives/.
75   Kate Jones. "Online Disinformation and Political Discourse: Applying a Human Rights Framework," Chatham House – International Affairs Think Tank, November 6, 2019, https://www.chathamhouse.org/2019/11/online-disinformation-and-political-discourse-applying-human-rights-framework.
76   "Disrupting Disinformation: A Global Snapshot of Government Initiatives". Global Disinformation Index. 29.09.2021. https://www.disinformationindex.org/research/2021-9-29-disrupting-disinformation-a-global-snapshot-of-government-initiatives/.
77   Ben Epstein, "Why It Is So Difficult to Regulate Disinformation Online," in The Disinformation Age, ed. W. Lance Bennett and Steven Livingston, 1st ed. (Cambridge University Press, 2020), 190–210, https://doi.org/10.1017/9781108914628.008.
78   Team Evergreen, "US Disinformation Policy in Perspective: Global Disinformation Policy Database Team Releases New White Paper," GDIL | Global Disinformation Lab at UT Austin, January 23, 2023, https://gdil.org/us-disinformation-policy/.

CONCLUSION

In summary, disinformation has emerged as significant challenge for democracies. This is due to the digitalization of media, the prevalence of platforms, and the attention economy, all of which present both political and social implications that need addressing. Going forward the challenge for democratic nations is likely to be compounded with the emergence of Artificial Intelligence backed novel methods like deep fakes. A variety of states and institutions have established, and continue to create, mechanisms and regulations to address challenges posed by, or associated with, disinformation. Although disinformation can be perpetrated by a variety of actors for a variety of motives and in a variety of ways, foreign intervention and its impact on democratic processes have come to the forefront of debates in this field.

In connection with this reality, the primary priority in designing strategies to combat disinformation is to ensure that the legal regulations and mechanisms developed are effective in addressing the problems created by disinformation, without undermining freedom of expression, a fundamental prerequisite for democratic societies.

This paper highlights the two main components of the challenge described above, which are intertwined but not entirely separate. Discussions in the literature show that the openness to interpretation of the criteria used to define disinformation necessitates additional frameworks and definitions to avoid a reductionist approach. The abundance of divergent views and criticisms in the literature suggests that there is no single answer or silver bullet to this thorny question. Secondly it is critical for policy makers to learn from the range of practices adopted by democratic nations. It is critical for regulations and public interventions to take into account both theoretical debates and practical implications.

As explained above, the risks and problems highlighted in this paper make it necessary to tackle the challenges posed by both disinformation and also the risks and challenges stemming from the policies introduced to combat disinformation. Moreover, emerging technologies such as deep fake make it an even more complex challenge.

One of the most fundamental dynamics and differences in this area is the distinction between the approaches of democracies and authoritarian countries. Authoritarian regimes, such as China and Russia have designed state centric systems to combat disinformation. The main responsibility in those countries to mitigate the negative consequences of disinformation are espoused by state institutions and prioritize regulations that impose extensive control and direct interventions on the information ecosystem. These regulations include sanctions on social platforms as well as heavy penalties on individuals. In addition, the language of these regulations is much more vague, broad in scope and open to interpretation than the regulations developed in democratic countries. The aim is to transform

the anti-disinformation legislation to yet another body of law and regulations to complement prevailing censorship and repression measures.

In return the approach of democratic states prioritize a more holistic approach focused on the resilience of the whole information eco-system. It is less state centric and more civic driven. It aims to increase transparency, encourage the involvement of civil society and independent organizations in the process, aim to protect civil rights and freedoms, and encourage social media platforms to take responsibility while trying to minimize the need for public intervention. Moreover, in order to minimize the damage these regulations may cause to civil rights and freedoms, these regulations are designed to be as precise as possible and constrain the scope for mis-interpretation.

Although Western democracies are aware of the risks and challenges posed by disinformation, they have sought to find the right balance between freedom of expression and the fight against disinformation. However there is no single right answer to this problem, it is in a state of constant change and movement with the influence of technology, social and political factors. Hence, the right balance and approach has to be determined by taking the political, cultural and legal norms of the countries into account. Consequently, the different social, political and economic dynamics necessitate a differentiated approach. This is why there are differences even at the transatlantic level between the US and the EU.

As noted in the third chapter, initially, in democracies, policymakers preferred to leave the primary responsibility to digital platforms. Following this approach, digital platforms have established various frameworks in this field through self-regulation. However, in time, it became evident that this was not enough, and decision-makers, especially within the EU, turned towards taking coercive measures against platforms. Various provisions of the DSA and DMA include punitive measures against platforms that do not comply with the regulations and standards set by the EU.

It is too early to assess the results of this approach. However, it should be emphasized that after an agreement on fundamental principles, the fight against disinformation will be a dynamic process within democratic societies. Thus, it is quite improbable that there will be a single right approach to tackle the challenges stemming from disinformation. It is important that democracies have a flexible trial and error approach for effective and structural measures to be developed in this field. Because in this field, which requires a multi-stakeholder approach, different measures and strategies should be allowed to be tried and implemented in order to define the role of each stakeholder correctly and to establish their responsibilities on the basis of legal norms. The advantage of democracies is precisely that their social and political structures allow this public exercise and approach to be implemented.

BIBLIOGRAPHY

1) "'News You Don't Believe': Audience Perspectives on Fake News," Reuters Institute for the Study of Journalism, accessed May 10, 2023, https://reutersinstitute.politics.ox.ac.uk/our-research/news-you-dont-believe-audience-perspectives-fake-news.

2) "Adversarial narratives are the new model for disinformation". Global Disinformation Index. 01.08.2019. https://www.disinformationindex.org/blog/2019-8-1-adversarial-narratives-are-the-new-model-for-disinformation/.

3) "Consumption of Online News Rises in Popularity," accessed May 9, 2023, https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220824-1.

4) "Cutting the Funding of Disinformation: The Ad-Tech Solution". Global Disinformation Index. 01.05.2019. https://www.disinformationindex.org/research/2019-5-1-cutting-the-funding-of-disinformation-the-ad-tech-solution/.

5) "Digital News Report 2022," Reuters Institute for the Study of Journalism, accessed May 9, 2023, https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022.

6) "Disinformation and Democracy: The Home Front in the Information War," accessed May 12, 2023, https://www.epc.eu/en/publications/Disinformation-and-democracy-The-home-front-in-the-information-war~21c294.

7) "Disinformation and Propaganda: Impact on the Functioning of the Rule of Law and Democratic Processes in the EU and Its Member States - 2021 Update | Think Tank | European Parliament," accessed May 12, 2023, https://www.europarl.europa.eu/thinktank/en/document/EXPO_STU(2021)653633.

8) "Disrupting Disinformation: A Global Snapshot of Government Initiatives". Global Disinformation Index. 29.09.2021. https://www.disinformationindex.org/research/2021-9-29-disrupting-disinformation-a-global-snapshot-of-government-initiatives/.

9) "Germany: Flawed Social Media Law," Human Rights Watch, February 14, 2018, https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law.

10) "Information Disorder - Freedom of Expression - Www.Coe.Int," Freedom of Expression, accessed May 12, 2023, https://www.coe.int/en/web/freedom-expression/information-disorder.

11) "NATO and Countering Disinformation The Need for a More Proactive Approach from the Member States," GLOBSEC - A Global Think Tank: Ideas Shaping the World, accessed May 12, 2023, https://www.globsec.org/what-we-do/publications/nato-and-countering-disinformation-need-more-proactive-approach-member-0.

12) "News Media in Focus in the Third Countering Disinformation Wargame Event," Hybrid CoE - The European Centre of Excellence for Countering Hybrid Threats (blog), accessed May 12, 2023, https://www.hybridcoe.fi/news/news-media-in-focus-in-the-third-countering-disinformation-wargame-event/.

13) "Questions and Answers: Digital Services Act," Text, European Commission - European Commission, accessed May 12, 2023, https://ec.europa.eu/commission/presscorner/detail/en/QANDA_20_2348.

14) "The Digital Markets Act: Ensuring Fair and Open Digital Markets," accessed May 12, 2023, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en.

15) "The Impact of Disinformation Campaigns about Migrants and Minority Groups in the EU | Think Tank | European Parliament," accessed May 12, 2023, https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA(2021)653641.

16) "The Impact of Disinformation on Democratic Processes and Human Rights in the World | Think Tank | European Parliament," accessed May 12, 2023, https://www.europarl.europa.eu/thinktank/en/document/EXPO_STU(2021)653635.

17) "The Return of the State? Power and Legitimacy Challenges to the EU's Regulation of Online Disinformation," in ResearchGate, accessed May 12, 2023, https://doi.org/10.4324/9781003008309-12.

18) "Understanding Information Disorder," First Draft, accessed May 12, 2023, https://firstdraftnews.org/long-form-article/understanding-information-disorder/.

19) Association for Progressive Communications ."Disinformation and freedom of expression". February 2021. Accessed 08.12.2022. https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/disinformation/2-Civil-society-organisations/APC-Disinformation-Submission.pdf.

20) Caled, Danielle,Mário J. Silva, "Digital Media and Misinformation: An Outlook on Multidisciplinary Strategies against Manipulation," Journal of Computational Social Science 5, no. 1 (May 2022): 123–59, https://doi.org/10.1007/s42001-021-00118-8.

21) Christopoulou, Androniki, "The Information Disorder Ecosystem: A Study on the Role of Social Media, the Initiatives to Tackle Disinformation and a Systematic Literature Review of False Information Taxonomies," April 18, 2019, https://repository.ihu.edu.gr//xmlui/handle/11544/29381.

22) Claire Wardle, Hossein Derakhshan. "INFORMATION DISORDER: Toward an interdisciplinary framework for research and policy making". Council of Europe. (F-67075 Strasbourg Cedex, October 2017).

23) De Cock Buning, Madeleine, A Multi-Dimensional Approach to Disinformation : Report of the Independent High Level Group on Fake News and Online Disinformation (Publications Office of the European Union, 2018), https://doi.org/10.2759/739290.

24) Doyle, Brittany, "Self-Regulation Is No Regulation--The Case for Government Oversight of Social Media Platforms," Indiana International & Comparative Law Review 32, no. 1 (April 11, 2022): 97–130.

25) Epstein, Ben, "Why It Is So Difficult to Regulate Disinformation Online," in The Disinformation Age, ed. W. Lance Bennett and Steven Livingston, 1st ed. (Cambridge University Press, 2020), 190–210, https://doi.org/10.1017/9781108914628.008.

26) EUvsDisinfo, "1st EEAS Report on Foreign Information Manipulation and Interference Threats: Towards a Framework for Networked Defence," EUvsDisinfo, February 7, 2023, https://euvsdisinfo.eu/1st-eeas-report-on-foreign-information-manipulation-and-interference-threats-towards-a-framework-for-networked-defence/.

27) François, Camille. "Actors, Behaviors, Content: A Disinformation ABC Highlighting Three Vectors of Viral Deception to Guide Industry &Regulatory Responses". Transatlantic Working Group. 20 September 2019. Accessed 08.12.2022. https://science.house.gov/imo/media/doc/Francois%20Addendum%20to%20Testimony%20-%20ABC_Framework_2019_Sept_2019.pdf.

28) Hameleers, Michael, "Disinformation as a Context-Bound Phenomenon: Toward a Conceptual Clarification Integrating Actors, Intentions and Techniques of Creation and Dissemination," Communication Theory 33, no. 1 (January 30, 2023): 1–10, https://doi.org/10.1093/ct/qtac021.

29) Hemmert-Halswick, Maximilian, "Lessons Learned from the First Years with the NetzDG," in Perspectives on Platform Regulation, ed. Judit Bayer et al. (Nomos Verlagsgesellschaft mbH & Co. KG, 2021), 415–32, https://doi.org/10.5771/9783748929789-415.

30) Jones, Kate. "Online Disinformation and Political Discourse: Applying a Human Rights Framework," Chatham House – International Affairs Think Tank, November 6, 2019, https://www.chathamhouse.org/2019/11/online-disinformation-and-political-discourse-applying-human-rights-framework.

31) Justitia, "The Digital Berlin Wall – How Germany (Accidentally) Created a Prototype for Global Online Censorship – Act Two," The Future of Free Speech, October 1, 2020, https://futurefreespeech.com/the-digital-berlin-wall-how-germany-accidentally-created-a-prototype-for-global-online-censorship-act-two/.

32) Kapantai, Eleni et al., "A Systematic Literature Review on Disinformation: Toward a Unified Taxonomical Framework," New Media & Society, September 20, 2020, https://doi.org/10.1177/1461444820959296.

33) Karlova, Natascha A. ,Jin Ha Lee, "Notes from the Underground City of Disinformation: A Conceptual Investigation," Proceedings of the American Society for Information Science and Technology 48, no. 1 (2011): 1.

34) Karlova, Natascha A., Fisher Karen E., "A Social Diffusion Model of Misinformation and Disinformation for Understanding Human Information Behaviour," (Professor T.D. Wilson, March 15, 2013), https://informationr.net/ir/18-1/paper573.html.

35) Lauren Hamm. "The Few Faces of Disinformation". EU DisinfoLab. 11 May 2020. Accessed 08.12.2022. https://www.disinfo.eu/publications/the-few-faces-of-disinformation/.

36) Lewandowsky, Stephan et al., "Technology and Democracy: Understanding the Influence of Online Technologies on Political Behaviour and Decision-Making," JRC Publications Repository, October 26, 2020, https://doi.org/10.2760/709177.

37) Lewis, Becca,Alice E. Marwick, "Media Manipulation and Disinformation Online," Data & Society (Data & Society Research Institute, May 15, 2017), https://datasociety.net/library/media-manipulation-and-disinfo-online/.

38) London School of Economics and Political Science, "Platform Responsibility," London School of Economics and Political Science, accessed May 12, 2023, https://www.lse.ac.uk/media-and-communications/truth-trust-and-technology-commission/platform-responsibility.aspx.

39) Mansell, Robin et al., Tackling the Information Crisis: A Policy Framework for Media System Resilience, 2019.

40) Martens, Bertin et al., "The Digital Transformation of News Media and the Rise of Disinformation and Fake News," SSRN Electronic Journal, 2018, https://doi.org/10.2139/ssrn.3164170.

41) McInnis, Kathleen J., Clementine G. Starling, "Taking Stock: Assessing Existing Alliance and Partner Efforts to Counter Political Warfare," The Case for a Comprehensive Approach 2.0: (Atlantic Council, 2021), https://www.jstor.org/stable/resrep33400.8.

42) McLuhan, Marshall, Lewis H. Lapham, Understanding Media: The Extensions of Man, Reprint edition (Cambridge, Mass: The MIT Press, 1994).

43) NATO,"NATO's Response to Hybrid Threats," NATO, accessed May 12, 2023, https://www.nato.int/cps/en/natohq/topics_156338.htm.

44) Pamment, James. "The EU's Role in the Fight Against Disinformation: Developing Policy Interventions for the 2020s". Carnegie Endowment for International Peace. 30 September 2020. Accessed 08.12.2022. https://carnegieendowment.org/2020/09/30/eu-s-role-in-fight-against-disinformation-developing-policy-interventions-for-2020s-pub-82821

45) Rogers, Danny, "Disinformation as Adversarial Narrative Conflict". Global Disinformation Index. 22.06.2022. https://www.disinformationindex.org/blog/2022-06-22-disinformation-as-adversarial-narrative-conflict/.

46) Ryan, Camille D. et al., "Monetizing Disinformation in the Attention Economy: The Case of Genetically Modified Organisms (GMOs)," European Management Journal 38, no. 1 (February 1, 2020): 7–18, https://doi.org/10.1016/j.emj.2019.11.002.

47) Tanner, Brooke, "EU Code of Practice on Disinformation," Brookings (blog), August 5, 2022, https://www.brookings.edu/blog/techtank/2022/08/05/eu-code-of-practice-on-disinformation/.

48) Team Evergreen, "US Disinformation Policy in Perspective: Global Disinformation Policy Database Team Releases New White Paper," GDIL | Global Disinformation Lab at UT Austin, January 23, 2023, https://gdil.org/us-disinformation-policy/.

49) Turcilo, Lejla, Mladen Obrenovic. "Misinformation, Disinformation, Malinformation: Causes, Trends and Their Influence on Democracy". Heinrich Böll Stiftung. August 2020.

50) UNESCO, "Balancing Act: Countering Digital Disinformation While Respecting Freedom of Expression," UNESCO, September 18, 2020, https://en.unesco.org/publications/balanceact.

51) Ünver, Akın, Ahmet Kurnaz, "Securitization of Disinformation in NATO's Lexicon: A Computational Text Analysis," All Azimuth: A Journal of Foreign Policy and Peace, May 6, 2022, https://doi.org/10.20991/allazimuth.1110500

52) Vosoughi, Soroush, Deb Roy, Sinan Aral, "The Spread of True and False News Online," Science 359, no. 6380 (March 9, 2018): 1146–51, https://doi.org/10.1126/science.aap9559.

53) Zuckerman, Ethan "Stop Saying 'Fake News'. It's Not Helping.". January 31, 2017, https://ethanzuckerman.com/2017/01/30/stop-saying-fake-news-its-not-helping/.

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