


**Review Article**

# An Analysis of the Legal Implications of Social Media and Free Speech

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**Abstract**

The regulations aligned with social media and freedom of speech on social media have been explored initially. Contemplating the key legal entities with the Information Act and the Media Act and their implications on the social media operations has been explored within this scenario as well. It is highly essential to analyse the impact of challenging factors for social media platforms in terms of implementing legal regulation and managing free to speech for users. The challenging factors are a higher rate of cyber-crimes, violence, hate speech, harassment and crossing ethical lines. Due to this reason this is difficult to balance between legalisation and freedom of speech. The major effective mitigating strategies are developing clear prohibitions and regulations of social media and enhancing awareness among users.

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## 1. INTRODUCTION

Social media is one of the most important platforms to raise free speech and claims in this dynamic era of digitalisation. The radical emergence of social platforms has further managed to provide different ways of free speech to each user in different countries, which is generating flexibility in recent times. The citizens further managed to disclose their personal feelings and speech in recent times to maintain their social competencies as well.<sup>1</sup> This study aims to evaluate the key implications of legal entities on social media free speech for citizens. Furthermore, this study also focuses on the discussion about legal barriers and constraints ascertained within social media free speech in different countries. The criteria for legal factors while handling social media speeches have been covered in this study as well. The key challenges and mitigation strategies aligned to the social media speeches in different countries have been manifested to complete this study.

## 2. Description of the legal application of social media and free speech

The legal compliances in social media and free speech are correlated specifically in the digital era of social platforms. Nearly 4.62 billion social media users are able to list their names on different platforms and express their free speech in their accounts. According to recent times, the "Information Technology Act (2000)" is the most essential legal compliance associated with social media operating in recent times.<sup>2</sup> The key contemplation of this significant act brings transparency and prohibition to any offences on social media. Any offences associated with social media might be handled with this scenario of handling the change management practices. A social bully or any offence on the social media platform has been handled with the Information Technology Act, which is one of the best ways to deal with these legal guidelines.

On the other hand, free speeches on social media are also optimised with significant legal compliance. The overview of legal compliance, "Media Rights Act (2002)", is the appropriate guideline for the handling of free speech on social media platforms.<sup>3</sup> This media rights act further provides freedom to each social media user to manifest their speeches in their account. "Freedom of Speech and Expression" is the most viable element ascertained within the Media Act (2002), which provides freedom for social media users. The

orientation of the media act is further managed to operate transparency while using social media and reduce the potential threats of social media offences. On the contrary, "Acts of freedom of speech" is another viable and essential element associated with this scenario to ensure the user's right to give free speeches on social media. Despite providing freedom, this act further ascertained a guideline for giving speeches without any bias or offensive speeches in recent times. These two specific legal guidelines further managed to optimise the social media operations for the users.

## 3. Criteria for the application of legal factors for social media and free speech

The key criteria for handling social media offences are also outlined within the "Media Act (2002)", which provides ethical transparency as well. Defamation-related issues are the biggest threats associated with social media speeches in recent times. Biases and potential inequality speeches have been associated with recent domestic violence by social media users.<sup>4</sup> The media act further provides a barrier to using unbiased words while giving speeches on social media by users. Curtailing defamation is another specific guideline associated with the Media Act for users from different regions of the world. The exaggeration and leakages of speeches are other key hazards that need to be mitigated in this scenario as well. The data leakages and potential threats of visual offences are also attached to these guidelines for social media usage.

The actuation of the "Information Technology Act (2000)" is another essential element that addresses the technological issues or any disputes with social media accounts among users. The data leakages and key disputes related to data breaches are handled with this cybersecurity patch-up in recent times. This "Information Technology Act (2000)" further managed to ensure cybersecurity in recent times.<sup>5</sup> On the other copyright challenges mitigation processes have also been handled with this significant act, and it also provides data storage assurances to the users. The practical data breaches and technological faults or hazards have also been handled with the Information Technology Act. The technological upgradation has been arranged to be maintained under the Technology Act. Operational disputes and potential threats associated with this scenario of cybersecurity have also been manifested in this scenario.

## 4. Challenges for implementing legal factors for social media and free speech

This is essential for managing legal factors, managing ethics and policies of cyber protocols in social media and managing

<sup>1</sup> Usmonov, Asliddin, 'Innovative technologies in learning foreign languages', (2022) *ASIA PACIFIC JOURNAL OF MARKETING & MANAGEMENT REVIEW* ISSN: 2319-2836 Impact Factor: 7.603 11, no. 02: 26-29.

<sup>2</sup> Shehzad, Muhammad Usman, Jianhua Zhang, Phong Ba Le, Khalid Jamil, and Ziao Cao, 'Stimulating frugal innovation via information technology resources, knowledge sources and market turbulence: a mediation-moderation approach', (2022) *European Journal of Innovation Management* ahead-of-print.

<sup>3</sup> Burnay, Jonathan, Sven Kepes, and Brad J. Bushman, 'Effects of violent and nonviolent sexualized media on aggression-related thoughts, feelings, attitudes, and behaviors: A meta-analytic review', (2022) *Aggressive behavior* 48, no. 1: 111-136.

<sup>4</sup> Charamaraman, Linda, Alicia Doyle Lynch, Amanda M. Richer, and Jennifer M. Grossman, 'Associations of early social media initiation on digital behaviors and the moderating role of limiting use', (2022) *Computers in Human Behavior* 127: 107053.

<sup>5</sup> Gayialis, Sotiris P., Evripidis P. Kechagias, and Grigorios D. Konstantakopoulos, 'A city logistics system for freight transportation: Integrating information technology and operational research' (2022) *Operational Research* 22, no. 5: 5953-5982.

free speech. This has different benefits, such as lowering the rate of cybercrimes and securing data in cyber platforms, but along with benefits, there are some challenging factors to follow legal regulations. Balancing freedom of speech and avoiding harmful content is one of the major challenging factors, and it is important to find the appropriate balance in social media.<sup>6</sup> Humans need to have freedom of speech, but along with this, they prevent hate speech, harmful comments, violence, personal attacks, cyber harassment, and misleading with vague information. Another challenge is managing variations and diversity of legal policies in different countries for international social media platforms.<sup>7</sup> Social media such as Facebook, Instagram, and YouTube are being operated globally, and different countries are involved with different legal frameworks and policies in terms of freedom of speech and managing cyber violence.

This is required to have a potential, and documents and records regarding the identification of accounts, and due to the season, verification is also required. This is another issue of social media to implement legal factors to maintain balance in speech freedom and protocols for content.<sup>8</sup> This is highly required to implement a modernisation in content management in social media for enforcing legislation as per requirements and managing efficiency. Users on social media are vast, and their content on a daily basis has a higher volume due to this reason; analysing content to find violent content is difficult. This is another limitation of social media platforms in maintaining legislation implementation in terms of reducing the rate of violence and providing freedom to users to speak.

### 5. Mitigating Strategies for managing legal implications in social media and freedom of speech

This is highly required to identify the challenges to balance the legal policies and freedom of speech on social media. This identification of issues will help to mitigate the challenges and maintain quality in social media in terms of content management and reducing the possibility of bias and cyber harassment.<sup>9</sup> There are different effective strategies for managing legislation implications and providing speech freedom to social media users. The platform of social media will need to create clear and transparent policies for users in terms of content, and enhance awareness among users regarding

the acceptable and prohibited content for social media.<sup>10</sup> This clear expectation will help to reduce the rate of confusion and enhance the knowledge of participants.

Along with this, it is important to implement a collaborative approach that will engage the stakeholders, such as users, social authorities for policy management, policymakers, and legal advisors. In the platforms of social media, these folders will help to enhance effective policies and approaches for implementing modernisation in content and managing compliance with legislation.<sup>11</sup> Implementing education and empowering users' knowledge of social media is beneficial for enhancing the awareness of users regarding correct behaviour in social media. This is highly beneficial for reducing the balance of harassment and breaking rules while using social media.

This is required to implement feedback processes and inputs of the public to improve the policy and understand the requirements of users, which will balance the freedom of speech and legislation management. Modernisation needs constant improvement and improving transparency in the report, which will improve regular monitoring and provide feedback to users. The authorities will need to consider cultural considerations and manage the diversity of the region, religion, and cultural factors for managing the global exposure of social media operations.

### 6. CONCLUSION

This is one of the major requirements of social media to balance legislation and provide speech freedom to users. The concept of freedom of speech is involved in allowing users of social media platforms to share their opinions and perspectives. On the other hand, managing legislation is to reduce cybercrime and violence on social media platforms. It can be concluded that there are some challenging factors that are faced by authorities in terms of implementing registration as per the government and providing freedom of speech. The challenging factor is facing harassment, cybercrimes, and creating violence, which will need to be reduced with appropriate mitigating strategies. One of the potential strategies is to enhance the awareness of users through proper education and management of legislation globally to maintain a balance in legal policies and speech freedom.

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