

# Challenges and Responses to the Legal Regulation of Network Speech in the Digital Age

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**Abstract:** With the rapid development of digital technology and the popularization and application of the Internet, Internet speech has become one of the main ways for people to obtain information and express their opinions. However, the freedom and responsibility of Internet speech, the balance between public order and individual rights and interests have become increasingly prominent. The purpose of this paper is to discuss how to regulate online speech behavior effectively and protect public interests and individual rights and interests, under the premise of studying the legal regulation of network speech in the digital age.

**Keywords:** Digital Age; Internet Speech; Legal Regulation; Freedom of Speech

## 1. Introduction

With the continuous innovation of digital technology and the popularization of the Internet, it is easy for people to communicate on the Internet without the limitation of time and space. Online speech not only provides a rich and colorful platform for information exchange, but also becomes an important means of democratic participation and social supervision. At the same time, the abuse of online speech and the spread of bad speech also bring challenges to the social order and public interests. How to effectively regulate the network speech behavior while guaranteeing the freedom of speech has become an urgent legal and social problem to be solved.

## 2. The Characteristics of Online Speech in the Digital Age

### 2.1 Global and Virtual Nature

In the digital age, online speech can instantly spread around the world, regardless of time and geographical constraints. Online speech is carried out in a virtual space, and people can communicate through online platforms at

different times and places. This virtuality makes speech more flexible and convenient. The global and virtual nature of online speech means that people can communicate and spread information through the Internet around the world. This global nature makes it easy for people to interact and exchange views with people around the world, which is also conducive to the dissemination and dissemination of information. However, global and virtuality also bring some problems, such as difficult to verify the authenticity and credibility of the content, flooding and distortion of information. Therefore, in the network speech, it is necessary to screen and discriminate the information to ensure the accuracy and reliability of the speech.

### 2.2 Anonymity and Privacy

Participants of online speech can choose to speak anonymously or by using an alias. Anonymous allows individuals to speak freely without exposing their true identity. This anonymity and privacy feature make speech more free and open, which helps to protect speakers from potential revenge or tracking. But it is also easy to lead to the abuse of bad speech. Anonymity can also lead to problems such as misinformation, malicious attacks and cyberbullying, because the speaker does not bear the consequences of speech.

On the Internet, the disclosure of personal information may lead to identity theft, harassment, targeted advertising and other problems, so privacy is an important aspect that users must pay attention to and protect. Social media and other online platforms should take steps to protect user data and provide privacy settings to allow users to selectively control the visibility and sharing of their information.

How to balance anonymity and privacy is a complex issue. The platform should provide the opportunity to speak anonymously, while ensuring that the speaker does not abuse the anonymity to commit misconduct. Users should have the right to choose whether to speak

anonymously and when to disclose their identity, while the platform should provide users with appropriate options and control.

### **2.3 Convenience and Popularity**

The convenience and popularity of online speech is a striking feature of today's digital age, which has had a profound impact on both individuals and society. People can obtain all kinds of information from all over the world through search engines, social media, news websites and other channels. People can easily express their opinions and exchange their opinions, enriching their personal knowledge and vision. Through the Internet, information can quickly spread around the world, promoting information circulation and cultural exchange, and promoting the development of globalization. The convenience of online speech also brings certain risks, such as malicious attacks, cyber bullying, privacy leakage and other problems occur from time to time, and network security and personal privacy protection need to be strengthened.

Online speech has popularized the threshold for public participation in social affairs. The digital age has made more and more people able to easily gain access to and participate in online speech. Whether urban or rural areas, young or the elderly, they are likely to become participants and audiences of online speech. Through the online platform, individuals can participate in various public discussions and social activities, express their demands and opinions, and promote social progress and reform.

The convenience and popularity of online speech have played a positive role in promoting the development of individuals and the society, but it also needs to pay attention to the authenticity of information and the existence of risks, so as to promote the healthy development of online speech.

### **2.4 Data Application and Traceability**

As people's activities on the Internet increasingly move to social media, online forums, and other digital platforms, users' speech behaviors are also recorded, analyzed, and exploited. In the digital age, online speech is digital and traceable. Even for anonymous speech, the identity and behavior trajectory of speakers can be tracked through technical means.

In a digital environment, users' comments and behaviors generate a large amount of data, including text content, comments, likes, retweets, etc., which can be used to analyze users' preferences, opinions, and possible behavior patterns. Online platforms improve recommendation systems, personalized advertising and other services to improve user experience and retention.

The characteristics of digitalization and traceability of Internet speech make Internet speech have unprecedented influence and social significance in the digital age, but also bring new legal and moral challenges.

## **3. The Current Situation of the Law of Various Countries on Online Speech**

At present, the regulation of online speech varies from country to country and regions, but most countries have regulated online speech to a certain extent through legislation, regulations or policies.

### **3.1 Guarantee of Freedom of Speech**

Freedom of speech is one of the basic rights guaranteed by the constitutions and laws of many countries. The constitutions or legal documents of many countries clearly stipulate the principle of freedom of speech and protect the rights of citizens in the expression of speech. This includes the restrictions on government intervention in speech, and the positive protection of freedom of speech. Many countries have laws that stipulate the protection of personal privacy, including in an online environment, which stipulate the conditions for personal information collection, storage and processing, as well as penalties for the disclosure and abuse of personal information.

The First Amendment to the United States Constitution establishes the principle of freedom of speech and forbids Congress from making relevant laws restricting freedom of speech. This principle is widely interpreted as including freedom of speech, publication, religion, assembly and petition, and the American justice system recognizes the right to privacy of individuals, including the protection of personal life, personal information, communications, etc. This right is often considered part of the constitutional right of the United States, especially by the Fourth Amendment, with separate privacy laws, usually covering the collection, use and protection of personal

information. For example, California's California Consumer Privacy Act (CCPA) stipulates an obligation to protect consumers' personal information. European countries also attach great importance to the protection of freedom of speech and regard it as one of the basic rights. This principle is reflected in the European Convention on Human Rights and other documents, which requires all countries to protect their citizens' right to freedom of speech. The Constitution of the People's Republic of China clearly stipulates the citizens' right to freedom of speech. Article 35 stipulates: "Citizens of the People's Republic of China have the freedom of speech, publication, assembly, association, procession and demonstration." This provision provides a constitutional guarantee for citizens' right to free speech. At the same time, Article 38 of the Constitution stipulates: "The person and property of citizens of the People's Republic of China are inviolable." This provision provides the constitutional basis for the protection of personal privacy, and clearly guarantees the right of personal privacy of citizens. Article 1036 of the Civil Code of the People's Republic of China stipulates: "Personal information shall be disposed of by individuals in accordance with the law and shall be protected by law." The civil Code makes clear provisions on the protection of personal information, emphasizing the control and legal protection of their own information. China has also enacted a series of laws to protect personal privacy, such as the Personal Information Protection Law.

The legal system of various countries guarantees the right to freedom of speech, but also clarifies the boundaries and restrictive conditions of freedom of speech to maintain social order and public interest. The protection of freedom of speech needs to be constantly improved and implemented in the legal framework and social practice, so as to realize the right of freedom of speech and social harmony and stability.

### 3.2 Legal Liability of Online Speech

Although freedom of speech is a fundamental right, in some cases, national law may impose certain restrictions on speech. For example, against malicious defamation, slander, insult, hate speech, violence and other bad remarks may be restricted and punished. Some countries have set up special regulations for online speech or expanded the scope of existing regulations to

adapt to the characteristics of speech in the digital environment. In some countries, online platforms are required to bear some responsibility for users' comments on their platforms, especially when it involves illegal, false, hate, pornography and other content.

At present, many countries have laws to combat cyber crimes and maintain cyber security. These laws stipulate the criminal responsibility and punishment for cyber attacks, cyber fraud and cyber theft.

There are a number of laws in the US legal system, which are used to deal with the dissemination of false information and deception. For example, the false advertising Law (False Advertising Laws) and the false declaration Law (False Statements Laws) are used to punish the spread of false information. There are some differences in the legal liability of Internet speech, but the laws of European countries will also restrict and punish them for spreading false information and slandering others. Some countries punish illegal speech through defamation laws and privacy protection laws. The European Union Data Protection Regulation (GDPR) stipulates the processing rules of personal data and privacy protection principles, and imposes penalties for violations of privacy rights.

The Criminal Law of the People's Republic of China protects the freedom of speech and regulates the acts of violating others' freedom of speech. For example, Article 245 of the Criminal Law defines the charge of "insulting others" and punishes openly insulting others; the Law of National Security of the People's Republic of China defines the basic principles and measures for safeguarding national security and the punishment of speech endangering national security; China has formulated a series of laws and regulations, including the Law of the People's Republic of China and the Measures for the Administration of Internet Information Service, which regulate the freedom and responsibility of Internet speech. For illegal online speech, Chinese law stipulates the corresponding legal responsibility and investigates the corresponding responsible subjects. For example, for spreading rumors, slandering others and spreading pornographic information, China can be investigated for criminal responsibility or administrative punishment according to law.

The possible legal liabilities in online speech

activities mainly include tort liability, criminal liability, civil liability, administrative liability and other aspects. The publisher should be cautious, abide by laws and regulations, and maintain social order and public interests.

### **3.3 The Regulatory Mechanism of Online Speech**

Some countries have formulated an Internet intermediary responsibility system, requiring online platforms to assume certain responsibilities for content review and management to ensure that the comments on the platforms do not violate the law. With the globalization of the Internet, international cooperation and cross-border norms have become increasingly important. Some international organizations and multilateral institutions have developed international norms and standards concerning online speech to promote international cooperation and information sharing.

Some social media and news organizations have established verification and regulatory mechanisms, such as Facebook has set up fact-checking partner programs to deal with the spread of false information. Media and Internet companies in many European countries have established self-regulatory mechanisms, formulated industry guidelines and ethics, and self-regulate content that violates the rules. These self-discipline mechanisms prevent the dissemination of bad information by establishing the reporting mechanism and the content review mechanism. European countries have also regulated the responsibilities of online platforms. Some countries have passed legislation requiring online platforms to review and manage user-generated content and assume certain legal responsibilities. For example, platforms are required to delete illegal information in time after receiving reports.

The Cyberspace Administration of China (CAC) is one of the main departments responsible for supervising the dissemination of online information, responsible for formulating relevant policies, regulations and regulatory measures to maintain online information security and order. In addition, the Ministry of Public Security, the Ministry of Culture and Tourism are also involved in the supervision of online speech; China uses technology to monitor and filter online speech, such as establishing online public opinion monitoring system, implementing

real-name registration system, and adopting artificial intelligence and big data technology to monitor and manage network information and timely detect and handle bad information.

In general, the current situation of the legal norms of Internet speech is different between different countries and regions, but while protecting the freedom of speech, it also takes certain restriction and punishment measures for malicious, illegal or infringing on the rights and interests of others.

### **4. Existing Problems and Challenges**

As an important form of information dissemination and social communication, network communication is faced with some problems and challenges.

#### **4.1 The Balance Between Freedom of Speech and Online Speech Norms**

The balance between freedom of speech and online speech norms is an important social issue, involving the relationship between individual rights and social order, and between individual freedom and public interest.

Freedom of speech is a fundamental human right and is crucial to the expression of ideas, dissemination of information, exchange of opinions and democratic participation. It is the cornerstone of a democratic society, promoting knowledge innovation, social progress, and cultural diversity. Although freedom of speech is an important right, in the Internet environment, unrestricted speech may lead to some adverse consequences, such as the spread of false information, the spread of hate speech, the invasion of personal privacy and so on. Therefore, it is necessary to properly regulate and manage the online speech in order to maintain the balance of social order, public interest and individual rights. Freedom of speech is an important right, but it is not absolute and must be protected without harming the public interest and the rights of others. Society should maintain the freedom of speech through legal, policy and technical means, while also to prevent the abuse and harm of speech.

In formulating online speech norms, it is necessary to balance the relationship between individual rights and public interest. For online speech norms, it is necessary to form a social consensus, and implement and implement it through the legal system. This requires the joint efforts of the government, social organizations,

network enterprises and individuals to form the synergy of various parties. Balancing the relationship between freedom of speech and online speech norms is a complex and continuous process, which needs to comprehensively consider various factors such as individual rights, public interests, social order and technological development to promote social harmony and stability.

#### **4.2 The Tort and Illegal Behavior of Online Speech**

In the network environment, the speech behavior of individuals or organizations infringes on the legitimate rights and interests of others or violates laws and regulations to constitute the infringement and illegal behavior of network speech. These behaviors may involve multiple aspects, such as: defamation and insult, invasion of privacy, infringement of intellectual property rights, malicious attacks and cyberbullying, dissemination of false information, agitation of violence and hatred, pornographic and obscene content, online fraud and cyber crime, etc. These online remarks violate social ethics and laws and regulations, and may be subject to administrative or criminal penalties.

Online speech infringement and illegal acts not only damage the interests of individuals and the society, but also negatively affect the healthy development of online communities and people's online experience. Therefore, for these behaviors, the society should take a variety of legal, technology and education and other means to regulate and combat, at the same time, it is also necessary for individuals to consciously abide by the laws and regulations, strengthen the self-discipline and norms of network speech, and jointly create a good network environment.

#### **4.3 Supervision and Responsibility of the Network Platform**

Online platforms are playing an increasingly important role in information dissemination, social interaction, and business operation. The supervision and responsibility of network platform is one of the hot spots in the field of Internet governance, especially when it comes to the infringement and illegal behavior of network speech.

As the main channel of information dissemination, the network platform bears the responsibility of managing the user-generated content. However, due to the large amount of

information and diversified content, it is often difficult for network platforms to fully monitor and review all content, leading to problems such as bad information and false information. On the premise of protecting the freedom of speech, online platforms also need to guard against the spread of harmful information, such as violence, pornography, terrorism and other content, as well as remarks that infringe on the rights and interests of others. How to find a balance between freedom of speech and harmful information prevention is one of the difficulties in regulation. The supervision and governance of the network platform requires the cooperation of the government, regulatory authorities, industry associations and other parties to establish a sound regulatory system and mechanism. However, in practice, the power of the regulatory authorities is limited and the regulatory means are insufficient, leading to the breeding of some illegal behaviors. Due to the cross-border characteristics of network platforms, the network platforms operated by multinational companies may assume different regulatory responsibilities in different countries or regions, and the laws, regulations and regulatory standards differ in different countries, which increases the difficulty of cross-border supervision.

The supervision and responsibility of the network platform involves many factors, which requires the joint efforts of the government, the platform enterprises, users and social organizations to build a healthy, safe and harmonious cyberspace.

### **5. Suggestions and Prospects**

#### **5.1 Improve the Legal Regulation System of Online Speech**

Improving the legal regulation system of online speech is an important measure to ensure the healthy development of cyberspace and safeguard the public interests. First, the legal liability should be clarified. Clear laws and regulations shall be formulated to clarify the legal responsibilities of online platforms and their users in online speech. This includes the responsibility for content audit, protection of freedom of speech, accountability of speech infringement and other aspects; second, the protection of personal privacy. We will strengthen the protection of personal privacy, formulate relevant privacy laws and regulations,

and restrict the collection, storage and use of users' personal information by online platforms. At the same time, strengthen the punishment for personal privacy disclosure and infringement; third, strengthen international cooperation. We will promote the establishment of cross-border online regulation and cooperation mechanisms for online speech. The international community should strengthen information sharing, technology exchange and law enforcement cooperation to jointly deal with cross-border cyber crime and bad information dissemination. To balance the relationship between freedom of speech and public interest. While protecting the freedom of speech, we should also prevent the abuse and harm of speech, and maintain social order and public security.

Through the above suggestions, the legal regulation system of online speech can be gradually improved, the level of the rule of law in cyberspace can be improved, and the healthy development and good order of the online environment can be promoted.

### **5.2 Strengthen the Supervision and Responsibility Consciousness of the Network Platform**

In order to improve the legal regulation system of the network speech and strengthen the supervision and responsibility consciousness of the network platform, it is necessary to comprehensively consider the factors of law, technology, management and society. First, we will strengthen regulatory agencies. Establish a sound online speech regulatory agency, responsible for supervising and managing the speech content of the online platform. These institutions should be professional, independent and impartial, and be able to respond to problems and challenges in online speech in a timely and effective manner. Second, the establishment of a reporting mechanism. Online platforms should establish a sound reporting mechanism to allow users to report illegal remarks. The platform needs to deal with reports in time and take corresponding measures for violations, including deleting illegal contents and punishing illegal users; third, the technical supervision should be strengthened. Use technical means to strengthen the supervision of online speech, including content filtering, keyword recognition, image recognition and other technologies. This can help the platform to automatically detect and deal with illegal

comments, improve the efficiency and accuracy of content audit; fourth, strengthen the platform self-discipline. Strengthen the sense of responsibility of network platforms, requiring them to consciously assume the responsibility of speech management and supervision. The platform shall establish a sound content review mechanism, user education mechanism and community norms to ensure the health and order of the speech environment of the platform.

To strengthen the supervision and sense of responsibility of online platforms, the government, platform enterprises, users and social organizations need to make joint efforts to form synergy to jointly maintain the health and order of cyberspace.

### **5.3 Strengthen the Education and Guidance of Online Speech**

Strengthening the education and guidance of online speech is one of the important ways to cultivate a good environment of online speech environment and improve the literacy of online citizens. First, we will strengthen education. In school education, online speech education should be incorporated into the curriculum system to popularize the basic knowledge, norms and skills of online speech to students. Cultivate students' correct network speech awareness and behavior habits; second, family education and parent guidance. Parents should pay attention to their children's speech and behavior on the Internet, guide them to use the Internet correctly, and establish correct values and morals. Establish a good home network speech environment.

Network literacy training: Network literacy training and education activities are carried out for different groups to improve the public's cognitive level and coping ability of online speech. For example, online literacy training for specific groups such as the elderly and rural residents; third, online speech advocacy activities. We will carry out online speech advocacy activities to publicize correct ideas and codes of conduct, and advocate civilized, rational and friendly ways of online communication. For example, organize network public welfare publicity, network civilization theme day and other activities; third, establish network speech mentor system. Establish an online speech mentor system, invite professionals or online speech experts to serve as online speech mentors, to teach the public

online speech skills and experiences to help them use the Internet correctly; fourth, hold online speech competitions and activities. Organize online speech competitions, debate competitions, theme discussions and other activities to stimulate the public's interest in and enthusiasm for participation in online speech, and create a positive atmosphere for online speech.

By strengthening the education and guidance of online speech, the public's correct online speech awareness and behavior habits can be cultivated, and the health and order of the online speech environment can be promoted. This requires the participation of the government, schools, families and social organizations to form a joint force to jointly promote the in-depth development of online speech education.

## 6. Conclusion

In the digital age, the legal regulation of online speech is faced with many challenges, but it also contains great opportunities for development. The legal regulation of Internet speech in the digital age is a complex and important issue, which requires the joint efforts of the government, enterprises, social organizations

and individuals to form joint efforts, jointly maintain the health and order of cyberspace, and realize the benign interaction between freedom of speech and social stability.

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