

法学部国際ビジネス法学科

国際コース選抜入試

課題小論文

[志願者課題]

Instructions

Read the following hypothetical examples and discuss if and how social media should be regulated while considering what kind of and whose interests may conflict with each regulatory measure. The cases and statements are hypotheticals created for the purpose of this essay question.

Use the designated essay form to write your answer. The maximum allowable length is 8 sheets (excluding references). It is recommended to include at least two references to support your writing.

The media has always played an important role in modern democracies. In fact, it is so important that some people refer to it as the fourth branch of government and the watchdog of government. Social media has radically changed traditional media. It democratized the media by giving a voice to everyone. However, the democratization of the media has also amplified voices that pose a threat to democracy, human rights, and even national security. In a variety of ways, social media platforms have been putting democracies to test and governments around the world are struggling to decide whether, and if so how, to regulate them.

Country A

Country A only had laws to hold individuals and companies accountable for defamation. In the past, the country's legislature had enacted a law to punish anyone who publishes false and malicious information against the government. The executive branch of government used the legislative act to prosecute political adversaries. As a result, the judicial branch held the law to violate the freedom of speech guaranteed by the constitution, thereby setting a well-established precedent for a broad notion of freedom of speech.

Recently, a well-known athlete suffered depression after being slandered on social media and had to withdraw from participating in a world championship game. This prompted celebrities to speak out against anonymous verbal abuse on social media, leading to calls for strong monitoring and intervention on social media platforms. However, a legislative attempt to regulate social media platforms did not pass the National Assembly because it is difficult to create a definition of what slander is, which could lead to an attack on freedom of speech.

At a local level, a handful of municipalities enacted laws to promote media literacy. Beyond that, there are no regulations aimed at curbing the spread of misinformation on social media. Notwithstanding, some social media companies have taken voluntary self-regulating measures.

Country B

Country B has had laws to punish individuals for inciting hatred since before the emergence of social media. The country has a history of violence against ethnic and other minorities. The spread of illegal content on social media platforms triggered the enactment of a new law to regulate online hate speech. The new law did not create any new crimes. Social media platforms (except for messaging apps) with more than a million users are required to implement effective procedures for reviewing complaints of illegal content and for blocking or removing “clearly illegal” content within 24 hours of receiving a complaint. Companies must also establish a mechanism to allow users who were blocked or had their content removed to request a review of the decision. The government takes no part in determining what is considered illegal content. Companies may face fines of up to 1% of their annual revenue if they fail to comply with these regulations. After its enactment, the law has faced criticism for excessively blocking content, leading opposition parties to propose a new bill to revise it.

Country C

After a domestic extremist religious group committed a serious terrorist attack, Country C enacted laws to contain the spread of content that incites terrorism on social media platforms. Under that legislative act, individuals who spread such content may be criminally punished by fine or imprisonment, and social media platforms that do not take down content that incites acts of terrorism within 24 hours may face severe fines.

In the last elections, foreign agents spread misinformation on social media platforms to support certain political parties. Although the candidates and parties supported by foreign agents did not win, the foreign interference triggered debate and Country C’s legislature passed a bill to regulate “manipulation of information” aimed at influence voting. The law allows the government to remove disinformation and block social media platforms and websites that fail to comply with it. Under the law, social media platforms are required to monitor sponsored content and disclose information about ad purchases, including the price paid for each ad. Moreover, a new governmental agency was established to ensure that platforms comply with the law.

Later, during a pandemic, the law was used to contain the spread of misinformation about vaccines and regulatory measures.

Country D

Country D’s political system is authoritarian. Even before the emergence of social media, the country had strict regulations against anti-government speech. From the outset, social media platforms were only allowed to operate in the country if they agreed to disclose all user information to the government and comply with orders to take down illegal content. As the importance of social media increased, Country D criminalized the creation and spreading of false rumors online and ordered social media platforms to republish only news articles from registered news media outlets.

Furthermore, the government launched an app to let people report potential false information. As a result, most of the information circulating on Country D's internet comes from state-owned media. In contrast to democratic countries, Country D has not been impacted by disinformation during public health crises or foreign influence on elections.